SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTIETH DAY

(Tuesday, April 27, 2021)

The Senate met at 11:29 a.m. pursuant to adjournment and was called to order by President Pro Tempore Birdwell.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present. Senator Seliger offered the invocation as follows:

God of history, may our words today be not for us, but for those who do not live in democratic societies, for those who know privation, not plenty, for those whose opportunities are limited. May the world know that our guiding principles are reason, compassion, and peace and most of all, that our actions prove our words.

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 HOUSE

HOUSE CHAMBER Austin, Texas Tuesday, April 27, 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 GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 1 (non-record vote)

House Conferees: Bonnen - Chair/Capriglione/González, Mary/Walle/Wilson

Respectfully,

/s/Robert Haney, Chief Clerk House of Representatives

MESSAGES FROM THE GOVERNOR

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

April 27, 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 Southern University Board of Regents for a term to expire February 1, 2027:

Marilyn A. Rose Houston, Texas

(Ms. Rose is being reappointed)

Respectfully submitted,

/s/Greg Abbott

Governor

April 27, 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 the Nonresident Violator Compact Administrator for a term to expire February 1, 2023:

Sheri Sanders Gipson Coupland, Texas

(Ms. Gipson is being reappointed)

Respectfully submitted,

/s/Greg Abbott

Governor

April 27, 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 Angelina and Neches River Authority Board of Directors for a term to expire September 5, 2023:

Robert E. "Eddie" Hopkins

Jasper, Texas

(replacing Patricia E. "Pat" Dickey of Crockett who is deceased)

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 Gloria Matt to the Gulf Coast Authority Board of Directors 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 Peter Lake to the Texas Water Development Board 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.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore 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.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

Presiding Officer, Central Texas Regional Mobility Authority: Robert W. Jenkins, Travis County.

Members, Credit Union Commission: Elizabeth Lackey Bayless, Travis County; Karyn Carroll Brownlee, Dallas County; Terrolyn Rankin-Swan, Ward County.

Members, Board, Department of Information Resources: Stacey Schiff Napier, Hays County; Kara Jean Thompson, Travis County.

Executive Commissioner, Health and Human Services Commission: Cecile Erwin Young, Travis County.

Members, Board of Directors, Gulf Coast Authority: Lamont Edward Meaux, Chambers County; Kevin Michael Scott, Galveston County.

Member, Board, Motor Vehicle Crime Prevention Authority: Julio Cesar Gonzalez, Dallas County.

Members, Board of Directors, Nueces River Authority: Jane Drought Bell, Nueces County; Dane Charles Bruun, Nueces County; Dan Stuart Leyendecker, Nueces County; David E. Purser, Karnes County; Armandina Garcia Ramirez, Karnes County; Anita Lacey Shackelford, Real County.

Counsellor, Office of Public Utility Counsel: Lori Ann Cobos, Travis County.

Members, Product Development and Small Business Incubator Board: Jack J. Goehring, Travis County; David Russell Margrave, Bexar County; Hayden Padgett, Collin County.

Member, Public Safety Commission: Jesse Wadell Wainwright, Travis County.

Members, Risk Management Board, State Office of Risk Management: Ricardo Galindo, Bexar County; Lloyd M. Garland, Lubbock County.

Member, State Board for Educator Certification: Julia Faye Moore, Travis County.

Member, State Securities Board: Mary Tyroch Bragg, Bell County.

Members, Board of Regents, Stephen F. Austin State University: Laura Lynn Rectenwald, Harrison County; Nancy Carol Windham, Nacogdoches County.

Members, Board of Trustees, Teacher Retirement System of Texas: Harry Ball, Denton County; Robert Hamilton Walls, Bexar County.

Member, Texas Behavioral Health Executive Council: Gloria Zúñiga Canseco, Bexar County.

Member, Texas Commission on Environmental Quality: Robert James Janecka, Travis County.

Member, Texas Commission on the Arts: Mary Ann Apap Heller, Travis County.

Members, Texas Diabetes Council: Dirrell S. Jones, Dallas County; Aida L. Moreno-Brown, El Paso County; Ninfa Peña-Purcell, Brazos County; Stephen W. Ponder, Bell County; Jason Michael Ryan, Harris County; Maryanne Strobel, Harris County; Christine Ann Wicke, Collin County.

