

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-SIXTH DAY

(Tuesday, April 20, 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 Bettencourt offered the invocation as follows:

Then the Pharisees went out and laid plans to trap Him with His words. They sent their disciples to Him along with the Herodians. Teacher, they said, We know You're a man of integrity and that You teach the way of God in accordance with the truth. You aren't swayed by men, because You pay no attention to who they are. Tell us, then, what is Your opinion? Is it right to pay taxes to Caesar or not? But Jesus, knowing their evil intent, said, You hypocrites, why are you trying to trap me? Show me the coin for paying the tax. They brought Him a denarius, and He asked them, Whose portrait is this? Whose inscription? Caesar's, they replied. And then, He said to them, Give to Caesar what is Caesar's, and to God what is God's. And with that, I would like to pray for the wisdom of many counselors to come upon the Members of the Senate and their staff as they make decisions every day to give to Caesar what is Caesar's and to God what is God's. Thank you.

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.

MESSAGE FROM THE GOVERNOR

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

April 20, 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 Board of Occupational Therapy Examiners for terms to expire February 1, 2027:

Jacob W. Boggus
Harlingen, Texas

Stephanie D. Johnston, O.T.D.
Magnolia, Texas

Sally Harris King
Houston, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott
Governor

SENATE RESOLUTION 277

Senator Hancock offered the following resolution:

SR 277, Recognizing April 2021 as Alcohol Responsibility Month.

The resolution was read and was adopted without objection.

SENATE RESOLUTION 285

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the Autism Society of America in honoring the month of April 2021 as Autism Acceptance Month; and

WHEREAS, April has been known as Autism Awareness Month in the United States and has been a time to focus on empowering autistic individuals and their families; today, the autism community seeks to shift the language surrounding autism in order to move beyond "awareness" and to foster acceptance as a means of more fully integrating individuals living with autism into our social fabric; and

WHEREAS, The Autistic Self Advocacy Network began celebrating the month of April as Autism Acceptance Month in 2011, and since then, numerous groups have followed the network's example; a culture of true acceptance can lead to improved comprehensive support services for those with autism and provide them with more opportunities for education, employment, accessible housing, and affordable health care; and

WHEREAS, Autism Acceptance Month is an opportunity to celebrate individual differences while building an inclusive society that enables people with autism to live full lives; it is fitting that we honor the efforts of all who help promote an understanding of autism as a natural condition in the human experience; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby recognize April of 2021 as Autism Acceptance Month and encourage citizens and organizations throughout Texas to participate in efforts to support and empower individuals with autism and their families; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Autism Acceptance Month.

SR 285 was read.

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

On motion of Senator Lucio, **SR 285** was adopted without objection.

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.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

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

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

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Commissioner, Public Utility Commission of Texas: Peter Minton Lake, Travis County.

Commissioner, Red River Compact Commission: Robin Lynn Phillips, Grayson County.

Members, State Commission on Judicial Conduct: Valerie E. Ertz, Dallas County; Janis Annette Holt, Hardin County; M. Patrick Maguire, Kerr County; Clifton L. Roberson, Smith County; David John Schenck, Dallas County; Frederick Carl Tate, Tarrant County.

Member, Board, Texas Department of Housing and Community Affairs: Ajay K. Thomas, Travis County.

Members, Texas State Board of Acupuncture Examiners: Elisabeth Lee Carlson, Dallas County; Sheri Jene Davidson, Harris County; Maria Magdalena Garcia, Collin County; Samantha Ann Gonzalez, Bexar County.

Members, Texas State Board of Examiners of Professional Counselors: Vanessa Hall, Harris County; Garrett Adams Nerren, Dallas County.

Member, Board of Regents, The University of Texas System: Kevin Paul Eltife, Smith County.

CONCLUSION OF MORNING CALL

The President at 1:26 p.m. announced the conclusion of morning call.

SENATE BILL 1019 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 1019** at this time on its second reading:

SB 1019, Relating to a requirement for the Texas Higher Education Coordinating Board to report certain student loan data.

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 1019 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 1019** 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.

ACKNOWLEDGMENT

The President acknowledged that Senator Zaffirini had cast her 65,000th consecutive vote in the Texas Senate and presented her with an honorary gavel.

COMMITTEE SUBSTITUTE

SENATE BILL 207 ON THIRD READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 207** at this time on its third reading and final passage:

CSSB 207, Relating to recovery of medical or health care expenses in civil actions.

