

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTEENTH DAY

(Thursday, March 25, 2021)

The Senate met at 12:00 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, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Miles.

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

Senator Hall offered the invocation as follows:

God, we come to You today, thanking You for being who You are, for all You've given to us and done for us. And I want to begin by lifting up our colleague, Senator Borris Miles, that Your great physician's hands will be with him and all of the spouses, such as Senator Menéndez's, that are facing challenges that You will help with Your healing hand that only You can deliver. And I thank You, God, for the delivery of Louisa Hall to her parents, Brandon and Alena, safe and healthy. I thank You so much, God. And we pray for the protection of our troops and our first responders who are out there standing in harm's way so we can be here today doing what we are doing and serving the people. And as we do it, we pray for Your wisdom to know what You would have us to do, for Your courage to stand against the evil that's out there working against us to do what You would have us do and the strength to carry through it. And we thank You for the honor of being able to live in the greatest state in the greatest country in the nation. And as we go forward, may our words and deeds be such that others would see You through us and You get all the credit. In Christ's name we do 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.

LEAVE OF ABSENCE

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, March 25, 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 68** Canales

Commending former Hidalgo County Judge Ramon Garcia for his service.

HCR 69 Craddick

In memory of Norbert Joseph Dickman of Midland.

HCR 70 Craddick

Congratulating Southwest Airlines on its 50th anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

March 25, 2021

Austin, Texas

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

On January 21, 2021, I submitted the name of Jodie L. Elder, Ph.D. for appointment to the Texas State Board of Examiners of Professional Counselors for a term to expire February 1, 2025.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott
Governor

**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.

SENATE RESOLUTION 192

Senator Huffman offered the following resolution:

SR 192, Recognizing Fight Crime: Invest in Kids on the occasion of its 25th anniversary.

The resolution was read and was adopted without objection.

CONCLUSION OF MORNING CALL

The President at 12:22 p.m. announced the conclusion of morning call.

SENATE BILL 2154 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2154** at this time on its second reading:

SB 2154, Relating to the membership of the Public Utility Commission of Texas.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2154** (senate committee printing), in SECTION 2 of the bill (page 1, lines 38 through 40), by striking added Subsection (a-1) of amended Section 12.053, Utilities Code, and substituting:

(a-1) At least two commissioners must be well informed and qualified in the field of public utilities and utility regulation.

The amendment to **SB 2154** 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.

SB 2154 as amended 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.

SENATE BILL 2154 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 827 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 827** at this time on its second reading:

CSSB 827, Relating to health benefit plan cost-sharing requirements for prescription insulin.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 827** (senate committee report) as follows:

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

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0721 to read as follows:

Sec. 531.0721. WRITTEN VERIFICATION REQUIRED FOR BRAND NAME INSULIN DRUG MANUFACTURER. (a) In this section, "manufacturer" has the meaning assigned by Section 531.070.

(b) The manufacturer of a brand name insulin prescription drug for which a generic prescription drug is not available and that is included in the vendor drug program formulary must submit to the commission a written verification stating whether or not the unavailability of the generic prescription drug is the result, wholly or partly, of:

(1) a scheme by the manufacturer to pay a generic prescription drug manufacturer to delay marketing the generic drug;

(2) a legal or business strategy to extend the life of a patent on the brand name prescription drug;

(3) the manufacturer directly manipulating a patent on the brand name prescription drug; or

(4) the manufacturer facilitating an action described by Subdivisions (1)-(3) on behalf of another entity.

(c) The executive commissioner shall adopt rules prescribing the form and manner for submission of the written verification required under Subsection (b).

(2) Strike SECTION 3 of the bill providing for the effective date of the bill (page 2, line 49) and substitute the following:

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b) Section 531.0721, Government Code, as added by this Act, takes effect September 1, 2022.

The amendment to **CSSB 827** was read.

Senator Perry withdrew Floor Amendment No. 1.

CSSB 827 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:

Nays: Birdwell, Hall, Nichols.

Absent-excused: Miles.

**COMMITTEE SUBSTITUTE
SENATE BILL 827 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 827** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Alvarado, Bettencourt, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Hall, Nichols.

Absent-excused: Miles.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, March 25, 2021 - 2

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:

HB 119 Landgraf

Relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

HB 682

Minjarez

Relating to notifying an alleged perpetrator of child abuse or neglect of the person's right to request an administrative review of the department's findings after an investigation by the Department of Family and Protective Services.

HB 867

Thompson, Senfronia

Relating to the issuance of a qualified domestic relations order for the payment of spousal maintenance and child support obligations.

HB 1024

Geren

Relating to the pickup and delivery of alcoholic beverages from certain premises for off-premises consumption.

HB 1070

Harris

Relating to the performance of pest control work by persons who hold a commercial or noncommercial applicator license issued by the Department of Agriculture.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE**SENATE JOINT RESOLUTION 27 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSJR 27** at this time on its second reading:

CSSJR 27, Proposing a constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Johnson.

Absent-excused: Miles.

COMMITTEE SUBSTITUTE**SENATE JOINT RESOLUTION 27 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Johnson.

Absent-excused: Miles.

**COMMITTEE SUBSTITUTE
SENATE BILL 26 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 26** at this time on its second reading:

CSSB 26, Relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 26** (senate committee report) as follows:

(1) In SECTION 3 of the bill, adding Section 110.0031, Civil Practice and Remedies Code (page 1, line 43), between "WORSHIP." and "A government", insert "(a)".

