

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTIETH DAY
(Thursday, April 8, 2021)

The Senate met at 11:19 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, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

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

Senator Buckingham offered the invocation as follows:

Lord, You have placed us here at this time, in this position of leadership and service. Grant us wisdom as we endeavor to improve the lives of the people of Texas and to improve the system under which we all live. Bring together the diversity of our great state in unity of mind, sympathy, brotherly love, tender hearts, and humble minds. Guide all who are present to know wisdom and instruction, to understand words of insight, to receive instruction in wise dealing, justice, and equity. Let the wise hear and increase in learning. May we all understand and obtain guidance. Let us not grow weary of doing good. Let us do these good works that You have prepared in advance for us to do. May we do justice, love kindness, and walk humbly as we lead this great state. I ask all these things in Jesus' name. 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 8, 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:

HB 103 Landgraf
Relating to establishment of the Texas Active Shooter Alert System.

HB 699 Rosenthal
Relating to public school attendance and promotion requirements for students diagnosed with or undergoing related treatment for severe or life-threatening illnesses.

HB 914 Hernandez
Relating to the authority of certain municipal employees to request the removal and storage of certain abandoned or illegally parked vehicles.

HB 1445 Oliverson
Relating to the applicability of the sales and use tax to medical or dental billing services.

HB 1658 Murphy
Relating to the methods by which the comptroller may provide notice of a deficiency determination or jeopardy determination.

HB 1675 Allison
Relating to guardianships of the person of wards with profound intellectual disabilities who are minors or were minors when their guardianship proceedings commenced.

HB 1677 Holland
Relating to the establishment of the Texas Police Service Animals Memorial Monument in the Capitol Complex.

HB 1755 Metcalf
Relating to the removal of an alcoholic beverage by an ultimate consumer from the premises of a mixed beverage permit holder.

HB 2073 Burrows
Relating to quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by, appointed by, or elected for a political subdivision.

HB 2404 Meyer
Relating to the creation and maintenance of a database of information regarding certain local economic development agreements; providing a civil penalty.

HB 2462 Neave
Relating to the reporting of a sexual assault and to the collection and submission of evidence with respect to that offense.

HB 2677 Bonnen
Relating to the name of the statewide alert system for certain missing adults.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 8, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Red River Compact Commission for a term to expire February 1, 2023:

Robin L. Phillips

Sherman, Texas

(replacing Clyde M. Siebman of Pottsboro who is deceased)

Respectfully submitted,

/s/Greg Abbott

Governor

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Buckingham.

Senator Buckingham moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Judge, 437th Judicial District Court, Bexar County: Melisa C. Reetz Skinner, Bexar County.

Judge, 456th Judicial District Court, Guadalupe County: Heather Hines Wright, Guadalupe County.

Commissioner, Department of Family and Protective Services: Jaime Delynn Masters, Williamson County.

Justice, Court of Appeals, First Court of Appeals District: April Lynn Farris, Harris County.

District Attorney, 271st Judicial District: James McWilliams Stainton, Wise County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: Cassandra Jeanette Brown, Travis County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Weldon Gayle Riggs, Atascosa County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Manoranjan Mahadeva, Collin County.

Members, Board of Directors, Lavaca-Navidad River Authority: Callaway Vance Aimone, Jackson County; Lee Michael Kucera, Jackson County; Leonard A. Steffek, Jackson County; Jennifer Powell Storz, Jackson County; Charles David Taylor, Jackson County.

Members, Manufactured Housing Board: Jason Ray Denny, Travis County; Jose Benicio Gonzalez, Williamson County.

Members, Board of Directors, Motor Vehicle Crime Prevention Authority: Ashley Maurene Hunter, Gillespie County; Gilberto Salinas, Cameron County; Katherine Whitehill, Dallas County.

Member, Public Safety Commission: Nelda Luce Blair, Montgomery County.

Members, Board of Directors, Sabine River Authority of Texas: Jeffrey D. Jacobs, Kaufman County; Joshua Aaron McAdams, Shelby County; Clifford Ralph Todd, Panola County; Kevin Michael Williams, Orange County.

Member, Sabine River Compact Administration: Michael Harold Lewis, Newton County.

Member, School Land Board: Michael Austin Neill, Henderson County.

Members, State Board for Educator Certification: Robert Brescia, Ector County; Rohanna Brooks-Sykes, Harris County; Melissa Ann Isaacs, Leon County; Wanda H. Streepey, Dallas County.

Member, State Board of Veterinary Medical Examiners: Victoria Rose Whitehead, Lubbock County.

Member, State Preservation Board: Alethea Swann Bugg, Bexar County.

Members, Board of Directors, Sulphur River Basin Authority: Emily Elizabeth Glass, Hopkins County; Robert Hayter, Lamar County; Kirby Hollingsworth, Franklin County; Wallace Eugene Kraft, Lamar County.

Justice, Supreme Court of Texas: Rebeca Aizpuru Huddle, Harris County.

Members, Texas Commission on the Arts: Theresa Wenhwa Chang, Harris County; Patricia Peterson Nuss, Nueces County; Karen Elizabeth Snead Partee, Collin County.

Members, Texas Funeral Service Commission: Kevin Andrew Combest, Lubbock County; Melaine Hopper Grammar, Fannin County; Jonathan Frank Scepanski, Hidalgo County.

Members, Texas Medical Board: Devinder Singh Bhatia, Harris County; Tomeka Moses Herod, Collin County; Satish Nayak, Andrews County.

Member, Board of Regents, Texas State Technical College System: Keith Robert Honey, Gregg County.

Member, Texas Transportation Commission: Wylie New, Tom Green County.

Members, Board of Directors, Upper Colorado River Authority: Nancy Caroline Blackwell, Runnels County; Blake R. Braswell, Coke County; Erica Elizabeth Hall, Taylor County; Fred B. Hernandez, Tom Green County; Leslie Renne Lasater, Tom Green County; Mason Brooks Vaughan, Schleicher County.

Members, Board of Directors, Upper Neches River Municipal Water Authority: Joe Marion Crutcher, Anderson County; Jay Steven Herrington, Anderson County; Paul Bunn Morris, Anderson County.

SENATE RESOLUTION 230

Senator Kolkhorst offered the following resolution:

SR 230, Recognizing April 8, 2021, as Victoria County Day.

The resolution was read and was adopted without objection.

SENATE RESOLUTION 144

Senator Kolkhorst offered the following resolution:

SR 144, In memory of Rawley Glenn McCoy.

The resolution was again read.

SR 144 was previously adopted on Tuesday, March 16, 2021.

In honor of the memory of Rawley Glenn McCoy, the text of **SR 144** is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 225

Senator Schwertner offered the following resolution:

SR 225, In memory of Chad Michael Walker.

The resolution was read.

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

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

In honor of the memory of Chad Michael Walker, the text of **SR 225** is printed at the end of today's *Senate Journal*.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Menéndez was granted leave of absence for the remainder of the day on account of important business.

CONCLUSION OF MORNING CALL

The President at 11:54 a.m. announced the conclusion of morning call.

SENATE BILL 4 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **SB 4** at this time on its second reading:

SB 4, Relating to provisions in agreements between governmental entities and professional sports teams requiring the United States national anthem to be played at team events.

The motion prevailed.

Senators Eckhardt and Johnson asked to be recorded as voting "Nay" on suspension of the regular order of business.

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:

Nays: Eckhardt, Johnson.

Absent-excused: Menéndez.

SENATE BILL 4 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 **SB 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Eckhardt, Johnson.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Taylor and by unanimous consent, the remarks regarding **SB 4** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Buckingham: Thank you, Mr. President and Members. I move to suspend the Senate's regular order of business and take up and consider at this time Senate Bill 4, also known as the Star Spangled Banner Protection Act, which seeks to promote unity and install pride in our great country by ensuring the national anthem be played at the beginning of professional sporting events.

President: Members, could we have some order on the floor. I know you want to talk and get votes on your bills, but we want to be able to hear the Senator. Thank you.

