

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — SECOND CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTH DAY

(Wednesday, September 1, 2021)

The Senate met at 1:24 p.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 Alvarado offered the invocation as follows:

Bless us, Lord, as we gather today to continue to work towards a stronger and better Texas. Keep us humble and honest; guide us as we advocate for those we represent; help us to be the best examples of justice and democracy. Lastly, we ask that You bless every person affected by Hurricane Ida in Louisiana. Surround them with Your love and protection. Let them know we are praying for them and working to get needed supplies to them. Lord, we know that even in the darkest hours, You are always with us. 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

Wednesday, September 1, 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:

HCR 12 Craddick Sponsor: Seliger
Commemorating the 125th anniversary of the founding of St. Ann's Catholic Church
in Midland.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 50

Senator Bettencourt offered the following resolution:

SR 50, In memory of Michael DiTeresa.

The resolution was read.

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

On motion of Senator Bettencourt, **SR 50** was adopted by a rising vote of the Senate.

In honor of the memory of Michael DiTeresa, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 54

Senator Whitmire offered the following resolution:

WHEREAS, The Texas Senate is pleased to recognize one of its most visible and valued employees, Rick DeLeon, on his retirement as the Senate's sergeant-at-arms, bringing to a close a distinguished career in state service that has spanned more than three decades; and

WHEREAS, In his 15 years with the Senate, Rick DeLeon has become renowned for his strong work ethic, his serious demeanor that belies an endlessly giving nature, and his unwavering dedication to the institution; Senate staffers have come to rely on Rick for his advice and his ability to solve problems, and the Texas Senate is indeed fortunate to have been the beneficiary of his servant's heart; and

WHEREAS, A veteran of the United States Marine Corps, Rick began his career in state service as a highway patrolman with the Texas Department of Public Safety; he became certified as a scuba diver and joined the department's dive recovery team, and he rose through the ranks during his 17 years with the agency to become a part of Governor Rick Perry's security detail and a trusted member of the security team for the governor's own dives, a duty he took particular delight in; and

WHEREAS, Rick joined the Texas Senate in 2006 as the assistant sergeant-at-arms and was sworn in as the Senate's sergeant-at-arms the following year; in this post, he has maintained order and decorum in the Senate Chamber and overseen his office's numerous employees, which include assistant sergeants, car guards, porters, and messengers; a believer in preparedness, Rick is known for his ability to effectively train messengers and assistant sergeants on committee and floor

processes and in security awareness, including being watchful for suspicious activity and evacuating committee rooms; the skills he has taught his employees have allowed many of them to go on to thrive in positions elsewhere in the Capitol; and

WHEREAS, Rick served as president of the National Legislative Services and Security Association, which has honored him with multiple accolades, including the association's highest honor, the Tony Beard Memorial Award, in recognition of his outstanding service and accomplishments; and

WHEREAS, An avid outdoorsman, Rick has provided game from his hunting trips to create his popular chili to help fund the Senate's annual holiday party, showing that even in his leisure activities he worked tirelessly for and was absolutely dedicated to the employees of the Texas Senate; and

WHEREAS, Throughout his career, Rick has benefited from the loving support of his wife, Sissy, and their children, Ricky and Selena; his retirement will provide him the opportunity to further dote on his four, and soon to be five, grandchildren; while to the Senate he is known for his emotional discipline and professional conduct, to his grandchildren he is known simply as Gru, from *Minions* movie fame, and he answers them when they call out for their beloved Gru; and

WHEREAS, An esteemed public servant, Rick DeLeon has long held the respect and admiration of all who work in the Capitol, and his presence as the Senate's sergeant-at-arms will be greatly missed by senators, staff members, and colleagues alike; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, 2nd Called Session, hereby commend Rick DeLeon on his exceptional service as the Senate's sergeant-at-arms and extend to him best wishes for happiness in the retirement years ahead; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of highest regard from the Texas Senate.

SR 54 was read.

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

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

GUESTS PRESENTED

Senator Whitmire, joined by Senators Zaffirini, Buckingham, Paxton, Hinojosa, Nichols, Bettencourt, Kolkhorst, Miles, Springer, Birdwell, Perry, Hall, and Nelson, was recognized and introduced to the Senate Rick DeLeon, Sergeant-at-Arms; his wife, Sissy DeLeon; his daughter, Selena Marshall; and his grandchildren, Julia "JJ" Marshall and Nolan Marshall.

The Senate welcomed its guests.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks regarding **SR 54** were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Now, Senator Whitmire.

Senator Whitmire: Thank you, Mr. President, Members. Rick, did we pull a surprise on you? Were you surprised? Were we able to get the family here without you knowing it? Which speaks, speaks to our security around here. But Patsy's pretty smooth. And it's to your tribute that the Members all are here today and a lot going on, but they wanted to be here and I particularly am honored to sponsor this resolution with my colleagues because, quite frankly, you made the last session possible with all the challenges. When I got here, Members, the Sergeant-at-Arms was pretty much ceremonial, kind of a babysitting job if you can imagine, but now it is serious business. And our security, our health, our welfare is in your hands. When Rick got here, I was used to the old model of a sergeant. It was kind of a babysitter, rules were made to be broken, don't tell me who I can have on the floor, because they'd always waive it. Rick, a Marine, DPS, our Sergeant-at-Arms, and he believes rules are made to follow. He's still working on me. But, Rick, we really do thank you. You're as much a public servant as anyone sitting on this floor. With your service in the Marines, the DPS, understand you actually became one of Rick Perry's security detail which I'd love to talk to you sometime. Now, your service here. And, Members, first of all he's smarter than most of us with the exception of Senator Nelson. He wants to leave and have a life. And all you have to do is look up, see who he's with, his wife, his daughter, and two grandkids, that says it all why Rick is making such a logical decision to leave us. He was going to do it earlier in the summer but committed to the special and the special, but even he knows when enough's enough. So, he's retiring and we wish you so much safety going forward, these beautiful— that's probably Rick Perry calling. I will yield to my colleagues but thank you. You have become a friend of mine, and I would not hesitate to ride the river with you any time, day or night. And to his family, thank you for sharing his time and life with us in, tell me y— what do you plan to do, travel and watch his grandbabies grow up? So, thank you and thank you, Members. I don't know what else I can say.

