

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTH DAY

(Continued)

(Friday, October 8, 2021)

AFTER RECESS

The Senate met at 10:30 a.m. and was called to order by the President.

Senator Hancock offered the invocation as follows:

Gracious heavenly Father, we come to You in awe of who You are, of Your sovereignty. It's that sovereignty that gives us a hope and a trust of Your faithfulness, Your unchanging ways that we cling to, that we are so thankful for. God, we pray as we begin this day that You would be honored in it, in each and every thing that we do, that You would provide wisdom. Fill us with Your grace and Your mercy. And I thank You for each of the individuals here, for those that have dedicated so much of their time and energy and efforts, for their families back home that have sacrificed while spent time here. And, God, we just pray that all we do during our life, during our stay here until we transition to You, that You would be honored and glorified in it. In Your name I pray. Amen.

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. 6.

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. 6 not printed.

HUFFMAN

The Motion In Writing was read and prevailed without objection.

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

The President laid before the Senate **CSSB 6** by Senator Huffman at this time on its second reading:

CSSB 6, Relating to the composition of the districts for the election of members of the United States House of Representatives from the State of Texas.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

PLAN NUMBER: PLANC2119

DISTRICTS AMENDED: 6 and 17

REGIONS AFFECTED: METROPLEX AND EAST CENTRAL TEXAS

Amend **CSSB 6** (PLANC2116) by striking Districts 6 and 17 as established by PLANC2116 and substituting Districts 6 and 17 as established by PLANC2119.

The amendment to **CSSB 6** was read and was adopted by the following vote: Yeas 18, Nays 13.

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, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 2

PLAN NUMBER: PLANC2122

DISTRICTS AMENDED: 1, 4, and 5

REGIONS AFFECTED: NORTHEAST TEXAS and METROPLEX

Amend **CSSB 6** (PLANC2116) by striking Districts 1, 4, and 5 as established by PLANC2116 and substituting Districts 1, 4, and 5 as established by PLANC2122.

The amendment to **CSSB 6** was read and was adopted by the following vote: Yeas 18, Nays 13.

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, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 3

PLAN NUMBER: PLANC2110

DISTRICTS AMENDED: 16 and 23

REGIONS AFFECTED: WEST TEXAS

Amend **CSSB 6** (PLANC2116) by striking Districts 16 and 23 as established by PLANC2116 and substituting Districts 16 and 23 as established by PLANC2110.

The amendment to **CSSB 6** 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.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

PLAN NUMBER: PLANC2127

DISTRICTS AMENDED: 20 and 23

REGIONS AFFECTED: WEST TEXAS and TEXAS-MEXICO BORDER REGION

Amend **CSSB 6** (PLANC2116) by striking Districts 20 and 23 as established by PLANC2116 and substituting Districts 20 and 23 as established by PLANC2127.

The amendment to **CSSB 6** 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.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 5

PLAN NUMBER: PLANC2124

DISTRICTS AMENDED: 10, 16, 21, 23, 28, and 35

REGIONS AFFECTED: TEXAS-MEXICO BORDER REGION, WEST TEXAS, CENTRAL TEXAS, EAST TEXAS

Amend **CSSB 6** (PLANC2116) by striking Districts 10, 16, 21, 23, 28, and 35 as established by PLANC2116 and substituting Districts 10, 16, 21, 23, 28, and 35 as established by PLANC2124.

GUTIERREZ
MENÉNDEZ

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

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

Floor Amendment No. 6

PLAN NUMBER: PLANC2132

DISTRICTS AMENDED: 20 and 23

REGIONS AFFECTED: TEXAS-MEXICO BORDER REGION, WEST TEXAS, and CENTRAL TEXAS

Amend Floor Amendment No. 5 by Gutierrez (PLANC2124) to **CSSB 6** (PLANC2116) as follows:

(1) Strike District 23 as established by PLANC2124 and substitute District 23 as established by PLANC2132.

(2) Strike District 20 as established by PLANC2116 and substitute District 20 as established by PLANC2132.

The amendment to Floor Amendment No. 5 to **CSSB 6** 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. 5 to **CSSB 6**, the amendment failed of adoption by the following vote: Yeas 10, Nays 20, Present-not voting 1.

