

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**NINETEENTH DAY**

(Wednesday, April 7, 2021)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Birdwell.

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, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Schwertner.

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

Senator Hinojosa offered the invocation as follows:

Heavenly Father, it is a blessing to be in this Chamber, not only as a public servant to the citizens of Texas but first and foremost as Your servant. As Members of this body, I pray that You continue to bless us with guidance, the patience, and the understanding as we debate matters that are important to our families and our state. Father, as we debate these matters with different viewpoints, I ask that You open all our hearts and minds to understand each other and that when we disagree, we do so with dignity and respect for each other and that we do, with the understanding that we represent a diverse community across our state. We also ask for Your blessings for all of those that work in our government every day, show up to work to make sure that we provide the services that our citizens need. And bless those families, we're going through all these different challenges, through a pandemic, a lot of families with broken hearts or they lost their loved ones. We ask You to comfort them on their sadness and loss. Comfort their weary hearts and help them with Your thoughts and prayers and pray for them to find peace in their loss of their loved ones. And stay on the high road with me, which is a reflection of scripture of *Jesus Calling*: Stay on the high road with me. Many voices clamor for your attention, trying to divert you to another path. But I have called you to walk ever so closely with Me, soaking in My Presence, living in My Peace. This is My unique design for you, planned before the world began. I have called each of My children to a different path, distinctly designed for that one. Do not let anyone convince

you that your path is the only right one. And be careful not to extol your path as superior to another's way. What I require of you is to act justly, to love mercy, and to walk humbly with Me, wherever I lead. 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 Schwertner was granted leave of absence for today on account of important business.

### MESSAGE FROM THE GOVERNOR

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

April 7, 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 Commission on Jail Standards for terms to expire January 31, 2027:

Raul P. "Pinky" Gonzales

Refugio, Texas

*(replacing Bryan D. Weatherford of Woodville whose term expired)*

Ross G. Reyes

Melissa, Texas

*(replacing Melinda E. Taylor of Austin whose term expired)*

Kelly S. Rowe

Lubbock, Texas

*(Sheriff Rowe is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

### SENATE RESOLUTION 129

Senator Hughes offered the following resolution:

WHEREAS, The observance of Texas Retired Teachers Week from April 5 through 9, 2021, provides a welcome opportunity to recognize the members of the Texas Retired Teachers Association for the vital contributions they have made to the state; and

WHEREAS, The Texas Retired Teachers Association represents retired public school and higher education employees; and

WHEREAS, The members of this notable group continually strive to improve their local communities throughout the state, and they have donated over 3.6 million hours of their time as volunteers, equivalent to a value of more than \$99 million; to promote literacy and lifelong learning, they have also provided over 1.25 million books to children through the Children's Book Project, including 101,537 last year alone; and

WHEREAS, Conscious of the effect their health has on the world around them, members of the association seek to preserve the TRS-Care benefits program by reducing doctor visits, exercising regularly, and eating healthy foods; and

WHEREAS, Retiree annuity payments from the Teacher Retirement System of Texas have exceeded \$11.6 billion and have directly created 194,544 jobs in the Lone Star State; and

WHEREAS, The Texas Retired Teachers Association and its nearly 100,000 members are working diligently to protect current and future public education retirees; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby recognize April 5 through 9, 2021, as Texas Retired Teachers Week; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the association as an expression of high regard by the Texas Senate.

**SR 129** was again read.

On motion of Senator Menéndez and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Thursday, March 11, 2021.

### **GUEST PRESENTED**

Senator Hughes, joined by Senators Kolkhorst, Hinojosa, Lucio, Paxton, Springer, Johnson, West, Zaffirini, Taylor, Campbell, Eckhardt, and Menéndez, was recognized and introduced to the Senate Tim Lee, Executive Director, Texas Retired Teachers Association.

The Senate welcomed its guest.

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Buckingham submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 437th Judicial District Court, Bexar County: Melisa C. Reetz Skinner, Bexar County.

Judge, 456th Judicial District Court, Guadalupe County: Heather Hines Wright, Guadalupe County.

