

# **SENATE JOURNAL**

**EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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## **SECOND DAY**

(Tuesday, January 26, 2021)

The Senate met at 3:00 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, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Johnson.

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

Senator Whitmire offered the invocation as follows:

Our dear heavenly Father, we thank You for allowing us to safely gather here today. I will not ask You for all the things I would like because I don't know if I have that much prayer, political capital built up with You. But I do ask You to protect our first responders, our military, our President, our Governor, our Lieutenant Governor, and even Senator Hughes. I also ask a special blessing over Patsy Spaw and Karina Davis because they are special among special people. Now, heavenly Father, be with us as we go forward and help us understand how really blessed we are in so many ways and to remember those less fortunate than us. In Jesus' name, I pray.

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.

## **LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Johnson was granted leave of absence for today on account of important business.

## **SENATE BILL ON FIRST READING**

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

**SB 1** by Nelson  
General Appropriations Bill.  
To Committee on Finance.

### **SENATE CONCURRENT RESOLUTION 5**

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 87th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Tuesday, January 26, 2021, and ending on Tuesday, February 9, 2021.

WHITMIRE

**SCR 5** was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Johnson.

### **APPRECIATION EXTENDED**

Senator Menéndez, joined by Senators Kolkhorst, Lucio, Perry, and West, were recognized and extended appreciation to the President for his letter to the Expert Vaccine Allocation Panel regarding vaccinations for Texans.

### **BIRTHDAY GREETINGS EXTENDED**

Senator Zaffirini was recognized and, on behalf of the Senate, extended birthday greetings to Senator Lucio.

### **STANDING AND SPECIAL COMMITTEES APPOINTED**

The President submitted the following committee appointments for the 87th Legislature:

#### **ADMINISTRATION**

Schwertner, Chair; Johnson, Vice-chair; Alvarado, Buckingham, Huffman, Menéndez, Springer.

#### **BUSINESS & COMMERCE**

Hancock, Chair; Nichols, Vice-chair; Campbell, Creighton, Johnson, Menéndez, Paxton, Schwertner, Whitmire.

#### **CRIMINAL JUSTICE**

Whitmire, Chair; Huffman, Vice-chair; Bettencourt, Birdwell, Hinojosa, Miles, Nichols.

#### **EDUCATION**

Taylor, Chair; Lucio, Vice-chair; Bettencourt, Hall, Hughes, Menéndez, Paxton, Perry, Powell, Schwertner, West.

**FINANCE**

Nelson, Chair; Lucio, Vice-chair; Bettencourt, Buckingham, Campbell, Creighton, Hancock, Huffman, Kolkhorst, Nichols, Perry, Schwertner, Taylor, West, Whitmire.

**HEALTH & HUMAN SERVICES**

Kolkhorst, Chair; Perry, Vice-chair; Blanco, Buckingham, Campbell, Hall, Miles, Powell, Seliger.

**HIGHER EDUCATION**

Creighton, Chair; West, Vice-chair; Birdwell, Blanco, Miles, Paxton, Springer, Taylor, Zaffirini.

**JURISPRUDENCE**

Huffman, Chair; Hinojosa, Vice-chair; Creighton, Hughes, Johnson.

**LOCAL GOVERNMENT**

Bettencourt, Chair; Menéndez, Vice-chair; Eckhardt, Gutierrez, Hall, Nichols, Paxton, Springer, Zaffirini.

**NATURAL RESOURCES & ECONOMIC DEVELOPMENT**

Birdwell, Chair; Zaffirini, Vice-chair; Alvarado, Hancock, Hinojosa, Hughes, Lucio, Seliger, Springer.

**NOMINATIONS**

Buckingham, Chair; Paxton, Vice-chair; Alvarado, Eckhardt, Gutierrez, Hughes, Miles, Seliger, Springer.

**STATE AFFAIRS**

Hughes, Chair; Birdwell, Vice-chair; Campbell, Hall, Lucio, Nelson, Powell, Schwertner, Zaffirini.

**TRANSPORTATION**

Nichols, Chair; Seliger, Vice-chair; Alvarado, Blanco, Hancock, Hinojosa, Kolkhorst, Perry, West.

**VETERAN AFFAIRS & BORDER SECURITY**

Campbell, Chair; Hall, Vice-chair; Blanco, Eckhardt, Gutierrez, Seliger, Taylor.

