

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-THIRD DAY

(Wednesday, April 14, 2021)

The Senate met at 1:00 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, 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 Schwertner offered the invocation as follows:

Heavenly Father, thank You for the opportunity to pray together as a body of colleagues who are here following the calling of service You have placed in our hearts. Lord, thank You for the opportunity we have to work on behalf of our fellow Texans. We pray that You would guide the Members of the Senate and give us compassion, wisdom, and grace as we navigate difficult issues. Bless us with discernment and peace. Heavenly Father, comfort those who are struggling or are downhearted today and help all of us to remember Your great love and affection for all of Your children. Lord, we pray for protection and comfort for our first responders and law enforcement officers and pray for healing for Trooper Tovar as he continues to recover. We pray for the health of our nation and that we will continue to recover from this pandemic. We ask for the alleviation of the affliction of apathy and evil causing strife in our world today. Help us to turn the other cheek, to find accord whenever possible, and find ways to love each other today. Thank You for Your continued blessings over our great state and nation. In Your name 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.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 75, HCR 80, HCR 81, HCR 82.**

MESSAGES FROM THE GOVERNOR

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

April 13, 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 A&M University System Board of Regents for terms to expire February 1, 2027:

Robert L. "Bob" Albritton
Fort Worth, Texas
(Mr. Albritton is being reappointed)

James R. "Randy" Brooks
San Angelo, Texas
(replacing Phillip D. "Phil" Adams of Bryan whose term expired)

William "Bill" Mahomes, Jr.
Dallas, Texas
(Mr. Mahomes is being reappointed)

Respectfully submitted,

/s/Greg Abbott
Governor

April 13, 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 Tech University System Board of Regents for terms to expire January 31, 2027:

Arcilia C. Acosta
Colleyville, Texas
(replacing Mickey Long of Midland whose term expired)

Cody C. Campbell
Fort Worth, Texas
(replacing Christopher M. "Chris" Huckabee of Fort Worth whose term expired)

Patrick R. "Pat" Gordon
El Paso, Texas
(replacing Ronnie D. "Ron" Hammonds of Houston whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

April 14, 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 Parks and Wildfire Commission for terms to expire February 1, 2027:

Paul L. Foster
El Paso, Texas
(replacing Jeanne W. Latimer of San Antonio whose term expired)

Travis B. "Blake" Rowling
Dallas, Texas
(replacing Anna Benavides Galo of Laredo whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

April 14, 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 a member of the Board of the Texas Department of Motor Vehicles for a term to expire February 1, 2027:

Manuel R. "Manny" Ramirez
Fort Worth, Texas
(Mr. Ramirez is being reappointed)

Respectfully submitted,

/s/Greg Abbott
Governor

April 14, 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 Municipal Retirement System Board of Trustees for a term to expire February 1, 2027:

Anali Alanis

Pharr, Texas

(Ms. Alanis is being reappointed)

Respectfully submitted,

/s/Greg Abbott

Governor

April 14, 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 Rio Grande Compact Commission for a term to expire June 9, 2025:

Robert S. "Bobby" Skov

Fabens, Texas

(replacing Patrick R. "Pat" Gordon of El Paso who resigned)

Respectfully submitted,

/s/Greg Abbott

Governor

April 13, 2021

Austin, Texas

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

On January 21, 2021, I submitted the name of Patrick R. "Pat" Gordon for appointment to the Rio Grande Compact Commission for a term to expire June 9, 2025.

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

Respectfully submitted,

/s/Greg Abbott

Governor

April 13, 2021
Austin, Texas

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

On February 10, 2021, I submitted the name of Shilpa Shampant for appointment to the Council on Cardiovascular Disease and Stroke for a term to expire February 1, 2027.

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.

CONCLUSION OF MORNING CALL

The President at 1:17 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 239 ON SECOND READING

Senator Powell moved to suspend the regular order of business to take up for consideration **CSSB 239** at this time on its second reading:

CSSB 239, Relating to the provision of educational materials regarding disease prevention during a disaster.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Blanco, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Paxton, Perry, Springer.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Bettencourt, Blanco, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Hughes, Paxton, Perry, Springer.

**COMMITTEE SUBSTITUTE
SENATE BILL 239 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 **CSSB 239** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Bettencourt, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Creighton, Paxton, Perry, Springer.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Bettencourt, Blanco, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Hughes, Paxton, Perry, Springer.

**COMMITTEE SUBSTITUTE
SENATE BILL 1650 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 1650** at this time on its second reading:

CSSB 1650, Relating to middle mile broadband service provided by an electric utility.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1650 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 1650** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2062 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2062** at this time on its second reading:

CSSB 2062, Relating to the establishment of the Motor Fuel Metering and Quality Advisory Board.

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: Hughes.

**COMMITTEE SUBSTITUTE
SENATE BILL 2062 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2062** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Hughes, Springer.

**COMMITTEE SUBSTITUTE
SENATE BILL 1529 ON THIRD READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 1529** at this time on its third reading and final passage:

CSSB 1529, Relating to the creation of the Texas Court of Appeals to hear certain cases; authorizing fees.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1448 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1448** at this time on its second reading:

CSSB 1448, Relating to the powers and duties of the windstorm insurance legislative oversight board and to certain studies by the board relating to the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1448 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1448** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Taylor in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1340 ON THIRD READING**

Senator Buckingham moved to suspend the regular order of business to take up for consideration **CSSB 1340** at this time on its third reading and final passage:

CSSB 1340, Relating to voter qualification and registration.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

SENATE BILL 347 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **SB 347** at this time on its second reading:

SB 347, Relating to the inclusion of local school health advisory councils as governmental bodies for purposes of the open meetings law and the public information law.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Eckhardt, Nelson, Powell, Seliger, Whitmire.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6.

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

Nays: Eckhardt, Miles, Nelson, Powell, Seliger, Whitmire.

SENATE BILL 347 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 **SB 347** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Eckhardt, Miles, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

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

Nays: Eckhardt, Miles, Nelson, Powell, Seliger, Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 646 ON THIRD READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 646** at this time on its third reading and final passage:

CSSB 646, Relating to county approval of certain proposed purchases or conversions of properties to house homeless individuals.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

SENATE BILL 760 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 760** at this time on its second reading:

SB 760, Relating to the removal of solar power facilities.

The bill was read second time.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 760** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 6, Utilities Code, is amended by adding Chapter 303 to read as follows:

CHAPTER 303. ELECTRIC ENERGY STORAGE FACILITY AGREEMENTS

Sec. 303.0001. DEFINITIONS. In this chapter:

(1) "Electric energy storage facility" includes a facility or equipment, other than a facility or equipment owned by an electric utility, as defined by Section 31.002, used to support the operation of electric energy storage, including an underground or aboveground electrical transmission or communications line, an electric transformer, telecommunications equipment, a road, a meteorological tower, or a maintenance yard.