Members, Texas Real Estate Commission: Leslie Lerner, Harris County; Benjamin Peña, Cameron County; Mark Alan Woodroof, Harris County.

Members, Texas State Board of Social Worker Examiners: Brian Cody Brumley, Lamar County; Benny W. Morris, Johnson County; Asia Rodgers, Tarrant County; Dolores Saenz-Davila, Hidalgo County; Jennifer Beth Swords, Tarrant County.

Member, Board of Regents, Texas State Technical College System: Ronald Allen Widup, Tarrant County.

Members, Texas Workforce Commission: Robert Daniel, Williamson County; Aaron Stephon Demerson, Travis County.

Members, Board of Directors, Trinity River Authority of Texas: Henry Borbolla, Tarrant County; Cary Camp, Tarrant County; Tommy Gene Fordyce, Walker County; Lisa Annette Hembry, Dallas County; David Blake Leonard, Liberty County; Lewis Hill McMahan, Dallas County; Amirali Rupani, Dallas County; Kathryn Lee Sanders, Henderson County; Carl Somerville, Freestone County; Brenda Kay Walker, Anderson County.

NOTICE OF CONSIDERATION OF NOMINATIONS

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

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:37 a.m. announced the conclusion of morning call.

SENATE BILL 1341 ON SECOND READING

Senator Springer moved to suspend the regular order of business to take up for consideration **SB 1341** at this time on its second reading:

SB 1341, Relating to eligibility for certain benefits provided under public assistance programs.

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)

SENATE BILL 784 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 784** at this time on its second reading:

SB 784, Relating to rates established by municipalities for water and sewer services.

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.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 784** (senate committee printing) in SECTION 1 of the bill, in added Section 13.0835, Water Code (page 1, line 28), between "comparable utility services" and the underlined period, by inserting "and employ comparable water usage".

The amendment to **SB 784** 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 784 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.

SENATE BILL 784 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 **SB 784** 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 1879 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1879** at this time on its second reading:

CSSB 1879, Relating to the authorization and reporting of expenditures for lobbying activities by certain political subdivisions and other public entities.

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 1879 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 **CSSB 1879** 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 JOINT RESOLUTION 47 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SJR 47** at this time on its second reading:

SJR 47, Proposing a constitutional amendment changing the eligibility requirements for certain judicial offices.

The motion prevailed.

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

The resolution 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: Gutierrez.

SENATE JOINT RESOLUTION 47 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 **SJR 47** be placed on its third reading and final passage.

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

Nays: Gutierrez.

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

SENATE BILL 1111 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1111** at this time on its second reading:

SB 1111, Relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

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 Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 1111 (senate committee report) as follows:

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

SECTION _____. Section 15.051(a), Election Code, is amended to read as follows:

- (a) If the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records, or that the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, the registrar shall deliver to the voter a written confirmation notice requesting confirmation of the voter's current residence.
- (2) In SECTION 3 of the bill, in amended Section 15.053(a), Election Code, at the beginning of Subdivision (3) (page 1, line 58), insert the following between "(3)" and "evidence":

if the voter's residence address is a commercial post office box or similar location that does not correspond to a residence,

The amendment to **SB 1111** 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 Bettencourt moved to postpone further consideration of the bill to a time certain of 1:00 p.m. today.

The motion prevailed.

Question: Shall SB 1111 as amended be passed to engrossment?

COMMITTEE SUBSTITUTE SENATE BILL 1439 ON THIRD READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 1439** at this time on its third reading and final passage:

CSSB 1439, Relating to required written consent of a physician, intern, or resident of an educational institution before directly or indirectly performing or participating in an elective abortion.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

SENATE BILL 1315 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1315** at this time on its second reading:

SB 1315, Relating to the determination that certain property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce for purposes of the application of certain ad valorem tax laws.

The motion prevailed.

Senator Seliger 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: Perry, Seliger.

SENATE BILL 1315 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1315** be placed on its third reading and final passage.

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

Nays: Seliger.