**WATER, AGRICULTURE & RURAL AFFAIRS**

Perry, Chair; Springer, Vice-chair; Creighton, Eckhardt, Gutierrez, Johnson, Kolkhorst, Powell, Taylor.

**SELECT COMMITTEE ON PORTS**

Creighton, Chair; Alvarado, Hinojosa, Kolkhorst, Lucio, Nelson, Taylor.

**SPECIAL COMMITTEE ON REDISTRICTING**

Huffman, Chair; Hinojosa, Vice-chair; Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Hancock, Hughes, Johnson, Lucio, Menéndez, Nichols, Paxton, Perry, West, Whitmire.

**CO-AUTHOR OF SENATE BILL 39**

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 39**.

**CO-AUTHOR OF SENATE BILL 175**

On motion of Senator Miles, Senator Hinojosa will be shown as Co-author of **SB 175**.

**CO-AUTHOR OF SENATE BILL 265**

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 265**.

**CO-AUTHOR OF SENATE BILL 268**

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 268**.

**CO-AUTHOR OF SENATE BILL 269**

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 269**.

**CO-AUTHOR OF SENATE BILL 298**

On motion of Senator Hancock, Senator Buckingham will be shown as Co-author of **SB 298**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 3**

On motion of Senator Paxton, Senator Menéndez will be shown as Co-author of **SCR 3**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 6** by Perry, In memory of Gregorio M. Gutierrez.

**SR 7** by Seliger, In memory of Sage Aiden Pistocco.

**SR 11** by West, In memory of Mary Lou Bunkley Kirven.

**SR 12** by Lucio, In memory of Jacquelyn Ann Wofford Wetegrove.

**SR 13** by Eckhardt, In memory of Duke Matthews Covert.

**SR 14** by Schwertner, In memory of Edward K. Norfleet Jr.

**Congratulatory Resolutions**

**SR 8** by Kolkhorst, Recognizing DeWitt County on the occasion of its 175th anniversary.

**SR 9** by Kolkhorst, Recognizing Antonio and Tamera Felder for their assistance in helping to save a life after a car accident.

**SR 10** by Kolkhorst, Recognizing Amber Abel and Jordan Farmer for their actions in helping to save a life after a car accident.

**SR 15** by Schwertner, Commending Benjamin Havens for achieving the rank of Eagle Scout.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:42 p.m. agreed to adjourn, pending the receipt of messages and the completion of administrative duties, until 3:00 p.m. Tuesday, February 9, 2021.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was filed with the Secretary of the Senate:

STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH TEXAS LEGISLATURE, REGULAR SESSION:

I, GREG ABBOTT, Governor of the State of Texas, pursuant to Article IV, Section 9, of the Texas Constitution, do hereby submit the following message to the Senate and House of Representatives of the 87th Legislature, now convened:

Information concerning the condition of the state (text attached).

Respectfully submitted,  
/s/Greg Abbott  
Governor

Austin, Texas  
February 9, 2021

Good evening. To members of the Texas Legislature who are joining us virtually and my fellow Texans, as we gather tonight, I can tell you that the state of our state is brimming with promise. That promise is seen in places like where I am tonight—Lockhart, Texas—home of great barbecue and the location of Visionary Fiber Technologies. The folks at Visionary Fiber use cutting-edge technology to provide innovative products that are transforming our future. They exemplify the tenacity of Texans. Going to work to earn a living. Going to work to make a difference. Persevering during challenges. Prospering because of the entrepreneurial spirit unique to Texas.

Looking back, it's clear that 2020 was a year unlike any in our lifetime—not just for Texas and America, but for the entire world. I've seen first-hand the personal hardships and the pain that we have all endured. Our hearts are with those who suffered from COVID. And we mourn for every single Texan who lost their lives to the virus. We pray that their families will heal from the hurt of losing a loved one. We also pray for all the Texans who are still recovering from COVID. And we are grateful that this week more than two million Texans have recovered from COVID. To say the pandemic is a challenge is an understatement, but to say that it has been a reversal of who we are as Texans is a misstatement. Texas remains the economic engine of America. The land of unmatched opportunity. Our comeback is already

materializing. Texas has added new jobs for eight months in a row. In December alone, Texas added more than 64,000 new jobs. Texans are returning to work. Students are returning to school. Families are re-establishing routines. With each passing day of more vaccinations and increased immunity, normalcy is returning to Texas.