(2) "Electric energy storage facility agreement" means a lease agreement between a grantee and a landowner that authorizes the grantee to operate an electric energy storage facility on the leased property.

(3) "Grantee" means a person, other than an electric utility, as defined by Section 31.002, who:

(A) leases property from a landowner; and

(B) operates an electric energy storage facility on the property.

Sec. 303.0002. APPLICABILITY. This chapter applies only to electric energy storage that is a generation asset as defined by Section 39.251.

Sec. 303.0003. WAIVER VOID; REMEDIES. (a) A provision of an electric energy storage facility agreement that purports to waive a right or exempt a grantee from a liability or duty established by this chapter is void.

(b) A person who is harmed by a violation of this chapter is entitled to appropriate injunctive relief to prevent further violation of this chapter.

(c) The provisions of this section are not exclusive. The remedies provided in this section are in addition to any other procedures or remedies provided by other law.

Sec. 303.0004. REQUIRED AGREEMENT PROVISIONS ON FACILITY REMOVAL. (a) An electric energy storage facility agreement must provide that the grantee is responsible for removing the grantee's electric energy storage facilities from the landowner's property and that the grantee shall, in accordance with any other applicable laws or regulations, safely:

(1) clear, clean, and remove from the property each piece of electric energy storage equipment, including any transformers or substations;

(2) for each foundation of electric energy storage equipment, including a transformer or substation installed in the ground:

(A) clear, clean, and remove the foundation from the ground to a depth of at least three feet below the surface grade of the land in which the foundation is installed; and

(B) ensure that each hole or cavity created in the ground by the removal is filled with topsoil of the same type or a similar type as the predominant topsoil found on the property;

(3) for each buried cable, including power, fiber-optic, and communications cables, installed in the ground:

(A) clear, clean, and remove the cable from the ground to a depth of at least three feet below the surface grade of the land in which the cable is installed; and

(B) ensure that each hole or cavity created in the ground by the removal is filled with topsoil of the same type or a similar type as the predominant topsoil found on the property; and

(4) clear, clean, and remove from the property each overhead power or communications line installed by the grantee on the property.

(b) The agreement must provide that, at the request of the landowner, the grantee shall:

(1) clear, clean, and remove each road constructed by the grantee on the property; and

(2) ensure that each hole or cavity created in the ground by the removal is filled with topsoil of the same type or a similar type as the predominant topsoil found on the property.

(c) The agreement must provide that, at the request of the landowner, if reasonable, the grantee shall:

(1) remove from the property all rocks over 12 inches in diameter excavated during the decommissioning or removal process;

(2) return the property to a tillable state using scarification, V-rip, or disc methods, as appropriate; and

(3) ensure that:

(A) each hole or cavity created in the ground by the removal is filled with topsoil of the same type or a similar type as the predominant topsoil found on the property; and

(B) the surface is returned as near as reasonably possible to the same condition as before the grantee dug holes or cavities, including by reseeding pastureland with native grasses prescribed by an appropriate governmental agency, if any.

(d) The landowner shall make a request under Subsection (b) or (c) not later than the 180th day after the later of:

(1) the date on which the electric energy storage facility is no longer capable of storing electricity in commercial quantities; or

(2) the date the landowner receives written notice of intent to decommission the electric energy storage facility from the grantee.

Sec. 303.0005. REQUIRED AGREEMENT PROVISIONS ON FINANCIAL ASSURANCE. (a) An electric energy storage facility agreement must provide that the grantee shall obtain and deliver to the landowner evidence of financial assurance that conforms to the requirements of this section to secure the performance of the grantee's obligation to remove the grantee's electric energy storage facilities located on the landowner's property as described by Section 303.0004. Acceptable forms of financial assurance include a parent company guaranty with a minimum investment grade credit rating for the parent company issued by a major domestic credit rating agency, a letter of credit, a bond, or another form of financial assurance acceptable to the landowner.

(b) The amount of the financial assurance must be at least equal to the estimated amount by which the cost of removing the electric energy storage facilities from the landowner's property and restoring the property to as near as reasonably possible the condition of the property as of the date the agreement begins exceeds the salvage value of the electric energy storage facilities, less any portion of the value of the electric energy storage facilities pledged to secure outstanding debt.

(c) The agreement must provide that:

(1) the estimated cost of removing the electric energy storage facilities from the landowner's property and restoring the property to as near as reasonably possible the condition of the property as of the date the agreement begins and the estimated salvage value of the electric energy storage facilities must be determined by an independent, third-party professional engineer licensed in this state;

(2) the grantee must deliver to the landowner an updated estimate, prepared by an independent, third-party professional engineer licensed in this state, of the cost of removal and the salvage value at least once every five years for the remainder of the term of the agreement; and

(3) the grantee is responsible for ensuring that the amount of the financial assurance remains sufficient to cover the amount required by Subsection (b), consistent with the estimates required by this subsection.

(d) The grantee is responsible for the costs of obtaining financial assurance described by this section and costs of determining the estimated removal costs and salvage value.

(e) The agreement must provide that the grantee shall deliver the financial assurance not later than the earlier of:

(1) the date the electric energy storage facility agreement is terminated; or

(2) the 10th anniversary of the commercial operations date of the electric energy storage facilities located on the landowner's leased property.

(f) For purposes of this section, "commercial operations date" means the date on which the electric energy storage facilities are approved for participation in market operations by a regional transmission organization and does not include the generation of electrical energy or other operations conducted before that date for purposes of maintenance and testing.

(g) The grantee may not cancel financial assurance before the date the grantee has completed the grantee's obligation to remove the grantee's electric energy storage facilities located on the landowner's property in the manner provided by this chapter, unless the grantee provides the landowner with replacement financial assurance at the time of or before the cancellation. In the event of a transfer of ownership of the grantee's electric energy storage facilities, the financial security provided by the grantee shall remain in place until the date evidence of financial security meeting the requirements of this chapter is provided to the landowner.

SECTION _____. Chapter 303, Utilities Code, as added by this Act, applies only to an electric energy storage facility agreement entered into on or after the effective date of this Act. An electric energy storage facility agreement entered into before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

The amendment to **SB 760** was read.

Senator Springer moved to postpone further consideration of the bill to a time certain of 3:00 p.m. today.

The motion prevailed.

Question: Shall Floor Amendment No. 1 to **SB 760** be adopted?

SENATE BILL 793 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 793** at this time on its second reading:

SB 793, Relating to a ribbon for certain service members of the military who served in support of operations to secure this state's international border.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Alvarado.

SENATE BILL 793 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 793** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Alvarado.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 518 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 518** at this time on its second reading:

CSSB 518, Relating to the use of certain data collected by the Texas Workforce Commission to determine general prevailing wage rates for certain public work contracts.