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1245 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 1245** at this time on its second reading:

CSSB 1245, Relating to the farm and ranch survey conducted by the comptroller for purposes of estimating the productivity value of qualified open-space land as part of the study of school district taxable values.

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 1245 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 1245** 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.

SENATE BILL 763 ON SECOND READING

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 763** at this time on its second reading:

SB 763, Relating to the creation of the urban air mobility advisory committee.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Springer.

SENATE BILL 763 ON THIRD READING

Senator Powell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 763** 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: Springer.

SENATE BILL 1764 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1764** at this time on its second reading:

SB 1764, Relating to the payment of delinquent ad valorem taxes on property subject to a tax sale.

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 1764 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1764** 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 Blanco in Chair)

SENATE BILL 1809 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1809** at this time on its second reading:

SB 1809, Relating to the enforcement of insurance laws, including laws governing the unauthorized business of insurance; authorizing administrative penalties.

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 1809 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 **SB 1809** 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.

SENATE BILL 1699 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 1699** at this time on its second reading:

SB 1699, Relating to the protection of expressive rights of student organizations at public institutions of higher education.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The bill was read second time.

Senator Hughes moved to postpone further consideration of the bill to a time certain of 2:30 p.m. today.

The motion prevailed.

Question: Shall **SB 1699** be passed to engrossment?

(President in Chair)

SENATE BILL 721 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 721** at this time on its second reading:

SB 721, Relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

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 721 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 721** 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.

SENATE BILL 723 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 723** at this time on its second reading:

SB 723, Relating to certain requirements in connection with the acquisition of real property for public use by an entity with eminent domain authority.

The motion prevailed.

Senators Alvarado and 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 on the passage to engrossment except as follows:

Nays: Alvarado, Eckhardt.

SENATE BILL 723 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 723** be placed on its third reading and final passage.

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

Yeas: 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, Whitmire, Zaffirini.

Nays: Alvarado, Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 726 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **CSSB 726** at this time on its second reading:

CSSB 726, Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

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

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

Nays: Alvarado, Powell, West, 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)

COMMITTEE SUBSTITUTE SENATE BILL 726 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 **CSSB 726** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Powell, West, Whitmire.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1817 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1817** at this time on its second reading:

CSSB 1817, Relating to motor vehicle titles.

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: Creighton, Springer.

**COMMITTEE SUBSTITUTE
SENATE BILL 1817 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1817** 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, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Creighton, Springer.

SENATE BILL 586 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 586** at this time on its second reading:

SB 586, Relating to the filing of certain reports by distributors of certain off-highway vehicles purchased outside this state; providing civil penalties.

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: Hall, Hughes.

SENATE BILL 586 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 586** 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, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Hall, Hughes.

SENATE BILL 2188 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2188** at this time on its second reading:

SB 2188, Relating to the municipal or county regulation of residential detention facilities for immigrant or refugee children.

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 2188 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2188** 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 Schwertner in Chair)

SENATE BILL 109 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 109** at this time on its second reading:

SB 109, Relating to the criminal offense of fraudulent securing of document execution.

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 109 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 109** 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 334 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 334** at this time on its second reading:

CSSB 334, Relating to disclosure under the public information law of certain records of an appraisal district.

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: Creighton.

**COMMITTEE SUBSTITUTE
SENATE BILL 334 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 334** 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: Creighton.

**COMMITTEE SUBSTITUTE
SENATE BILL 1490 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 1490** at this time on its second reading:

CSSB 1490, Relating to the authority of the Texas Higher Education Coordinating Board to authorize certain degree programs offered by private postsecondary educational institutions.

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 1490 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 1490** 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 1261 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSSB 1261** at this time on its second reading:

CSSB 1261, Relating to the exclusive jurisdiction of the state to regulate greenhouse gas emissions in this state and the express preemption of local regulation of those emissions.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 12
ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **SCR 12** at this time on its second reading:

SCR 12, Claiming sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

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 resolution was read second time and was adopted by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

SENATE BILL 1696 ON SECOND READING

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1696** at this time on its second reading:

SB 1696, Relating to establishing a system for the sharing of information regarding cyber attacks or other cybersecurity incidents occurring in schools in this state.

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1696** (senate committee report) as follows:

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

SECTION _____. The heading to Section 11.175, Education Code, is amended to read as follows:

Sec. 11.175. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL CYBERSECURITY.

(2) In SECTION 1 of the bill, in the introductory language (page 1, line 26), strike "Subsection (e)" and substitute "Subsections (b), (c), (d), and (e)".