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, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Powell, Schwertner, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Perry, Seliger.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 997 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 997** at this time on its second reading:

CSSB 997, Relating to procedural requirements for the review of a contractual rate charged for the furnishing of raw or treated water or water or sewer service.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 997 (senate committee printing) as follows:

- (1) In SECTION 1 of the bill, strike added Section 12.013(1), Water Code (page 1, line 55, through page 2, line 1), and substitute the following:
- (l) If the parties amend their contract under Subsection (k), a party may challenge before the utility commission the rate paid under the amended contract only:
 - (1) after the 5th anniversary of the date of the contract amendment; or
- (2) during a period agreed to by the parties that begins after the 5th anniversary of the date of the contract amendment and ends on or before the 25th anniversary of that date.
- (2) In SECTION 2 of the bill, strike added Section 13.0431(f), Water Code (page 2, line 33, through page 2, line 39), and substitute the following:
- (f) If the parties amend their contract under Subsection (e), a party may challenge before the utility commission the rate paid under the amended contract only:
 - (1) after the 5th anniversary of the date of the contract amendment; or
- (2) during a period agreed to by the parties that begins after the 5th anniversary of the date of the contract amendment and ends on or before the 25th anniversary of that date.

The amendment to CSSB 997 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 997 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 997 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 997** 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 RULES SUSPENDED

On motion of Senator Bettencourt and by unanimous consent, all necessary rules were suspended to take up further consideration of **SB 1111** on its second reading.

SENATE BILL 1111 ON SECOND READING

The President laid before the Senate **SB 1111** by Senator Bettencourt on its second reading. The bill had been read second time, amended, and further consideration postponed to a time certain of 1:00 p.m. today:

SB 1111, Relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

Question: Shall **SB 1111** as amended be passed to engrossment?

SB 1111 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.

REMARKS ORDERED PRINTED

On motion of Senator Gutierrez and by unanimous consent, the remarks by Senators Bettencourt and Gutierrez regarding **SB 1111** were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Gutierrez, what purpose?

Senator Gutierrez: A few questions if I may, Mr. President.

President: Senator Bettencourt, you yield?

Senator Bettencourt: Certainly.

Senator Gutierrez: Thank you, Senator. You know, certainly I'm always amazed about the difference between the House and Senate because we really do work things out here. We discussed a notion of putting on a passport amendment. You and I talked about it, said why wasn't it probably a good idea because passports don't have—

Senator Bettencourt: An address anymore, right. That's just penciled in.

Senator Gutierrez: That's right. And so, we talked about the things that prove up residency at DPS, Department of Public Safety, what others would know as the DMV, and I'm going to go through the list so that we can get some intent—

Senator Bettencourt: Sure.

Senator Gutierrez: -on, if we could. You're okay with current deed, mortgage, monthly mortgage statement, mortgage payment-

Senator Bettencourt: Sure.

Senator Gutierrez: –booklet, already in your bill, correct?

Senator Bettencourt: Sure.

Senator Gutierrez: Valid unexpired Texas voter registration card is actually the problem that you're trying to address.

Senator Bettencourt: Right, because we're trying to not register private P.O. boxes that could have a mistake.

Senator Gutierrez: Okay. Unexpired Texas motor vehicle registration or title.

Senator Bettencourt: Sure.

Senator Gutierrez: A valid unexpired Texas boat registration or title is in your bill.

Senator Bettencourt: Sure.

Senator Gutierrez: Okay. Valid unexpired Texas concealed handgun license or license to carry.

Senator Bettencourt: Sure.

Senator Gutierrez: Utility or residence service bill dated within 90 days of date of application.

Senator Bettencourt: Sure, the utility bills are already in it.

Senator Gutierrez: Okay. And selective service card—

Senator Bettencourt: Is a no because we don't think there's an address on it.

Senator Gutierrez: Right. Current homeowners or renters insurance policy

statement.

Senator Bettencourt: Should be, yes.

Senator Gutierrez: Okay. Current automobile insurance policy statement.

Senator Bettencourt: Sure.

Senator Gutierrez: Let's talk about Texas high school, college, or university report

card or transfer.

Senator Bettencourt: We don't think there's an address on it, so no.

Senator Gutierrez: Okay, fair enough. A preprinted W-2, 1099, or 1098 tax form

from an employer or governmental or financial-

Senator Bettencourt: With-

Senator Gutierrez: -institution.

Senator Bettencourt: —without an address, no.

Senator Gutierrez: Okay. And mail or printed electronic statements from financial

institutions that have an address. Would that be, suffice?