The motion prevailed by the following vote: Yeas 19, Nays 12.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1387 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1387** at this time on its second reading:

CSSB 1387, Relating to a requirement that a voting system used in an election in this state be manufactured, stored, and held in the United States by a company headquartered in the United States.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1387** (senate committee printing) in SECTION 1 of the bill, by striking added Section 122.032 (a-1), Election Code (page 1, lines 39-42), and substituting the following:

(a-1) For purposes of Subsection (a), a voting system or voting system equipment is considered to be manufactured in the United States if:

(1) final assembly of the voting system or voting system equipment occurs in the United States; and

(2) all firmware and software are installed and tested in the United States.

The amendment to **CSSB 1387** 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.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1387** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . FEASIBILITY STUDY. (a) The secretary of state shall conduct a comprehensive study to determine the feasibility of requiring each voting system used in an election in this state to have all components of the voting system, including all software and hardware, manufactured, stored, and held in the United States.

(b) Not later than January 1, 2023, the secretary shall create a detailed report summarizing the findings of the study and deliver the report to the legislature.

The amendment to **CSSB 1387** 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.

CSSB 1387 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1387 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1387** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 15 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 15** at this time on its second reading:

CSSB 15, Relating to the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 15** (senate committee report) as follows:

(1) In SECTION 6 of the bill, in added Section 730.003(1-b), Transportation Code (page 3, line 10), strike "directly".

(2) In SECTION 9 of the bill, strike amended Section 730.007(a)(2)(J), Transportation Code (page 4, lines 35 and 36), and substitute the following:

(H) [(H)] use in connection with the operation of a type of transportation project described by Section 370.003 [private toll transportation facility];

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

SECTION _____. The heading to Section 730.014, Transportation Code, is amended to read as follows:

Sec. 730.014. AGENCY RULES, [~~;- ORGANIZATION OF~~] RECORDS, AND CONTRACTS.

SECTION _____. Section 730.014, Transportation Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) An agency that provides a requestor access to motor vehicle records in bulk under a contract under Section 730.007 shall include in the contract:

(1) a requirement that the requestor post a performance bond in an amount of not more than \$5 million;

(2) a prohibition on the sale or redisclosure of the personal information for the purpose of marketing extended vehicle warranties by telephone;

(3) a requirement that the requestor provide proof of general liability and cyber-threat insurance coverage in an amount specified by the contracting agency that is:

(A) at least \$3 million; and

(B) reasonably related to the risks associated with unauthorized access and use of the records;

(4) a requirement that if a requestor experiences a breach of system security, as defined by Section 521.053, Business & Commerce Code, that includes data obtained under Section 730.007, the requestor must notify the agency of the breach not later than 48 hours after the discovery of the breach;

(5) a requirement that the requestor include in each contract with a third party that receives the records from the requestor that the third party must comply with federal and state laws regarding the records;

(6) a requirement that the requestor and any third party receiving the records from the requestor protect the records with appropriate and accepted industry standard security measures for the type of record and the known risks from unauthorized access and use of the records; and

(7) a requirement that the requestor annually provide to the agency a report of all third parties to which the records were disclosed under this section and the purpose of the disclosure.

(d) An agency that discloses any motor vehicle records in bulk under Section 730.007 shall include in the records at least two records that are created solely for the purpose of monitoring compliance with this chapter and detecting, by receipt of certain forms of communications or actions directed at the subjects of the created records, potential violations of this chapter or contract terms required by this section.

(e) An agency that discloses motor vehicle records shall designate a person responsible for:

(1) monitoring compliance with this chapter and contract terms required by this section; and

(2) recommending or implementing agency enforcement remedies for violations of this chapter or breach of a contract described by this section.

The amendment to **CSSB 15** 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.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 15** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in amended Section 521.0475(a), Transportation Code (page 2, line 18), strike "730.007(a)(2)(A), (B), and (G)" and substitute "730.007(a)(2)(A), (C), and (H)".

(2) In SECTION 5 of the bill, in amended Section 548.601(a), Transportation Code (page 2, lines 64 and 65), strike "vehicle identification number, vehicle mileage, or vehicle inspection report," and substitute "customer identification number".

(3) In SECTION 9 of the bill, strike amended Section 730.007(a)(2)(B), Transportation Code (page 3, lines 58 through 69), and substitute the following:

(B) use in connection with a matter of:

(i) motor vehicle or motor vehicle operator safety;

(ii) motor vehicle theft;

(iii) motor vehicle product alterations, recalls, or advisories;

(iv) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; or

(v) ~~motor vehicle market research activities, including survey research;~~ or

~~[(vi)]~~ removal of nonowner records from the original owner records of motor vehicle manufacturers;

(4) In SECTION 9 of the bill, in amended Section 730.007(a)(2), Transportation Code, on page 4:

(A) on line 11, before "~~[(D)]~~", insert "(C)";

(B) on line 16, strike "(C)" and substitute "(D)";

(C) on line 19, strike "(D)" and substitute "(E)";

(D) on line 25, strike "(E)" and substitute "(F)";

(E) on line 28, strike "(F)" and substitute "(G)";

(F) on line 31, strike "(G)" and substitute "(H)";

(G) on line 35, strike "(H)" and substitute "(I)";

(H) on line 37, strike "(I)" and substitute "(J)";

(I) on line 40, strike "(J)" and substitute "(K)"; and

(J) on line 43, strike "(K)" and substitute "(L)".

(5) In SECTION 9 of the bill, in amended Section 730.007(a)(2), Transportation Code (page 4, lines 40 through 42), strike "use by an agent of a motor vehicle manufacturer, dealership, or distributor for issuing notifications concerning motor vehicle alterations, recalls, or advisories;" and substitute "use by a motor vehicle manufacturer, dealership, or distributor, or an agent of a motor vehicle manufacturer, dealership, or distributor, for motor vehicle market research activities, including survey research;".

(6) In SECTION 9 of the bill, in added Section 730.007(b-1), Transportation Code (page 4, line 66), strike "(a)(2)(C)" and substitute "(a)(2)(D)".

The amendment to **CSSB 15** 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.

CSSB 15 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 15 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Hall and by unanimous consent, the remarks regarding **CSSB 15** on final passage were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Hinojosa: You know, Senator Nichols, I really support your bill 100 percent.

Senator Nichols: Thank you.

Senator Hinojosa: And I think many of us have experienced our personal information being stolen, if you will, through the Internet. As a matter of fact, I had someone apply for unemployment benefits with my social security number. So, it's a real issue and a real problem and a real challenge for all of us, especially to have somebody out there with ID information and selling it out on the black market, and many times running up bills and sometimes being able to hack into a bank account. And I was somewhat shocked, if you will, when I found out that the government, our own state, was selling personal information and certain data to the private sector, which is really unacceptable. So, thank you for your bill.

Senator Nichols: Well, thank you, Sir. I appreciate your support.