(3) In SECTION 1 of the bill, amending Section 11.175, Education Code (page 1, between lines 27 and 28), insert the following:

(b) Each school district and open-enrollment charter school shall adopt a cybersecurity policy to:

(1) secure district cyberinfrastructure against cyber attacks and other cybersecurity incidents; and

(2) determine cybersecurity risk and implement mitigation planning.

(c) A school district's or open-enrollment charter school's cybersecurity policy may not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources under Chapters 2054 and 2059, Government Code.

(d) The superintendent of each school district and open-enrollment charter school shall designate a cybersecurity coordinator to serve as a liaison between the district or school and the agency in cybersecurity matters.

(4) In SECTION 1 of the bill, in amended Section 11.175(e), Education Code (page 1, line 28), strike "The district's cybersecurity coordinator" and substitute the following:

"A [~~The district's~~] cybersecurity coordinator designated under Subsection (d)"

(5) In SECTION 1 of the bill, in amended Section 11.175(e), Education Code (page 1, line 31), strike "district" and substitute "school district's or open-enrollment charter school's [district]".

(6) In SECTION 1 of the bill, in added Section 11.175(g), Education Code (page 1, line 37), insert "participating" between "between" and "public".

(7) In SECTION 1 of the bill, in added Section 11.175(g), Education Code (page 1, line 41), insert "participating" between "between" and "schools".

The amendment to **SB 1696** 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.

SB 1696 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Creighton, Kolkhorst, Nichols.

SENATE BILL 1696 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 1696** 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 28, Nays 3.

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

Nays: Creighton, Kolkhorst, Nichols.

SENATE BILL 766 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 766** at this time on its second reading:

SB 766, Relating to requiring sexually oriented businesses to participate in the federal electronic verification of employment authorization program, or E-verify; creating a criminal offense.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 766** (senate committee report) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 19-21) and substitute the following:

SECTION 1. Section 51.016, Labor Code, is amended by amending Subsections (a), (b), (c), (d), (e), (h), and (i) and adding Subsection (j) to read as follows:

(2) In SECTION 1 of the bill, in amended Section 51.016, Labor Code (page 1, between lines 26 and 27), insert the following:

(b) A sexually oriented business may not employ or enter into a contract, other than a contract described by Subsection (g), for the performance of work or the provision of a service with an individual younger than 21 [48] years of age.

(3) In SECTION 1 of the bill, strike amended Section 51.016(h), Labor Code (page 1, lines 46-52), and substitute the following:

(h) The commission, the attorney general, or a ~~local~~ law enforcement agency may inspect a record maintained under this section and request proof of E-verify program information verification if there is good reason to believe that an individual younger than 21 ~~[18]~~ years of age is employed or has been employed by, or has entered into a contract, other than a contract described by Subsection (g), for the performance of work or the provision of a service with, the sexually oriented business within the five ~~[two]~~ years preceding the date of the inspection.

(i) A person commits an offense if the person:

(1) fails to maintain a record as required by this section; ~~[or]~~

(2) knowingly or intentionally hinders an inspection authorized under Subsection (h); or

(3) violates Subsection (b).

(4) In SECTION 2 of the bill (page 1, line 56), strike "The change in law made by this Act" and substitute "Section 51.016(c)(2), Labor Code, as added by this Act,".

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

SECTION _____. Chapter 106, Alcoholic Beverage Code, is amended by adding Section 106.17 to read as follows:

Sec. 106.17. PRESENCE OF CERTAIN MINORS ON PERMITTED OR LICENSED PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) An individual younger than 18 years of age may not be on premises covered by a permit or license issued under this code if a sexually oriented business, as defined by Section 243.002, Local Government Code, operates on the premises.

(b) The holder of a permit or license covering a premises described by Subsection (a) may not knowingly or recklessly allow an individual younger than 18 years of age to be on the premises.

(c) Notwithstanding any other provision of this code, if it is found, after notice and hearing, that a permittee or licensee has violated Subsection (b) the commission or administrator shall:

(1) suspend the permit or license for 30 days for the first violation;

(2) suspend the permit or license for 60 days for the second violation; and

(3) cancel the permit or license for the third violation.

SECTION _____. Subchapter A, Chapter 102, Business & Commerce Code, is amended by adding Section 102.0031 to read as follows:

Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY BUSINESS IN RELATION TO A CHILD. A sexually oriented business may not allow an individual younger than 18 years of age to enter the premises of the business.

