

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SEVENTH DAY

(Tuesday, March 2, 2021)

The Senate met at 3:28 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 Paxton offered the invocation as follows:

God of Abraham, judge of all the Earth, the ruler of the nations, You are mighty, are powerful, and You alone are our salvation. We come with nothing of our own to bow today before Your throne and ask that You would give us guidance, wisdom, Your wisdom, Your courage, and Your unity that we might serve those for whom You died. It is in the name of Jesus, who saved us, who keeps us saved, and who is coming again, that we pray. 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

Tuesday, March 2, 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 49**

Metcalfe

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 3, 2021, and ending on Tuesday, March 9, 2021.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and 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 III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matters for immediate consideration to the Senate and House of Representatives of the 87th Legislature, now convened:

Legislation reforming the structure of the Electric Reliability Council of Texas (ERCOT) to safeguard the Texas electric grid against future blackouts during extreme temperatures.

Legislation requiring, and providing a method of funding for, increased winterization of the Texas electric grid.

Legislation relating to expanding broadband initiatives or lowering barriers to expediting broadband deployment.

Legislation reforming the bail system in Texas by mandating consideration of a uniform risk assessment tool and peace-officer safety when setting bail, and by increasing the qualifications of magistrates setting bail in the most serious offenses.

Legislation defunding or otherwise penalizing political subdivisions that defund their police.

Legislation strengthening the integrity of elections in Texas.

Legislation relating to civil liability protections for health care providers, businesses, and individuals that have operated safely during the COVID-19 pandemic.

Respectfully submitted,

/s/Greg Abbott  
Governor

Austin, Texas  
February 24, 2021

### **SENATE RESOLUTION 100**

Senator Perry offered the following resolution:

**SR 100**, Recognizing the Lubbock Area United Way on the occasion of the organization's 75th anniversary.

The resolution was read and was adopted without objection.

### **SENATE RESOLUTION 61**

Senator Buckingham offered the following resolution:

**SR 61**, Recognizing Steve Ellis on the occasion of his retirement.

The resolution was read and was adopted without objection.

### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 41**.

### **MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

February 24, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Farm and Ranch Lands Conservation Council for terms to expire February 1, 2027:

Leslie L.W. Kinsel  
Cotulla, Texas

Natalie Cobb Koehler  
Clifton, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott  
Governor

February 25, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Executive Council of Physical Therapy and Occupational Therapy Examiners for a term to expire February 1, 2023:

Manoranjan "Mano" Mahadeva  
Plano, Texas

*(Mr. Mahadeva is being reappointed)*

Respectfully submitted,

/s/Greg Abbott  
Governor

February 25, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Preservation Board for a term to expire February 1, 2023:

Alethea Swann Bugg  
San Antonio, Texas

*(Ms. Bugg is being reappointed)*

Respectfully submitted,

/s/Greg Abbott  
Governor

February 25, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Texas State Board of Plumbing Examiners for a term to expire September 5, 2025:

David A. "Dave" Yelovich  
Friendswood, Texas

*(replacing Calvin G. "Chip" Dence, Jr. of Victoria who resigned)*

Respectfully submitted,

/s/Greg Abbott  
Governor

March 2, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be the Independent Ombudsman for the Texas Juvenile Justice Department for a term to expire February 1, 2023:

Jeffery D. "JD" Robertson  
Wimberley, Texas  
*(Major Robertson is being reappointed)*

Respectfully submitted,

/s/Greg Abbott  
Governor

March 2, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board for Educator Certification for terms to expire as indicated:

To Expire February 1, 2023:  
Robert "Bob" Brescia, Ed.D.  
Odessa, Texas  
*(replacing Jose M. Rodriguez of Cedar Park who resigned)*

To Expire February 1, 2027:  
Kyrsten M. Arbuckle  
Austin, Texas  
*(replacing Sandra A. "Sandie" Mullins Moger of Houston whose term expired)*

Rohanna Brooks-Sykes  
Spring, Texas  
*(Ms. Brooks-Sykes is being reappointed)*

Melissa A. Isaacs  
Jewett, Texas  
*(replacing Laurie J. Turner, Ed.D. of Corpus Christi whose term expired)*