Senator Buckingham: Thank you, Mr. President. As you all know sports and sporting venues have historically played a role in uniting Texans from all walks of life. Immediately after it was discovered that the Dallas Mavericks had intentionally not been playing the national anthem before their games, the NBA issued a swift and direct statement requiring all teams to play the national anthem before their game. I applaud the NBA's decision to join countless Texans in wanting the national anthem to be played before all professional sporting events. This bill merely requires professional sports teams, when entering into an agreement that requires a financial commitment by the state or any governmental entity to agree in writing to play the national anthem before the beginning of each team's sporting event. The least we can do for our brave men and women who have died fighting for our great country and for those who are actively defending our freedom is to have our national anthem played before professional sporting events of which it would not be possible without them. With that, Members, I move to suspend the rules at this time.

President: Members, the motions is to suspend the regular order of business. Any objection? Hearing none. I'm sorry, Senator Hinojosa, you're recognized, forgive me. I did not see your light.

Senator Hinojosa: Will Senator Buckingham yield?

President: Do you yield?

Senator Buckingham: Of course.

Senator Hinojosa: You know, Senator Buckingham, I really like your bill and one of the things that happens as much political debate that we have in our, this great nation of ours, and all the divisiveness that we have, quite frankly, sports used to bring us all together. From wherever part of the state we're from or the country for that matter, and it unifies us. And one of the greatest symbols and songs that we have for unity in our country where everybody stands to honor the flag, is the "Star Spangled Banner." And there are different stadiums that receive funding. Those are the ones we're talking about in your bill?

Senator Buckingham: Yes, Sir.

Senator Hinojosa: And you know, my son has sang the "Star Spangled Banner" at different events down in the Rio Grande Valley. He's got a beautiful voice, and it's really a song that really honors our country. And, and for me, those of us who really believe in the history of our nation in terms of symbols that really represent the greatest of this nation, I think the "Star Spangled Banner" song is one of those that bring us all together and at, all of us honoring the history and our great nation of ours. So, thank you for bringing this bill, and I do support your bill.

Senator Buckingham: Yes, Senator Hinojosa, and thank you so much for your service not only to Texas as a Senator but as a Marine and to our great nation. And it's really our veterans who come home and talk about landing back on home soil and seeing the flag and hearing the "Star Spangled Banner" and that's what they feel like they were fighting for, and so thank you for your support of this bill.

Senator Hinojosa: Thank you for the bill.

President: Thank you, Senator.

President: Senator West, you're recognized on the bill.

Senator West: Thank you very much, Mr. President and Members. Let me say this, we've had a lot of, we have a lot of things in this country that divides us. Whether it's Colin Kaepernick taking a knee, whether there are issues concerning social justice, whether there are issues concerning White supremacist, Black Lives Matter. But the fact of the matter is, I'm reminded in making this speech of the Senate Education Committee this morning, Senator Taylor, about what we talked about as it relates to patriotism in this country. And, yes, we have a lot of things that divide us, but we should not be divided based on making certain that we sing our national anthem. And, yes, there's still a lot of work to be done in this country to bring us together, but we should not be divided based on whether or not all of us that have the privilege of being Americans that are coming into this particular country. Senator Taylor made an observation today and we made an observation, I think, in Higher Education, Senator Creighton, concerning the number of citizens in this country that could pass the citizenship test, the citizenship test in this country. And I mean, I know many of you have seen some of the late night shows where there's someone on the street asking questions about what's the capital of this country. And someone turns around and says California. Okay. That should not be happening in the country regardless of what our issues are. And so, I join you in passage of this particular bill and encourage everyone to do so, because we are the United States of America.

Senator Buckingham: Yes, Senator West, thank you so very much for your friendship, your leadership in the Senate. We appreciate you greatly.

President: Senator Birdwell, you're recognized on the bill.

Senator Birdwell: Thank you, Mr. President and Members. I want to thank Senator Buckingham for bringing this bill. I want the Members to have some context of what's occurring here. I've had the privilege of being at a major league football stadium doing the coin toss and at that football game the national anthem is played and a jet flies over. But there's a national anthem ceremony that none of us in this room have witnessed that is the most compelling ceremony that I want the Members to understand why this bill is being brought forward and why Senator Buckingham's carrying it because I did not believe that I could separate myself emotionally from this issue. So, I wanted to speak on the bill, but not carry it, Mr. President. Members, there's a lot of schools that the United States military has that are rigorous, Ranger School, Special Forces School, and numbers of them. One of my fellow survivors from September 11th was Major Dave King. And Dave had all the badges of how much he could endure, Ranger, Pathfinder, HALO, all the different schools, but he said the toughest thing he had ever been through in the training that he had endured

was survival, escape, resistance, and evasion. It's a school at Fort Devens, Massachusetts, that's one week long and pilots and special operators go to it because it is POW training modeled after the Hanoi Hilton. It is not just most rigorous, it is the most abusive, mental, and physical experience the United States military puts anybody through, and in that school, it is modeled after a Vietnamese prison camp and the opposition force's colors are flying over that camp during that week of endurance that you're learning how to survive being a prisoner of war. At graduation there are not members of your family that show up, there are not hordes of people that will come to your graduation ceremony. In fact, Members, during, that at graduation ceremony, you're standing there in formation, and this is how Dave described it to me. You're standing there in formation, waiting to graduate and as the opposition force's colors come down, the United States flag is tethered to that lanyard and the national anthem is raised up that pole, and if you do not have tears in your eyes, having endured a week of abuse on behalf of your country to learn how to survive as a prisoner of war, you are inhuman and you are dead. Ladies and gentlemen, that is why, Members, this bill is so important, not because of our football games, but to remember those who have endured the abuse, the rigor, the danger, and the potential for the death that they have endured for the survival of this nation. And that's why, ladies and gentlemen, this is not about sporting events, it's about honoring what makes this country great. Thank you, Mr. President, for letting me speak on the bill. God bless y'all. Hooah.

President: Thank you, Senator Birdwell. Senator Lucio, for what purpose? To speak on the bill?

Senator Lucio: Yes, Sir. Thank you, Senator Birdwell. I hope everybody's listening to you and let me say, Senator Buckingham, this is a bill that obviously needed everyone's attention because of all the things that have been happening in our, our country and the fact it, it nurtures us to come together, it brings us together. A divided country we don't want in America. I have to think back, as I was sitting here, about my dad who was a disabled American veteran. A veteran of foreign wars, preaching Americanism, patriotism every day of his life, and when that "Star Spangled Banner" was going on television, everybody would stop to listen because that was his demand. And we should, every word in that song is sacred. Every word. Listen to every word. But we have to also understand that there's issues in this country. Senator West has spoke very eloquently as usual and we need to listen carefully to one another so we can really come together and bond. This song, this national anthem is so sacred to so many. Not just those that have served in the military but many of us who are, believe, you know, in having as much patriotism as possible, showing it and living it, but there's one more step. We honor a lot of people in our country, but we need to honor God, and I want to be alive when we can pray in our schools again. When we can pray in these, you know, and come together in prayer, because prayer brings us together. When somebody is hurt, somebody dies, there's a disaster and people are hurting, that's the first thing we do. And we have to acknowledge that this country was founded under God by those that founded it. Those that established this country with beautiful, with a beautiful anthem and by acknowledging that we are and we should

be always a nation under God. So, thank you for this legislation. I dedicate my vote to my dad in heaven, because he, along with my mother, kicking in with citizenship made a difference to their 10 kids. Thank you.

Senator Buckingham: Thank you, Senator Lucio. You know it takes amazing parents to, to raise such amazing kids, and it's, it's fun to watch you as a statesman, and it's amazing to watch your son serve in the state House as well. So, you come from an amazing family. So, thank you for that.

**COMMITTEE SUBSTITUTE
SENATE BILL 1112 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1112** at this time on its second reading:

CSSB 1112, Relating to requirements for an early voting ballot voted by mail; creating a criminal offense.

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

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, Miles, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez.

The bill was read second time and was passed to engrossment by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

SENATE BILL 1113 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1113** at this time on its second reading:

SB 1113, Relating to a registrar's failure to cancel voter registrations under applicable law.

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

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

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

Absent-excused: Menéndez.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1113** (senate committee printing) in SECTION 1 of the bill, adding Section 16.039, Election Code, as follows:

(1) On page 1, at the beginning of line 25, insert "(a)".