SECTION _____. Section 102.004(a), Business & Commerce Code, is amended to read as follows:

(a) The attorney general or appropriate district or county attorney, in the name of the state, may bring an action for an injunction or other process against a person who violates or threatens to violate Section 102.002, ~~[or]~~ 102.003, or 102.0031.

SECTION _____. Section 102.005(b), Business & Commerce Code, is amended to read as follows:

(b) A sexually oriented business commits an offense if the business violates Section 102.003 or 102.0031.

SECTION _____. Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

- (1) discharge of a firearm in a public place as prohibited by the Penal Code;
- (2) reckless discharge of a firearm as prohibited by the Penal Code;
- (3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;
- (4) delivery, possession, manufacture, or use of a substance or other item in violation of Chapter 481, Health and Safety Code;
- (5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;
- (6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;
- (7) compelling prostitution as prohibited by the Penal Code;
- (8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;
- (9) aggravated assault as described by Section 22.02, Penal Code;
- (10) sexual assault as described by Section 22.011, Penal Code;
- (11) aggravated sexual assault as described by Section 22.021, Penal Code;
- (12) robbery as described by Section 29.02, Penal Code;
- (13) aggravated robbery as described by Section 29.03, Penal Code;
- (14) unlawfully carrying a weapon as described by Section 46.02, Penal Code;
- (15) murder as described by Section 19.02, Penal Code;
- (16) capital murder as described by Section 19.03, Penal Code;
- (17) continuous sexual abuse of young child or children as described by Section 21.02, Penal Code;
- (18) massage therapy or other massage services in violation of Chapter 455, Occupations Code;
- (19) employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed [a minor] at a sexually oriented business as defined by Section 243.002, Local Government Code;
- (20) trafficking of persons as described by Section 20A.02, Penal Code;
- (21) sexual conduct or performance by a child as described by Section 43.25, Penal Code;
- (22) employment harmful to a child as described by Section 43.251, Penal Code;
- (23) criminal trespass as described by Section 30.05, Penal Code;
- (24) disorderly conduct as described by Section 42.01, Penal Code;
- (25) arson as described by Section 28.02, Penal Code;

(26) criminal mischief as described by Section 28.03, Penal Code, that causes a pecuniary loss of \$500 or more; ~~[or]~~

(27) a graffiti offense in violation of Section 28.08, Penal Code; or

(28) permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business as defined by Section 243.002, Local Government Code.

SECTION _____. Section 51.031(b), Labor Code, is amended to read as follows:

(b) An offense under Section 51.014(d), ~~[or Section]~~ 51.0145, or 51.016(i)(3) is a Class A misdemeanor.

SECTION _____. Section 43.251(a)(1), Penal Code, is amended to read as follows:

(1) "Child" means a person younger than 21 ~~[18]~~ years of age.

SECTION _____. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

The amendment to **SB 766** 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.

SB 766 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 766 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 **SB 766** 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 281 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 281** at this time on its second reading:

CSSB 281, Relating to the use of hypnotically induced statements in a criminal trial.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 281** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Article 38.24, Code of Criminal Procedure (page 1, line 39), insert "Notwithstanding Article 38.23, this article does not affect the admissibility of evidence derived from a statement described by Subsection (b) that corroborates a crime."

The amendment to **CSSB 281** 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 281 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 281 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 281** 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

Tuesday, April 20, 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 14 Goldman

Relating to the creation of the Texas Electricity Supply Chain Security and Mapping Committee.

HB 530 Patterson

Relating to the applicability to election judges of a prohibition on the carrying of a handgun at a polling place.

HB 619 Thompson, Senfronia

Relating to developing a strategic plan to support the child-care workforce.

HB 1284 Paddie

Relating to the regulation of the injection and geologic storage of carbon dioxide in this state.