Senator Hancock: Yes, thank you, Mr. President and Members. I just didn't want to rush through this bill because I know that, Senator Nichols, if you're ever to give someone a pet project that needed to really dig into something and figure out where this was taking place, how it was taking place, why it was taking place, Senator Nichols was the absolute perfect person to do that. And the details and the time and the energy he spent into this legislation that we're moving through very quickly because of his work. I just wanted to pause and recognize the tremendous effort he put in behind it and the safeguards that are in place for all Texans because of that. That would have stayed in statute had it not been for his diligence in his work towards this, and so, I just wanted to provide a little recognition before we move to final passage.

President: Thank you. I was going to say the same thing because, trust me, I know. We've had lots of meetings. Senator Menéndez, for what purpose?

Senator Menéndez: Thank you, Mr. President. I just wanted to thank Senator Nichols for his work. Thank you for giving him this priority bill and because on behalf of millions of Texans who are no longer, hopefully, going to have to get that call. And the President, you know, you just, it was one of those nightmare PTSDs, you know, your warranty's about to expire, or we're calling about your VISA or your Mastercard or whatever the heck or from the IRS, and we will, all of the different calls that we've received. I want to just say thank you. So many Texans no longer answer their phone unless they recognize the number and that's a sad thing. And so, thank you, Mr. President, thank you, Chairman Nichols, for your hard work, and it's good to see that you were getting something done that would help, and it's a little something, but at least it'll make life a little less annoying for so many people. Thank you.

Senator Nichols: Thank you very much, Senator Menéndez.

President: Senator Nelson, what purpose?

Senator Nelson: Thank you. I, too, want to add my thank you to Senator Nichols for your hard work. I don't think anybody realizes how much time and effort was put into this. I know how early you started working on this, how many hours you put into this. It was a task that needed to be addressed. You recognized it, you picked a specific component of this issue. We're going to continue working on this issue. But I thank you, too. And I thank you on behalf of all Texans for your hard work. It needed to be addressed. We're going to protect the privacy of the information that Texans own, and we all thank you for your work on this, Senator.

Senator Nichols: Did my mic go off? There it is. I want to make sure I give full credit to Megan Robinson and Jonathan Ortega, they've been digging into this thing since day one. So, I very much appreciate them. Mr. President, I move final passage.

President: I have one more speaker, Senator Seliger, who wants to praise you. They come to praise you. Senator Seliger, I assume—

Senator Seliger: I wouldn't jump to any conclusions, but I would say this, that Americans have less and less privacy every day. With social media platforms and chat rooms and things like that, computer hacking, we have far less privacy than we had 10 years ago, and privacy matters to people. Some things people shouldn't know and don't have a right to know about other people and yet they do. But in several occasions during this session, we have seen measures and amendment measures to try and secure whatever the last vestiges of privacy are that are available to them to see that Texans have them. And time and time again, Chairman Nichols has come up with these privacy things and you don't hear people say, well, what does Senator Nichols want to hide? What does he want revealed? Nobody says that. I think people look at it and say I might have a little privacy, I might have an opportunity to just conduct my life and nobody else will be privy to it to me. And for that we owe you, Senator Nichols.

Senator Nichols: Thank you very much.

SENATE BILL 20 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 20** at this time on its second reading:

SB 20, Relating to carrying and storing a handgun or handgun ammunition by a hotel guest.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Birdwell, Eckhardt, Nichols, Whitmire.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE BILL 20 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 20** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Eckhardt, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

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

Nays: Birdwell, Eckhardt, Nichols, Whitmire.

STATEMENT REGARDING SENATE BILL 20

Senator Birdwell submitted the following statement regarding **SB 20**:

I cast a "No" vote on Senate Bill 20 by Senator Campbell, relating to carrying and storing a handgun or handgun ammunition by a hotel guest. This legislation seeks to emphasize Second Amendment rights to such a degree that they supersede property rights guaranteed by the Fifth Amendment's due process clause. It is my duty to protect all the rights enumerated in the bill of rights equally and simultaneously. While the marketplace shall determine which hotel someone stays in, SB 20 will force hoteliers to subordinate their fifth amendment private property rights to their potential customers' second amendment rights by the force of law. This establishes an unsettling precedent for all private property rights that could inevitably impact short-term rental properties or any other private property that currently restricts the carrying or presence of weapons. I am proud of my record as an ardent and lifelong

supporter of the second amendment, and I have worked tirelessly to ensure citizens' rights to keep and bear arms are not infringed on by our state government. But, for the reasons stated above, I could not support SB 20.

BIRDWELL

STATEMENT REGARDING SENATE BILL 20

Senator Nichols submitted the following statement regarding **SB 20**:

I voted against Senate Bill 20 because I believe in private property rights and the free market system. When we passed the concealed license for open carry, we also said in that bill that private property rights would be preserved and a business would have the right to post a notice at the doorway if they did not want guns on the premises. We also said the free market system would prevail in that if you don't agree with a business prohibiting firearms, then you did not have to go to that business. Senate Bill 20 is a step backward. If a hotel has adopted a policy on firearms that you don't agree with, the simple solution is to stay in a different hotel. Just as there are dog-friendly hotels and hotels that don't allow dogs, there should be gun-friendly hotels and hotels that don't allow guns.

NICHOLS

SENATE BILL 19 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 19** at this time on its second reading:

SB 19, Relating to prohibited contracts with companies that discriminate against the firearm or ammunition industries.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 1160 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1160** at this time on its second reading:

CSSB 1160, Relating to the creation of the Gulf Coast Protection District; providing authority to issue bonds; providing authority to impose fees; providing authority to impose a tax; granting the power of eminent domain.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1160** (senate committee printing) as follows:

(1) In added Section 9502.0304(a), Special District Local Laws Code (page 4, line 7), between "functions" and the underlined period, insert the following:

, including acquiring property by mutual agreement with a navigation district or a drainage district

(2) In added Section 9502.0308, Special District Local Laws Code (page 4, lines 61 and 62), strike "navigation district, port authority, river authority" and substitute "river authority, port authority, navigation district".

(3) Strike added Section 9502.0309, Special District Local Laws Code (page 4, line 66, through page 5, line 2), and substitute the following:

Sec. 9502.0309. AUTHORITY TO DEVELOP BARRIER CLOSURE PROCEDURES. If the district implements a project to create a coastal barrier, the district shall develop closure procedures in conjunction with each board of trustees established under Chapter 54, Transportation Code, port authority, navigation district, and drainage district affected by the barrier or closure. For the Texas City Channel, the district shall develop closure procedures with any common carrier terminal railroad providing rail and maritime terminal services to the users of the navigation channel.

(4) In added Section 9502.0311, Special District Local Laws Code (page 5, line 12), between "DOMAIN." and "The district" insert "(a)".

(5) At the end of added Section 9502.0311, Special District Local Laws Code (page 5, between lines 17 and 18), insert the following:

(b) The district may not exercise the power of eminent domain to acquire property owned or operated by a port authority, navigation district, drainage district, or common carrier railroad.