(2) On page 1, between lines 29 and 30, insert the following:

(b) Notwithstanding Subsection (a), the secretary of state shall distribute funds under Chapter 19 or Section 31.009 if the registrar performs the registrar's duty not later than 30 days after the funds are withheld.

The amendment to **SB 1113** 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: Menéndez.

SB 1113 as amended was passed to engrossment by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: Menéndez.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks regarding **SB 1113** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Hinojosa: You know, I guess under present law the local election administrators are required to remove any person who's not qualified to register to vote.

Senator Bettencourt: Yes, that's what they're supposed to do.

Senator Hinojosa: And I guess there's no enforcement mechanism at this point.

Senator Bettencourt: No, that's correct.

Senator Hinojosa: And one of the issues that I guess when I look at this bill is that you, what information is applied on an application to register to vote? In other words, in many families you have a father and a son where both have the same name and maybe one is not qualified but the other one is. I mean, how do you distinguish that and they have, Juan Gonzalez or you know, Juan Gonzalez Jr.

Senator Bettencourt: Right, or M.J. Smith or Mary Jane Smith—

Senator Hinojosa: Right.

Senator Bettencourt: —it's the exact same problem. You have to have extreme attention to detail. We'll be doing another bill next because we want to codify what happens at the Secretary of State. But, importantly, with this is that you've, there is the data that's there as well as the fact that the voter receives a notification that says, effectively, it could be actually a challenge in some cases, to make sure that their information is correct. So, the voter gets timely notice, and one of the things that you have to do as a voter registrar is pay attention to detail. Look, when you have, the

Bureau of Vital Statistics, one of the funniest stories that I told as a tax assessor was true, a gentleman walked into our office because social security had declared him dead. He was clearly alive and he was actually using his voter registration as a means to fight social security, you know, declaring him deceased. So, with all of this you have to make sure that your voter registrars get paid Chapter 19 money to do the right thing and make sure they're accurate and there's also a cure period that I think we'll talk about in your amendment.

Senator Hinojosa: Well, let me also ask you know, how will the Secretary of State's office determine if a county's compliant with the bill?

Senator Bettencourt: It, sorry, say again.

Senator Hinojosa: How, how would the Secretary of State determine whether or not a county is complying with this bill, Senate Bill 1113?

Senator Bettencourt: Well, literally, there's an uploaded list that contains all these registrations and that the Chapter 19 monies are literally parceled out on an individual registration by registration basis. So, they have the granularity of that to be able to know when it's done or when it's not done, and in your amendment if it is done later, they can still get their funds as long as they do the work.

Senator Hinojosa: And one of the things that has happened in past, as you well know, it was I guess in 2019, when we had that fiasco, if you will, with the Secretary of State flagging nearly 100,000 Texans that didn't receive any type of letter or notice about being improperly registered to vote. I mean, how, how do you deal with that?

Senator Bettencourt: Well, the, the good news is that the regular set, regular voter roll clean up mechanism is not changed by this bill which has notice to the voters and ability for them to respond, and importantly when you look at the other problem, they didn't understand the data they got. The data had some granularity to it that they just, quite frankly, missed and there's been other instances of this for about 20 years in the State of Texas. The most humorous one I can remember is out of Fort Worth when they used such data to match what they thought were felony convictions, but it actually contained traffic tickets and all those folks got notices and needless to say that caused quite a stir. So, you have to watch the data and we're going to talk about it in the next bill because it's very important that they get it right. They didn't get it right in that match, and I've said that publicly, continue to say it, it was, it was an operational mistake.

Senator Hinojosa: And, you know, one of the concerns that I have given the, quite frankly, the, the right to cure, the right for the local county election administrator to cure any defects, facts that have been pointed out by Secretary of State, correct them or maybe point out that the Secretary of State is not correct.

Senator Bettencourt: Right. And, and, we had that discussion actually in the hearing. And, Keith Ingram, from Secretary of State's office came to the podium and talked about the fact that under their current operational practices the earliest that these funds would be withheld is 30 days, and they would obviously be restored if the work is done. And I think your amendment speaks to that which is why I'm going to accept it.

Senator Hinojosa: Okay. Thank you for answering my questions.

Senator Bettencourt: No, thank you.

President: Senator West for what purpose?

Senator West: Question of the author.

President: Do you yield?

Senator Bettencourt: Certainly.

Senator West: Alright. Senator Bettencourt, this refers to Section 16 of the Election Code. Is that correct?

Senator Bettencourt: Uhm, subs—

Senator West: Subchapter B.

Senator Bettencourt: Right, specifically 16.039.

Senator West: Alright. And what is that, what is that subchapter about?

Senator Bettencourt: I think it's about the administration of funds that's related to the Secretary of State's office but I'll double check.

Senator West: Okay, so this particular amendment on 16.039 failure of the registrar to perform any of their activities in a timely fashion. Timely, timely, timely fashion. Would—

Senator Bettencourt: Right, because this, in the, the section in this specific amendment is about Chapter 19 monies and about the money that is sent by the state to the local voter registrars for voter roll maintenance.

Senator West: Okay, so what monies are normally sent that would be impacted by this particular bill if a registrar did not perform the duties under this particular statute?

Senator Bettencourt: Well, to quote your term from the hearing, I'm going from memory, if there's a rogue registrar that refuses to do their work then the, if they refuse to do any of this then their Chapter 19 money would be withheld.

Senator West: Which, which Chapter 19? What are Chapter 19, what's Chapter 19?

Senator Bettencourt: Well, Chapter 19 money is from the Secretary of State. These are funds that the state grants and to support voter roll maintenance in all 254 counties in the state. So—

Senator West: Is that the only purpose of Chapter 19?

Senator Bettencourt: —they, other, other uses are, I believe, voter education, et cetera. So, it has a substantial amount of other duties, but this particularly relates to the, the voter roll, the voter roll maintenance.

Senator West: No, I understand what you're saying.

Senator Bettencourt: And—

Senator West: I understand—

Senator Bettencourt: —and the—

Senator West: —I understand what you're saying, but Chapter, and you have in here under Chapter 19 but Chapter 19 funds are used for more than just that particular purpose, though. Right?

Senator Bettencourt: Right. And that's why it says "may" okay. Because we're going to have to grant some rulemaking authority, Secretary of State to do this correctly. But the authors' intent is, is clear that if you don't do your job on cleaning up the voter roll those monies should be withheld.

Senator West: Okay, look, let's stay there for one second, and I'm not going to be long on this. I'm voting against it, but I want to make certain—

Senator Bettencourt: Sure.

Senator West: —that for purposes of any record for judicial review we've had this conversation.

Senator Bettencourt: Sure.

Senator West: Okay? What does timely mean?

Senator Bettencourt: Excuse me?

Senator West: Timely.

Senator Bettencourt: Timely. In this case timely, if we accept Senator Hinojosa's amendment, which we're going to, that would mean there's a 30-day cure period. The part of the bill that is operable in the Election Code is immediately, okay. And that's an Election Code term that's used universally so we're effectively, with Senator Hinojosa's amendment, codifying timeliness being a 30-day operational standard.

Senator West: Okay. Alright. And we had that conversation during our committee meeting. Right?

Senator Bettencourt: Right.

Senator West: Alright. In terms of Chapter 19, you are giving the discretion to the Secretary of State to withhold Chapter 19 funds, in part or in whole, correct?

Senator Bettencourt: Right. By the use of the term, "may."

Senator West: And so, that gives a state official the discretion to decide whether or not Chapter 19 funds, which in part are allocated for purposes of the voter education—

Senator Bettencourt: Right.

Senator West: —registration—

Senator Bettencourt: Sure.

Senator West: —to withhold those particular funds. Right?

Senator Bettencourt: Right. And, Senator, I've looked at this and the, the, really the question is goes back to your, your very good comment, if you have a, for some, you know preposterous reason a, a voter registrar that just goes totally rogue, Chapter 19 monies may be more important on a withholding to get positive behavior back into their job. Because that's what their job is supposed to be. Under normal operations, I would consider as a former election official, operations person, that it would, this

would be on a case by case basis because they have the granularity there to withhold money on an individual registration, they have that ability. And that's what I would recommend, but I don't want to take away, you know, all the options off the table in case there's some really, a case that's far out there, and, you, and you summarized it by saying rogue.

