

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRD DAY

(Continued)

(Monday, October 4, 2021)

AFTER RECESS

The Senate met at 1:36 p.m. and was called to order by the President.

Senator Paxton offered the invocation as follows:

Our Father in heaven, thank You for the opportunity to gather here together to do the work of representing our fellow Texans, to protect the rights that are not given by government, but are given by You, Father, among them life, liberty, and the pursuit of happiness. And as we deliberate today, would You not only give us wisdom, but give us the courage that comes from love to do what is good in Your sight. It's in the name of Jesus that I pray. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, October 4, 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 10 Guerra

In memory of former state representative Roberto Gutierrez of McAllen.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

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

SB 10 by Hughes

Relating to increasing the criminal penalty for committing certain offenses relating to elections.

To Committee on State Affairs.

**SENATE RULE 2.02 SUSPENDED
(Restrictions on Admission)
(Motion In Writing)**

Senator Hall offered the following Motion In Writing:

Mr. President:

I move suspension of the Senate's admission rules to grant floor privileges to a staff member from each Senator's office during the deliberations on C.S.S.B. 4 and S.B. 7.

HALL

The Motion In Writing was read and prevailed without objection.

**SENATE RULE 7.12(a) SUSPENDED
(Printing of Bills)
(Motion In Writing)**

Senator Huffman offered the following Motion In Writing:

Mr. President,

Pursuant to Senate Rule 7.12(a), the Printing Rule, I move that the Senate order C.S.S.B. 4 and S.B. 7 not printed.

HUFFMAN

The Motion In Writing was read and prevailed without objection.

AT EASE

The President at 1:41 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 3:51 p.m. called the Senate to order as In Legislative Session.

(Senator Birdwell in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 4 ON SECOND READING**

The President laid before the Senate **CSSB 4** by Senator Huffman at this time on its second reading:

CSSB 4, Relating to the composition of districts for the election of members of the Texas Senate.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

PLAN NUMBER: PLANS2149

DISTRICTS AMENDED: 9, 10, 19, 22, 24, and 25

REGIONS AFFECTED: METROPLEX, CENTRAL TEXAS, and TEXAS-MEXICO BORDER

Amend **CSSB 4** (PLANS2130) by striking Districts 9, 10, 19, 22, 24, and 25 as established by PLANS2130 and substituting Districts 9, 10, 19, 22, 24, and 25 as established by PLANS2149.

The amendment to **CSSB 4** was read.

(President in Chair)

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

Floor Amendment No. 2

PLAN NUMBER: PLANS2132

DISTRICTS AMENDED: 9, 10, 12, 22, 23, and 30

REGIONS AFFECTED: METROPLEX, NORTH TEXAS, and CENTRAL TEXAS

Amend Floor Amendment No. 1 by Huffman (PLANS2149) to **CSSB 4** (PLANS2130) as follows:

(1) Strike District 9, 10, and 22 as established by PLANS2149 and substitute District 9, 10, and 22 as established by PLANS2132.

(2) Strike Districts 12, 23, and 30 as established by PLANS2130 and substitute Districts 12, 23, and 30 as established by PLANS2132.

The amendment to Floor Amendment No. 1 to **CSSB 4** was read and failed of adoption by the following vote: Yeas 14, Nays 17.

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

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

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

Floor Amendment No. 3

PLAN NUMBER: PLANS2134

DISTRICTS AMENDED: 9, 10, 12, 22, and 30

REGIONS AFFECTED: METROPLEX, NORTH TEXAS, and CENTRAL TEXAS

Amend Floor Amendment No. 1 by Huffman (PLANS2149) to **CSSB 4** (PLANS2130) as follows:

(1) Strike Districts 9, 10, and 22 as established by PLANS2149 and substitute District 9, 10, and 22 as established by PLANS2134.

(2) Strike Districts 12 and 30 as established by PLANS2130 and substitute Districts 12 and 30 as established by PLANS2134.

The amendment to Floor Amendment No. 1 to **CSSB 4** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

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

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 4**, the amendment 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, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Present-not voting: Hinojosa.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 4

PLAN NUMBER: PLANS2137

DISTRICTS AMENDED: 4, 7, and 18

REGION AFFECTED: SOUTHEAST TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 4, 7, and 18 as established by PLANS2130 and substituting Districts 4, 7, and 18 as established by PLANS2137.

The amendment to **CSSB 4** was read.

Senator Creighton withdrew Floor Amendment No. 4.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

PLAN NUMBER: PLANS2139

DISTRICTS AMENDED: 14, 19, 21, and 29

REGIONS AFFECTED: SOUTH, CENTRAL, and WEST TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 14, 19, 21, and 29 as established by PLANS2130 and substituting Districts 14, 19, 21, and 29 as established by PLANS2139.

The amendment to **CSSB 4** was read.

Senator Zaffirini offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

PLAN NUMBER: PLANS2164

DISTRICTS AMENDED: 19, 24, and 25

REGIONS AFFECTED: CENTRAL AND SOUTHWEST TEXAS

Amend Amendment No. 5 by Zaffirini (PLANS2139) to **CSSB 4** (PLANS2130) as follows:

(1) Strike District 19 as established by PLANS2139 and substitute District 19 as established by PLANS2164.