President: We have some others. We never know what you're going to say, John, so that's okay. It's—

Senator Whitmire: What?

President: I said, never mind. We have, you know, I can depend on 30 out of 31 Senators pretty much what they're going to say and then there's you, and that was, it's always from the heart. Other Members would like to speak as well. Is that okay?

Senator Whitmire: I think it's a great idea.

President: Thank you, thank you, check with you.

Senator Whitmire: I yield.

President: Senator Zaffirini, you're recognized.

Senator Zaffirini: Thank you, Mr. President. Mr. President and Members, I'm so delighted to rise to thank Rick DeLeon for his wonderful and exemplary service as our Sergeant-at-Arms. And certainly, Rick, we all have a certain image of you. You're tough, you're smart, you're accommodating, you're helpful in every way, but today we saw your soft side. And I must say, I really like this side of you. To have seen your

face up close when you were surprised, how appreciative you were of the surprise, and then to see your family here and really your facial expression was something I have never seen before and never imagined. So, I really like this soft side, and I know that everybody else does too but today is your day, your special day on which we all say thank you from the bottom of our hearts for exemplary service and that we certainly understand why you would want to spend more time with this really beautiful family. I would love to see you more in your role not only as a husband but also as a father and as a grandfather. Thank you for everything you do.

President: Thank you, Senator. Senator Buckingham.

Senator Buckingham: Thank you, Mr. President. You know, Rick, we're able to do our jobs here on the floor because you have our backs always. It doesn't matter if it's the middle of the night, it doesn't matter if it's early in the morning. And I just want to add my voice to the chorus and just say you are truly appreciated, you are truly loved, and you are truly respected. So, thank you for everything.

President: Senator Paxton.

Senator Paxton: Thank you, Mr. President. I first met Rick years ago at a dinner, I don't know if it was like a ALEC or, yeah, it was in Boston, though, wasn't it? And there was a group of legislators. I was, I was there with my husband and our kids and it was just an evening dinner. And I was sitting across from Gru before Gru was famous. Right? And, anyway, so kind of because we were just sitting near each other and I talked with him and, and I heard all of these great stories about when you were on Governor Perry's detail, and I think that you, you said you were the one that could dive. And so, any time Governor Perry all of a sudden he wanted to go diving and it didn't matter what you were doing, you had your bag packed because that was you. You were the one on, on duty for, for that. And, and I remember you saying that you were the Sergeant-at-Arms for the Senate. I think you'd just come into this position. And I remember telling Ken, afterward, I'm like, he's amazing. He's a really amazing person. And the thing I most remember about that night was, I said, what exactly does the Sergeant-at-Arms do, and you talked a little bit about the duties, but I think I remember you saying was that you know what, if a Senator asked me to come empty their trash can, it would be my honor to do so. And is that not the truth, is that not this man? Nothing is above or beneath you. You, your whole heart is serving us no matter what. And I can especially attest to this on a very personal level because you have finished out your career with perhaps one of the most challenging assignments of all which was July 4th weekend, when Abigail Paxton Amedia and Sam Amedia got married here on the Senate floor. And I hope you got a lot of overtime pay for that assignment. Patsy, you, too. That was an amazing and very complicated endeavor, and as the mother of the bride, I knew that when I saw Rick say I'm going to go do this, I'm going to do— he was thinking of things no one else had thought of. And, I like Senator Buckingham and like all of us, we are able to do our jobs because you take care of us and your example and those words, I have always remembered, if someone needed to empty the trash, it would be my honor to do so. And I don't know anything more beautiful than that kind of a servant's heart and, Rick, thank you for all that you've done but especially just for being who you are. God bless you in your retirement.

President: Senator Hinojosa.

Senator Hinojosa: Thank you, Mr. President. Rick, I think you're too young to retire. But I do want to thank you for your unwavering commitment not only to our great nation of ours by serving in the United States Marine Corps, but to your family and to the Texas Senate. Your discipline, your focus on your work is really exemplary. You're here early, early in the mornings before anybody else. But I would tell you that when you initially took over as Sergeant-at-Arms Whitmire didn't really like you. He gave you a hard time. He harassed you. And you did very well responding and set him straight, just like a good Marine. But you won him over. I think you won all of us over, and we really appreciate the work you've done in keeping us safe. We appreciate your quick response when we ask for help or ask for assistance. And at the same time, we appreciate your family supporting you and your, the time you spend here with us, and you really have become a friend. A friend of, what we consider the Senate family who we know each other very well, we know our kids, and we're very honored to meet and, your family. And that's a soft side of you and so for us just want to thank you, wish you well, and again, the best of luck in your new endeavors. I'm sure that your wife has lot of work for you to do at home. But also, I'm sure that you're only retiring from this position because you seem to be a very young man and will continue with a very happy, healthy life. Thank you, Rick.

President: Senator Nichols. Thank you, Senator Hinojosa.

