

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ELEVENTH DAY

(Wednesday, March 17, 2021)

The Senate met at 1:49 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, Nelson, Nichols, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Miles, Paxton.

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

Senator Powell offered the invocation as follows:

It's God's amazing grace that brings us together on this day and in this hallowed place. Through God's amazing grace, we are privileged to be here together to protect all Texans, educate our precious children and youth, and to care for the most vulnerable among us. We pray today that just as Your amazing grace blesses our daily lives that we will be blessed in this gathering. We pray especially that each one of us will be filled with unity, with hope, and with wisdom. Lord, as we pray for unity, we ask that You create in every heart today a deep respect for one another, one that brings us to consensus as we seek to do the important work of our beloved state. And, Lord, instill hope in our hearts and renew our faith so that we can work together with shared purpose to create a better future for our citizens. Lord, we pray for wisdom that our words and our actions be guided today by wisdom as we work to protect the most vulnerable, to ensure equal opportunity, and rise to the challenges of such a complex time. I pray these things today according to my faith in Jesus' name while respecting and honoring all faiths. 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.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

On motion of Senator Whitmire, Senator Paxton was granted leave of absence for today on account of illness.

MESSAGES FROM THE GOVERNOR

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

March 17, 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 Correctional Managed Health Care Committee for terms to expire February 1, 2025:

John W. Burruss, M.D.

Dallas, Texas

(Dr. Burruss is being reappointed)

Diego De la Mora, M.D.

Horizon City, Texas

(replacing Frank P. "Parker" Hudson, III, M.D. of Austin whose term expired)

Robert D. "Bobby" Greenberg, M.D.

Belton, Texas

(Dr. Greenberg is being reappointed)

Respectfully submitted,

/s/Greg Abbott

Governor

March 17, 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 Motor Vehicle Crime Prevention Authority for terms to expire February 1, 2027:

Julio C. Gonzalez

Dallas, Texas

(replacing Thomas J. "Tommy" Hansen, Jr. of Hitchcock whose term expired)

Gilberto Salinas
Brownsville, Texas
(replacing Armin R. Mizani of Keller whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

March 17, 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 Guadalupe-Blanco River Authority Board of Directors for terms to expire February 1, 2027:

Sheila L. Old
Seguin, Texas
(replacing Ronald J. "Ron" Hermes of Seguin whose term expired)

Dennis L. Patillo
Victoria, Texas
(Mr. Patillo is being reappointed)

Andra M. Wisian
Boerne, Texas
(replacing Thomas O. "Tommy" Mathews, II of Boerne whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Buckingham.

Senator Buckingham moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Miles, Paxton.

Administrator, Texas Bullion Depository: Macy Douglas, Travis County.

Public Counsel, Office of Injured Employee Counsel: Jessica Corna Barta, Travis County.

Members, Real Estate Research Advisory Committee: Douglas Brian Foster, Caldwell County; Vicki Lynn Fullerton, Montgomery County; Warren Douglas Jennings, Tarrant County; Elizabeth Robison Martin, Kendall County; Walter Frederick Nelson, Montgomery County; Rebecca W. Vajdak, Bell County.

Members, Statewide Health Coordinating Council: Kimberly Nicole Haynes, Travis County; Doris Jean Jackson, Fort Bend County; Cheryl Denise Turner Sparks, Howard County; Bharath Thankavel, Dallas County.

Commissioner, Texas Animal Health Commission: Thomas Eugene Oates, Walker County.

Members, Texas Appraiser Licensing and Certification Board: Ray Bolton, Travis County; Rolando Flores Castro, Harris County; Paola Escalante-Castillo, Hidalgo County; Martha Gayle Reid Lynch, El Paso County; Sara Jones Oates, Travis County; Stephanie Robinson, Collin County; Lisa Huber Sprinkle, El Paso County.

Members, Texas Board of Professional Engineers and Land Surveyors: Coleen Marie Johnson, Travis County; Marguerite McClinton Stoglin, Tarrant County; Sina Kouchekali Nejad, Jefferson County.