Commissioner, Department of Family and Protective Services: Jaime Delynne Masters, Williamson County.

Justice, Court of Appeals, First Court of Appeals District: April Lynn Farris, Harris County.

District Attorney, 271st Judicial District: James McWilliams Stainton, Wise County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: Cassandra Jeanette Brown, Travis County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Weldon Gayle Riggs, Atascosa County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Manoranjan Mahadeva, Collin County.

Members, Board of Directors, Lavaca-Navidad River Authority: Callaway Vance Aimone, Jackson County; Lee Michael Kucera, Jackson County; Leonard A. Steffek, Jackson County; Jennifer Powell Storz, Jackson County; Charles David Taylor, Jackson County.

Members, Manufactured Housing Board: Jason Ray Denny, Travis County; Jose Benicio Gonzalez, Williamson County.

Members, Board of Directors, Motor Vehicle Crime Prevention Authority: Ashley Maurene Hunter, Gillespie County; Gilberto Salinas, Cameron County; Katherine Whitehill, Dallas County.

Member, Public Safety Commission: Nelda Luce Blair, Montgomery County.

Members, Board of Directors, Sabine River Authority of Texas: Jeffrey D. Jacobs, Kaufman County; Joshua Aaron McAdams, Shelby County; Clifford Ralph Todd, Panola County; Kevin Michael Williams, Orange County.

Member, Sabine River Compact Administration: Michael Harold Lewis, Newton County.

Member, School Land Board: Michael Austin Neill, Henderson County.

Members, State Board for Educator Certification: Robert Brescia, Ector County; Rohanna Brooks-Sykes, Harris County; Melissa Ann Isaacs, Leon County; Wanda H. Streepey, Dallas County.

Member, State Board of Veterinary Medical Examiners: Victoria Rose Whitehead, Lubbock County.

Member, State Preservation Board: Alethea Swann Bugg, Bexar County.

Members, Board of Directors, Sulphur River Basin Authority: Emily Elizabeth Glass, Hopkins County; Robert Hayter, Lamar County; Kirby Hollingsworth, Franklin County; Wallace Eugene Kraft, Lamar County.

Justice, Supreme Court of Texas: Rebeca Aizpuru Huddle, Harris County.

Members, Texas Commission on the Arts: Theresa Wenhwa Chang, Harris County; Patricia Peterson Nuss, Nueces County; Karen Elizabeth Snead Partee, Collin County.

Members, Texas Funeral Service Commission: Kevin Andrew Combest, Lubbock County; Melaine Hopper Grammar, Fannin County; Jonathan Frank Scepanski, Hidalgo County.

Members, Texas Medical Board: Devinder Singh Bhatia, Harris County; Tomeka Moses Herod, Collin County; Satish Nayak, Andrews County.

Member, Board of Regents, Texas State Technical College System: Keith Robert Honey, Gregg County.

Member, Texas Transportation Commission: Wylie New, Tom Green County.

Members, Board of Directors, Upper Colorado River Authority: Nancy Caroline Blackwell, Runnels County; Blake R. Braswell, Coke County; Erica Elizabeth Hall, Taylor County; Fred B. Hernandez, Tom Green County; Leslie Renne Lasater, Tom Green County; Mason Brooks Vaughan, Schleicher County.

Members, Board of Directors, Upper Neches River Municipal Water Authority: Joe Marion Crutcher, Anderson County; Jay Steven Herrington, Anderson County; Paul Bunn Morris, Anderson County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Buckingham gave notice that tomorrow she would submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

#### **SENATE RESOLUTION 220**

Senator Eckhardt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Reverend George V. Clark for his 51 years of loyal service as pastor of Mount Zion Baptist Church in Austin; and

WHEREAS, The Reverend George V. Clark was called to the leadership of Mount Zion Baptist Church in March of 1970; over the last 51 years, he has ministered to the temporal and spiritual needs of countless people; and

WHEREAS, Under his leadership, the church has continued to grow and to play a vital role in the life of the East Austin community; the congregation moved into a new building with seating for 1,200 worshippers, and the church provides 10 single-family housing units for senior citizens; and