Senator West: Well, the reality is, though, if you have a person that's in that particular position that violates this particular statute and funds, Chapter 19 funds are taken away, that could impact the citizens of that particular county as a result of that elected official's behavior and the Secretary of State's response to their behavior. Correct?

Senator Bettencourt: That's correct. And I would hope that because of the 30-day cure period there would be a conversation between the highest election official in the state, with Secretary of State's office and that election administrator or voter registrar before you even got to a point like that.

Senator West: I'm going to throw you a curve right fast.

Senator Bettencourt: What's that?

Senator West: I'm going to throw you a curve, curve ball. So, given that that registrar is an elected official, Senator Hinojosa, that elected official could be mandated. Right? A mandamus could be filed against that person to make certain that they perform their duties.

Senator Bettencourt: It's possible. We have lots of election administrators that are not elected as well, and that they're appointed. But, yes, there, I mean there are judicial bypasses, as you know, in all sections of these codes.

Senator West: And so, the Secretary of State should be taking that into consideration and making a determination as to whether or not to withhold funds. Correct?

Senator Bettencourt: Absolutely. No, no question.

Senator West: Thank you, thank you.

President: Thank you, Senator West. Senator Gutierrez, for what purpose?

Senator Gutierrez: Oh, goodness. For a question.

President: Do you yield?

Senator Bettencourt: Certainly.

Senator Gutierrez: Thank you, Mr. President. Senator, thank you for your time today. I'm concerned because we see a few of these kind of voter purge bills on both sides, and I had a couple of questions. What kind of matching will voter registrars use when they receive notice to verify the citizenship or county of residence of a voter?

Senator Bettencourt: Well, the system that's already exists right now is pretty robust. Where the, the Secretary of State actually gets this information from the local voter registrar, elections administrator, and so, the granularity is literally down to an individual registration. So, when you're looking at this with these, under Chapter 19 funds are, are used for is predominantly deceased registrations, people moving out of county, felony convictions that haven't completed their term of service, you know,

and, and those that I think have applied for a limited ballot in another county. So, so that information's pretty well known and very standard and has been used for decades. In fact, we did the same thing when I was a voter registrar over 20 years ago.

Senator Gutierrez: And—

Senator Bettencourt: Almost the exact same data.

Senator Gutierrez: —and that's fair. You touched on, on, on the deceased side of it. And I think that that's one of your main concerns. Right? So, on the Texas, are you aware that Texas Administrative Code has a section for strong matches and weak matches? And that's what I mean, what kind of match will be required in your bill? A strong match?

Senator Bettencourt: Well, actually we're not changing it. Okay?

Senator Gutierrez: I'm sorry.

Senator Bettencourt: No, so, Senator Gutierrez, I'm not changing the strong match and the weak match. Okay?

Senator Gutierrez: I know you're not changing them—

Senator Bettencourt: Right.

Senator Gutierrez: —I'm asking you if what in particular is your bill trying to, to stipulate. Is it looking at strong matches only, weak matches or both?

Senator Bettencourt: Well, the process includes both. I'm not making any changes into the matching process. And the, the, for the listeners, the matching, the hard matches are effectively social security numbers, drivers license numbers, you know, full name and address, you, you have a very strong positive lot. Weak matches may be things like we discussed with Senator Hinojosa, you know, common last names that, you know, Gutierrez, Smith, et cetera, that have, have different initials, but if the voter registrar has gone through the process of sending out confirmation notices and receiving that information, that's what gets uploaded in the Secretary of State and, and, for and, and they're effectively applying for money to be sent to them on the voter roll cleanup by Chapter 19.

Senator Gutierrez: I'm going to come back to this in a second, but very briefly, have you spoken to the Attorney General ensuring that SB 1113 complied with federal laws?

Senator Bettencourt: No, I have not had that discussion.

Senator Gutierrez: You have not had a discussion with the Attorney General's office, okay. So, you received no guidance from their office on compliance with federal election laws? Fair.

Senator Bettencourt: Well, Senator, you don't know this about my background, but I was a voter registrar and you use the national Voter Registration Act as well as the Help America Vote Act and actually testified before Congress. So, from an operational perspective I, this is a very clean bill because the operations, Senator, are occurring right now. The only thing we're adding is that if, if there, if they see that

this, these, this work is not being done, they can withhold the funds. So, there's no other change in election law and no other change contemplated as the intent of the author.

Senator Gutierrez: And so, here's my reasoning for answering, for questioning earlier. You're not, you don't delineate in your bill between strong or weak matches. You're essentially letting the Secretary of State determining what's strong and what's weak, and then you said they may if they find that these things are in violation, either a strong or a weak match, and I hope people are listening to this because it's important. Because in my community, Senator, there's a lot of Jose Garzas, there's a lot of Maria Sanchez—

Senator Bettencourt: Sure.

Senator Gutierrez: —there's a lot of Jesus Gonzalezes—

Senator Bettencourt: There's even some Bettencourts.

Senator Gutierrez: —there's a lot of Will Smiths and there's a few Bettencourts. But I'll submit to you, Senator, the Bettencourts they're, Bettencourt and the Bettencourts, they're a small subset of our Hispanic community.

Senator Bettencourt: Sure.

Senator Gutierrez: There's a lot of Gonzalezes, there's a lot of Gutierrezes, there's a lot of Garzas. And when you get into Jesus Gonzalez—

Senator Bettencourt: Versus J. Gonzalez.

Senator Gutierrez: —there's probably, I would venture to guess there's 10,000 of them living today in San Antonio. Probably 20,000 in Houston, in your community. Can you imagine that?

Senator Bettencourt: No, I, no, yes, I can. I was a voter registrar. I've seen these statistics. And, again, but, but, Senator, with, with great respect, please hear me on this. I'm not making any changes in the existing voter, you know, voter Election Code. We have a series of strong and weak matches. The rogue registrars know what that means. They, they, the system is very well established on that, and so, when the, and that requires, in many cases, confirmation notices and, and, and with the rare occasion of voter challenges actually.

Senator Gutierrez: I guess I wanted you put yourself in your own former shoes of the voter registrar back in the day, I'm assuming it was Harris County.

Senator Bettencourt: Correct.

Senator Gutierrez: Back in the day you were the voter registrar, and you're given a list from DPS or from the Secretary of State with all the Gonzalezes, and the Garzas and the Will Smiths of the world that don't, that might be deceased. We don't know. And let say 80 percent of them are weak matches and not strong matches. What net of effect are we then having, the first part of this question, what is the net effect to all of those people, all the Gonzalezes, the Jesus Gonzalezes, and the Maria Sanchez, and the Will Smiths. What did we just then do on the weak matches?

Senator Bettencourt: Well, this bill changes nothing of that process. Nothing. You have to understand. Because all it means, because the, all the existing voter Election Code is underway, all the existing safeguards are there, and when you look at this type of information, obviously strong matches can be acted on but from a practical perspective any type of weak match, when I was the voter registrar, you had to send out a voter confirmation notices because you couldn't possibly, you know, do anything with it from an operational perspective. At least I, that was my theory.

Senator Gutierrez: But now under your bill, under your legislation, they're going to, let's assume they get 80 percent are weak matches and that's why I would like you to change your language to strong match only. But let's assume under this bill 80 percent are weak matches. And if you're the registrar of that county, of Harris County, what are you then going to do—

Senator Bettencourt: Well—

Senator Gutierrez: —because, you know what, the Secretary of State, let me finish my question. The Secretary of State is just going to cut all of your funds now.

Senator Bettencourt: No, that's not true, Senator.

Senator Gutierrez: It's not true?

Senator Bettencourt: And, no—

Senator Gutierrez: Well, that's what your bill intends to do.

Senator Bettencourt: —because, no, you're predisposing that a weak match is mishandled and that it's the basis for all of the Chapter 19 funding. That's just not a correct assumption.

Senator Gutierrez: Then why not say strong match only in your bill?

Senator Bettencourt: No, because I'm not changing the existing law, I'm trying to leave the existing law completely satur—sat— you know sacrosanct because it's important that we try to do, not change this area but just make the simple statement that if there is, if there is a non-compliance by a voter registrar on things that are clearly obvious to the Secretary of State on these, on, on these specific account by literally, literally a fluid number by voting unique identifying number by voting unique identifying number, that they have the ability they may withhold Chapter 19 funds, because that means the work's not being done.