(2) Strike Districts 24 and 25 as established by PLANS2130 and substitute Districts 24 and 25 as established by PLANS2164.

The amendment to Floor Amendment No. 5 to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Question recurring on the adoption of Floor Amendment No. 5 to **CSSB 4**, 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. 5 as amended.

The President announced that Floor Amendment No. 7 by Senator Huffman and Floor Amendment No. 8 by Senator Seliger were submitted after the filing deadline. He then asked if there was objection to the consideration of these amendments.

There was no objection.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 7

PLAN NUMBER: PLANS2167
DISTRICTS AMENDED: 20 and 27
REGIONS AFFECTED: SOUTH TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 20 and 27 as established by PLANS2130 and substituting Districts 20 and 27 as established by PLANS2167.

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

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7 except as follows:

Nays: Eckhardt, Gutierrez.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 8

PLAN NUMBER: PLANS2135
DISTRICTS AMENDED: 28 and 31
REGIONS AFFECTED: PANHANDLE AND NORTH WEST TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 28 and 31 as established by PLANS2130 and substituting Districts 28 and 31 as established by PLANS2135.

The amendment to **CSSB 4** was read.

Senator Seliger withdrew Floor Amendment No. 8.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 9

PLAN NUMBER: PLANS2129

DISTRICTS AMENDED: ALL – COMPLETE SUBSTITUTE

REGIONS AFFECTED: ALL – COMPLETE SUBSTITUTE

Amend **CSSB 4** (PLANS2130) by striking each district as established by PLANS2130 and substituting each district as established by PLANS2129.

GUTIERREZ
ECKHARDT

The amendment to **CSSB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 19, Present-not voting 2.

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

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

Present-not voting: Hinojosa, Johnson.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 10

PLAN NUMBER: PLANS2142

DISTRICTS AMENDED: ALL – COMPLETE SUBSTITUTE

REGIONS AFFECTED: ALL – COMPLETE SUBSTITUTE

Amend **CSSB 4** (PLANS2130) by striking each district as established by PLANS2130 and substituting each district as established by PLANS2142.

The amendment to **CSSB 4** was read and failed of adoption by the following vote: Yeas 9, Nays 20, Present-not voting 2.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Lucio, Menéndez, Powell, Whitmire.

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

Present-not voting: Johnson, Miles.

CSSB 4 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

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

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

SENATE BILL 7 ON SECOND READING

The President laid before the Senate **SB 7** by Senator Huffman at this time on its second reading:

SB 7, Relating to the composition of districts for the election of members of the State Board of Education.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

PLAN NUMBER: PLANE2105

DISTRICTS AMENDED: 5 and 10

REGIONS AFFECTED: CENTRAL TEXAS

Amend **SB 7** (PLANE2103) by striking Districts 5 and 10 as established by PLANE2103 and substituting Districts 5 and 10 as established by PLANE2105.

The amendment to **SB 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 except as follows:

Present-not voting: Johnson.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 2

PLAN NUMBER: PLANE2104

DISTRICTS AMENDED: ALL – COMPLETE SUBSTITUTE

REGIONS AFFECTED: ALL – COMPLETE SUBSTITUTE

Amend **SB 7** (PLANE2103) by striking each district as established by PLANE2103 and substituting each district as established by PLANE2104.

The amendment to **SB 7** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

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

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

SB 7 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

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

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

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Bettencourt, Senator Hughes will be shown as Co-author of **SB 1**.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Perry, Senator Hughes will be shown as Co-author of **SB 3**.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Hall, Senator Springer will be shown as Co-author of **SB 11**.

CO-AUTHOR OF SENATE BILL 20

On motion of Senator Hall, Senator Springer will be shown as Co-author of **SB 20**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Hall, Senators Eckhardt and Johnson will be shown as Co-authors of **SCR 1**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 3

On motion of Senator Nichols, Senators Birdwell and Blanco will be shown as Co-authors of **SCR 3**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

HCR 10 (Hinojosa), In memory of former state representative Roberto Gutierrez of McAllen.

Congratulatory Resolutions

SR 47 by West, Recognizing Tom Hart on the occasion of his retirement.

SR 48 by Campbell, Recognizing the Guadalupe Valley Young Marines for their commitment to reducing drug usage and trafficking.

SR 49 by Zaffirini, Creighton, Eckhardt, Huffman, Perry, and Springer, Recognizing David W. Slayton for his service to the Office of Court Administration.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:13 p.m. adjourned until 7:14 p.m. today.

APPENDIX

COMMITTEE REPORTS

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

October 4, 2021

REDISTRICTING — **CSSB 6**

TRANSPORTATION — **SCR 3**

BILLS ENGROSSED

October 4, 2021

SB 4, SB 7

RESOLUTIONS ENROLLED

October 4, 2021

SR 47, SR 48, SR 49

