

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRD DAY

(Wednesday, September 22, 2021)

The Senate met at 12:40 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 Campbell offered the invocation as follows:

Gracious heavenly Father, the Lord of Abraham, Isaac, and Jacob and Jesus Christ of Nazareth, thank You so much for the favor that You give us. Thank You for strength, our health. Thank You for putting us as part of this deliberative body to help Texans. Thank You for Your grace and Your mercy. In Jesus' name, Lord. 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.

## 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.

## SENATE RULE 7.12(a) SUSPENDED (Printing of Bills)

On motion of Senator Huffman and by unanimous consent, the committee report for **SJR 1** was ordered not printed.

## CONCLUSION OF MORNING CALL

The President at 12:46 p.m. announced the conclusion of morning call.

**SENATE JOINT RESOLUTION 1 ON SECOND READING**

The President laid before the Senate **SJR 1** by Senator Huffman at this time on its second reading:

**SJR 1**, Proposing a constitutional amendment requiring a judge or magistrate to impose the least restrictive conditions of bail that may be necessary and authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons.

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: Blanco, Eckhardt, Miles.

**SENATE JOINT RESOLUTION 1 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 **SJR 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Blanco, Eckhardt, Miles.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**SENATE BILL 3 ON THIRD READING**

The President laid before the Senate **SB 3** by Senator Perry at this time on its third reading and final passage:

**SB 3**, Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business and Senate Rule 7.12(a) were suspended to take up for consideration **CSSB 1** at this time on its second reading:

**CSSB 1**, 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 bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 31.01, Tax Code, is amended by adding Subsection (d-2) to read as follows:

(d-2) The tax bill of a school district for the 2022 tax year or a separate statement accompanying the tax bill shall state the difference between the amount of taxes that would have been imposed on the property by the district if the amount of the reduction in the district's maximum compressed tax rate under Section 48.2555, Education Code, were equal to zero and the amount of taxes actually imposed on the property by the district. This subsection expires September 1, 2024.

The amendment to **CSSB 1** was read.

Senator Menéndez offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend Amendment No. 1 by Bettencourt to **CSSB 1** (senate committee printing) as follows:

(1) In the recital to the SECTION of the bill added by the amendment (page 1, line 5), strike "Subsection (d-2)" and substitute "Subsections (d-2) and (d-3)".

(2) Strike added Section 31.01(d-2), Tax Code (page 1, lines 6 through 13), and substitute the following:

(d-2) The tax bill of a school district for the 2022 tax year or a separate statement accompanying the tax bill shall state:

(1) the difference between the amount of taxes that would have been imposed on the property by the district if the amount of the reduction in the district's maximum compressed tax rate under Section 48.2555, Education Code, were equal to zero and the amount of taxes actually imposed on the property by the district; and

(2) that any reduction in the tax rate of the district that results from the reduction of the district's maximum compressed tax rate under Section 48.2555, Education Code, applies only to the tax rate of the district for the 2022 tax year.

(d-3) The comptroller by rule shall specify the form of the statements required by Subsection (d-2). This subsection and Subsection (d-2) expire September 1, 2024.

MÉNENDEZ  
BETTENCOURT

The amendment to Floor Amendment No. 1 to **CSSB 1** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1**, the amendment as amended was adopted by a viva voce vote.

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

Senator Bettencourt offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 45.003, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) For the 2022 tax year, a school district may not adopt a total tax rate, including the district's maintenance tax rate and interest and sinking fund tax rate, that exceeds the district's voter-approval tax rate under Section 26.08(n), Tax Code, for the 2022 tax year. This subsection expires September 1, 2023.

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 26, Nays 5.

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

Nays: Alvarado, Eckhardt, Johnson, Powell, Whitmire.

**CSSB 1** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1 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 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Bettencourt, Senators Buckingham, Campbell, Creighton, Hall, Hinojosa, Lucio, Paxton, Perry, and Springer will be shown as Co-authors of **SB 1**.

**CO-AUTHORS OF SENATE BILL 3**

On motion of Senator Perry, Senators Birdwell, Buckingham, Creighton, Hall, Kolkhorst, Paxton, and Springer will be shown as Co-authors of **SB 3**.

**CO-AUTHORS OF SENATE BILL 5**

On motion of Senator Lucio, Senators Alvarado, Blanco, Hinojosa, Whitmire, and Zaffirini will be shown as Co-authors of **SB 5**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 1**

On motion of Senator Huffman, Senators Bettencourt, Hinojosa, and Kolkhorst will be shown as Co-authors of **SJR 1**.

**RECESS**

On motion of Senator Whitmire, the Senate at 2:11 p.m. recessed until 8:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORT**

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

September 22, 2021

JURISPRUDENCE — **SJR 1**

**BILLS AND RESOLUTION ENGROSSED**

September 22, 2021

**SB 1, SB 3, SB 5, SJR 1**

**RESOLUTIONS ENROLLED**

September 22, 2021

**SR 9, SR 10, SR 11, SR 12, SR 13, SR 14, SR 15**