Senator Gutierrez: All the more reason to add strong matches only. I'm going to finish with this. I respectfully disagree with you today. I like you. I think you've got a little Mexican in you with the Bettencourt side.

Senator Bettencourt: I definitely have Iberian DNA from what I understand.

Senator Gutierrez: I think you need to think about your brothers, Jesus Gonzalez, Maria Sanchezes of the world and understand that voter registrars are going to choose to purge so that they can get their money over not purging. They're going to choose to do the safe thing so that the Secretary of State doesn't eliminate their ability to raise the funds that they need. And so, with that, if I'm Will Smith, over there in the Fifth, Fourth Ward, Fifth Ward, if I'm Jesus Gonzalez and there's a whole bunch of those

guys in Houston and so, I would urge you to consider adding language on strong matches only, but thank you very much for your time, and I respectfully disagree with your bill.

President: Senator Hinojosa, you're recognized.

Senator Hinojosa: Thank you, Mr. President and Members. And as we had the discussion, Senator Bettencourt, your bill is only focused on requiring the registrars to do their duty in the cancellation of voter registration, which as of right now is required by law.

Senator Bettencourt: Correct.

Senator Hinojosa: And my concern was there, would they have any chance to at least be able to cure and in my amendment does just that. And what it does, it provides the registrar will be given the opportunity to correct such an error within 30 days and not have those important funds withheld. So, in other words, this amendment will provide a 30-day opportunity to cure the registrar of where a registrar that has her funds withheld under provisions of the bill. They would, I would imagine there would be a conversation taking place with the local registrar and Secretary of State on any issues that come up in terms of questions about cancellations.

Senator Bettencourt: Sure. Absolutely. And this actually does a great job of codifying the answer that Keith Ingram gave at the hearing to Senator West's question which is what's the cure period, 30 days, what happens, and then also it makes a very clear, and I'll read from the last portion of your amendment. If the registrar performs a registrar's duty not later than 30 days after the funds were held they obviously keep distri— at that point of time once they do fix their problem, they can get paid. So it's a great amendment to a simple concept which is do the work, you get the state money.

COMMITTEE SUBSTITUTE SENATE BILL 1114 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1114** at this time on its second reading:

CSSB 1114, Relating to verification of the citizenship status of certain registered voters.

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

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, Miles, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1114** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 25), strike "Subsection (d)" and substitute "Subsections (a-1), (d), and (e)".

(2) In SECTION 1 of the bill, amending Section 16.0332, Election Code (page 1, line 28), strike "Section 18.068 of this code" and substitute "Subsection (a-1) of this section, Section 18.068 of this code,".

(3) In SECTION 1 of the bill, amending Section 16.0332, Election Code (page 1, between lines 40 and 41), insert the following:

(a-1) The secretary of state shall enter into an agreement with the Department of Public Safety under which information in the statewide computerized voter registration list is compared against information in the database of the Department of Public Safety on a monthly basis to verify the accuracy of citizenship status information provided on voter registration applications. The information compared must include, at a minimum, a voter's:

(1) full legal name;

(2) former name, if applicable;

(3) date of birth;

(4) residence address;

(5) driver's license or state identification card number;

(6) social security number;

(7) documentation of lawful presence in this state; and

(8) citizenship status.

(4) In SECTION 1 of the bill, amending Section 16.0332, Election Code (page 1, between lines 42 and 43), insert the following:

(e) Not later than December 31 of each year, the secretary of state shall provide a report to the legislature of the number of voter registrations canceled under this section during the calendar year.

The amendment to **CSSB 1114** 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:

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

Absent-excused: Menéndez.

CSSB 1114 as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

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, Miles, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez.

SENATE BILL 611 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 611** at this time on its second reading:

SB 611, Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

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:

Nays: Johnson.

Absent-excused: Menéndez.

SENATE BILL 611 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 611** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Johnson.

Absent-excused: Menéndez.

SENATE JOINT RESOLUTION 35 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 35** at this time on its second reading:

SJR 35, Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

The resolution 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:

Nays: Johnson.

Absent-excused: Menéndez.

SENATE JOINT RESOLUTION 35 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 35** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Johnson.

Absent-excused: Menéndez.

SENATE BILL 460 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 460** at this time on its second reading:

SB 460, Relating to designating the 11th day of each month as Buddy Check Day.

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: Menéndez.

SENATE BILL 460 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 460** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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 36 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 36** at this time on its second reading:

CSSB 36, Relating to the offense of hazing.

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:

Nays: Hughes.

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 36 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 36** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Hughes.

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 6 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 6** at this time on its second reading:

CSSB 6, Relating to liability for certain claims arising during a pandemic or other disaster or emergency.

The motion prevailed.

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

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 6** (senate committee printing) by striking the recital to SECTION 4 of the bill, amending Section 79.0031, Civil Practice and Remedies Code (page 3, lines 42-44), and substituting the following:

SECTION 4. Sections 79.0031(a), (b), and (c), Civil Practice and Remedies Code, are amended to read as follows:

The amendment to **CSSB 6** 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: Menéndez.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 6** (senate committee printing), in SECTION 5 of the bill, in added Section 148.003, Civil Practice and Remedies Code (page 6, between lines 37 and 38), by adding a new Subsection (j) to read as follows:

(j) If, at the time of the injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency, an order, rule, or declaration of the governor or an agency of the state establishing or applying standards, guidelines, or protocols related to a pandemic disease does not apply to a person under this section, and no other standards, guidelines, or protocols applicable to the person have been promulgated and adopted by a local governmental entity with jurisdiction over the person, the person is deemed to be in compliance with government-promulgated standards, guidelines, and protocols for purposes of Subsection (a)(1)(B).

The amendment to **CSSB 6** 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 except as follows:

Absent-excused: Menéndez.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 6** (senate committee printing) in SECTION 5 of the bill, in added Section 148.004, Civil Practice and Remedies Code (page 6, lines 39 through 44), by striking Subsection (a) and substituting the following:

(a) In this section, "educational institution" means an institution or program that facilitates learning or the acquisition of knowledge, skills, values, beliefs, or habits. The term includes:

(1) a public or private preschool, child-care facility, primary or secondary school, college, or university;

(2) an institution of higher education, as that term is defined by Section 61.003, Education Code; and

(3) a private or independent institution of higher education, as that term is defined by Section 61.003, Education Code.

The amendment to **CSSB 6** 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. 3 except as follows:

Absent-excused: Menéndez.

(Senator Hughes in Chair)

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 6** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill, amending Section 51.014(a), Civil Practice and Remedies Code (page 1, line 24 through page 2, line 9).

(2) In SECTION 5 of the bill, strike added Section 148.003, Civil Practice and Remedies Code (page 5, line 25 through page 6, line 37), and substitute the following:

Sec. 148.003. LIABILITY FOR CAUSING EXPOSURE TO PANDEMIC DISEASE. A person is not liable for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency unless the claimant establishes that the person intentionally exposed the individual to the disease.

(3) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 6** was read.

On motion of Senator Hancock, Floor Amendment No. 4 was tabled by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Menéndez.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 6** (senate committee printing) in SECTION 2 of the bill, between added Sections 74.155(b) and (c), Civil Practice and Remedies Code (page 2, between lines 44 and 45), by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

() A physician, health care provider, or first responder may not use the showing under Subsection (b)(2) as a defense to liability under Subsection (b) for negligent care, treatment, or failure to provide care or treatment if a claimant proves by a preponderance of the evidence that the respective diagnosis, treatment, or reasonable suspicion of infection with a pandemic disease at the time of the care, treatment, or failure to provide care or treatment was not a producing cause of the individual's injury or death.

The amendment to **CSSB 6** 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. 5 except as follows:

Absent-excused: Menéndez.

(President in Chair)

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 6** (senate committee printing) in Subsection (a) of SECTION 6 of the bill as follows:

(1) Strike Subdivision (1) (page 6, lines 53-55).

(2) In Subdivision (2) (page 6, line 56), strike "such" and substitute "Coronavirus Disease 2019 ("COVID-19")".

(3) Strike Subdivision (7) (page 7, lines 3-4).