(2) In SECTION 3 of the bill, adding Section 110.0031, Civil Practice and Remedies Code (page 1, between lines 45-46), insert the following:

(b) The prohibition under Subsection (a) does not apply to a contract between a government agency or public official and a private entity related to a place of worship.

The amendment to **CSSB 26** was read.

On motion of Senator Paxton, Floor Amendment No. 1 was tabled by the following vote: Yeas 22, Nays 8.

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

Nays: Alvarado, Eckhardt, Gutierrez, Johnson, Menéndez, West, Whitmire, Zaffirini.

Absent-excused: Miles.

CSSB 26 was passed to engrossment by the following vote: Yeas 28, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Johnson.

Absent-excused: Miles.

**COMMITTEE SUBSTITUTE
SENATE BILL 26 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 26** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Eckhardt, Johnson.

Absent-excused: Miles.

SENATE BILL 705 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 705** at this time on its second reading:

SB 705, Relating to the continuation and functions of the Texas Animal Health Commission.

The bill 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.

SENATE BILL 705 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 705** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 284 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 284** at this time on its second reading:

SB 284, Relating to a study of out-of-state physicians who practiced in this state during the COVID-19 pandemic.

The bill 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.

SENATE BILL 284 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 284** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 672 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 672** at this time on its second reading:

CSSB 672, Relating to Medicaid coverage of certain collaborative care management services.

The bill 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.

COMMITTEE SUBSTITUTE SENATE BILL 672 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 672** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 626 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 626** at this time on its second reading:

SB 626, Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.

The bill 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.

SENATE BILL 626 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 626** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President Pro Tempore Birdwell in Chair)

SENATE BILL 270 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 270** at this time on its second reading:

SB 270, Relating to civil liability of a nursing facility resident's responsible payor for misappropriation of the resident's funds.

The bill 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.

SENATE BILL 270 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 270** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 45 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 45** at this time on its second reading:

SB 45, Relating to the prohibition against sexual harassment in the workplace.

The bill 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:

Nays: Springer.

Absent-excused: Miles.

SENATE BILL 45 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 45** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Springer.

Absent-excused: Miles.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)

Senator Schwertner submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills.

SCHWERTNER

The Motion In Writing was read and prevailed without objection.

(President in Chair)

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Local Government might meet today.

CO-AUTHOR OF SENATE BILL 15

On motion of Senator Nichols, Senator Gutierrez will be shown as Co-author of **SB 15**.

CO-AUTHORS OF SENATE BILL 26

On motion of Senator Paxton, Senators Lucio, Taylor, and West will be shown as Co-authors of **SB 26**.

CO-AUTHOR OF SENATE BILL 64

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

CO-AUTHOR OF SENATE BILL 90

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 90**.

CO-AUTHOR OF SENATE BILL 243

On motion of Senator Eckhardt, Senator Johnson will be shown as Co-author of **SB 243**.

CO-AUTHOR OF SENATE BILL 346

On motion of Senator Paxton, Senator West will be shown as Co-author of **SB 346**.

CO-AUTHOR OF SENATE BILL 607

On motion of Senator Alvarado, Senator Eckhardt will be shown as Co-author of **SB 607**.

CO-AUTHORS OF SENATE BILL 672

On motion of Senator Buckingham, Senators Menéndez and Zaffirini will be shown as Co-authors of **SB 672**.

CO-AUTHOR OF SENATE BILL 891

On motion of Senator Eckhardt, Senator Menéndez will be shown as Co-author of **SB 891**.

CO-AUTHOR OF SENATE BILL 915

On motion of Senator Hancock, Senator Eckhardt will be shown as Co-author of **SB 915**.

CO-AUTHOR OF SENATE BILL 1325

On motion of Senator Hinojosa, Senator Johnson will be shown as Co-author of **SB 1325**.

CO-AUTHOR OF SENATE BILL 2040

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 2040**.

CO-AUTHORS OF SENATE BILL 2154

On motion of Senator Schwertner, Senators Campbell, Creighton, Hall, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Paxton, and Zaffirini will be shown as Co-authors of **SB 2154**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 27

On motion of Senator Hancock, Senators Bettencourt, Birdwell, Creighton, Hall, Lucio, Nichols, Taylor, and West will be shown as Co-authors of **SJR 27**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 195 by Lucio, In memory of Miguel Villalon.

HCR 69 (Seliger), In memory of Norbert Joseph Dickman of Midland.

Congratulatory Resolution

SR 194 by West, Recognizing the Alpha Alpha Omicron Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:37 p.m. agreed to recess until 1:30 p.m. tomorrow for the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Monday, March 29, 2021.

APPENDIX

COMMITTEE REPORTS

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

March 25, 2021

WATER, AGRICULTURE AND RURAL AFFAIRS — **CSSB 601, CSSB 152**

TRANSPORTATION — **CSSB 374, CSSB 507, CSSB 941**

BILLS AND RESOLUTION ENGROSSED

March 25, 2021

SB 26, SB 45, SB 270, SB 284, SB 626, SB 672, SB 705, SB 827, SB 2154, SJR 27

RESOLUTIONS ENROLLED

March 25, 2021

SR 192, SR 194, SR 195