Members, Texas Crime Stoppers Council: Lauren Hart Day, Travis County; Gregory F. New, Ellis County; Stephanie Louise Vanskike, Hardin County.

Members, State Board of Trustees, Texas Emergency Services Retirement System: Nathan Douglas, Harris County; Matthew Ray Glaves, Brazoria County; Jerry Romero, El Paso County.

Members, Board of Directors, Texas Health Services Authority: Paula Ellen Anthony-McMann, Smith County; Victoria Ai Linh Bryant, Harris County; Shannon Kay Sowder Calhoun, Goliad County; Lourdes Matiana Cuellar, Harris County; Salil Vijay Deshpande, Harris County; Emily Ann Francis Hartmann, El Paso County; Jonathan James Sandstrom Hill, Travis County; Kenneth Scott James, Travis County; Jerome P. Lisk, Smith County; Leticia C. Rodriguez, Ward County; Siobhan Anna Garcia Shahan, Lubbock County; Carlos James Vital, Harris County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Joe Louis Canales, Travis County; Joseph Wayne Costa, Dallas County; Roberto Gerardo De Leon, Nueces County; Senaida Galvan, Bexar County; William Ogden Geise, Travis County; Sockalingam Kannappan, Harris County; Christopher Scott Nowak, Harris County; George Spencer, Travis County.

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.

CONCLUSION OF MORNING CALL

The President at 1:56 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 25 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 25** at this time on its second reading:

CSSB 25, Relating to the right of certain residents to designate an essential caregiver for in-person visitation.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Miles, Paxton.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 25** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature to ensure that residents of long-term care facilities and other residences have a guaranteed right to visitation by family members, friends, caregivers, and other individuals. The legislature expects facilities and program providers to ensure that the guaranteed visitation rights are available to residents every day of each year, consistent with existing resident rights. The legislature intends for facilities and program providers to temporarily limit a resident's guaranteed visitation rights to in-person visitation by essential caregivers only during a declared public health emergency.

The amendment to **CSSB 25** 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:

Absent-excused: Miles, Paxton.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 25** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

The amendment to **CSSB 25** 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 except as follows:

Absent-excused: Miles, Paxton.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 25** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 260B.0002(c), Health and Safety Code (page 2, line 25), immediately following the underlined period, insert the following:

If a facility or program provider revokes an individual's designation as an essential caregiver under this subsection, the resident, resident's guardian, or resident's legally authorized representative has the right to immediately designate another individual as the resident's essential caregiver.

(2) In SECTION 2 of the bill, in added Section 555.202(c), Health and Safety Code (page 3, line 5), immediately following the underlined period, insert the following:

If a state supported living center revokes an individual's designation as an essential caregiver under this subsection, the resident or resident's guardian has the right to immediately designate another individual as the resident's essential caregiver.

The amendment to **CSSB 25** 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. 3 except as follows:

Absent-excused: Miles, Paxton.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 25** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 260B.0002(e), Health and Safety Code (page 2, line 30), between "may" and "suspend", insert "petition the commission to".

(2) In SECTION 1 of the bill, in added Section 260B.0002(e), Health and Safety Code (page 2, line 32), between "risk." and "A", insert the following:

The commission may deny the facility's or program provider's request to suspend in-person essential caregiver visitation if the commission determines that in-person visitation does not pose a serious community health risk.

(3) In SECTION 1 of the bill, in added Section 260B.0002(e), Health and Safety Code (page 2, line 34), between "in-person" and "visitation", insert "essential caregiver".

(4) In SECTION 2 of the bill, in added Section 555.202(e), Health and Safety Code (page 3, line 9), between "may" and "suspend", insert "petition the commission to".

(5) In SECTION 2 of the bill, in added Section 555.202(e), Health and Safety Code (page 3, line 11), between "risk." and "A", insert the following:

The commission may deny the state supported living center's request to suspend in-person essential caregiver visitation if the commission determines that in-person visitation does not pose a serious community health risk.