But it has not been easy. In times of adversity, there will always be heroes who rise above the challenges we face. Our communities are filled with heroes. Heroes who summoned the strength and perseverance to fight. Not just for themselves or their families, but for their neighbors their communities and even complete strangers. Think of our nurses and doctors, the food servers and hospital janitors. Think of the truck drivers, grocery clerks, small business owners, and so many Texans who labor on the frontlines. Think of our farmers and the ranchers who provide the food that is so desperately needed.

Think of Texans like Eliana Gill, a nurse at Ascension Seton Medical Center in Austin. She volunteered to be on the frontline in the hospital's COVID unit. Eliana is like so many healthcare workers across the state who did not hesitate to answer the call. There are Texans like Amruth Nandish and Saathwik Saladi, two high school students who launched Telementors. It's a virtual mentorship and tutoring program for children of frontline workers. And there is Navy Veteran Rodesia Scott. Get this, she opened a brick and mortar beauty supply store in the middle of the pandemic. It's named Lynn's Beauty Depot in DeSoto. She became a lifeline to other entrepreneurs when she launched small business Saturdays allowing other businesses to use her store to sell their products. These Texans typify what we have witnessed across our state. From East Texas to El Paso from the Panhandle to Brownsville, Texans have shown grit, resilience, and compassion throughout the entire pandemic.

Hard-working Texans are at the forefront of our agenda this legislative session as we build a healthier, safer, freer, and more prosperous state. We've already seen what Texas can achieve when we create an environment that promotes freedom and empowers the people to succeed. Get this, Texas has been ranked the number one state for business for 16 straight years. For the past eight years, we led the nation in economic development. And we have led America in exports for 18 straight years. The Texas model inspires entrepreneurs and innovators and attracts job creators from across the country. Think about this, in the past year Fortune 500 companies like Hewlett Packard Enterprise, Oracle, and Charles Schwab all relocated their headquarters to Texas. We are proud that these businesses now call Texas home. And transformational leaders like Tesla picked Texas for their next generation of innovation. It's not just large cities that benefit. For example, in Amarillo they are seeing the most economic development activity in the last 30 years. The same can be said for communities across the state. Most importantly though, the cornerstone of our economic success is the small businesses in every community across Texas. Nine out of ten businesses in Texas are small and they employ nearly half of all working Texans.

Because of their prowess, this time last year Texas was number one in America for the most new jobs. With their effort, this year Texas will once again lead the nation in job creation.

Success like this has been fostered by the Texas legislature and by leaders like my dear friends Lt. Gov. Patrick and Speaker Phelan. Other states like California and New York use heavy-handed government tactics that drive away businesses. The Texas Legislature on the other hand has built a framework that helps small businesses thrive.

But as Senator Taylor and Representative Huberty know, to stay on top and to sustain this growth, we must continue to invest in our future. And that is exactly what we did last session when we passed sweeping reforms to our school finance system and made major investments in our students and our teachers. We are already seeing the results of that work with teachers across Texas earning meaningful pay raises. I'm proud to say that last year, teachers who had worked up to five years received an average raise of \$3,800. Teachers with more than five years of experience saw their pay increase by an average of \$5,200. We are also closing the digital divide for Texas students. The state partnered with school districts to provide internet connectivity and eLearning devices for schools and students. Investments like these are a victory for teachers, students, and parents as we provide our children with a quality education regardless of their zip code.

This session we must continue to fund education as we promised. Also, if we expect the next generation of Texans to keep Texas the best state in the nation, we must teach them why we are so exceptional. We must educate them what it means to be an American and what it means to be a Texan. We must bolster civics education in our classrooms and ensure that every child learns the values of freedom, good governance, and patriotism.

This session must also be used to ensure a healthier Texas. The most pressing health priority is to help Texans recover from the pandemic. As we continue to combat the pandemic we do so with better tools more knowledge plus medical improvements that are helping us move beyond this challenge. And for that I want to thank Chief Nim Kidd and Dr. John Hellerstedt. With their guidance, we set up medical centers where Texans can get the new anti-body therapeutic medicine. This medicine helps them heal quicker, and it keeps them out of hospitals. To defeat this pandemic we are accelerating the vaccine process. Texas was the first state to vaccinate more than 1,000,000 residents. Just two weeks later, we exceeded 2,000,000 vaccinations. That number will increase even faster in the coming weeks as additional vaccines are approved. We will continue expanding vaccinations across Texas until every Texan who wants one will be able to get one.