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

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

Present-not voting: Miles.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 7

PLAN NUMBER: PLANC2126

DISTRICTS AMENDED: 15, 27, and 34

REGIONS AFFECTED: SOUTH TEXAS and CENTRAL TEXAS

Amend **CSSB 6** (PLANC2116) by striking Districts 15, 27, and 34 as established by PLANC2116 and substituting Districts 15, 27, and 34 as established by PLANC2126.

The amendment to **CSSB 6** 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.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 8

PLAN NUMBER: PLANC2123

DISTRICTS AMENDED: 9, 18, and 29

COUNTIES AFFECTED: HARRIS, BRAZORIA, and FORT BEND

Amend **CSSB 6** (PLANC2116) by striking Districts 9, 18, and 29 as established by PLANC2116 and substituting Districts 9, 18, and 29 as established by PLANC2123.

The amendment to **CSSB 6** 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.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 9

PLAN NUMBER: PLANC2128

DISTRICTS AMENDED: 9, 18, and 29

COUNTIES AFFECTED: HARRIS, BRAZORIA, and FORT BEND

Amend **CSSB 6** (PLANC2116) by striking Districts 9, 18, and 29 as established by PLANC2116 and substituting Districts 9, 18, and 29 as established by PLANC2128.

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

Senator Huffman withdrew Floor Amendment No. 9.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 10

PLAN NUMBER: PLANC2129

DISTRICTS AMENDED: ALL

REGIONS AFFECTED: STATEWIDE FLOOR SUBSTITUTE

Amend **CSSB 6** by substituting PLANC2129 for PLANC2116.

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

Senator Gutierrez offered the following amendment to Floor Amendment No. 10:

Floor Amendment No. 11

PLAN NUMBER: PLANC2133

DISTRICTS AMENDED: 21, 28, 30, 32, and 38

REGIONS AFFECTED: THE METROPLEX, CENTRAL TEXAS, and SOUTH TEXAS

Amend Floor Amendment No. 10 by Gutierrez (PLANC2129) to **CSSB 6** (PLANC2116) by striking Districts 21, 28, 30, 32, and 38 as established by PLANC2129 and substituting Districts 21, 28, 30, 32, and 38 as established by PLANC2133.

The amendment to Floor Amendment No. 10 to **CSSB 6** 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. 10 to **CSSB 6**, the amendment failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

The President announced that Floor Amendment No. 12 by Senator Miles was submitted after the filing deadline. He then asked if there was objection to the consideration of this amendment.

There was no objection.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 12

PLAN NUMBER: PLANC2131

DISTRICTS AMENDED: ALL

REGIONS AFFECTED: STATEWIDE FLOOR SUBSTITUTE

Amend **CSSB 6** by substituting PLANC2131 for PLANC2116.

The amendment to **CSSB 6** 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.

CSSB 6 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

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, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 8 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business and Senate Rule 7.12(a) were suspended to take up for consideration **CSSB 8** at this time on its second reading:

CSSB 8, Relating to making appropriations of certain federal coronavirus relief money.

The bill was read second time.

(Senator Perry in Chair)

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 8** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in the appropriations for compensation for the Department of Public Safety (page 3, line 6), strike "\$806,836,021" and substitute "\$796,836,021".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: INTEGRATED AND INTEROPERABLE DATA SYSTEM. (a) The amount of \$10,000,000 is appropriated to the Department of Family and Protective Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of providing funding for maintenance and upgrades to the department data system during the state fiscal biennium beginning September 1, 2021.

(b) The department shall prioritize the expenditure of money appropriated under subsection (a) of this section to further the goal of making the data system integrated and interoperable, in collaboration with retained external experts, stakeholders, and legislative committees with appropriate jurisdiction.

(c) The department shall submit to the Legislative Budget Board a plan for improvements to the data system for which money is appropriated by Subsection (a) of this section before disbursement of the money, except for money for the retention of external experts and related administrative costs.

The amendment to **CSSB 8** was read.

Senator Menéndez withdrew Floor Amendment No. 1.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 8** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in the appropriations for compensation for the Department of Public Safety (page 3, line 6), strike "\$806,836,021" and substitute "\$786,836,021".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: KINSHIP CAREGIVERS. (a) The amount of \$20,000,000 is appropriated to the Department of Family and Protective Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of providing funding for a kinship caregiver pool during the state fiscal biennium beginning September 1, 2021.

(b) In allocating the money appropriated by Subsection (a) of this section, the department shall prioritize kinship caregivers serving high needs children requiring specialized services, and kinship caregivers who could be trained to provide treatment foster care level services for children in the caregiver's care and other children.