Senator Bettencourt: Within 90 days, sure.

Senator Gutierrez: Within 90 days. Electronic statements from a federal, state, county, or city governing agency or third party representing government agency dated within 90 days of date of application.

Senator Bettencourt: Right, without an address, no.

Senator Gutierrez: Okay. Current automobile payment booklet or statement.

Senator Bettencourt: No, because those could be sent to P.O. boxes, which we're trying to stop.

Senator Gutierrez: Okay. And current documents issued by the U.S. military or Veterans Administration indicating residential address.

Senator Bettencourt: Yes.

Senator Gutierrez: Okay. And these are all things, again, from the, from the DPS list. And so, you're suggesting to us that these are included in your bill. Correct?

Senator Bettencourt: Right.

Senator Gutierrez: And lastly, on the second page, letter of Texas residency issued by the Texas Juvenile Justice Department.

Senator Bettencourt: Certainly.

Senator Gutierrez: Okay, at this time, Mr. President, could we please have these last remarks placed in the Journal for legislative intent?

(Senator Hughes in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1646 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **CSSB 1646** at this time on its second reading:

CSSB 1646, Relating to the definition of abuse of a child.

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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1646** (senate committee report) in SECTION 2 of the bill, adding transition language (page 2, lines 52-54), by striking the following:

(1) was born on or before August 31, 2010; and

(2)

MENÉNDEZ BLANCO ECKHARDT

The amendment to **CSSB 1646** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

CSSB 1646 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 1428 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1428** at this time on its second reading:

SB 1428, Relating to the applicability of the exemptions in the event of a disaster from certain limitations on the ad valorem tax rate of a taxing unit.

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

SENATE BILL 275 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 275** at this time on its second reading:

SB 275, Relating to the use of an entity name that falsely implies governmental affiliation.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 275** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Subchapter B, Chapter 5, Business Organizations Code, is amended by adding Section 5.064 to read as follows:

- Sec. 5.064. NAME FALSELY IMPLYING GOVERNMENTAL AFFILIATION PROHIBITED. (a) A filing entity or a foreign filing entity may not use a name in this state that falsely implies an affiliation with a governmental entity.
- (b) The secretary of state may, in the secretary's sole discretion, determine at any time that a filing entity's or a foreign filing entity's name falsely implies an affiliation with a governmental entity in violation of Subsection (a), including after erroneously accepting a filing instrument or an application for registration of name.
- (c) If the secretary of state determines that a filing entity's or foreign filing entity's name falsely implies an affiliation with a governmental entity, the secretary of state shall notify the entity in writing. Not later than the 30th day after the date the secretary of state sends the notification required by this subsection, the entity shall:
 - (1) cease transacting business or operating under that name in this state; and
- (2) file with the secretary of state the applicable instrument to amend the entity's name.
- (d) If a filing entity or a foreign filing entity violates Subsection (c), the entity is liable to this state for a civil penalty in an amount not to exceed \$1,000 for each violation. Each day a violation continues is a separate violation for purposes of imposing the civil penalty.
 - (e) The attorney general may bring an action in the name of the state:
 - (1) to recover a civil penalty imposed under this section; or
 - (2) for injunctive relief to require compliance with this section.
- (f) An action under this section may be brought in a district court in Travis County.
- (g) The attorney general may recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty under this section, including court costs, reasonable attorney's fees, and investigatory costs.

The amendment to SB 275 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 275 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 275 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 **SB 275** 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 1341 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 1341** be placed on its third reading and final passage:

SB 1341, Relating to eligibility for certain benefits provided under public assistance programs.

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

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

Nays: Blanco, Eckhardt, Johnson, Lucio, Menéndez, West.

The bill was read third time and was passed 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.

COMMITTEE SUBSTITUTE SENATE BILL 1831 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 1831** at this time on its second reading:

CSSB 1831, Relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and warning signs regarding certain penalties for trafficking of persons; increasing criminal 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.