(4) In Subdivision (9) (page 7, line 11), immediately after the semicolon, insert "and".

(5) In Subdivision (10) (page 7, line 13), strike "; and" and substitute a period.

(6) Strike Subdivision (11) (page 7, lines 14-17).

(7) Renumber subdivisions accordingly.

The amendment to **CSSB 6** was read.

Senator Hall withdrew Floor Amendment No. 6.

CSSB 6 as amended was passed to engrossment by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 6 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 **CSSB 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 792 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 792** at this time on its second reading:

SB 792, Relating to specialty license plates and parking placards for vehicles of certain disabled veterans.

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: Menéndez.

SENATE BILL 792 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 792** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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 248 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 248** at this time on its second reading:

CSSB 248, Relating to the regulation of and permits for the sale or delivery of cigarettes, tobacco products, and e-cigarettes; requiring permits; imposing fees; providing administrative penalties.

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:

Nays: Creighton, Hall, Hughes.

Absent-excused: Menéndez.

COMMITTEE SUBSTITUTE SENATE BILL 248 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 248** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

The bill was read a third time and was passed by the following vote: Yeas 27, Nays 3.

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

Nays: Creighton, Hall, Hughes.

Absent-excused: Menéndez.

AT EASE

The President at 1:45 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:31 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 742 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 742** at this time on its second reading:

SB 742, Relating to installment payments of ad valorem taxes on property in a disaster area.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 742** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike the amended heading to Section 31.032, Tax Code (page 1, lines 30 and 31), and substitute the following:

Sec. 31.032. INSTALLMENT PAYMENTS OF TAXES ON PROPERTY IN DISASTER AREA OR EMERGENCY AREA THAT HAS BEEN DAMAGED AS A RESULT OF DISASTER OR EMERGENCY.

(2) Between SECTIONS 1 and 2 of the bill (page 1, between lines 31 and 32), insert the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 31.032(a), Tax Code, is amended to read as follows:

(a) This section applies only to:

(1) real property that:

(A) is:

(i) the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units; or

(ii) owned or leased by a business entity that had not more than the amount calculated as provided by Subsection (h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;

(B) is located in a disaster area or emergency area; and

(C) has been damaged as a direct result of the disaster or emergency;

(2) tangible personal property that is owned or leased by a business entity described by Subdivision (1)(A)(ii); and

(3) taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster or emergency.

SECTION _____. Section 31.032(g), Tax Code, is amended by adding Subdivisions (3) and (4) to read as follows:

(3) "Emergency" means a state of emergency proclaimed by the governor under Section 433.001, Government Code.

(4) "Emergency area" means an area designated by the governor to be affected by an emergency under Section 433.001, Government Code.

(3) In SECTION 2 of the bill, strike the heading to added Section 31.033, Tax Code (page 1, lines 34 and 35), and substitute the following:

Sec. 31.033. INSTALLMENT PAYMENTS OF TAXES ON PROPERTY IN DISASTER AREA OR EMERGENCY AREA THAT HAS NOT BEEN DAMAGED AS A RESULT OF DISASTER OR EMERGENCY.

(4) In SECTION 2 of the bill, strike added Section 31.033(a), Tax Code (page 1, lines 36 and 37), and substitute the following:

(a) In this section, "disaster," "disaster area," "emergency," and "emergency area" have the meanings assigned by Section 31.032(g).

(5) In SECTION 2 of the bill, in added Section 31.033(b)(1)(B), Tax Code (page 1, line 46), between "area" and the underlined semicolon, insert "or emergency area".

(6) In SECTION 2 of the bill, in added Section 31.033(b)(1)(C), Tax Code (page 1, line 48), between "disaster" and the underlined semicolon, insert "or emergency".

(7) In SECTION 2 of the bill, in added Section 31.033(b)(3), Tax Code (page 1, line 52), between "disaster" and the underlined period, insert "or emergency".

The amendment to **SB 742** 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: Menéndez.

SB 742 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: Menéndez.

SENATE BILL 742 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 **SB 742** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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 1822 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1822** at this time on its second reading:

CSSB 1822, Relating to dates of certain elections to be held in 2022.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1822** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 41.0075(d), Election Code (page 2, line 9), strike "the plans" and substitute "a plan".

(2) In added Section 41.0075(d), Election Code (page 2, line 10), strike "become" and substitute "becomes".

(3) In added Section 41.0075, Election Code (page 2, between lines 19 and 20), insert the following:

(e) If a redistricting plan to which this section applies has not become law on or before February 14, 2022, the general and runoff primary elections for the election of officers for each district for which a plan has become law shall be held on the dates provided by Subsection (c)(3). The secretary of state shall set the dates of the filing period and the general and runoff primary elections for the election of officers of any district for which a plan has not become law on or before February 14, 2022. In setting dates under this section, the secretary of state shall ensure the efficient and orderly administration of elections and shall, to the extent practicable, set dates in a manner that allows the same interval of time in relation to the date of the election as would be provided by the application of other law.

(f) A date set for the general primary election under Subsection (c) or (d) shall be the date of any general or primary election held under this code. If Subsection (e) applies, any general or primary election held under this code and for which the date will not be set by the secretary of state under Subsection (e) shall be held in accordance with Subsection (c)(3).

(4) Renumber the remaining subsections of added Section 41.0075, Election Code, accordingly.

The amendment to **CSSB 1822** 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: Menéndez.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1822** (senate committee report) in SECTION 1 of the bill, adding Section 41.0075, Election Code (page 2, line 24), immediately following "the election.", by inserting "To the extent practicable, the secretary of state shall adjust schedules under this subsection in a manner that allows the same interval of time in relation to the date of the election as would be provided by the application of other law.".

The amendment to **CSSB 1822** 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 except as follows:

Absent-excused: Menéndez.

CSSB 1822 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: Menéndez.

COMMITTEE SUBSTITUTE SENATE BILL 1822 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1822** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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 796 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 796** at this time on its second reading:

CSSB 796, Relating to hearing and public notice requirements regarding the purchase or conversion by a municipality of certain properties to house homeless individuals.

The bill was read second time.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 796** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading for added Chapter 255, Local Government Code (page 1, line 27), strike "PURCHASE OR".

(2) In SECTION 1 of the bill, in the heading for added Section 255.001, Local Government Code (page 1, line 30), strike "PURCHASE OR".

(3) In SECTION 1 of the bill, in added Section 255.001(a), Local Government Code (page 1, line 32), strike "the purchase of a property or".

(4) In SECTION 1 of the bill, in added Section 255.001(a), Local Government Code (page 1, lines 35 and 36), strike "before the purchase or conversion of" and substitute "not less than 90 days before the municipality begins to convert".

(5) In SECTION 1 of the bill, in added Sections 255.001(b), (c), (d), and (e), Local Government Code (page 1, lines 42, 47, 50-51, 51, and 53), strike "purchase or" in each instance that it appears.

(6) In SECTION 2 of the bill, in the transition language (page 1, line 58), strike "purchase or".

(7) In SECTION 2 of the bill, in the transition language (page 1, line 60), strike "becomes final" and substitute "is set to begin".

The amendment to **CSSB 796** 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: Menéndez.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 796** (senate committee printing) in SECTION 1 of the bill, in added Sections 255.001(a) and (b), Local Government Code (page 1, lines 37 and 41), by striking "two-mile" in each instance that it appears and substituting "one-mile".

The amendment to **CSSB 796** 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 except as follows:

Absent-excused: Menéndez.

CSSB 796 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: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 796 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 796** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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

SENATE BILL 224 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 224** at this time on its second reading:

SB 224, Relating to simplified certification and recertification requirements for certain persons under the supplemental nutrition assistance program.

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: Menéndez.

SENATE BILL 224 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 224** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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 424 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 424** at this time on its second reading:

CSSB 424, Relating to state agency enforcement of laws regulating small businesses.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 424** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. A state agency with regulatory authority over a small business is required to implement Section 2006.003, Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the state agency may, but is not required to, implement Section 2006.003, Government Code, as added by this Act, using other appropriations available for the purpose.

The amendment to **CSSB 424** 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: Menéndez.

CSSB 424 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: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 424 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 **CSSB 424** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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

SENATE BILL 851 ON SECOND READING

On motion of Senator Blanco and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 851** at this time on its second reading:

SB 851, Relating to the composition of the cybersecurity council.