Senator Nichols: Thank you, Mr. President. I just wanted to stand and thank you also for all the work you've done. Unlike Senator Whitmire, I can't compare you to any other Sergeant-at-Arms because you came to the Senate floor as Sergeant-at-Arms I believe the same year I did, and the same year Lieutenant Governor Patrick did. So, you're the only one that we've known, but in that time you've shown great courtesy, professionalism. I've always felt secure knowing you were a former Marine and having other Marines and military here on the floor. I've never felt uncomfortable about that, but your work with law enforcement and stuff and keeping us secure and keeping things orderly. I know you've done personal things to help probably each of us that only you know. The one thing I know you've done to me repeatedly is help my youngest daughter sneak in here and, and surprise me which is fun but, anyway, we do appreciate you. We hope you do keep in touch and come by. I know you'll never be able to drive by this Capitol building and look at it the same again. So, thank you and good luck with what you're going to be doing.

President: Thank you, Senator Nichols. Senator Bettencourt.

Senator Bettencourt: Thank you, Mr. President. And, and, Rick, just to put this officially in the record. You know Dean Whitmire's projections for your, for people are not always 100 percent accurate. He had a rather interesting conversation with the Lieutenant Governor's mother when the same year that they came in with Senator Nichols and predicted not the outcome that currently the presiding officer has on the dais so don't worry that Dean gave you a little bit of trouble per Senator Hinojosa back when you started because you've exceeded everybody's expectations. Rick, when we have trouble, all we have to do is think or say the word, Rick, and you're there. And that's going to be hard to duplicate. You know, no one is irreplaceable but

finding somebody at the standard of work performance that you did is going to be a challenge and maybe we'll be like the Dean and say, you know what, you've got a compared some pretty big shoes. And that's Rick DeLeon. And now that I know from Senator Paxton that you've had this nickname Gru for a while, okay, I look at your lovely family, okay, and I now know what you could grow up here and what color it might be so as there, and, with this beautiful family with these heads of hair, there's hope for the next generation, okay. And I want you to enjoy it because instead of getting up and worrying about the Senate family, you can get up and have a blast with your family. God bless you.

President: Senator Kolkhorst.

Senator Kolkhorst: Thank you, Mr. President. Thank you, Dean, for the resolution. Oh my goodness, Rick, I'm not sure I knew this because if I had known it, I would have been in there talking you out of it because I, as a former Chairman of Administration, there's a certain bond that you really forge with the Secretary of the Senate and the Sergeant-at-Arms. And I'll just be honest with y'all, when some of y'all are breaking rules, I was only a second term Senator, and I would say, Rick, can you go tell the Senator that they can't have that many people on the floor and you were always so kind to do it in a way that was perfect. Your advice was great. I remember when I first came to the Senate and I kept saying to my Chief of Staff, do I get a parking spot. And he goes, well, I don't know the Senate's kind of secretive. And I go, well, would you just kind of go ask Patsy or whatever? And it kind of led to you, Rick. And you very seriously said, well, we're going to give her this parking spot. And I remember my Chief of Staff saying, listen he's a great guy but don't mess with him because he's all business. And I do love sharing our Matagorda County stories and just looking at your career, the Marines, the Department of Public Safety and then serving here in the Texas Senate, what a Texan. Selfless service. And so, while we want you to stay, to your family thank you for putting him on loan because when we were here 'til five or six in the morning, that means that he stayed several hours after or didn't go home at all. So, thank you so much for your service to our nation and to our state, and God bless you in your retirement. And don't be a stranger. Thank you.

President: Senator Miles, you're recognized.

Senator Miles: Thank you, Mr. President. You know, Rick, every day we hit this green carpet we know not what to expect. We can always count on one thing for sure, that you're going to be standing at that back door with a smooth, steady, easy, professional hand. And for that I want to say thank you. I also want to say thank you for always being there for us. There were some nights, Senator, uh, Senators that we all, you know, didn't know how we were we going to make it out some nights and things got rowdy. But we never had to worry about it because we knew Rick DeLeon was at the back door. So, we wanted to thank you, thank you for your sacrifices, we want to say thank you to your family and we appreciate all that you've given to us, and the time away from your family. Rick, go enjoy. Go have a good time. Go enjoy your grandchildren. You've served as a public servant. Thank you, my brother.

President: Senator Springer. Thank you, Senator Miles.

Senator Springer: Thank you, Mr. President. Rick, it is an honor for, I think I'll speak for all four of the freshmen, that we've had the privilege of being here with you. And to your family, thank you, because your sacrificing. And when he's here long hours and isn't at home that's not always easy as we all hear from our spouses. That sometimes that can be a challenge. And I want to echo everything everybody else has said. In the time that, from the Dean to a freshman, if I step back there, we have a conversation, we share stories of our lives that makes the time we spend on this floor humanizing, that we realize we're here to do human things that impacts everybody. And I want to thank you especially for the cufflinks. Every time I will put on those Sergeant-at-Arms cufflinks, I will always think of you and the leadership and the integrity and the security you give the Texas Senate. Thank you.

President: Thank you, Senator. Senator Birdwell.