COMMITTEE SUBSTITUTE SENATE BILL 1831 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 1831** 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 912 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 912** at this time on its second reading:

SB 912, Relating to increasing the criminal penalty for certain conduct engaged in while participating in a riot and to restitution for property damage resulting from participating in a riot.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend SB 912 (senate committee report) as follows:

- (1) In the recital to SECTION 1 of the bill (page 1, line 24), strike "Subsections (g) and (h)" and substitute "Subsections (a-1), (g), and (h)".
- (2) In SECTION 1 of the bill, in amended Section 42.02, Penal Code (page 1, between lines 37 and 38), insert the following:
- (a-1) The term "riot" as defined by Subsection (a) does not include an assemblage of seven or more persons gathering in the exercise of their rights under the First Amendment to the United States Constitution unless those persons engage in conduct described by Subsections (a)(2)(A)-(C).

MENÉNDEZ HINOJOSA

The amendment to **SB 912** 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 912** (senate committee report), in SECTION 1 of the bill, in added Section 42.02(h), Penal Code (page 1, line 49), immediately following the underlined period, by inserting the following:

The presumption that the actor knew the person was a first responder may be rebutted by a preponderance of the evidence that the first responder obscured the responder's name tag or badge.

The amendment to **SB 912** 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 912 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 912 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 912** 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 1509 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 1509** at this time on its second reading:

CSSB 1509, Relating to identification requirements for early voting by mail.

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

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Lucio, 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)

CONGRATULATIONS EXTENDED

Senator Nelson was recognized and, on behalf of the Senate, extended congratulations to Senator Seliger on the birth of his granddaughter, Collin Gray Seliger.

COMMITTEE SUBSTITUTE SENATE BILL 286 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 286** at this time on its second reading:

CSSB 286, Relating to suits affecting the parent-child relationship and the calculation and enforcement of child support.

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 286 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 **CSSB 286** 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: Hughes.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate his wife, Carol West.

The Senate welcomed its guest.

COMMITTEE SUBSTITUTE SENATE BILL 1413 ON SECOND READING

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration CSSB 1413 at this time on its second reading:

CSSB 1413, Relating to the electronic delivery of certain communications and payments required or permitted under the Property Tax Code; authorizing a fee.

The bill was read second time.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1413 (senate committee printing) as follows:

- (1) In the recital to SECTION 3 of the bill (page 1, lines 39-40), strike "and (n)" and substitute "(n), and (o)".
- (2) In SECTION 3 of the bill, immediately following added Section 1.085(n), Tax Code (page 4, between lines 4 and 5), add the following:
 - (o) A tax official is not required to comply with this section if the tax official is:
- (1) an appraisal district established in a county with a population of less than 25,000;
- (2) the chief appraiser of or the appraisal review board established for an appraisal district described by Subdivision (1);
 - (3) a county with a population of less than 25,000;
- (4) a taxing unit other than a county that is wholly located in one or more counties each of which has a population of less than 25,000; or
- (4). (5) an assessor or collector for a taxing unit described by Subdivision (3) or

The amendment to CSSB 1413 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 1413 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 1413 ON THIRD READING

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1413** 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 1259 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1259** at this time on its second reading:

CSSB 1259, Relating to causes of action for withholding payments of the proceeds from the sale of oil and gas production.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1259** (senate committee report) in SECTION 1 of the bill, in added Section 91.402(b-1), Natural Resources Code (page 1, line 27), by striking "royalty".

The amendment to CSSB 1259 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 1259 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 1259 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1259** 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 1589 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1589** at this time on its second reading:

CSSB 1589, Relating to the enforcement of laws relating to elections.

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)

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1896 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1896** at this time on its second reading:

CSSB 1896, Relating to the regulation of child-care facilities and foster care placements and services and the creation of the Office of Community-Based Care Transition.

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 1896 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1896** 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 RULE 5.14(a) SUSPENDED (Intent Calendar)

On motion of Senator Schwertner and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 4:00 p.m. today.

(President Pro Tempore Birdwell in Chair) SENATE BILL 513 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 513** at this time on its second reading:

SB 513, Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas; creating a criminal offense.

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 Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 513** (senate committee printing) in SECTION 2 of the bill, in added Section 40.03, Penal Code (page 2, between lines 62 and 63), by inserting the following:

(i) It is an exception to the application of Subsection (h) that the person is a local or state law enforcement officer who, as a member of a federal task force or of a joint task force consisting of local or state law enforcement officers and federal law enforcement officers, enforces or attempts to enforce a federal statute, order, rule, or regulation described by Subsection (b).