The amendment to **CSSB 8** was read.

Senator Menéndez withdrew Floor Amendment No. 2.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 8** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in the appropriations for compensation for the Department of Public Safety (page 3, line 6), strike "\$806,836,021" and substitute "\$710,736,021".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: BONUS PAY FOR FRONT LINE CHILD-SERVING STAFF. The amount of \$96,100,000 is appropriated to the Department of Family and Protective Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the state fiscal biennium beginning September 1, 2021, for the purpose of providing funding for bonus pay for front line child-serving staff in the child welfare system as authorized by other law.

The amendment to **CSSB 8** was read.

On motion of Senator Nelson, Floor Amendment No. 3 was tabled by the following vote: Yeas 19, Nays 12.

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, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 8** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, in the appropriations for compensation for the Department of Public Safety (page 3, line 6), strike "\$806,836,021" and substitute "\$771,736,021".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: PURCHASED CLIENT SERVICES. The amount of \$35,100,000 is appropriated to the Department of Family and Protective Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the state fiscal biennium beginning September 1, 2021, for the purpose of providing funding for purchased client services, to be allocated as follows:

- (1) \$5,900,000 for adopted purchased services;
- (2) \$11,600,000 for substance abuse purchased services; and
- (3) \$17,600,000 for other purchased child protective services.

The amendment to **CSSB 8** was read.

Senator Menéndez withdrew Floor Amendment No. 4.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 8** by adding the following appropriately numbered section:

SECTION _____. REPORT ON FEDERAL FUNDS BY THE LEGISLATIVE BUDGET BOARD. (a) The Legislative Budget Board, in consultation with the Comptroller of Public Accounts, shall provide, in a publicly available database on the Legislative Budget Board's website:

(1) an informational listing of all federal funding received pursuant to the coronavirus disease public health emergency by any political subdivision of the state of Texas. The data shall be disaggregated by political subdivision to the greatest extent possible.

(2) a detailed informational listing of all federal funding received pursuant to the coronavirus disease public health emergency by any state agency or institution of higher education of the state of Texas. The data shall be disaggregated by individual agency or institution to the greatest extent possible and contain:

(a) the amount of funding received by each state agency or institution of higher education;

(b) the federal legislation, and state legislation, if applicable, that appropriated the funding;

(c) whether the funding was received directly from an appropriation from the federal government, or passed through another state agency;

(d) the amount of funding expended by the state agency or institution of higher education to date;

(e) the purpose(s) for which the state agency or institution of higher education has expended funds;

(f) all allowable uses of the funds for which the state agency or institution of higher education may expend the funds;

(g) the amount of funds remaining unspent over which the state agency or institution of higher education retains appropriation authority;

(h) the time frame during which the funds were expended by the state agency or institution of higher education, including any remaining time with which the state agency or institution of higher education may expend the funds if funds remain;

(i) the amount of and plans for any additional funding expected to be received in the next fiscal year; and

(j) any additional information requested by a member of the Senate Finance Committee or House Committee on Appropriations.

(b) The data shall be updated at least quarterly beginning on December 1, 2021 and updated on the first day of each fiscal quarter thereafter.

The amendment to **CSSB 8** was read.

Senator Johnson withdrew Floor Amendment No. 5.

CSSB 8 was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 8 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 8** 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.

CO-AUTHORS OF SENATE BILL 8

On motion of Senator Nelson, Senators Hinojosa and Zaffirini will be shown as Co-authors of **SB 8**.

CO-AUTHORS OF SENATE BILL 9

On motion of Senator Hughes, Senators Buckingham, Creighton, Hall, Huffman, Kolkhorst, and Schwertner will be shown as Co-authors of **SB 9**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 57 by Hughes, In memory of Kay Saxon Moseley.

Official Designation Resolution

SR 56 by Buckingham, Recognizing November 14 to 20, 2021, as Thyroid Eye Disease Awareness Week.

ADJOURNMENT

On motion of Senator Zaffirini, the Senate at 2:27 p.m. adjourned until 2:28 p.m. today.

APPENDIX

COMMITTEE REPORT

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

October 8, 2021

FINANCE — **CSSB 8**

BILLS ENGROSSED

October 8, 2021

SB 6, SB 8

RESOLUTIONS ENROLLED

October 8, 2021

SR 56, SR 57