Senator Birdwell: Thank you, Mr. President. Members, for those of you who've said Rick has a soft side, has he got you fooled. He has no soft side. No Marine has a soft side. It is a, I'm surprised, I didn't know this was coming, because, Marine, I don't remember signing your Dash One, or your DD 214 discharge from the Senate. So, get yourself back to duty, but all that being said, Rick and I have had the opportunity to converse in acronyms, share various experiences together, the professionalism with which he handles himself, the services he has rendered to each of us. When I ruptured my disc at a Sunset hearing and happened to be, I couldn't walk, had to be carried out of the building, vehicle's burglarized, and at my hotel and had to get them here and then have the window guy, the windshield guy come to do things. And while we're on the floor and Rick would coordinate those things. And the things that are even more serious, like a credible death threat, those are the types of things that you expect that Marine, that career professional, the stature, the demeanor of somebody that's worn the uniform of our nation and the uniform of our state. I want to wish you the best in whatever it is that you're going to go do, your future endeavors. You're going to be severely missed by the Birdwells. If Mel had known this was coming, she'd have been here today. So, she's already texting me that she sends her regrets in seeing your departure. You have created some very large shoes for your successor to fill. You'll be missed but you keep in touch. And that's an order, Marine. Thank you, Mr. President and Members.

President: Thank you, Senator Birdwell. Senator Perry.

Senator Perry: Thank you, Mr. President. And I can't add a whole lot to what's already been said except for I've watched you with the kids, you know these messengers, when Rick says jump they jump. But I want to tell you the life lessons those kids have had the privilege to be around. I don't know what their mentorships are and I don't know when they come through or where they're coming from, but because they had Rick oversight and Rick example of testament of hard work, do your job, play by the rules, do what you're told to do, do it in a timely way and a professional way. That's life lessons kids don't always get these days. So, your legacy's way beyond where you think it could be and is, you taught a lot of kids what it looks like to do your job and do it very well. So, for that I'm grateful because we don't get that opportunity to work with those kids and people like that. So, you took your circle of influence and have had great impact and expanded it well. So, rest

assured that you got your family ahead of you and close but your family is a lot bigger than those four kids, four people standing next to you today. You've impacted a lot of positive, young people for a long time and future to come. Thank you.

President: Thank you, Senator. Senator Hall.

Senator Hall: Thank you, Mr. President. And, Rick, I, too, it's a surprise, it's a disappointment from a personal standpoint. But I understand where you're going and all I can say is, wish you the best, too. And I know that you will continue to be the person you have been. I have been, your professionalism and competency in this job has set the bar so high I truly feel sorry for the person who has to follow after you in this. It's kind of like the church I'm going to, we've had an interim pastor that has set the bar so high I don't know how we find another one fulltime to do it, but we're going to. But from the day I got here, you were so far ahead of me in knowing who I was, the reception you gave my wife when she showed up and was kind of confused on where she was going. You were incredibly helpful. And at the next instance you were there doing your job to make sure the Senate was being run according to the rules, and I really do appreciate that because I think that's what we have them there for. You will be missed, and God bless you in all that you do, and you and your beautiful family.

President: Senator Nelson.

Senator Nelson: Thank you, Mr. President. And first of all, Senator Birdwell, I don't usually disagree with you but I absolutely have to differ. Rick has a soft side. He does. Rick, I remember when, and, Members, I have to tell you that I have always had such respect and admiration for this gentleman. He has done so much to make sure that the decorum of this institution is preserved, and I greatly appreciate that. He protects us, he serves us, and Rick's always been this tough old military guy, we've got a couple of them right here on the floor. But one day he said, Senator, can I have just a minute of your time, can I show you something? And I'm, sure. And Rick brings his cell phone and he tells me he's going to be a granddaddy. And I have to tell you, as the Dean of the grandparent caucus, those are darling grandchildren. And I have seen all of your grandchildren and I know how very proud of your family you are, Rick. We're going to miss you, but I just hope you will savor this next chapter of your life. I really do. Best wishes from all of us.

President: Thank you, Senator. I don't see any other lights so just let me add, Rick, we did come in together with Senator Nichols. And I was just sitting here getting pretty sad about this to be honest with you because I just found out about it a few days ago because Patsy wanted to keep this a secret so you would be surprised. And this is, you know, there's a family here with our family of Senators, Patsy and Tracy and Nicole and Lourdes and Michelle and Austin and Amanda, Karina, Colby, and you and the others. If I left anyone out, forgive me, that support us every day that we kind of just, they're invisible because you do such a great job for all of us. And we're really going to miss you, the Senate won't be the same. I remember, if my memory serves me correct, one of my first experiences with you was when I came up to you as a new Senator and said, I'm bringing a million dollars in cash on the floor, can you tell me how to handle that? If you remember that. And then I, since the troopers, six troopers

brought it in, and afterwards, as I recall, I said I had six hundred, six one hundred dollar bills in my hand and I said I'd like to tip each one of them a hundred dollars if I could. And you said, well, I don't think that would be appropriate, Sir, or acceptable. And, and that was kind of the beginning of our relationship. And since I've been Lieutenant Governor, they may not know this, but we've had actually very little interaction because Patsy and you work together, but it's because I just know every day you've got it handled. I, there's nothing I need to share with you. You know more about our safety and the decorum and the rules than any of us. And so, I mean, you're the best of the best of the best, you're such a professional at what you do and a friend to all of us. And you will be missed, you really will be missed. That's just not an idle comment by these Members, that's really true. It won't be the same. Thank you for your service, thank you for your friendship for all these years. Senator Whitmire.

Senator Whitmire: Thank you, Mr. President. And, Rick, I think the Lieutenant Governor and the Members have said it better than I could, but who you are, you brought us together today. This is a bipartisan group of admiration for you, so you united the Senate today like I haven't seen them united recently. So, thank you for that. And I was listening to remarks, and there's no playbook for this session, going back to January. So, you protected us from bad scenes of the protest, COVID social distancing, and the entire new terms we had to work under, and then certainly the freeze. So, you've seen it all and got us through it, so thank you. Mr. President, thanks for allowing us to recognize this public servant and his family. And, Members, I'd like to move to add all the Members' names to the resolution. And, Rick, as more than one Member has said, stay in touch. Come by and have a coffee with us and let us know how you're doing. And never hesitate to reach out to us if you need something in any form or fashion. Thank you, Mr. President.