The amendment to SB 513 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 SB 513 (senate committee report) as follows:

- (1) In SECTION 1 of the bill, on page 1 between lines 46 and 47, insert the following:
- (5) The separation of powers between the federal and state governments in our federal system, as laid out in the Tenth Amendment to the United States Constitution and supported by other founding documents, including Federalist No. 46, is a cornerstone of our Republic and a vital protection against tyranny.
- (2) In SECTION 2 of the bill (page 1, line 49), between "FIREARM" and "PROTECTION", insert "AND SOVEREIGNTY".
- (3) In SECTION 3 of the bill (page 1, line 51), between "Firearm" and "Protection", insert "and Sovereignty".

(4) In SECTION 3 of the bill (page 2, line 13), between "of" and "a federal", strike the comma and insert the following:

· (1)

(5) In SECTION 3 of the bill (page 2, line 19), between "state" and the period, insert the following:

; or

 $\overline{(2)}$ a federal statute, order, rule, or regulation related to immigration

The amendment to **SB 513** 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 513 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER Austin, Texas Tuesday, April 27, 2021 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 148 Toth

Relating to the limitations period for certain criminal offenses based on assaultive conduct.

HB 193 Rose

Relating to juvenile court records of victims of sex trafficking.

HB 217 Thompson, Senfronia

Relating to postconviction forensic DNA testing.

HB 541 Patterson

Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.

HB 582 Cole

Relating to the exemption of tuition and laboratory fees at public institutions of higher education for certain paramedics.

HB 988 Shine

Relating to the system for appraising property for ad valorem tax purposes; creating a criminal offense.

HB 1005 Leman

Relating to the requisites of a bail bond given by certain defendants and to conditions of release on bond for certain defendants.

HB 1153 Vo

Relating to the applicability of the Texas Fair Housing Act to certain sales and rentals.

HB 1256 Ashby

Relating to the allocation of certain revenue from mixed beverage gross receipts and sales taxes.

HB 1647 Walle

Relating to the confidentiality of eviction case information for evictions related to the COVID-19 pandemic.

HB 1763 Oliverson

Relating to the contractual relationship between a pharmacist or pharmacy and a health benefit plan issuer or pharmacy benefit manager.

HB 1783 White

Relating to the age of a child at which a juvenile court may exercise jurisdiction over the child and to the minimum age of criminal responsibility.

HB 1920 Capriglione

Relating to the offense of possessing a weapon in a secured area of an airport.

HB 2093 Cortez

Relating to including certain licensed physician assistants in the definition of non-physician mental health professional for purposes of certain provisions applicable to non-physician mental health professionals.

HB 2446 Canales

Relating to the reimbursement of expenses to certain counsel appointed to represent a defendant in a criminal proceeding.

HB 2448 Canales

Relating to the verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.

HB 2555 Neave

Relating to evidence to be included and tracked in the statewide electronic tracking system maintained for evidence of a sexual assault or other sex offense and to noncompliance with requirements imposed with respect to that evidence.

HB 2631 Krause

Relating to the use of in-custody informant testimony in a criminal trial.

HB 2812 Murphy

Relating to the creation of the disaster response loan fund and the permissible uses of that fund; making an appropriation.

HB 2914 Turner, Chris

Relating to the fee for emergency medical services in certain municipalities.

HB 3022 Herrero

Relating to the expunction of arrest records and files by a statutory county court.

HB 3023 King, Ken

Relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.

HB 3120 Capriglione

Relating to the eligibility of an injured employee for lifetime income benefits under the workers' compensation system.

HB 3397 Murphy

Relating to contributions to the Employees Retirement System of Texas.

HB 3516 King, Tracy O.

Relating to the regulation of the recycling of fluid oil and gas waste.

HB 3529 Meyer

Relating to consent for the use or possession of personal identifying information under the Identity Theft Enforcement and Protection Act.

HB 3614 Cain

Relating to a biennial report on state lending and credit support programs.

HB 3717 Burns

Relating to the sale of a water or sewer utility system by a municipality without an election.

HB 3745 Capriglione

Relating to prohibitions in connection with the online sale of goods.

HB 3853 Anderson

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

HB 4344 Jetton

Relating to the dismissal of a complaint filed with the State Commission on Judicial Conduct

HB 4548 Burns

Relating to the issuance of oversize or overweight permits for vehicles transporting agricultural commodities during or preceding a disaster.