If we are going to fully address COVID related health issues, we must also focus on the mental health challenges that Texans are facing. During the pandemic, we created a 24/7 mental health support line, provided crisis counseling, and established virtual access for behavioral services. They

were funded by the almost \$8 billion that the Legislature devoted to mental health last session. I will work with the Legislature this session to ensure that Texas continues to address these challenges.

One healthcare tool that proved very helpful during the pandemic was the use of telemedicine. It's convenient for both the patient and the doctor. We should seize the opportunity this session to permanently expand telemedicine so that every Texan in every region of the state can benefit.

From medicine to education to business, broadband access is not a luxury—it is an essential tool that must be available for all Texans. That's why I am making the expansion of broadband access an emergency item this session.

Looking beyond just COVID, there is more we can do this session to ensure that Texans have better access to healthcare. That includes ensuring that Texans with pre-existing conditions have access to healthcare coverage without being forced into the Affordable Care Act.

A healthier Texas goes hand in hand with a safer Texas. Texas has always been a law-and-order state. We're going to stay that way. We will not let Texas cities follow the lead of cities like Portland, Seattle, and Minneapolis by defunding the police. That's crazy. We will support our law enforcement officers, not demonize and defund them. Defunding law enforcement invites crime and chaos into communities. It risks the lives and livelihoods of innocent people. To keep Texans safe, and to discourage cities from going down this dangerous path, we must pass laws that prevent cities from defunding police. This issue is so urgent, I am making it an emergency item this session.

Public safety is also at risk because of a broken bail system that recklessly allows dangerous criminals back onto the streets. Too many Texans like Damon Allen have been murdered because of our broken bail system. Damon Allen was a State Trooper who was gunned down during a traffic stop. His killer was out on a \$15,000 bond despite having previously been convicted of assaulting a sheriff's deputy, and having been arrested on charges of evading arrest and aggravated assault on a public servant. He shot and killed Trooper Damon Allen in the line of duty. Damon Allen's wife Kasey was robbed of her husband. Their children robbed of their father. To fix our flawed bail system and keep dangerous criminals off our streets, I am making the Damon Allen Act an emergency item this session.

We also cannot ignore the need to improve policing. It helps our law enforcement officers do a better job. It makes our communities safer. This session, we must provide law enforcement with the tools and training they need to ensure the safety that their communities deserve.

Public safety also extends to our border. Because of the federal government's open border policies, Texas must fortify its efforts to secure our border. We already have planes in the air, boots on the ground, boats on the water, and cruisers on the roads. We must expand our efforts to crack down on human trafficking and drug smuggling in Texas.

We also have a duty this session to keep Texas the freedom capital of America. Whether you're a newcomer to our state or your family has been here for generations, we all unite around the ideals of freedom and personal liberty. But freedom is fragile. If left undefended, we risk losing our freedoms one by one. Freedom of Religion is enshrined in the First Amendment. And yet, some government officials across the country shut down churches during the pandemic. Even in Texas, some local officials tried closing churches. That is wrong. We must ensure that freedom to worship is forever safeguarded. I want a law this session that prevents any government entity from shutting down religious activities in Texas.

Let's face it, it's not just First Amendment freedoms that have been threatened. Second Amendment rights are also under attack. Politicians from the federal level to the local level have shouted: "Heck yes, the government is coming to get your guns." We won't let that happen in Texas. Last session, I signed ten laws to protect gun rights in Texas. This session we need to erect a complete barrier against any government office anywhere from treading on gun rights in Texas. Texas must be a Second Amendment Sanctuary State.

Life, liberty, and the pursuit of happiness. Those are guaranteed rights on which our founders established our country. The sentence in the Declaration of Independence that lists those three rights is followed by this: "To secure these rights Governments are instituted among men deriving their just powers to the consent of the governed." Precisely what the governed consent to should never be in doubt. That is why the integrity of our elections is so essential to our democracy. One thing all of us should agree on whether you're a Republican, Democrat, or Independent, is that we must have trust and confidence in the outcome of our elections. That why Election Integrity will be an emergency item this session.