PRESENTATION OF GAVEL

The President presented an honorary gavel to Rick DeLeon, Sergeant-at-Arms of the Senate.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 6, SB 15.**

CONGRATULATIONS EXTENDED

The President, on behalf of the Senate, congratulated Patsy Spaw, Secretary of the Senate, on the birth of her great-grandson, Lincoln.

CONCLUSION OF MORNING CALL

The President at 2:43 p.m. announced the conclusion of morning call.

(Senator Springer in Chair)

(President in Chair)

HOUSE BILL 9 ON THIRD READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **HB 9** at this time on its third reading and final passage:

HB 9, Relating to making supplemental appropriations relating to border security and giving direction regarding those appropriations.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

STATEMENT REGARDING HOUSE BILL 9

Senator Zaffirini submitted the following statement regarding **HB 9**:

Although, like every member of this body, I support border security, I respectfully rise in opposition to HB 9, partly because the \$1.8 billion it appropriates would be spent more wisely on a plan developed in collaboration with border leaders and residents who know best, because it should include a mechanism for ensuring (or at least requesting) reimbursement by the federal government, and because its reporting requirements should reflect accountability and transparency.

Perhaps more important, however, I oppose HB 9 because it does nothing—repeat, nothing—to block cartels from entering Texas, to eliminate them in Texas, or to stop their criminal activities along the border and beyond.

At a time when we have not adequately addressed our electric grid, properly funded our response to COVID-19, expanded Medicaid, or resolved problems at all levels of education, there are so many better ways to spend this level of funding at the border.

Yes, there are problems along the border—problems that have persisted through every Administration for the last 30 years. Economic and societal crises in Central America, along with a perceived change in U.S. immigration policy, have resulted in more persons trying to cross the border this year.

I strongly support funding to help our border sheriffs address the problems they have brought to our attention. Those problems are largely the results of property crimes: fence cutting, trespassing, theft, and breaking and entering. Sheriffs also need help dealing with the bodies of immigrants they find who, sadly, died trying to find a better life.

I cannot, however, support the \$250 million for physical barriers in this bill. The notion that walls or fences will solve our border problems is outdated and false.

Drugs are smuggled into the United States from Mexico mostly through our ports of entry. That is where more money should be expended.

What's more, the solution to the problem is to stop the southbound flow of guns and money from the United States into Mexico and to reduce the demand for drugs.

If the demand is reduced or eliminated, the supply will drop dramatically.

Some have justified state funding for the physical barriers in HB 9 by claiming Texans on the border are at risk due to immigrants—and I quote—"with guns and gangs and being riddled with crime." Then they describe the "carnage" immigrants are committing.

The total picture is quite different. Violent crime rates along the border are largely unchanged this year, according to the FBI's Uniform Crime Reporting. In fact, my hometown of Laredo is on pace to see its crime rate reduced this year, according to those data.

Spending money in this way at this perceived "crisis" and erecting state-funded physical barriers will not resolve the border situation.

The 1,250-mile Texas-Mexico border has many needs, and cumulatively, its counties do not comprise a monolithic region.

The problems of the Valley do not equal or duplicate the problems of the middle or of the western part of the region.

If we want to solve our problems, we need to interact with the legislators from the border. I am convinced that our bipartisan collaboration would result in consensus legislation and funding we all could support.

By way of example, HB 9 provides funding for jails in counties adjacent to the border, including Brewster, whose jail is 63 miles from the Rio Grande. Seven counties in the region, however, have jails that are closer—Culberson, 27 miles; Dimmit, 31 miles; Jim Hogg, 49 miles; La Salle, 53 miles; Uvalde, 51 miles; Willacy, 29 miles; and Zavala, 33 miles. These seven jails, however, would not qualify for this earmarked funding, simply because their counties are not adjacent to the border.

This doesn't make sense, but it is an example about how those of us who know the region—its strengths and its challenges—could help craft legislation that is more insightful, appropriate, and helpful.

Together we can provide some effective ways to spend so much money.

Senator Lucio and Senator Hinojosa live in Cameron and in Hidalgo counties, respectively, representing approximately 145 miles combined of our 1,250-mile border. Senators Gutierrez, Blanco, and I represent the other 1,105 of the 1,250 miles. The five of us certainly could advise the Senate how to spend \$1.8 billion in a responsible, effective, accountable, transparent way—and how to differentiate the targeted goals for each geographic section of the region.

We also would explain that the region is significantly deeper and wider than the line that divides us from our sister city to the south. It typically is defined, by the way, as 46 counties that include Bexar in the north, and Nueces and everything south.

Those 46 counties are represented by eight senators: Blanco, Campbell, Gutierrez, Hinojosa, Lucio, Menéndez, and myself. Together, I assure you we could develop a consensus plan for the Legislature.

Another significant reason for opposing this bill is that it appropriates state money for a federal responsibility. Our efforts should be directed, instead, at solving our own state problems (such as responding more effectively to COVID-19, to expanding

Medicaid, and to strengthening our electric grid); at dealing with cartel-related crimes in our state; and in demanding that federal officials collaborate with local officials to solve theirs. For these and many other reasons, I will vote "no" on HB 9.
Thank you, Mr. President and members.

COMMITTEE SUBSTITUTE
SENATE BILL 91 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 91** at this time on its second reading:

CSSB 91, Relating to a temporary reduction in the maximum compressed tax rate of a school district and the form of the ballot proposition to be used in an election to approve a tax rate adopted by a school district that exceeds the district's voter-approval tax rate; making an appropriation.

