

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-THIRD DAY

(Continued)

(Thursday, April 15, 2021)

AFTER RECESS

The Senate met at 10:17 a.m. and was called to order by the President.

Senator Hancock offered the invocation as follows:

Heavenly Father, we pray that You would still our hearts, still our hearts as we come before You, acknowledging You as the creator of all things, the giver of all things. All things good come from You and they start and originate with You. So, God, we pray that You would give us a good day, that You would allow us to make good decisions, strengthen our good relationships. God, the good that You've done to the state, we pray that You would allow us as elected officials to do good as well as we look to the future, to future Texans, to individuals moving to this great state. God, we pray that we would do it with Your wisdom, with Your guidance, with Your direction, knowing that apart from You, we can do no good. So, we trust in You in all things, and we pray to You as a God of love for all, but allow us to share that love with one another as we go about our work today. In Your name, I pray. Amen.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Lucio was granted leave of absence for today on account of important business.

MESSAGE FROM THE GOVERNOR

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

April 15, 2021

Austin, Texas

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

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

To be a member of the State Securities Board for a term to expire January 20, 2027:

E. Edward "EE" Okpa
Dallas, Texas
(replacing Miguel Romano, Jr. of Austin whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

**NOMINATIONS RETURNED
(Motions In Writing)**

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Shilpa Shamapant to the Council on Cardiovascular Disease and Stroke be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Patrick Gordon to the Rio Grande Compact Commission be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

SENATE RESOLUTION 248

Senator Campbell offered the following resolution:

SR 248, Recognizing April 2021 as the Month of the Military Child.

CAMPBELL
BIRDWELL
BLANCO
HALL
HINOJOSA

The resolution was read and was adopted without objection.

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

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

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 18, Nays 12.

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, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 10 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 10** at this time on its second reading:

CSSB 10, 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 17, Nays 13.

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

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

Absent-excused: Lucio.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 10** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 556.0056(a)(1), Government Code (page 1, lines 34 and 35), strike "at the request of the member of the legislature or the committee".

(2) In added Section 556.0056(a)(2), Government Code (page 1, lines 40 and 41), strike ", while acting as an officer of the county or municipality".

The amendment to **CSSB 10** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Lucio.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 10** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

Section 3. Chapter 556, Government Code, is amended by adding SECTION 556.0057: GUIDANCE ON STATE LOBBYING ACTIVITIES:

- (1) The state shall not use outside lobbying or outside consultants for federal lobbying activities
- (2) The applications of this bill shall also apply to the Federal Government
- (3) Notwithstanding the aforementioned subsections (1) and (2) all military matters are exempted from this section.

MENÉNDEZ	HINOJOSA
ALVARADO	POWELL
BLANCO	WEST
ECKHARDT	ZAFFIRINI
GUTIERREZ	

The amendment to **CSSB 10** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, 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.

Absent-excused: Lucio.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 10** (senate committee printing) in SECTION 1 of the bill as follows:

- (1) In added Section 556.0056(a)(4), Government Code (page 1, line 50), immediately following the underlined semicolon, strike "or".
- (2) In added Section 556.0056(a)(5)(B), Government Code (page 2, line 6), strike the underlined period and substitute "; or".
- (3) In added Section 556.0056, Government Code (page 2, between lines 6 and 7), insert the following:

(6) a county or municipality from spending public money or providing compensation to an individual required to register as a lobbyist under Chapter 305 for the purpose of influencing or attempting to influence the outcome of legislation pending before the legislature related to the military, military service members, or military veterans.

GUTIERREZ	POWELL
BLANCO	SELIGER
ECKHARDT	SPRINGER
HINOJOSA	WEST
JOHNSON	ZAFFIRINI
MENÉNDEZ	

The amendment to **CSSB 10** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Lucio.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 10** as follows:

Sec. 556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES. (a) A political subdivision [~~or private entity~~] that receives state funds may not use the funds to pay:

- (1) lobbying expenses incurred by the recipient of the funds;
- (2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;
- (3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or
- (4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

(a-1) A private entity that receives state funds may not use the funds for a purpose described by Subsection (a)(1), (3), or (4).

(a-2) A private entity that receives state funds or that currently is entered into or seeks to be awarded a contract of \$100 million or more with a state agency may not directly or indirectly compensate a person required to register as a lobbyist under Chapter 305 for lobbying services.

(b) A political subdivision or private entity that violates Subsection (a) is not eligible to receive [~~additional~~] state funds.

The amendment to **CSSB 10** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, 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.

Absent-excused: Lucio.

CSSB 10 as amended was passed to engrossment by the following vote: Yeas 17, Nays 13.

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

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

Absent-excused: Lucio.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:55 a.m. adjourned until 12:00 p.m. today.