Respectfully submitted,

/s/Greg Abbott  
Governor

March 2, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Pardons and Paroles for terms to expire February 1, 2027:

David G. Gutierrez  
Salado, Texas  
*(Chairman Gutierrez is being reappointed)*

Linda G. Molina  
San Antonio, Texas  
*(replacing Lionel F. "Fred" Solis of San Antonio whose term expired)*

Edward R. "Ed" Robertson  
Pflugerville, Texas  
*(Mr. Robertson is being reappointed)*

Respectfully submitted,

/s/Greg Abbott  
Governor

#### **SENATE RESOLUTION 101**

Senator Kolkhorst offered the following resolution:

**SR 101**, Commemorating Texas Independence Day 2021.

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 Kolkhorst, the resolution was adopted without objection.

#### **SENATE RESOLUTION 104**

Senator Springer offered the following resolution:

**SR 104**, In memory of Larry L. Fowler.

On motion of Senator Springer, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Larry L. Fowler, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **HOUSE CONCURRENT RESOLUTION 49**

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 Wednesday, March 3, 2021, and ending on Tuesday, March 9, 2021.

WHITMIRE

**HCR 49** was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.13 SUSPENDED  
(Consideration of Bills in Committees)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

**REMARKS ORDERED PRINTED**

On motion of Senator Schwertner and by unanimous consent, the remarks by Senator Johnson regarding Richard James McGowan were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President and Members. Memorial resolution today for Richard James McGowan, born in August 1934 in the City of Philadelphia, the cradle of American liberty, who as a young man left the American mainland in pursuit of a non-American adventure. He went to Turkey where on a bus he met a nice girl from Denison, Texas. With his new wife, Mary, the girl from the bus in Turkey, they went to Lakenheath Air Force Base where they became high school teachers for the children of those most American of Americans, the members of our United States military. While on Lakenheath Air Force Base in England, Richard and Mary raised two wonderful children, Anne, my wife, and her brother and my brother-in-law Richard, also Richard. And they had six children between them, Jimmy, Maggie, and Tom by also Richard and Sophie, Theo, and Finn by me. And Richard, Richard James McGowan loved and guided them all. He also encouraged his grandchildren to do dangerous things, which they shouldn't do, which they always did. Upon retiring from teaching, he returned to the mainland with Mary and his beloved dog, Monk, and settled in Texas where he repatriated and became a proud and valuable Texan. He became a Master Gardener and led the transformation of the Eisenhower birthplace from a patch of weeds into a beautiful place of natural history. He liberally shared his sense of humor, even when it wasn't so welcome, and was loved by all. Richard James McGowan died last Thursday at the age of 86. And now that you know a little bit about his background, I wanted to share a few anecdotes that I think Richard would like you all to hear. The first is that about a year before he came to Texas, he declared to everybody, there are three things I will never do when I get to Texas. I will not drive a truck, I will not wear a cap, and I will not drink cheap American beer. Shortly after they got here, the family and I went up to visit and we parked my car behind

his truck, and I walked out back where he was tending to his roses wearing a Phillies cap and drinking a cheap American beer, which I shall not name. Within one year, he broke his vows, but he was by then a true Texan. Old age is the other thing I wanted to talk about because he used to love to talk to his children. Richard was kind of a frequent critic of modernity, and he really loathed the insistence we have today of classifying everything. Everybody dies of something. And he says, when I was a kid people used to die of old age. And so, last week when all his vital organs pretty much stopped working about the same time, he was sort of vindicated because he died of old age. And when he died, one of his wishes that his body be donated to science. And he used to amuse himself with it and his morbid sense of humor wasn't always as amusing to the rest of us, but he liked it and we all thought that his liver, in particular, would be an interesting subject of study at medical school. Well, he did donate his body to science, and now he was proud to tell us that he is the first in his family to go to medical school. He's there now. He is and will be dearly missed by all in his family, and may spirit and life continue to guide and inspire all those who he touched in his life. Thank you all.