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: Menéndez.

SENATE BILL 851 ON THIRD READING

Senator Blanco moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 851** be placed on its third reading and final passage.

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

Absent-excused: Menéndez.

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 219 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 219** at this time on its second reading:

CSSB 219, Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.

The motion prevailed.

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 219** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 59.0001(3)(B), Business & Commerce Code (page 1, line 57), strike "and".

(2) In SECTION 1 of the bill, in added Section 59.0001(3)(C), Business & Commerce Code (page 1, line 58), strike "storage" and substitute "or wastewater storage, treatment, or transmission".

(3) In SECTION 1 of the bill, in added Section 59.0001(3)(C), Business & Commerce Code (page 1, line 58), between "facilities" and the underlined period, insert the following:

; and

(D) facilities used to manufacture or produce transportation fuels and similar products including gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, propane, ethanol, biodiesel, and renewable diesel

(4) In SECTION 1 of the bill, in added Section 59.0001(4), Business & Commerce Code (page 1, line 59), strike "Design-build" and substitute "Involved contractor".

(5) In SECTION 1 of the bill, in added Section 59.0001, Business & Commerce Code, strike Subdivision (5) (page 2, lines 6-8).

(6) In SECTION 1 of the bill, in added Section 59.0051(b), Business & Commerce Code (page 2, line 19), between "person" and "includes", insert "has the meaning assigned by Section 311.005, Government Code, and".

(7) In SECTION 1 of the bill, in added Section 59.0051(c), Business & Commerce Code (page 2, line 25), strike "a design-build" and substitute "an involved contractor".

(8) In SECTION 1 of the bill, at the end of added Section 59.0051, Business & Commerce Code (page 2, between lines 28 and 29), insert the following:

(d) This chapter does not apply to a contract between a person and a contractor under which the contractor agrees only to review plans, specifications, or other design or bid documents but is not responsible for any portion of the construction, repair, alteration, or remodeling of the improvement to the real property.

(9) In SECTION 1 of the bill, in added Section 59.0053, Business & Commerce Code (page 2, line 50), strike "a design-build" and substitute "an involved contractor".

The amendment to **CSSB 219** 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: Menéndez.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 219** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 59.0052(a), Business & Commerce Code (page 2, line 30), strike "A contractor" and substitute "Unless the parties to a contract agree otherwise, a contractor".

(2) In SECTION 1 of the bill, in added Section 59.0054, Business & Commerce Code (page 2, line 53), strike "This" and substitute "Unless the parties to a contract agree otherwise, this".

(3) In SECTION 1 of the bill, in added Section 59.0054, Business & Commerce Code (page 2, line 54), between "owner." and "A", insert the following:

A waiver of this subchapter must be agreed to in writing by the parties to the contract.

The amendment to **CSSB 219** was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Lucio, Miles, Powell, West, Whitmire, Zaffirini.

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

Absent-excused: Menéndez.

CSSB 219 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:

Nays: Eckhardt.

Absent-excused: Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 219 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 219** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Eckhardt.

Absent-excused: Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**SENATE BILL 41 REREFERRED
(Motion In Writing)**

Senator Zaffirini submitted a Motion In Writing requesting that **SB 41** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Jurisprudence.

The Motion In Writing was read and prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 8, 2021 - 2

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:

HB 315 VanDeaver

Relating to the purchasing of a uniform by certain honorably retired peace officers.

HB 686 Moody

Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.

HB 690 Metcalf

Relating to training requirements for a member of the board of trustees of an independent school district.

HB 738 Paul

Relating to the residential and commercial building codes of municipalities.

HB 785 Allen

Relating to behavior improvement plans and behavioral intervention plans for certain public school students and notification and documentation requirements regarding certain behavior management techniques.

HB 868 Thompson, Senfronia

Relating to the jury charge and jury findings in a suit affecting the parent-child relationship.

HB 1033 Oliverson

Relating to prescription drug price disclosure; authorizing a fee; providing an administrative penalty.

HB 1082 King, Phil

Relating to the availability of personal information of an elected public officer.

HB 1118 Capriglione

Relating to state agency and local government compliance with cybersecurity training requirements.

HB 1514 Landgraf

Relating to the administration of unclaimed property.

HB 1689 Oliverson

Relating to credit for reinsurance governed by certain covered agreements and ceded to certain assuming insurers.

HB 2343 Geren

Relating to the purchase of food and beverages by the Department of Public Safety for certain persons.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2155 by Creighton

Relating to the authority of the Chambers County Improvement District No. 1 to issue bonds and impose certain taxes or assessments.

To Committee on Local Government.

SB 2189 by Kolkhorst

Relating to the creation of the Austin County Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2191 by Perry

Relating to the powers, duties, and bond authority of the Lubbock Reese Redevelopment Authority; providing authority to impose a fee.

To Committee on Water, Agriculture and Rural Affairs.

HOUSE BILLS ON FIRST READING

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

HB 7 to Committee on Natural Resources and Economic Development.

HB 10 to Committee on Jurisprudence.

HB 11 to Committee on Jurisprudence.

HB 12 to Committee on Jurisprudence.

HB 13 to Committee on Jurisprudence.

HB 16 to Committee on Business and Commerce.

HB 17 to Committee on Business and Commerce.

HB 119 to Committee on Health and Human Services.

HB 390 to Committee on Jurisprudence.

HB 567 to Committee on State Affairs.

HB 654 to Committee on Jurisprudence.

HB 682 to Committee on Health and Human Services.

HB 725 to Committee on Education.

HB 797 to Committee on Health and Human Services.

HB 867 to Committee on State Affairs.

HB 1070 to Committee on Water, Agriculture and Rural Affairs.

HB 1445 to Committee on Finance.

CO-AUTHOR OF SENATE BILL 6

On motion of Senator Hancock, Senator Hughes will be shown as Co-author of **SB 6**.

CO-AUTHORS OF SENATE BILL 197

On motion of Senator Nelson, Senators Creighton and Paxton will be shown as Co-authors of **SB 197**.

CO-AUTHOR OF SENATE BILL 224

On motion of Senator Perry, Senator Hinojosa will be shown as Co-author of **SB 224**.

CO-AUTHOR OF SENATE BILL 231

On motion of Senator Seliger, Senator Creighton will be shown as Co-author of **SB 231**.

CO-AUTHOR OF SENATE BILL 247

On motion of Senator Perry, Senator Hall will be shown as Co-author of **SB 247**.

CO-AUTHORS OF SENATE BILL 248

On motion of Senator Johnson, Senators Buckingham, Hinojosa, Kolkhorst, Nelson, Perry, Powell, and Zaffirini will be shown as Co-authors of **SB 248**.

CO-AUTHOR OF SENATE BILL 398

On motion of Senator Menéndez, Senator Schwertner will be shown as Co-author of **SB 398**.

CO-AUTHOR OF SENATE BILL 412

On motion of Senator Buckingham, Senator Blanco will be shown as Co-author of **SB 412**.

CO-AUTHOR OF SENATE BILL 445

On motion of Senator Hughes, Senator West will be shown as Co-author of **SB 445**.

CO-AUTHOR OF SENATE BILL 447

On motion of Senator Springer, Senator Zaffirini will be shown as Co-author of **SB 447**.

CO-AUTHOR OF SENATE BILL 481

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 481**.

CO-AUTHOR OF SENATE BILL 523

On motion of Senator Buckingham, Senator Perry will be shown as Co-author of **SB 523**.

CO-AUTHOR OF SENATE BILL 611

On motion of Senator Campbell, Senator Taylor will be shown as Co-author of **SB 611**.

CO-AUTHORS OF SENATE BILL 623

On motion of Senator Blanco, Senators Campbell, Eckhardt, and Gutierrez will be shown as Co-authors of **SB 623**.

CO-AUTHOR OF SENATE BILL 675

On motion of Senator Kolkhorst, Senator Creighton will be shown as Co-author of **SB 675**.

CO-AUTHOR OF SENATE BILL 742

On motion of Senator Birdwell, Senator Paxton will be shown as Co-author of **SB 742**.

CO-AUTHOR OF SENATE BILL 780

On motion of Senator Hinojosa, Senator Kolkhorst will be shown as Co-author of **SB 780**.