(6) In SECTION 2 of the bill, in added Section 555.202(e), Health and Safety Code (page 3, line 13) between "in-person" and "visitation", insert "essential caregiver".

The amendment to **CSSB 25** 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. 4 except as follows:

Absent-excused: Miles, Paxton.

CSSB 25 as amended was passed to engrossment by the following vote: Yeas 29, Nays 0.

Absent-excused: Miles, Paxton.

COMMITTEE SUBSTITUTE SENATE BILL 25 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 25** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Miles, Paxton.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 19 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 19** at this time on its second reading:

CSSJR 19, Proposing a constitutional amendment establishing a right for certain residents receiving care in residential settings to designate an essential caregiver for in-person visitation.

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:

Absent-excused: Miles, Paxton.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 19 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 19** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Miles, Paxton.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 29 REREFERRED
(Motion In Writing)

Senator Perry submitted a Motion In Writing requesting that **SB 29** be withdrawn from the Committee on Education and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

CO-AUTHORS OF SENATE BILL 25

On motion of Senator Kolkhorst, Senators Alvarado, Taylor, and West will be shown as Co-authors of **SB 25**.

CO-AUTHOR OF SENATE BILL 230

On motion of Senator Seliger, Senator Blanco will be shown as Co-author of **SB 230**.

CO-AUTHORS OF SENATE BILL 780

On motion of Senator Hinojosa, Senators Blanco and Gutierrez will be shown as Co-authors of **SB 780**.

CO-AUTHOR OF SENATE BILL 956

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 956**.

CO-AUTHOR OF SENATE BILL 1101

On motion of Senator Creighton, Senator Blanco will be shown as Co-author of **SB 1101**.

CO-AUTHOR OF SENATE BILL 1276

On motion of Senator Taylor, Senator Johnson will be shown as Co-author of **SB 1276**.

CO-AUTHOR OF SENATE BILL 1362

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 1362**.

CO-AUTHOR OF SENATE BILL 1378

On motion of Senator Gutierrez, Senator Blanco will be shown as Co-author of **SB 1378**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 19

On motion of Senator Kolkhorst, Senators Bettencourt, Creighton, Taylor, and West will be shown as Co-authors of **SJR 19**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 145 by Zaffirini, Recognizing Alec Martinez, Silvia Castanos, and the volunteers of Red Wing United for their relief efforts during the COVID-19 pandemic.

SR 146 by Hinojosa, Recognizing Robert Ezekiel Schmidt for achieving the rank of Eagle Scout.

SR 147 by Hinojosa, Recognizing John Robert Hatherill for his contributions to the Natural Sciences Department at Del Mar College.

SR 148 by Kolkhorst, Recognizing Carter Houston McVean, Senior Royalty King of the 131st Brenham Maifest.

SR 149 by Kolkhorst, Recognizing Clara Ashley Hamilton, Senior Royalty Queen of the 131st Brenham Maifest.

SR 150 by Kolkhorst, Recognizing John Paul Kenjura, Junior Royalty King of the 131st Brenham Maifest.

SR 151 by Kolkhorst, Recognizing Dinah Grace Sue Neil, Junior Royalty Queen of the 131st Brenham Maifest.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:58 p.m. agreed to recess, pending the receipt of messages and committee reports, until 4:00 p.m. tomorrow.

RECESS

Pursuant to a previously adopted motion, the Senate at 3:59 p.m. Thursday, March 18, 2021, recessed until 4:00 p.m. today.

APPENDIX

COMMITTEE REPORTS

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

March 17, 2021

STATE AFFAIRS — **SB 45, CSSB 157, SB 155, SB 798, SB 156, SB 198, SB 270, CSSJR 27, CSSB 26, SB 247, SB 231, SB 30**

BILL AND RESOLUTION ENGROSSED

March 17, 2021

SB 25, SJR 19

RESOLUTIONS ENROLLEDMarch 17, 2021**SR 145, SR 146, SR 147, SR 148, SR 149, SR 150, SR 151**