HJR 5 Thompson, Senfronia

Proposing a constitutional amendment authorizing the issuance of general obligation bonds and the dedication of bond proceeds to the Brain Institute of Texas established to fund brain research in this state.

Respectfully, /s/Robert Haney, Chief Clerk House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 1499 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **CSSB 1499** at this time on its second reading:

CSSB 1499, Relating to the municipal disannexation of certain areas formerly designated as a census designated place.

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 **CSSB 1499** (senate committee printing) in SECTION 1 of the bill, in added Section 43.149, Local Government Code, as follows:

- (1) Between added Subsections (a) and (b) (page 1, between lines 38 and 39), insert the following:
- (a-1) On November 2, 2021, a municipality shall hold an election in an area described by Subsection (a) on the question of disannexing the area from the municipality. The municipality:
- (1) may not use public money on promotional campaigns or advocacy related to the election; and
 - (2) shall ensure that the ballot proposition for the election:
 - (A) describes the area to be disannexed;
- (B) identifies the area by the commonly used name of the area, if applicable;
- (C) identifies the entities that will provide law enforcement, fire, and emergency services after disannexation;
- (D) describes the effect of disannexation on ad valorem taxes and fees in the area; and
- (E) describes the effect of disannexation on special districts located in the area.
- (2) In Subsection (b) (page 1, line 41), between "area" and the underlined period, insert ", if the voters approve the disannexation in the election held under Subsection (a-1)".

The amendment to **CSSB 1499** was read.

Senator Eckhardt offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Amendment No. 1 by Buckingham to **CSSB 1499** (87R 19969) as follows:

- (1) In Item (1) of the amendment, in proposed added Section 43.149(a-1), Local Government Code (page 1, lines 6-8), strike "On November 2, 2021, a municipality shall hold an election in an area described by Subsection (a) on the question of disannexing the area from the municipality." and substitute the following:
- A resident of an area described by Subsection (a) may file a petition with the county clerk of the county in which the area is primarily located for an election on the question of disannexing the area from the municipality in which the area is located. If a petition filed with the county is signed by a majority of the registered voters in the area as of the preceding uniform election date, the county shall hold the requested election on the next uniform election date following the 90th day after the date the clerk validates the petition signatures.
- (a-2) Not later than the 60th day before the date the county holds an election under Subsection (a-1), the county shall post on the county's Internet website a list of services, including, as applicable, water treatment, waste, fire, law enforcement, emergency medical, and road maintenance services, that the municipality would no longer provide to the area after disannexation if the disannexation were approved at the election, and a list of services that the county or another political subdivision would provide to the area after disannexation if the disannexation were approved at the election. The municipality shall provide the county the information necessary for the posting required under this subsection.

(a-3)

- (2) In Item (2) of the amendment, amending added Section 43.149(b), Local Government Code (page 1, line 23), between the underlined comma and "if", insert "on the 120th day after the date the election held under Subsection (a-1) is certified".
- (3) In Item (2) of the amendment, amending added Section 43.149(b), Local Government Code (page 1, line 24), strike "held under Subsection (a-1)".

The amendment to the amendment to **CSSB 1499** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1499**, the amendment 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.

CSSB 1499 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

SENATE BILL 1480 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1480** at this time on its second reading:

SB 1480, Relating to the licensing and regulation of certain drug and alcohol related court-ordered educational programs; providing administrative penalties; requiring occupational licenses; authorizing fees; creating criminal offenses.

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 1480 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1480** 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 280 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 280** at this time on its second reading:

SB 280, Relating to the composition and duties of the capital and forensic writs committee.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 280** (senate committee printing) in SECTION 2 of the bill, in amended Section 78.003(a), Government Code, as follows:

- (1) On page 1, line 38, strike "seven [five]" and substitute "five".
- (2) Strike page 1, lines 46-51, and substitute the following:

experience with death penalty proceedings in this state]; and

(2) two attorneys who are appointed by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas [two

The amendment to SB 280 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.

 ${\bf SB~280}$ as amended was passed to engrossment by the following vote: Yeas 31, Nays 0.

SENATE BILL 280 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 **SB 280** 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 566 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **SB 566** at this time on its second reading:

SB 566, Relating to electricity service provided by certain municipally owned utilities.