The most precious freedom of all is life itself. Our creator endowed us with the right to life. And yet, millions of children lose their lives every year before they are even born. Estimates show more than 40 million babies lost their lives to abortion in 2020. That's shocking. It's horrifying. It must end. I have signed eleven laws that protect innocent lives, but more must be done. This session, we need a law that ensures that the life of every child will be spared from the ravages of abortion. We should also make explicit what should be obvious: no unborn child should be targeted for abortion on the basis on race, sex, or disability.

Next, another important milestone is helping the millions of businesses and workers who have been impacted by the pandemic. To say the least, we must balance the state budget without increasing taxes. I want to thank Senators Nelson and Hinojosa, as well as Representatives Capriglione and Longoria for their financial stewardship this last year to put Texas in a position to achieve those goals.

But there's far more to do to help business owners and their employees. They have gone above and beyond throughout the pandemic to open and to operate safely. And yet, those same businesses now face the crosshairs of

lawsuits. Texas businesses that have operated in good faith shouldn't have their livelihoods destroyed by frivolous lawsuits. I am asking the Legislature to quickly get a bill to my desk that provides civil liability protections for individuals, businesses, and healthcare providers that operated safely during the pandemic. This will be an emergency item this session.

We must also ensure that in the event another pandemic ever strikes again, families and businesses will never again face the financial consequences they experienced in 2020. I will continue working with the Legislature to find ways to navigate a pandemic while also allowing businesses to remain open. We must find solutions that allow all Texans to enjoy the unique prosperity that comes with being a Texan.

The pandemic has revealed what makes Texas great, as well as ways that we can make it even better. Texas prides itself on low regulations. But our response to the crisis revealed more regulations can be cut. For example, we suspended a number of regulations to help Texans navigate challenging times. That included measures like helping restaurants by allowing them to sell alcohol-to-go. And allowing Texans easier access to doctors through the use of telemedicine. Some of those ideas are worth keeping. That is why I am asking the Legislature make permanent some of the regulatory relief that I authorized. This will cut red tape and unleash the full might of the Texas economy.

Speaking of the Texas economy, it has grown so big that if Texas was its own country we would have the ninth largest economy the entire world. There's no brand more powerful than Made in Texas. I want the hard-working Texans who built this brand to know you have a Governor who has your back. Products with the Texas brand must be made by Texans. We must protect Texas jobs for Texas families. Employers should be hiring Texans when they fill job openings. If job training skills are needed, Texans will work to provide them.

We've already supported training programs that have achieved remarkable success. I met Stacia Brightmon from the Houston area. Just a few years ago, she was homeless. That changed after she went through the job training program at S&B Engineers and Constructors and began to work her way up the ranks. In just a few years, she went from being homeless to becoming a homeowner. And when she told me how much she is making, I let her know that she is now earning more than the Governor of Texas.

Opportunity is what Texas is all about. No doubt, we faced hard times this past year. But as Texans, we never shy away from challenges. Instead we can embrace them. We adapt and overcome and grow stronger as a result. This session, the Legislature can continue that legacy. We can help Texans across our state exit this chapter even stronger. We can help them achieve the boundless opportunities that exist only in Texas. Just as Texans have united and put their differences aside to support one another through the

pandemic, we in the capitol must also come together to work on their behalf. We must seize this opportunity to make our state healthier, safer, freer, and more prosperous for all who call Texas home.

The First Lady Cecilia Abbott joins me in saying thank you to our fellow Texans. We pray that God blesses you, and that God forever blesses the great state of Texas.

(Note: Prepared text)

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, February 9, 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:**

**SCR 5** Whitmire Sponsor: Hunter  
Granting the legislature permission to adjourn for more than three days during the period beginning on Tuesday, January 26, 2021, and ending on Tuesday, February 9, 2021.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 9:10 a.m. Tuesday, February 9, 2021, adjourned until 3:00 p.m. today.

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### **APPENDIX**

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### **SENT TO SECRETARY OF STATE**

January 14, 2021

**SCR 2**

### **RESOLUTIONS ENROLLED**

January 26, 2021

**SR 6, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, SR 13, SR 14, SR 15**