### **SENATE BILL 881 WITHDRAWN**

The following letter was received by the Secretary of the Senate:

THE SENATE OF TEXAS

Lois W. Kolkhorst

State Senator

District 18

March 1, 2021

Patsy Spaw  
Secretary of the Senate  
Capitol Building  
Room 2E.22  
Austin, TX 78711

Dear Secretary Spaw,

After consulting with the Calendar Clerk, please accept this letter as my official request to withdraw the filing of SB 881. There was a mistake made during filing. This important legislation will be filed again with the support of my Senate colleagues.

If you have questions or need to speak with me personally, please know that I am available to speak with you at your convenience.

Thank you for your attention to this matter.

Sincerely,

/s/Lois W. Kolkhorst



**CO-AUTHORS OF SENATE BILL 5**

On motion of Senator Nichols, Senators Bettencourt, Blanco, Campbell, Hall, Hinojosa, Huffman, Lucio, Nelson, Seliger, Springer, and Zaffirini will be shown as Co-authors of **SB 5**.

**CO-AUTHORS OF SENATE BILL 15**

On motion of Senator Nichols, Senators Bettencourt, Campbell, Hinojosa, Huffman, Seliger, Springer, and Zaffirini will be shown as Co-authors of **SB 15**.

**CO-AUTHOR OF SENATE BILL 64**

On motion of Senator Nelson, Senator Johnson will be shown as Co-author of **SB 64**.

**CO-AUTHOR OF SENATE BILL 91**

On motion of Senator Menéndez, Senator Johnson will be shown as Co-author of **SB 91**.

**CO-AUTHOR OF SENATE BILL 153**

On motion of Senator Perry, Senator Nelson will be shown as Co-author of **SB 153**.

**CO-AUTHOR OF SENATE BILL 197**

On motion of Senator Nelson, Senator Kolkhorst will be shown as Co-author of **SB 197**.

**CO-AUTHOR OF SENATE BILL 224**

On motion of Senator Perry, Senator Menéndez will be shown as Co-author of **SB 224**.

**CO-AUTHOR OF SENATE BILL 228**

On motion of Senator Blanco, Senator Johnson will be shown as Co-author of **SB 228**.

**CO-AUTHOR OF SENATE BILL 253**

On motion of Senator Menéndez, Senator Johnson will be shown as Co-author of **SB 253**.

**CO-AUTHOR OF SENATE BILL 298**

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

**CO-AUTHOR OF SENATE BILL 301**

On motion of Senator Hinojosa, Senator Johnson will be shown as Co-author of **SB 301**.

**CO-AUTHOR OF SENATE BILL 321**

On motion of Senator Huffman, Senator Springer will be shown as Co-author of **SB 321**.

**CO-AUTHOR OF SENATE BILL 372**

On motion of Senator Hancock, Senator West will be shown as Co-author of **SB 372**.

**CO-AUTHOR OF SENATE BILL 412**

On motion of Senator Buckingham, Senator Hinojosa will be shown as Co-author of **SB 412**.

**CO-AUTHOR OF SENATE BILL 431**

On motion of Senator Hinojosa, Senator Buckingham will be shown as Co-author of **SB 431**.

**CO-AUTHOR OF SENATE BILL 441**

On motion of Senator Hughes, Senator Springer will be shown as Co-author of **SB 441**.

**CO-AUTHOR OF SENATE BILL 488**

On motion of Senator Perry, Senator Lucio will be shown as Co-author of **SB 488**.

**CO-AUTHOR OF SENATE BILL 528**

On motion of Senator Hughes, Senator Powell will be shown as Co-author of **SB 528**.

**CO-AUTHOR OF SENATE BILL 540**

On motion of Senator Springer, Senator Kolkhorst will be shown as Co-author of **SB 540**.

**CO-AUTHOR OF SENATE BILL 743**

On motion of Senator Springer, Senator Zaffirini will be shown as Co-author of **SB 743**.

**CO-AUTHOR OF SENATE BILL 761**

On motion of Senator Seliger, Senator Zaffirini will be shown as Co-author of **SB 761**.

**CO-AUTHOR OF SENATE BILL 802**

On motion of Senator Paxton, Senator Schwertner will be shown as Co-author of **SB 802**.

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

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

**CO-AUTHOR OF SENATE JOINT RESOLUTION 22**

On motion of Senator Huffman, Senator Springer will be shown as Co-author of **SJR 22**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 102** by Hughes, In memory of Ben Walter LeTourneau.