WHEREAS, Pastor Clark holds leadership positions in a number of denominational organizations, including the Saint John Regular Baptist District Association, the Missionary Baptist General Convention of Texas, and the National Baptist Convention of America International, Incorporated; he has also served with such groups as the National Association for the Advancement of Colored People, the Texas Public Employees Association, the Texas Rehabilitation Commission, and the Boy Scouts of America; and

WHEREAS, A man of spiritual depth and devotion, this beloved pastor has performed countless ceremonies and has prayed with members of his congregation in times of hardship and bereavement and rejoiced with them in times of prosperity; it is truly fitting that he receive special recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby join the members of Mount Zion Baptist Church in commending the Reverend George V. Clark on 51 years of exceptional service to his church and his community; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of high regard from the Texas Senate.

**SR 220** was read and was adopted without objection.

### **SENATE RESOLUTION 224**

Senator Blanco offered the following resolution:

WHEREAS, People from across the state of Texas and the nation were outraged and deeply saddened by the horrific events that took place in El Paso on August 3, 2019, when a gunman went on a racially motivated shooting rampage that claimed the lives of 23 men, women, and children; and

WHEREAS, The gunman, who had published an online essay detailing his white supremacist and anti-immigrant views, traveled 10 hours from his North Texas residence with the expressed intent of targeting people of Mexican descent; armed with an assault rifle, he carried out his attack at the Walmart near El Paso's Cielo Vista Mall on a crowded day when more than one thousand shoppers and one hundred employees were inside the store; and

WHEREAS, Valiantly risking their own lives, a number of individuals attempted to usher shoppers and employees to safety and protect others in the line of fire; six minutes after receiving the first report of the attack, police arrived and apprehended the gunman, bringing the incident to an end with a final toll of 23 dead and 23 wounded; and

WHEREAS, The victims killed that day ranged in age from 15 to 90 years old, and many more, including children as young as two years old, suffered traumatic injuries; the Walmart store was a popular shopping destination for both El Pasoans and for Mexicans taking day trips across the border, and a number of Mexican nationals were among those who lost their lives; and

WHEREAS, In the aftermath of that tragic day, El Pasoans demonstrated that the spirit of their community was far too resilient to be broken by one disgraceful act of hate; alongside stories of heroism during the massacre were reports of everyday people lining up at hospitals to donate blood, offering profound compassion, support, and comfort to the surviving families, and rallying behind the mantra "El Paso Strong"; in what was perhaps one of the most moving moments in the weeks that followed, a grieving husband invited the public to attend his wife's memorial service, resulting in more than 3,000 fellow residents turning out to pay their respects; and

WHEREAS, The incident, which was the deadliest mass shooting targeting Latinos in Texas history, was a devastating shock to a city that is so renowned for its welcoming hospitality and close-knit sense of community; more than a year has passed since that terrible event made headlines all across the world, but the passage of time has not diminished the tremendous sense of grief felt over the loss of 23 innocent lives, nor has it lessened the resolve of the people of El Paso to stand together against the insidious forces of hatred, prejudice, and violence; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby pay tribute to the victims of the mass shooting that took place in El Paso on August 3, 2019, and offer heartfelt condolences to the families and friends who carry on their memories.

**SR 224** was read.

On motion of Senator Hancock and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Blanco, the resolution was adopted by a rising vote of the Senate.

### CONCLUSION OF MORNING CALL

The President Pro Tempore at 12:37 p.m. announced the conclusion of morning call.

### COMMITTEE SUBSTITUTE SENATE BILL 152 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 152** at this time on its second reading:

**CSSB 152**, Relating to the regulation of groundwater conservation districts.

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: Schwertner.

### COMMITTEE SUBSTITUTE SENATE BILL 152 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 **CSSB 152** be placed on its third reading and final passage.

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

Absent-excused: Schwertner.

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

### SENATE BILL 331 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 331** at this time on its second reading:

**SB 331**, Relating to eligibility to serve as an interpreter in an election.

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: Schwertner.