- HB 1403** Johnson, Ann
Relating to the imposition of consecutive sentences for certain offenses arising out of the same criminal episode.
- HB 1490** Dean
Relating to notice of the cash price of certain health care services by certain hospitals.
- HB 1510** Metcalf
Relating to the response and resilience of certain electricity service providers to major weather-related events or other natural disasters; granting authority to issue bonds.
- HB 1520** Paddie
Relating to the recovery and securitization of certain extraordinary costs incurred by certain gas utilities; providing authority to issue bonds and impose fees and assessments.
- HB 1572** Craddick
Relating to the rental and operation of electric generation equipment.
- HB 1788** Hefner
Relating to immunity from liability of public and private schools and security personnel employed by those schools for certain actions of security personnel.
- HB 2053** Klick
Relating to the licensing and regulation of genetic counselors; requiring an occupational license; authorizing a fee.
- HB 2450** Vasut
Relating to antique outboard motors.
- HB 2490** Howard
Relating to referrals to and consent to services under certain programs designed to serve pregnant women and families.
- HB 2530** Ashby
Relating to the rate of interest on certain tax refunds.
- HB 2670** Guillen
Relating to the eligibility of social workers for the Homes for Texas Heroes home loan program.
- HB 2896** Bonnen
Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.
- HB 3348** Pacheco
Relating to the number of baccalaureate degree programs certain public junior colleges may offer.
- HB 3429** Harris
Relating to inspection requirements for buyer's temporary tags for vehicles sold to nonresident buyers of certain vehicles.

HB 3619

Bowers

Relating to the criteria considered by groundwater conservation districts before granting or denying a permit.

HB 3648

Geren

Relating to the eligibility and designation of certain gas entities and gas facilities as critical during an energy emergency.

HB 3788

Holland

Relating to the training and education of appraisal review board members.

HB 3801

Metcalf

Relating to desired future conditions for groundwater that are declared unreasonable.

HB 3807

Hunter

Relating to the use of lifeguards and informational signs to improve safety on public beaches.

SB 270

Perry

Sponsor: Leach

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

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILLS ON FIRST READING

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

HB 374 to Committee on Administration.

HB 533 to Committee on Local Government.

HB 1363 to Committee on Business & Commerce.

HB 1905 to Committee on Water, Agriculture & Rural Affairs.

HB 2326 to Committee on Administration.

HB 2494 to Committee on Local Government.

HB 2660 to Committee on Natural Resources & Economic Development.

(Senator Bettencourt in Chair)

SENATE BILL 655 REREFERRED

(Motion In Writing)

Senator Schwertner submitted a Motion In Writing requesting that **SB 655** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Administration.

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider **SB 655** tomorrow.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

CO-AUTHOR OF SENATE BILL 38

On motion of Senator Zaffirini, Senator Blanco will be shown as Co-author of **SB 38**.

CO-AUTHOR OF SENATE BILL 68

On motion of Senator Miles, Senator West will be shown as Co-author of **SB 68**.

CO-AUTHOR OF SENATE BILL 118

On motion of Senator Johnson, Senator Blanco will be shown as Co-author of **SB 118**.

CO-AUTHOR OF SENATE BILL 119

On motion of Senator Johnson, Senator Blanco will be shown as Co-author of **SB 119**.

CO-AUTHOR OF SENATE BILL 181

On motion of Senator Johnson, Senator Miles will be shown as Co-author of **SB 181**.

CO-AUTHOR OF SENATE BILL 272

On motion of Senator West, Senator Menéndez will be shown as Co-author of **SB 272**.

CO-AUTHOR OF SENATE BILL 275

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 275**.

CO-AUTHOR OF SENATE BILL 281

On motion of Senator Hinojosa, Senator Eckhardt will be shown as Co-author of **SB 281**.

CO-AUTHOR OF SENATE BILL 462

On motion of Senator Lucio, Senator Seliger will be shown as Co-author of **SB 462**.

CO-AUTHOR OF SENATE BILL 528

On motion of Senator Hughes, Senator Lucio will be shown as Co-author of **SB 528**.

CO-AUTHOR OF SENATE BILL 530

On motion of Senator Huffman, Senator Johnson will be shown as Co-author of **SB 530**.

CO-AUTHORS OF SENATE BILL 678

On motion of Senator Alvarado, Senators Miles and Zaffirini will be shown as Co-authors of **SB 678**.

CO-AUTHOR OF SENATE BILL 706

On motion of Senator Lucio, Senator Blanco will be shown as Co-author of **SB 706**.

CO-AUTHOR OF SENATE BILL 763

On motion of Senator Powell, Senator West will be shown as Co-author of **SB 763**.

CO-AUTHOR OF SENATE BILL 766

On motion of Senator Huffman, Senator Kolkhorst will be shown as Co-author of **SB 766**.

CO-AUTHOR OF SENATE BILL 968

On motion of Senator Kolkhorst, Senator Paxton will be shown as Co-author of **SB 968**.

CO-AUTHORS OF SENATE BILL 1028

On motion of Senator Huffman, Senators Gutierrez, Menéndez, Powell, and Whitmire will be shown as Co-authors of **SB 1028**.