**Congratulatory Resolutions**

**SR 93** by Perry, Recognizing the ABC Pro Rodeo BBQ Cook-off.

**SR 94** by Eckhardt, Recognizing John Burke on the occasion of his retirement.

**SR 95** by Eckhardt, Recognizing the Alpha Kappa Sigma Chapter of Sigma Gamma Rho Sorority, Incorporated, on the occasion of its 75th anniversary.

**SR 96** by Lucio, Recognizing Beatrice Gonzalez-Morrow on the occasion of her 100th birthday.

**SR 97** by Lucio, Recognizing Donna Eymard on the occasion of her retirement.

**SR 98** by Lucio, Recognizing Texas Visiting Nurse Service on the occasion of its 40th anniversary.

**SR 99** by Creighton and Nichols, Recognizing the Montgomery County Coalition of Chambers for their contributions to businesses.

**SR 103** by Hughes, Recognizing Bill and Georgia Wallis on the occasion of their 70th wedding anniversary.

**SR 105** by Eckhardt, Congratulating Liz and Gabe Conville on the birth of their son, Walker Arlo Conville.

**SR 106** by Eckhardt, Recognizing Glenda Gean Wilkerson on the occasion of her retirement.

**SR 107** by Campbell, Recognizing Randy Moczygamba on the occasion of his retirement.

**SR 108** by Campbell, Recognizing Frank Follis on the occasion of his retirement.

**SR 109** by Birdwell, Recognizing the Covington Volunteer Fire Department BBQ Cook-off.

**SR 110** by Birdwell, Recognizing Bikers Against Child Abuse, Incorporated.

**RECESS AND MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:14 p.m. agreed to recess until 3:00 p.m. tomorrow for the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, in memory of Richard James McGowan and Larry L. Fowler, upon completion of the introduction of bills and resolutions on first reading, until 3:00 p.m. Tuesday, March 9, 2021.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**March 2, 2021**SR 61, SR 93, SR 94, SR 95, SR 96, SR 97, SR 98, SR 99, SR 100, SR 101,  
SR 102, SR 103, SR 104, SR 105, SR 106, SR 107, SR 108, SR 109, SR 110**

**In Memory**  
**of**  
**Larry L. Fowler**  
**Senate Resolution 104**

WHEREAS, The Senate of the State of Texas joins the citizens of Parker County in mourning the loss of Sheriff Larry L. Fowler, who died February 27, 2021, at the age of 82; and

WHEREAS, Larry Fowler was a beloved citizen of Parker County and an exemplary law enforcement officer who was highly respected and admired for his commitment to justice and his dedication to serving his community; and

WHEREAS, A native of Weatherford, he was born on June 5, 1938; he served the nation with distinction in the United States Navy aboard the USS *Intrepid*, where he worked on jet aircraft for four years; and

WHEREAS, In 1963, he entered the field of law enforcement, and over the course of his distinguished career, he served in a number of agencies, including the Tarrant County Sheriff's Office, the Weatherford Police Department, the United States Marshals Service, and the Parker County District Attorney's Office; in 2004, he was elected Parker County sheriff, and he served the citizens of Parker County in this position until the time of his passing; and

WHEREAS, Throughout his career, Sheriff Fowler was a mentor to countless law enforcement officers, and he handled the unique challenges and responsibilities of law enforcement duty with courage and integrity; in recognition of his exceptional service, the Sheriff Larry Fowler Enforcement Center in Weatherford is named in his honor; and

WHEREAS, Sheriff Fowler was also a community leader who devoted much of his time and energy volunteering with numerous local charities and organizations, and he received multiple awards and honors for his service; he and his beloved wife, Gail Fowler, enjoyed more than 30 years of marriage together, and he cherished his children, who were a source of much pride and joy for him; and

WHEREAS, Sheriff Fowler was noted for his strength of character, and his words and actions consistently reflected his high personal standards; his outstanding service to his community, his commitment to excellence, and his generous spirit set a lasting example for others to follow; he was a devoted husband and father, and he leaves behind memories that will be treasured forever by his family and his many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby extend sincere condolences to the bereaved family of Sheriff Larry L. Fowler; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Larry Fowler.

SPRINGER