The amendment to **CSSB 1160** 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.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1160** (senate committee printing) in SECTION 1 of the bill by striking added Section 9502.0307, Special District Local Laws Code (page 4, lines 56 through 59), and substituting the following:

Sec. 9502.0307. REQUIREMENTS FOR CERTAIN CONTRACTS. (a) Chapter 2269, Government Code, applies to the district's public work contracts, as defined by Section 2269.001 of that chapter. Section 2269.003(d) of that chapter does not apply to the district.

(b) The district shall comply with Subchapter A, Chapter 2254, Government Code.

The amendment to **CSSB 1160** 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.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1160** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 9502.0301(a)(3), Special District Local Laws Code (page 3, line 34), strike "and".

(2) In added Section 9502.0301(a)(4), Special District Local Laws Code (page 3, line 37), strike the period and substitute "; and".

(3) In added Section 9502.0301(a), Special District Local Laws Code (page 3, between lines 37 and 38), insert the following:

(5) provide interior drainage remediation or improvements to reduce additional flood risk for a project recommended in the ecosystem restoration report where additional flood risk results from the design or construction of a project described by Subdivision (1), (2), or (4).

The amendment to **CSSB 1160** 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.

CSSB 1160 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1160 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1160** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 14, 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:

HB 67

Toth

Relating to restrictive covenants related to swimming pool enclosures.

- HB 376** Smith
Relating to the punishment for the criminal offense of improper sexual activity with a person in custody; increasing a criminal penalty.
- HB 544** Minjarez
Relating to creating a voluntary certification for recovery housing.
- HB 569** Sanford
Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.
- HB 604** Noble
Relating to a microchip scan of animals in the custody of an animal shelter or releasing agency, including an animal rescue organization.
- HB 636** Thompson, Senfronia
Relating to the continuation and functions of the Texas State Board of Plumbing Examiners; authorizing a fee.
- HB 789** Geren
Relating to the punishment for the criminal offense of tampering with or fabricating physical evidence.
- HB 1049** Harless
Relating to the requirement for a deputy sheriff, reserve deputy sheriff, deputy constable, or reserve deputy constable to take an official oath.
- HB 1322** Shaheen
Relating to a summary of a rule proposed by a state agency.
- HB 1325** Coleman
Relating to the participation of the medical school at the University of Houston and the college of osteopathic medicine at Sam Houston State University in the Joint Admission Medical Program.
- HB 1410** Murphy
Relating to the issuance of bonds by certain conservation and reclamation districts.
- HB 1522** Frank
Relating to the transfer of Midwestern State University to the Texas Tech University System, to certain fees charged by that system's governing board, and to mandatory venue for actions brought against that system or its institutions, officers, or employees.
- HB 1540** Thompson, Senfronia
Relating to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare; creating a criminal offense; increasing criminal penalties.
- HB 1575** Cyrier
Relating to certain provisions applicable to state agencies subject to review by the Sunset Advisory Commission.
- HB 1585** Lambert

Relating to the operations and functions of the Teacher Retirement System of Texas.

HB 1600 Canales

Relating to the review date for certain governmental entities subject to the sunset review process.

HB 1728 Smithee

Relating to partnerships between the Texas Parks and Wildlife Department and nonprofit entities to promote hunting and fishing by certain veterans.

HB 1792 Button

Relating to the evaluation of child-care providers participating in the Texas Rising Star Program.

HB 2225 King, Tracy O.

Relating to the powers and duties of the Parks and Wildlife Department regarding the Texas Water Trust.

HB 2415 Meyer

Relating to the collection, remittance, and administration of certain taxes on motor vehicles rented through a marketplace rental provider; imposing a penalty.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 2 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 2** at this time on its second reading:

CSSB 2, Relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region.

The motion prevailed.

Senator Eckhardt asked to be recorded as voting "Nay" on suspension of the regular order of business.

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: Eckhardt.

**COMMITTEE SUBSTITUTE
SENATE BILL 2 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 **CSSB 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1278 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1278** at this time on its second reading:

CSSB 1278, Relating to the responsibility for ancillary services costs incurred for the operation of intermittent generation resources.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Menéndez, Nelson, Nichols, Paxton, Powell, Schwertner, Springer, Taylor, Zaffirini.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Lucio, Miles, Perry, Seliger, West, Whitmire.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1278** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, amending Section 35.004(e), Utilities Code (page 1, lines 30 and 31), insert, "consistent with cost-causation principles," between "require" and "intermittent".

(2) In SECTION 2 of the bill (page 1, line 44), insert "The Commission shall ensure that the rules do not unreasonably impede or impair performance under contracts entered into before the effective date of this Act." after the period.

The amendment to **CSSB 1278** 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.

CSSB 1278 as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Menéndez, Nelson, Nichols, Paxton, Powell, Schwertner, Springer, Taylor, Zaffirini.

Nays: Blanco, Eckhardt, Gutierrez, Lucio, Miles, Perry, Seliger, West, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 1278 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 **CSSB 1278** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Eckhardt, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Springer, Taylor, Zaffirini.

Nays: Blanco, Gutierrez, Miles, Seliger, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Menéndez, Nelson, Nichols, Paxton, Powell, Schwertner, Springer, Taylor, Zaffirini.

Nays: Blanco, Eckhardt, Gutierrez, Lucio, Miles, Perry, Seliger, West, Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 29 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 29** at this time on its second reading:

CSSB 29, Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 29** (senate committee printing) in SECTION 1 of the bill, in added Section 33.0832, Education Code, as follows:

(1) In Subsection (a) (page 1), strike lines 33 and 34 and substitute the following:

correctly stated on:

(1) the student's official birth certificate, as described by Subsection (c); or
(2) if the student's official birth certificate described by Subdivision (1) is unobtainable, another government record.

(2) In Subsection (c) (page 1, lines 42 through 43), strike "as determined at the student's birth" and substitute "only".

(3) In Subsection (c)(1) (page 1, lines 44 through 45), strike ", as determined by University Interscholastic League rule".

(4) After Subsection (c) (page 1, between lines 47 and 48), insert the following appropriately lettered subsection:

() The University Interscholastic League shall adopt rules to implement this section, provided that the rules must be approved by the commissioner in accordance with Section 33.083(b).

The amendment to **CSSB 29** was read and was adopted by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 29** (senate committee printing) in SECTION 1 of the bill, in added Section 33.0832, Education Code, as follows:

(1) In Subsection (a) (page 1, line 33), strike "determined at the student's birth and correctly".

(2) Strike Subsection (c) (page 1, lines 40 through 47).