The motion prevailed.

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

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 91** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill, between "2." and "Section 26.08(b)" (page 2, line 15), insert "Effective January 1, 2022,".

(2) Strike SECTION 4 of the bill, providing an effective date (page 2, lines 58 through 63), and substitute the following appropriately numbered SECTION:

SECTION _____. Except as otherwise provided by this Act:

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

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

The amendment to **CSSB 91** 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.

CSSB 91 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, Menéndez.

**COMMITTEE SUBSTITUTE
SENATE BILL 91 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 91** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Eckhardt, Menéndez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 7 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business and Senate Rule 7.12(a) were suspended to take up for consideration **HB 7** at this time on its second reading:

HB 7, Relating to the storage or disposal of high-level radioactive waste.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 7** (senate committee printing) by striking page 2, lines 1 through 6, and substituting the following:

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect December 5, 2021.

The amendment to **HB 7** 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.

HB 7 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

HOUSE BILL 7 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Buckingham and by unanimous consent, the remarks regarding **HB 7** on suspension of the regular order of business were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Birdwell: Members, the United States Nuclear Regulatory Commission, NRC, is poised to issue a license as early as September 13th, 2021, that would allow for the storage of high level radioactive waste near the state's only low level radioactive waste disposal facility located in Andrews County. If the license is issued, high radioactive waste from all over the country could potentially be stored in Texas. House Bill 7 aims to keep high level radioactive waste out of Andrews County and out of Texas. The bill defines high level radioactive waste for purposes of the Texas statute as both the federal definition assigned to 42 U.S. Code, Section 10101(12) and includes spent nuclear fuel as defined by 42 U.S. Code, Section 10101(23). HB 7 would prohibit TCEQ from issuing permits for the construction or operation of a facility licensed to store high level radioactive waste in Texas. The bill does not change any current TCEQ rules relating to low level radioactive waste storage. Currently, TCEQ does not allow GTCC, GTCCs being Greater-Than-Class C waste that is reactor related to be stored in the Andrews County facility. The bill would also prohibit the disposal of high level radioactive waste in Texas. Both of these sections have the exceptions of onsite storage by current or former operating nuclear power reactors and nuclear test reactors being operated by a university. These exceptions allow the Comanche Peak and the South Texas Project Reactor facilities, as well as The University of Texas and the Texas A&M University to continue to store radioactive materials onsite as is their current practice. The exception as written does not include any set date of what is considered to be current. This means, it would include the soon to be created Abilene Christian University test reactor facility and any other future nuclear reactors or test reactors. While some have made calls to also ban the storage and disposal of Greater-Than-Class C waste, that type is considered to be low level radioactive waste by the NRC. Due to the Governor's call for the special session, which only references high level radioactive waste as well as the caption of the bill as it came over from the House, adding such an amendment would not be germane to this bill. We may continue to discuss which levels of wastes are appropriate to be stored in the future, but by taking this opportunity to pass House Bill 7, we can prevent a high level radioactive waste facility in Texas. Members, it was my intent to not take any amendments for this bill; however, based upon the leadership of the House and the opportunity that is necessary for the House to achieve the immediate threshold standard, I will make a non-substantive change in an amendment to the executing paragraph at the end of the bill that states that the effective date that this bill becomes law is the 5th of December, 2021. By making that amendment and making that change, it allows us to send that bill back to the House for a concurrence of two-thirds of the amendments that the Senate makes, therefore reaching the threshold that allows for immediate effect upon signature of the Governor in the coming week. Other than that, Members, I ask your favorable consideration and move to suspend both the printing rule and the regular order of business.

President: Senator Buckingham, for what purpose?

Senator Buckingham: To ask the author of the bill some questions.

President: Do you yield?

Senator Birdwell: Yes, Sir, Mr. President. I yield.

Senator Buckingham: And in deference to our ladies who reduce these to writing, I'm going to ask this conversation be reduced to writing just to give you all a heads up. Thank you, Mr. President, and thank you, Senator Birdwell, for authoring this legislation that prohibits the storage of disposal of high level radioactive waste in Texas. As you know, and I appreciate you mentioning, Abilene Christian University, The University of Texas, and Texas A&M are leading the nation in terms of advanced nuclear technology research and have received hundreds of millions of private and federal research dollars to develop this technology. These three universities have a proposal before the Nuclear Regulatory Commission to build a molten salt research reactor at Abilene Christian University that will be permitted after the effective date of this bill and some have raised concerns that this bill will prohibit future university research reactors from being built. Can you explain to myself and the body why this legislation does not prohibit future university research reactors like the one at Abilene Christian University from being built, and can you establish some legislative intent for the record for me, please?

Senator Birdwell: Absolutely, Senator Buckingham. The exception as written does not include any set date, so it says previous or current, but since it doesn't say current as of a certain date, when Representative Landgraf had the bill drafted, the Lege Council drafter, drafted it that way so that if a future university use or a future nuclear reactor, if we get a third or fourth or beyond or any additions to Comanche Peak or Senator Buckingham's nuclear plant. Those would be covered because of the normal use and existence of university for experimentation and research and for current power generation to our grid. Because there's no set date, it would allow Abilene Christian to continue to make that application, and from the testimony we heard today in Committee, it is, I think it's a, if, if there's, I mean, I don't know, I'm not a scientist. I can't describe all the things that the various professors came in, but there are a number of practical applications and benefits to our grid, medical research as it relates to cancer. Other things related to desalination of water that this experimentation going on at Abilene Christian would have a, I don't think evolution but a revolutionary change to how Texas is powered, medical care, water and the light. So, there's not an intent to silence that. The intent of how we drafted this was to allow for this to continue based upon my questions of the, Mr. Robinson, the gentleman that is primarily responsible for that research. They don't expect to build out 'til '25 or '26 and so I made the commitment to them as well that coming into the '23 session, based upon what we see here that if there's additional work that we need to do, I'll be happy to work with them to do that. Your successor, as the Representative or the Senator for Taylor County, I'll be happy to work with. It is our intent to allow that to continue to work because the benefits that would come to Texas, I think, would be fabulous. It's not our intent to damage that research in any way, shape, or form.