CO-AUTHOR OF SENATE BILL 1146

On motion of Senator Perry, Senator Creighton will be shown as Co-author of **SB 1146**.

CO-AUTHOR OF SENATE BILL 1158

On motion of Senator Kolkhorst, Senator Creighton will be shown as Co-author of **SB 1158**.

CO-AUTHOR OF SENATE BILL 1230

On motion of Senator Taylor, Senator Creighton will be shown as Co-author of **SB 1230**.

CO-AUTHORS OF SENATE BILL 1261

On motion of Senator Birdwell, Senators Creighton and Hall will be shown as Co-authors of **SB 1261**.

CO-AUTHOR OF SENATE BILL 1343

On motion of Senator Taylor, Senator Schwertner will be shown as Co-author of **SB 1343**.

CO-AUTHOR OF SENATE BILL 1385

On motion of Senator Creighton, Senator Schwertner will be shown as Co-author of **SB 1385**.

CO-AUTHORS OF SENATE BILL 1449

On motion of Senator Bettencourt, Senators Kolkhorst and Springer will be shown as Co-authors of **SB 1449**.

CO-AUTHORS OF SENATE BILL 1524

On motion of Senator Hughes, Senators Creighton, Lucio, and Zaffirini will be shown as Co-authors of **SB 1524**.

CO-AUTHOR OF SENATE BILL 1764

On motion of Senator Bettencourt, Senator West will be shown as Co-author of **SB 1764**.

CO-AUTHOR OF SENATE BILL 1780

On motion of Senator Creighton, Senator Miles will be shown as Co-author of **SB 1780**.

CO-AUTHOR OF SENATE BILL 2136

On motion of Senator Blanco, Senator Miles will be shown as Co-author of **SB 2136**.

CO-AUTHOR OF SENATE BILL 2212

On motion of Senator West, Senator Lucio will be shown as Co-author of **SB 2212**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 12

On motion of Senator Creighton, Senator Buckingham will be shown as Co-author of **SCR 12**.

CO-SPONSOR OF HOUSE BILL 723

On motion of Senator Paxton, Senator Johnson will be shown as Co-sponsor of **HB 723**.

CO-SPONSOR OF HOUSE BILL 2536

On motion of Senator Buckingham, Senator Zaffirini will be shown as Co-sponsor of **HB 2536**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 284 by Schwertner, Recognizing Drayton McLane Jr. for his contributions to Milam County.

SR 286 by Kolkhorst, Recognizing the 150th anniversary of the town of Round Top.

HCR 78 (Hancock), Commemorating the 85th anniversary of the Texas Alcoholic Beverage Commission.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:12 p.m. agreed to adjourn, pending the receipt of committee reports, until 1:00 p.m. tomorrow.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:59 p.m. Wednesday, April 21, 2021, adjourned until 1:00 p.m. today.

APPENDIX

COMMITTEE REPORTS

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

April 20, 2021

HEALTH AND HUMAN SERVICES — SB 1856, SB 2049, SB 1917, SB 1895, HB 797, CSSB 184, CSSB 452, CSSB 437, CSSB 1808, CSSB 1829, CSSB 1911, CSSB 1349, CSSB 984, SB 1534, SB 1763, SB 1341, SB 1244, SB 1136, CSSB 1138, CSSB 617, CSSB 50, SB 1692

WATER, AGRICULTURE AND RURAL AFFAIRS — SB 784, SB 840, HB 1070, HB 2089, SCR 32, SB 2183, SB 1997, CSSB 1719

STATE AFFAIRS — SJR 51, SB 282, SB 912, SB 1111, SCR 29, SB 825, SB 285, CSSB 1646, SB 1761, CSSB 286

JURISPRUDENCE — CSSB 1458

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — CSSB 900

WATER, AGRICULTURE AND RURAL AFFAIRS — CSSB 997

STATE AFFAIRS — HB 567

BUSINESS AND COMMERCE — CSSB 2116

BILLS ENGROSSED

April 20, 2021

SB 109, SB 207, SB 281, SB 334, SB 586, SB 721, SB 723, SB 726, SB 763, SB 766, SB 1019, SB 1245, SB 1490, SB 1696, SB 1764, SB 1809, SB 1817, SB 2188

BILL AND RESOLUTIONS ENROLLED

April 20, 2021

SB 270, SR 277, SR 284, SR 285, SR 286

SENT TO GOVERNOR

April 20, 2021

SB 632