ECKHARDT
MENÉNDEZ

The amendment to **CSSB 29** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 29** (senate committee printing) in SECTION 1 of the bill, in added Section 33.0832, Education Code (page 1, between lines 47 and 48), by inserting the following appropriately lettered subsection:

() The interscholastic athletics litigation defense account is created as a dedicated account in the general revenue fund. Money in the account may be used only to pay the costs and expenses incurred by an employee of a school district or open-enrollment charter school in an action brought against the employee for any act or omission taken by the employee to comply with or enforce, or to refuse or fail to comply with or enforce, any requirements under this section and any rules adopted under this section.

The amendment to **CSSB 29** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 29** (senate committee printing) in SECTION 1 of the bill, after added Section 33.0832(c), Education Code (page 1, between lines 47 and 48), by inserting the following appropriately lettered subsection:

() An employee of a school district or open-enrollment charter school is not personally liable for any act or omission taken by the employee to comply with or enforce, or to refuse or fail to comply with or enforce, any requirements under this section and any rules adopted under this section.

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The amendment to **CSSB 29** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

CSSB 29 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

SENATE BILL 659 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **SB 659** at this time on its second reading:

SB 659, Relating to disannexation of certain areas that do not receive full municipal services.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 659** (senate committee printing) in SECTION 1 of the bill, between added Sections 43.1415(a) and (b), Local Government Code (page 1, between lines 32 and 33), by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

() Notwithstanding Subsection (a), this section does not apply to an area annexed for limited purposes for which:

(1) the municipality has entered into an agreement, including a regulatory plan or an agreement with provisions related to annexation, with landowners of the area that extends the time for providing full municipal services otherwise required by Subchapter F; and

(2) the deadline for providing full municipal services under the agreement has not elapsed.

The amendment to **SB 659** 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.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 659** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the recital for added Section 43.1415, Local Government Code (page 1, line 22), strike "G" and substitute "F".

(2) In the recital for added Section 43.1415, Local Government Code (page 1, line 23), strike "43.1415" and substitute "43.137".

(3) Strike the heading to added Section 43.1415, Local Government Code (page 1, lines 24-25), and substitute the following:

Sec. 43.137. REVERSION TO LIMITED PURPOSE STATUS FOR CERTAIN AREAS NOT RECEIVING FULL SERVICES.

(4) In added Section 43.1415(a), Local Government Code (page 1, line 25), strike the underlined colon.

(5) In added Section 43.1415(a)(1), Local Government Code (page 1, line 26), strike "(1)".

(6) In added Section 43.1415(a)(1), Local Government Code (page 1, line 29), strike "; or" and substitute an underlined period.

(7) Strike added Section 43.1415(a)(2), Local Government Code (page 1, lines 30-32).

(8) In added Section 43.1415(b), Local Government Code (page 1, line 35), strike "disannex" and substitute "consider as annexed for limited purposes".

(9) Strike added Section 43.1415(b)(1), Local Government Code (page 1, lines 37-38), and substitute the following:

(1) request that all real property in the subdivision that is located in the municipality be considered as annexed for limited purposes in the same manner as immediately before the property was annexed for full purposes; and

(10) In added Section 43.1415(c), Local Government Code (page 1, lines 42-46), strike the first two sentences and substitute the following:

Not later than the 30th day after the date the municipality receives a valid petition under Subsection (b), the municipality shall consider the property described by the petition as annexed for limited purposes in the same manner as immediately before the property was annexed for full purposes. The filing of the petition creates an irrebuttable presumption that the property is annexed for limited purposes only.

(11) In added Section 43.1415(d), Local Government Code (page 1, lines 49-52), strike the first sentence and substitute the following:

If the municipality fails to consider the property as annexed for limited purposes as required by Subsection (c), the person filing the petition may bring an action against the municipality to compel the limited purpose status of the property.

The amendment to **SB 659** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

SB 659 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

SENATE BILL 959 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 959** at this time on its second reading:

SB 959, Relating to student success-based funding recommendations for certain continuing workforce education courses offered by public junior colleges.

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.

SENATE BILL 959 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 959** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Perry in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 21 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 21** at this time on its second reading:

CSSB 21, Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Lucio, Menéndez, Whitmire, Zaffirini.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 21** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, strike added Article 17.0501, Code of Criminal Procedure (page 2, lines 18-23), and substitute the following:

Art. 17.0501. REQUIRED TRAINING. The Department of Public Safety shall develop training courses that relate to the use of the statewide telecommunications system maintained by the department and that are directed to each magistrate, judge, sheriff, peace officer, or jailer required to obtain criminal history record information under this chapter, as necessary to enable the person to fulfill those requirements.

(2) In SECTION 3 of the bill, in added Article 17.0502(b), Code of Criminal Procedure (page 2, line 29), after "shall", insert "electronically".

(3) In SECTION 5 of the bill, in added Article 17.1501(c)(2)(B), Code of Criminal Procedure (page 4, line 19), strike "justice".

(4) In SECTION 6 of the bill, in added Article 17.20(b), Code of Criminal Procedure (page 5, line 17), between "information" and the underlined period, insert "through the statewide telecommunications system maintained by the Department of Public Safety".

(5) In SECTION 7 of the bill, in added Article 17.22(b), Code of Criminal Procedure (page 5, line 37), between "information" and the underlined period, insert "through the statewide telecommunications system maintained by the Department of Public Safety".

The amendment to **CSSB 21** 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.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 21** (senate committee printing) in SECTION 4 of the bill, in amended Article 17.15, Code of Criminal Procedure, by striking page 3, lines 34 and 35.

The amendment to **CSSB 21** was read.

Senator Lucio withdrew Floor Amendment No. 2.

CSSB 21 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Lucio, Menéndez, Whitmire, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 21 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 21** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Zaffirini.

Nays: Blanco, Eckhardt, Gutierrez, Lucio, Menéndez, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Lucio, Menéndez, Whitmire, Zaffirini.

SENATE BILL 725 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 725** at this time on its second reading:

SB 725, Relating to the qualification of land for appraisal for ad valorem tax purposes as agricultural land and the liability for the additional tax imposed on such land if the use of the land changes as a result of a condemnation.

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.

SENATE BILL 725 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 725** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE BILL 760 ON SECOND READING

The President laid before the Senate **SB 760** by Senator Springer on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 3:00 p.m. today:

SB 760, Relating to the removal of solar power facilities.

Question: Shall Floor Amendment No. 1 to **SB 760** be adopted?

Senator Springer withdrew Floor Amendment No. 1.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 760** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 302.0001(1), Utilities Code (page 1, line 28), between "person" and "who", insert ", other than an electric utility, as defined by Section 31.002,".

(2) In SECTION 2 of the bill, in added Section 302.0001(3), Utilities Code (page 1, line 36), between "equipment" and "used", insert ", other than a facility or equipment owned by an electric utility, as defined by Section 31.002,".

(3) In SECTION 2 of the bill, in added Section 302.0002, Utilities Code (page 1, line 45), strike "302.0002" and substitute "302.0003".