Senator Buckingham: Yes, Sir, and I, and I do agree with you that a salt cool nuclear reactor is going to be revolutionary for Texas—

Senator Birdwell: Right.

Senator Buckingham: –it is amazing and very exciting things happening and so just for final clarification, the passage of this bill will not prohibit the development of new research reactors and new advanced nuclear reactors in Texas. Correct?

Senator Birdwell: That is correct.

Senator Buckingham: Alright. Thank you, Chairman Birdwell and Mr. President. I move that the exchange between Senator Birdwell and I be reduced to writing and placed in the Journal.

President: Can you hold that motion just until we're done?

Senator Buckingham: Yes, Sir.

President: Okay. Senator Seliger, for what purpose?

Senator Seliger: Questions of the author.

President: Do you yield?

Senator Birdwell: Yes, Mr. President.

Senator Seliger: To clarify some of the issues, because we are talking about the producers or, or users of high level nuclear waste, in most cases that we are talking about, fuel rods and nuclear plants. When we talk about operating reactors at The University of Texas and Texas A&M, and we talk about the storage of those materials on site. By on site, I want to make sure we get this clear. We talk about on site at the nuclear reactor and not on site at Andrews County.

Senator Birdwell: That's correct. Yes, Senator.

Senator Seliger: Related to Senator Buckingham's question is, this bill has nothing to do with research and the manufacturing of new reactors. But any sort of high level waste that they produce neither can that go to this site either under this piece of legislation. Is that–

Senator Birdwell: That's correct–

Senator Seliger: –correct?

Senator Birdwell: –that's correct–

Senator Seliger: Thank you–

Senator Birdwell: –it would have to be–

Senator Seliger: –wanted to straighten that out.

Senator Birdwell: –it would have to be stored on site. Based upon the testimony we heard today, it did not sound that this research reactor would produce high level, but if it did, it would not be able to be stored in Andrews County.

Senator Seliger: Yeah, as, as I understood it, did they make it clear to you, because there has to be some sort of waste stream. Was it clear to you what that waste stream was from a molten salt reactor?

Senator Birdwell: I think it's consumed in the production is–

Senator Seliger: Okay.

Senator Birdwell: —the way I understood it.

Senator Seliger: Okay, thank you. Thank you, Mr. President.

Senator Birdwell: Yes, Sir.

President: Senator Perry, what purpose?

Senator Perry: Questions for the author.

President: Do you yield?

Senator Birdwell: Yes, Mr. President.

Senator Perry: Thank you, Chairman Birdwell, and thank you for your work on this and just as a background, I'd talked to you a little bit that I've kind of been around this issue and those who were here in '11, some of this stuff was put on place. It was clearly, clearly the intention of the legislature to never include high level storage. Is that correct?

Senator Birdwell: I believe that to be correct—

Senator Perry: Okay—

Senator Birdwell: —before I arrived and then since. It's been the, the—

Senator Perry: —it's been the theme, I think and I think it's universal. That's what the intent of this bill and the goal of this bill is to establish is to send a clear message that a federal permit that may allow a facility to do that would not meet state law.

Senator Birdwell: That's correct. It would mean that, that WCS as the operator of that facility, if that receive a federal permit. If this bill becomes law, WCS would have to come to the State of Texas and say, we have permission from the federal government. Do we have permission from the state? This law would tell TCEQ, you must tell no, because the state does not give its acquiescence and approval of a high, high radioactive storage facility.

Senator Perry: I appreciate that clarification. I want to say a couple of things to it, that a lot of conversations about high level and C and radio low active inside. All of that monoecious side, for intent purposes, and I'll ask that this will be reduced at the end of the deal today, too, for the intent. The intent is Texas will never deliberately pull down high level waste into Andrews County and probably for any, for that matter, anywhere else that's not already exempted through university research and stuff. But Andrews County, specifically, and this we're not ever going to allow high level or knowingly allow or permit high level radioactive waste.

Senator Birdwell: That is correct. The only other additional high level we might have is if an additional reactor already at, that's added to Comanche Peak, an additional reactor added or a new reactor at some location—

Senator Perry: But as Senator Sel—

Senator Birdwell: —for the purpose of adding, but that would, to Senator Seliger's point, that waste would be stored on site. Those permits take decades.

Senator Perry: –stay on site, though, that's not a storage or disposal issue that, that we're trying to prohibit. I just say to waste control, they knew what the rules were back in '11, they've pushed the envelope over the years under this Class C stuff. That's bad actor in my point, in my perspective and for them to go to the feds to try to undo the state's intention is bad actor and I fully support the idea that this will give us legal standing to stand on to prohibit that going forward. So, that's what I want on intent today. Thank you for your work on it. I think we're at a good place as we can be with respect to this issue.

Senator Birdwell: Thank you, Senator Perry. Thank you, Sir.

President: Senator Hinojosa, what purpose?

Senator Hinojosa: Just a quick follow-up question, Mr. President.

President: Senator Bir–

Senator Birdwell: I yield, Mr. President.