CO-AUTHOR OF SENATE BILL 792

On motion of Senator Campbell, Senator Blanco will be shown as Co-author of **SB 792**.

CO-AUTHOR OF SENATE BILL 796

On motion of Senator Schwertner, Senator Lucio will be shown as Co-author of **SB 796**.

CO-AUTHOR OF SENATE BILL 865

On motion of Senator Creighton, Senator Paxton will be shown as Co-author of **SB 865**.

CO-AUTHOR OF SENATE BILL 886

On motion of Senator Blanco, Senator Hancock will be shown as Co-author of **SB 886**.

CO-AUTHORS OF SENATE BILL 1028

On motion of Senator Huffman, Senators Alvarado and Eckhardt will be shown as Co-authors of **SB 1028**.

CO-AUTHOR OF SENATE BILL 1112

On motion of Senator Bettencourt, Senator Taylor will be shown as Co-author of **SB 1112**.

CO-AUTHOR OF SENATE BILL 1113

On motion of Senator Bettencourt, Senator Paxton will be shown as Co-author of **SB 1113**.

CO-AUTHORS OF SENATE BILL 1114

On motion of Senator Bettencourt, Senators Hughes and Taylor will be shown as Co-authors of **SB 1114**.

CO-AUTHOR OF SENATE BILL 1116

On motion of Senator Bettencourt, Senator Paxton will be shown as Co-author of **SB 1116**.

CO-AUTHOR OF SENATE BILL 1376

On motion of Senator Hughes, Senator Springer will be shown as Co-author of **SB 1376**.

CO-AUTHOR OF SENATE BILL 1385

On motion of Senator Creighton, Senator West will be shown as Co-author of **SB 1385**.

CO-AUTHOR OF SENATE BILL 1968

On motion of Senator Bettencourt, Senator Lucio will be shown as Co-author of **SB 1968**.

CO-AUTHOR OF SENATE BILL 2092

On motion of Senator Hughes, Senator Gutierrez will be shown as Co-author of **SB 2092**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 35

On motion of Senator Campbell, Senator Taylor will be shown as Co-author of **SJR 35**.

RESOLUTION OF RECOGNITION

The following resolution was adopted by the Senate:

Congratulatory Resolution

SR 231 by Nelson, Recognizing Burnett Louis "Burnie" Sutter on the occasion of his 100th birthday.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:08 p.m. agreed to recess until 10:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Chad Michael Walker and Rawley Glenn McCoy, upon conclusion of the Local and Uncontested Calendar Session, until 2:00 p.m. Monday April 12, 2021.

APPENDIX

COMMITTEE REPORTS

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

April 8, 2021

BUSINESS AND COMMERCE — SB 1145, SB 707, SB 347, SB 1954, SB 2016, SB 1900, SB 1132

TRANSPORTATION — SB 633, CSSB 730, SB 787, SB 1123, CSSB 1124, SB 1208, SB 1274, CSSB 1727, SB 2187

JURISPRUDENCE — CSSB 1821

FINANCE — SB 202, SB 833, SB 538, SB 1122, SB 1605

HEALTH AND HUMAN SERVICES — SB 1397, SB 1414, CSSB 239, CSSCR 3

FINANCE — CSSB 938

JURISPRUDENCE — CSSB 21

LOCAL GOVERNMENT — SB 1338, SB 1212, SB 725, SB 659, SB 630

STATE AFFAIRS — SB 904, SB 185, SB 572, SB 983

TRANSPORTATION — CSSB 355

HIGHER EDUCATION — SB 959, SB 1126, SB 1531

BILLS AND RESOLUTION ENGROSSED

April 8, 2021

**SB 4, SB 6, SB 36, SB 219, SB 224, SB 248, SB 424, SB 460, SB 611, SB 742,
SB 792, SB 796, SB 851, SB 1822, SJR 35**

RESOLUTIONS ENROLLED

April 8, 2021

SR 225, SR 230, SR 231

In Memory
of
Rawley Glenn McCoy
Senate Resolution 144

WHEREAS, The Senate of the State of Texas joins the citizens of Victoria in mourning the loss of Mayor Rawley Glenn McCoy, who died March 5, 2021, at the age of 70; and

WHEREAS, Rawley McCoy was born on May 22, 1950, in Victoria; he earned a diploma from Victoria High School, where he was enrolled in the vocational program and was a National Honor Student; through his high school drafting class, he volunteered for a summer job at an architecture firm, and he discovered a lifelong love of architecture and his professional calling; and

WHEREAS, He attended Victoria College and went on to earn a bachelor's degree in environmental design and a master's degree in architecture from Texas A&M University; he returned to Victoria and began working with his longtime mentor, Warren Young, and the two men established the firm of Young and McCoy Architects in 1979; he later established his own successful practice, Rawley McCoy and Associates, which designed numerous notable projects in Victoria and across the state; and

WHEREAS, Rawley was an active member of his beloved hometown community and was involved in a wide range of professional and civic organizations; he served on a number of boards and committees and contributed his time to various groups, including the Victoria Downtown Rotary Club, Trinity Episcopal School, the American Institute of Architects, the Victoria Building and Standards Commission, Gulf Bend Center, and the Victoria Economic Development Corporation; and

WHEREAS, In 2019, Mr. McCoy focused his passion for public service into a successful run for mayor of Victoria, and he served with distinction in this role until the time of his passing; over the course of his tenure as mayor, he was noted for his outstanding leadership, his dedication to serving the people of Victoria, and his tireless efforts to unite citizens, promote collaboration, and advocate for the city's underserved communities; and

WHEREAS, He was a devout Christian who was guided by his faith in his daily life, and he was a devoted member of Saint Francis Episcopal Church; he also held a certificate in theological education from the School of Theology at Sewanee: The University of the South; and

WHEREAS, He and his beloved wife, Kay Klotzman McCoy, were blessed with three children, Kristin Erin McCoy Holub, Timothy Jordan McCoy, and Kathryn Caroline McCoy; his grandchildren, Matthew, Caroline, Natalie, Lillian, Charles, Anika, and Liv, were a source of great pride and joy for him; and

WHEREAS, A man of strength, compassion, and determination, he was respected and admired by all who knew him, and he made a positive difference in the lives of many; his vision, his integrity, and his commitment to service made a lasting impact on the Victoria community, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby extend sincere condolences to the bereaved family of Rawley Glenn McCoy; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Rawley Glenn McCoy.

KOLKHORST

In Memory
of
Chad Michael Walker
Senate Resolution 225

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Trooper Chad Michael Walker, who died on March 31, 2021, at the age of 38 as a result of injuries sustained while serving in the line of duty; and

WHEREAS, An exemplary trooper with the Texas Department of Public Safety, Chad Walker served the citizens of Texas with courage, integrity, and a commitment to upholding the highest standards of law enforcement duty; he was highly respected and admired by his colleagues and by the members of his community; and

WHEREAS, Chad was born on May 21, 1982, in Corsicana to Michael and Brenda Walker; he grew up in Groesbeck and was an avid outdoorsman who enjoyed hunting and fishing and helping his grandfather with cattle; he graduated from Groesbeck High School in 2000; and

WHEREAS, Chad began his career in law enforcement in 2003 as a member of the Athens Police Department, and he later served with the Groesbeck Police Department and the Limestone County Sheriff's Office; he joined the Texas Department of Public Safety in 2015 and was stationed in Groesbeck; and

WHEREAS, He married Tobie Taylor Walker, his beloved wife, on September 22, 2018, and they were blessed with a baby daughter this year, Tulsa June; Chad was also blessed with a son, Ethan, and with twin daughters, Rylee and Charlee, who were a source of much pride and joy for him; and

WHEREAS, Chad was active in his community and was on the Limestone County Farm Bureau Board of Directors; he was a devout Christian who was guided by his faith in his daily life, and he was noted for his strength of character, his generosity, and his ever-present readiness to help those in need; and

WHEREAS, Chad's dedication to public service was an inspiration to others, and his courageous spirit and his enthusiasm for living each day to the fullest will not be forgotten by those who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby extend sincere condolences to the bereaved family of Chad Michael Walker; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Trooper Chad Walker.

SCHWERTNER