(4) In SECTION 2 of the bill, in added Chapter 302, Utilities Code (page 1, between lines 44 and 45), insert the following:

Sec. 302.0002. APPLICABILITY. This chapter applies only to a solar power facility that is a generation asset as defined by Section 39.251.

(5) In SECTION 2 of the bill, in added Chapter 302, Utilities Code, strike "Section 302.0003" and substitute "Section 302.0004" in each of the following places:

(A) page 1, line 55; and

(B) page 2, line 56.

(6) In SECTION 2 of the bill, in added Section 302.0004, Utilities Code (page 2, line 50), strike "302.0004" and substitute "302.0005".

The amendment to **SB 760** 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.

SB 760 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 760 ON THIRD READING

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 760** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Powell in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 28 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 28** at this time on its second reading:

CSSB 28, Relating to the approval of open-enrollment charter schools and the applicability of certain state and local laws to open-enrollment charter schools.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, Seliger, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 28** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, amending Section 12.101(b-0), Education Code (page 1, line 31), strike "10" and substitute "9".

(2) In SECTION 1 of the bill, amending Section 12.101(b-0), Education Code (page 2, line 3), strike "and".

(3) In SECTION 1 of the bill, amending Section 12.101(b-0), Education Code, (page 2, line 5) between "charter" and the underlined period, insert the following:

; and

(6) evidence that:

(A) the recruitment policies of the open-enrollment charter school or campus encourage special education students to apply and the admission and enrollment of special education students at the school or campus is not limited;

(B) the proposed leadership of the open-enrollment charter school or campus has a record of prior performance that demonstrates improvement in school and campus operations, academic and fiscal management, and student performance;

(C) the proposed budget of the open-enrollment charter school or campus includes sufficient funding to support the academic programs, support services, and staffing included in the application; and

(D) the fiduciary responsibilities and decisions of the open-enrollment charter school or campus are executed by the governing body of the charter school.

(4) In SECTION 2 of the bill, adding Section 12.1058(d), Education Code (page 2, line 18), strike "12.103(c)," and substitute "12.013(c) or Section 395.022(b), Local Government Code,".

(5) In SECTION 6 of the bill, amending Section 395.022(b), Local Government Code (page 4, line 15), following the period, insert the following:

This section applies only to an open-enrollment charter school campus constructed on land that:

(1) is owned by the charter holder or the charter holder's parent nonprofit entity; and

(2) does not include any other uses.

The amendment to **CSSB 28** was read and was adopted by the following vote: Yeas 19, Nays 12.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 28** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 2, line 7) strike "Subsection (d)" and substitute "Subsections (d), (d-1), (d-2), and (d-3)".

(2) In SECTION 2 of the bill, strike added Section 12.1058(d), Education Code (page 2, lines 18 through 25) and substitute the following:

(d) Except as provided by Section 12.103(c), a political subdivision shall consider an open-enrollment charter school a school district for purposes of zoning, project permitting, platting and replatting processes, business licensing, franchises, utility services, eminent domain, signage, subdivision regulation, property development projects, the requirements for posting bonds or securities, contract

requirements, land development standards as provided by Section 212.902, Local Government Code, tree and vegetation regulations, regulations of architectural features of a structure, construction of fences, landscaping, garbage disposal, noise levels, fees or other assessments, and construction or site development work.

(d-1) A political subdivision may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within the jurisdiction of the political subdivision that it could not take against a school district. A political subdivision shall grant approval in the same manner and follow the same timelines as if the charter school were a school district located in that political subdivision's jurisdiction.

(d-2) This section applies to both owned and leased property of the open-enrollment charter school under Section 12.128.

(d-3) Except as provided by this section, this section does not affect the authority granted by state law to a political subdivision to regulate an open-enrollment charter school regarding health and safety ordinances.

(3) In SECTION 4 of the bill, amending Section 212.902(e), Local Government Code (page 3, line 56), strike "D or E" and substitute "C, D, or E".

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

SECTION _____. An exemption granted to a school district under Section 552.053(b)(4), Local Government Code, as that section existed before the effective date of this Act, automatically extends to all open-enrollment charter schools located in the municipality after the effective date of this Act unless the municipality repeals the exemption before the effective date of this Act.

The amendment to **CSSB 28** was read and was adopted by the following vote: Yeas 17, Nays 14.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Nichols, Powell, Seliger, West, Whitmire, Zaffirini.

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 28** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in added Section 250.012. Local Government Code (page 3, lines 50-51) strike

"a political subdivision of the state, including" and substitute the following: "a political subdivision of the state, not including a school district and including".

The amendment to **CSSB 28** was read and failed of adoption by the following vote: Yeas 14, Nays 17.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Seliger, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 28** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____ . Section 554.001(2), Government Code, is amended to read as follows:

(2) "Local governmental entity" means:

(A) a political subdivision of the state, including a[~~;~~

~~[(A)]~~ county,~~[;~~

~~[(B)]~~ municipality,~~[;~~

~~[(C)]~~ public school district,~~[;~~ or

~~[(D)]~~ special-purpose district or authority; or

(B) an open-enrollment charter school.

The amendment to **CSSB 28** 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.

Question: Shall **CSSB 28** as amended be passed to engrossment?

(President in Chair)

AT EASE

The President at 7:09 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 7:17 p.m. called the Senate to order as In Legislative Session.

Question: Shall **CSSB 28** as amended be passed to engrossment?

Senator West offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 28** (Senate Committee printing) as follows:

(1) In SECTION 1 of the bill, on page 1, line 31 strike "10" and substitute the following: "a majority of the".

The amendment to **CSSB 28** was read.

Senator West withdrew Floor Amendment No. 5.

CSSB 28 as amended was passed to engrossment by the following vote: Yeas 17, Nays 14.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Nichols, Powell, Seliger, West, Whitmire, Zaffirini.

**SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)**

Senator West offered the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill:

SB 2212 West

Relating to duty of a peace officer to request and render aid for an injured person.

WEST

The Motion In Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2205 by Springer

Relating to the creation of the Hillcrest North Municipal Utility District of Wise County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2206 by Springer

Relating to the powers and duties of the Morningstar Ranch Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

To Committee on Local Government.

SB 2207 by Springer

Relating to the creation of the Grayson County Municipal Utility District No. 8; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2208 by Springer

Relating to the creation of the Rocky Top Ranch Municipal Utility District of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2212 by West, Huffman, Miles, Whitmire

Relating to the duty of a peace officer to request and render aid for an injured person.