Senator Hinojosa: Sir, Senator Birdwell, as you well know, we, what I consider a very good hearing this morning, discussing this issue and one of them was focus on definition as used in House Bill 7, whether or not that would also cover definition as set out by federal statutes and we came to conclusion that it did. Did it not?

Senator Birdwell: Say that last part, Senator Hinojosa.

Senator Hinojosa: We came–

Senator Birdwell: I'm listening and I'm reading your lips at the same time.

Senator Hinojosa: Okay. The clarification, there was questions about whether or not House Bill 7 covered the definition of high radioactive waste as set out in federal statute.

Senator Birdwell: There were individuals that testified that said the State of Texas is trying to change the definition in federal code. That is not the case. We're using, we're referring to federal code of definitions that already are in federal code and telling TCEQ to refer to those two definitions for the purpose of defining high level radioactive waste that would be intentionally coming into the State of Texas to decline the receipt of high level waste. So, the state is not redefining federal statute, we referring to federal statute and telling TCEQ to refer to federal statute for the definitions of what high level radioactive waste is.

Senator Hinojosa: And in fact under House Bill 7, we include in the legislation the citation, the definition, refer to it in House Bill 7.

Senator Birdwell: Yes, Sir, that's correct as well as for a water reactor, as well. That, that we currently have. We use both those in Section 1 and Section 2 of the bill.

Senator Hinojosa: Thank you, Senator Birdwell.

Senator Birdwell: Thank you, Senator Hinojosa.

CO-SPONSOR OF HOUSE BILL 9

On motion of Senator Nelson, Senator Huffman will be shown as Co-sponsor of HB 9.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 55 by Hancock and Nelson, In memory of Steven Michael Weinberg.

Congratulatory Resolutions

SR 52 by Perry, Recognizing September 19 to 25, 2021, as Telehealth Awareness Week.

SR 53 by Creighton, Recognizing Joseph L. Trahan for his service to the citizens of Texas.

HCR 12 (Seliger), Commemorating the 125th anniversary of the founding of St. Ann's Catholic Church in Midland.

RECESS AND MOTION TO ADJOURN

On motion of Senator Zaffirini and by unanimous consent, the Senate at 4:52 p.m. agreed to recess until 2:00 p.m. tomorrow.

The Senate further agreed that when the Senate finally adjourns, it do so in memory of Michael DiTeresa.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate in the order listed:

September 1, 2021

STATE AFFAIRS — **CSSB 97**

BILL ENGROSSED

September 1, 2021

SB 91

RESOLUTIONS ENROLLED

September 1, 2021

SR 50, SR 52, SR 53, SR 54, SR 55

SENT TO GOVERNOR

September 1, 2021

SB 1, SB 4, SB 6, SB 7, SB 15

In Memory
of
Michael DiTeresa
Senate Resolution 50

WHEREAS, Dr. Michael DiTeresa, a beloved physician and cherished friend to many in the Tomball community, passed away on June 6, 2020, his 46th birthday; and

WHEREAS, A native of Houston, Michael Anthony DiTeresa was born on June 6, 1974, to Matt and Barbara DiTeresa and named after patron saints Michael and Anthony; he was adored by his late father and was raised in a close-knit family along with an older brother, Matt, and a younger sister, Marisa; his intellectual gifts were evident from an early age, and he went on to graduate summa cum laude from Rice University before studying medicine at The University of Texas Southwestern Medical Center in Dallas; after completing his residency at Baylor University Medical Center in Dallas, he embarked on a career in medicine that empowered him to make a positive and profound difference in the lives of others; and

WHEREAS, Dr. DiTeresa opened his private medical practice in Tomball in 2004, and through the compassionate care he provided, he readily won the esteem of his patients, his fellow physicians, the nurses who worked alongside him, and countless individuals in and beyond the community; he was a doctor of immense enthusiasm, integrity, and ability, one who was ever sensitive to the unique circumstances of his patients and who always prioritized the needs of others ahead of his own; these traits earned him a reputation for excellence in his field; and

WHEREAS, A man who had devoted his life to healing others, Dr. DiTeresa waged his own courageous battle with pancreatic cancer for 18 months, and from the support of those who rallied around him, he found the strength and inspiration to continue fighting every day; even as his battle drew to a close, he demonstrated concern for fellow health care workers serving on the front lines of the COVID-19 pandemic, for whom he had a great deal of respect and admiration; and

WHEREAS, In addition to his exceptional achievements as a physician, Dr. DiTeresa will be remembered for the passions and interests that colored his life; he was an avid collector of cars, a prolific reader, and a U2 "superfan" who traveled across the world to see the band; he was also a scholar of the classics and of Roman history, and he sought to live according to the personal creed of Roman emperor Marcus Aurelius, "Strength and Honor"; moreover, he was deeply patriotic, and he was known for his strong Catholic faith; and

WHEREAS, Though his journey on this earth ended much too soon, Dr. Michael DiTeresa created an inspiring legacy through his generosity, humility, and selfless service, and the memory of this extraordinary gentleman will forever light the hearts of those he leaves behind; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature, 2nd Called Session, hereby pay tribute to the life of Dr. Michael Anthony DiTeresa and extend sincere sympathy to the members of his family: to his mother, Barbara Ann DiTeresa; to his brother, Matthew Douglas DiTeresa; to his sister, Marisa Ann DiTeresa Wuttke; to his sister-in-law, Megan Elizabeth DiTeresa; to his brother-in-law, Axel Wuttke; to his nephews, Matthew Joseph and Anthony Christian DiTeresa and Max and Luke Wuttke; to his best friend, Paresh Patel; and to his other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Dr. Michael DiTeresa.

BETTENCOURT