#### **SENATE BILL 331 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 331** be placed on its third reading and final passage.

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

Absent-excused: Schwertner.

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

#### **SENATE BILL 338 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 338** at this time on its second reading:

**SB 338**, Relating to the adoption of uniform general conditions for building construction contracts entered into by school districts and the composition of the committee that reviews uniform general conditions.

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: Schwertner.

#### **SENATE BILL 338 ON THIRD READING**

Senator Powell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 338** be placed on its third reading and final passage.

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

Absent-excused: Schwertner.

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

#### **SENATE BILL 464 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 464** at this time on its second reading:

**SB 464**, Relating to reports on deaths from reportable and other communicable diseases to county health authorities and health departments.

The bill was read second time.



Senator Buckingham offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 464** (senate committee printing) in SECTION 2 of the bill, in added Section 121.0245(a), Health and Safety Code (page 1, line 36), by striking "shall" and substituting "may".

The amendment to **SB 464** 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: Schwertner.

**SB 464** 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:

Nays: Springer.

Absent-excused: Schwertner.

**SENATE BILL 464 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 464** be placed on its third reading and final passage.

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

Absent-excused: Schwertner.

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

Nays: Springer.

Absent-excused: Schwertner.

**SENATE RULES SUSPENDED  
(Posting Rules)**

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

**SENATE RULES SUSPENDED  
(Posting Rules)**

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

**CO-AUTHOR OF SENATE BILL 117**

On motion of Senator Johnson, Senator Miles will be shown as Co-author of **SB 117**.

**CO-AUTHOR OF SENATE BILL 224**

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

**CO-AUTHOR OF SENATE BILL 611**

On motion of Senator Campbell, Senator Hughes will be shown as Co-author of **SB 611**.

**CO-AUTHORS OF SENATE BILL 742**

On motion of Senator Birdwell, Senators Bettencourt and Kolkhorst will be shown as Co-authors of **SB 742**.

**CO-AUTHOR OF SENATE BILL 952**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 952**.

**CO-AUTHOR OF SENATE BILL 1025**

On motion of Senator Birdwell, Senator Hinojosa will be shown as Co-author of **SB 1025**.

**CO-AUTHOR OF SENATE BILL 1094**

On motion of Senator Creighton, Senator West will be shown as Co-author of **SB 1094**.

**CO-AUTHORS OF SENATE BILL 1295**

On motion of Senator Creighton, Senators West and Zaffirini will be shown as Co-authors of **SB 1295**.

**CO-AUTHOR OF SENATE BILL 1490**

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-author of **SB 1490**.

**CO-AUTHOR OF SENATE BILL 1525**

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-author of **SB 1525**.

**CO-AUTHOR OF SENATE BILL 2092**

On motion of Senator Hughes, Senator Lucio will be shown as Co-author of **SB 2092**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 45**

On motion of Senator Birdwell, Senator Hinojosa will be shown as Co-author of **SJR 45**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 227** by Zaffirini, In memory of Hector Manuel Cabello.

**SR 229** by Zaffirini, In memory of Henry Bartell Zachry Jr.

**Congratulatory Resolution**

**SR 228** by Zaffirini, Blanco, Eckhardt, Lucio, Menéndez, and Miles, Recognizing Harmony Public Schools on the occasion of their 20th anniversary.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:02 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

April 7, 2021

VETERAN AFFAIRS AND BORDER SECURITY — **CSSB 623, CSSB 697**

HEALTH AND HUMAN SERVICES — **CSSB 454, CSSB 966**

JURISPRUDENCE — **CSSB 23**

STATE AFFAIRS — **CSSB 207, CSSB 1340**

BUSINESS AND COMMERCE — **CSSB 40, CSSB 964, CSSB 1367, CSSB 865, CSSB 629, CSSB 1226, CSSB 1278, CSSB 1130**

**BILLS ENGROSSED**

April 7, 2021

**SB 152, SB 331, SB 338, SB 464**

**RESOLUTIONS ENROLLED**

April 7, 2021

**SR 220, SR 224, SR 227, SR 228, SR 229**