To Committee on Jurisprudence.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

- HB 402** to Committee on Criminal Justice.
- HB 766** to Committee on Jurisprudence.
- HB 871** to Committee on Local Government.
- HB 885** to Committee on Higher Education.
- HB 1071** to Committee on Criminal Justice.
- HB 1386** to Committee on Jurisprudence.
- HB 1544** to Committee on Finance.
- HB 1680** to Committee on Natural Resources and Economic Development.
- HB 1787** to Committee on Business and Commerce.
- HB 1799** to Committee on Natural Resources and Economic Development.
- HB 1831** to Committee on Jurisprudence.
- HB 1936** to Committee on Administration.
- HB 2004** to Committee on Water, Agriculture and Rural Affairs.
- HB 2127** to Committee on Administration.
- HB 2376** to Committee on Business and Commerce.
- HB 2431** to Committee on Transportation.
- HJR 125** to Committee on Finance.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet tomorrow at 8:30 a.m.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider **SB 2212** tomorrow.

**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 tomorrow.

CO-AUTHOR OF SENATE BILL 2

On motion of Senator Hancock, Senator Bettencourt will be shown as Co-author of **SB 2**.

CO-AUTHORS OF SENATE BILL 15

On motion of Senator Nichols, Senators Nelson and Paxton will be shown as Co-authors of **SB 15**.

CO-AUTHORS OF SENATE BILL 19

On motion of Senator Schwertner, Senators Hall and Paxton will be shown as Co-authors of **SB 19**.

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-author of **SB 21**.

CO-AUTHORS OF SENATE BILL 288

On motion of Senator Seliger, Senators Buckingham and Springer will be shown as Co-authors of **SB 288**.

CO-AUTHOR OF SENATE BILL 347

On motion of Senator Paxton, Senator Bettencourt will be shown as Co-author of **SB 347**.

CO-AUTHOR OF SENATE BILL 518

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 518**.

CO-AUTHOR OF SENATE BILL 725

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 725**.

CO-AUTHOR OF SENATE BILL 959

On motion of Senator Zaffirini, Senator Blanco will be shown as Co-author of **SB 959**.

CO-AUTHORS OF SENATE BILL 980

On motion of Senator Powell, Senators Menéndez and West will be shown as Co-authors of **SB 980**.

CO-AUTHOR OF SENATE BILL 994

On motion of Senator Powell, Senator Alvarado will be shown as Co-author of **SB 994**.

CO-AUTHORS OF SENATE BILL 1063

On motion of Senator Alvarado, Senators Paxton and Schwertner will be shown as Co-authors of **SB 1063**.

CO-AUTHOR OF SENATE BILL 1160

On motion of Senator Taylor, Senator Lucio will be shown as Co-author of **SB 1160**.

CO-AUTHOR OF SENATE BILL 1196

On motion of Senator Whitmire, Senator Alvarado will be shown as Co-author of **SB 1196**.

CO-AUTHOR OF SENATE BILL 1295

On motion of Senator Creighton, Senator Miles will be shown as Co-author of **SB 1295**.

CO-AUTHORS OF SENATE BILL 1387

On motion of Senator Creighton, Senators Bettencourt, Hall, and Taylor will be shown as Co-authors of **SB 1387**.

CO-AUTHORS OF SENATE BILL 1448

On motion of Senator Taylor, Senators Hinojosa and Kolkhorst will be shown as Co-authors of **SB 1448**.

CO-AUTHOR OF SENATE BILL 1533

On motion of Senator Buckingham, Senator Lucio will be shown as Co-author of **SB 1533**.

CO-AUTHORS OF SENATE BILL 1650

On motion of Senator Perry, Senators Blanco, Eckhardt, Kolkhorst, and Zaffirini will be shown as Co-authors of **SB 1650**.

CO-AUTHOR OF SENATE BILL 1774

On motion of Senator Alvarado, Senator Lucio will be shown as Co-author of **SB 1774**.

CO-AUTHOR OF SENATE BILL 1967

On motion of Senator West, Senator Powell will be shown as Co-author of **SB 1967**.

CO-AUTHOR OF SENATE BILL 2195

On motion of Senator Kolkhorst, Senator Lucio will be shown as Co-author of **SB 2195**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 7

On motion of Senator Springer, Senators Campbell, Gutierrez, Menéndez, and Zaffirini will be shown as Co-authors of **SCR 7**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 55

On motion of Senator Creighton, Senator Schwertner will be shown as Co-author of **SJR 55**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 249 by Campbell, In memory of Sunnye Lynn Collins Hubble.

SR 251 by Springer, In memory of Rodney Clyde Denton.

SR 257 by Springer, In memory of James Nolan Dunlap Jr.

SR 260 by Springer, In memory of Ronnie Neal Keeter.

SR 265 by Lucio, In memory of Federico Jimenez "Lico" Fierro.

Congratulatory Resolutions

SR 252 by Springer, Recognizing North Texas Medical Center on its designation as a Level 1 Maternal Facility.

SR 253 by Springer, Recognizing the Jacksboro High School cheerleading team for winning a state championship.

SR 254 by Springer, Recognizing Olney Hamilton Hospital for its patient care and service.

SR 255 by Springer, Recognizing the Rotary Club of Graham for winning a Guinness World Record title.

SR 256 by Springer, Recognizing William Jenson for being named the Division 4 Young Marine of the Year.

SR 258 by Springer, Recognizing Cynthia Walker on the occasion of her retirement.

SR 259 by Springer, Recognizing Brad Thompson on the occasion of his retirement.

SR 261 by Springer, Recognizing Harold Eugene Van Baale on the occasion of his 75th birthday.

SR 262 by Birdwell, Recognizing the Railroad Commission of Texas on the occasion of its 130th anniversary.

SR 263 by Birdwell, Recognizing the Lipan High School girls' basketball team for winning a state championship.

SR 264 by Lucio, Recognizing Frank and Lisa Aguirre Nunez on the occasion of their 30th anniversary.

SR 266 by Lucio, Recognizing World Down Syndrome Day in Texas.

RECESS

On motion of Senator Whitmire, the Senate at 7:37 p.m. recessed until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 14, 2021

ADMINISTRATION — **CSSB 713**

FINANCE — **CSSB 153, CSSB 1245, CSSB 63, CSSB 678**

BUSINESS AND COMMERCE — **SB 1809**

TRANSPORTATION — **SB 586, SB 763, SB 1704**

STATE AFFAIRS — **SB 723, CSSB 1936, CSSB 726, SB 1699, SB 721, CSSB 885**

LOCAL GOVERNMENT — **CSSB 334, SB 1168, CSSB 1679, SB 1764, SB 2188**

HIGHER EDUCATION — **SB 1019**

BILLS ENGROSSED

April 14, 2021

SB 2, SB 15, SB 20, SB 21, SB 239, SB 347, SB 646, SB 725, SB 760, SB 793, SB 959, SB 1160, SB 1278, SB 1340, SB 1387, SB 1448, SB 1529, SB 1650, SB 2062

RESOLUTIONS ENROLLED

April 14, 2021

SR 249, SR 251, SR 252, SR 253, SR 254, SR 255, SR 256, SR 257, SR 258, SR 259, SR 260, SR 261, SR 262, SR 263, SR 264, SR 265, SR 266