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 566** (senate committee printing) in SECTION 1 of the bill, immediately following added Section 32.152, Utilities Code (page 2, between lines 4 and 5), by inserting the following:

Sec. 32.153. LIMITED DURATION. (a) Except as provided by Subsection (b), the commission may review the rates of a municipally owned utility under this subchapter only until September 1, 2026.

- (b) The commission may review the rates of a municipally owned utility under this subchapter after September 1, 2026, if:
- (1) the municipally owned utility did not initiate a base rate proceeding during the period beginning September 1, 2021, and ending September 1, 2026; and
- (2) the rates being reviewed are proposed for or were adopted in the first base rate proceeding initiated by the municipally owned utility after September 1, 2026.

The amendment to **SB 566** 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.

SB 566 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1508 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 1508** at this time on its second reading:

CSSB 1508, Relating to the establishment of the election integrity division in the office of the attorney general.

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 1105 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1105** at this time on its second reading:

CSSB 1105, Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

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 1105 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1105** 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 1815 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 1815** at this time on its second reading:

CSSB 1815, Relating to motor vehicle size and weight limitations.

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 1815 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 1815** 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 1138 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1138** at this time on its second reading:

CSSB 1138, Relating to a study on streamlining public safety net programs to reduce costs and improve outcomes for recipients under the programs.

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 1138 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1138** 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 CONCURRENT RESOLUTION 41 ON SECOND READING

Senator Springer moved to suspend the regular order of business to take up for consideration **SCR 41** at this time on its second reading:

SCR 41, Urging Congress to propose and submit to the states for ratification the "Keep Nine" amendment to the U.S. Constitution.

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

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

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

The resolution was read second time and was adopted by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 2202 ON SECOND READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 2202** at this time on its second reading:

CSSB 2202, Relating to the social studies curriculum in public schools.

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)

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

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b) to permit the introduction of bills and resolutions as follows:

SB 2220 by Hughes, Relating to the creation of an additional judicial district composed of Smith County.

SB 2226 by Hughes, Relating to the effect of procedural rules adopted by the Supreme Court of Texas.

SB 2227 by Hughes, Relating to securitizing costs associated with electric markets; granting authority to issue bonds.

SB 2230 by Schwertner, Relating to the operation and administration of the Texas Bullion Depository.

SB 2231 by Hall, Relating to the resilience of the electric grid and certain municipalities.

SB 2232 by Hall, Relating to elections.

SB 2233 by Menéndez, Relating to requiring sexual harassment prevention training and ethics training to register as a lobbyist.

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 2220 by Hughes

Relating to the creation of an additional judicial district composed of Smith County. To Committee on Jurisprudence.

SB 2223 by Buckingham

Relating to the creation of the Travis County Municipal Utility District No. 27; 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 2225 by Eckhardt

Relating to the Cottonwood Creek Development District.

To Committee on Local Government.

SB 2226 by Hughes

Relating to the effect of procedural rules adopted by the Supreme Court of Texas.

To Committee on State Affairs.

SB 2227 by Hughes

Relating to securitizing costs associated with electric markets; granting authority to issue bonds.

To Committee on Business & Commerce.

SB 2228 by Taylor

Relating to the authority of the City of Kemah Municipal Management District No. 1 to provide water and sewer service, exercise certain powers, issue bonds, and impose fees, taxes, and assessments and to the validation of certain acts and proceedings of the district.

To Committee on Local Government.

SB 2229 by Hinojosa

Relating to the powers of the Hidalgo County Drainage District Number 1; authorizing the issuance of bonds.

To Committee on Local Government.

SB 2230 by Schwertner

Relating to the operation and administration of the Texas Bullion Depository.

To Committee on Administration.

SB 2231 by Hall

Relating to the resilience of the electric grid and certain municipalities.

To Committee on State Affairs.

SB 2232 by Hall

Relating to elections.

To Committee on State Affairs.

SB 2233 by Menéndez, Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, West, Whitmire, Zaffirini

Relating to requiring sexual harassment prevention training and ethics training to register as a lobbyist.

To Committee on State Affairs.

SENATE BILL 1741 REREFERRED (Motion In Writing)

Senator Birdwell submitted a Motion In Writing requesting that **SB 1741** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **SB 957** today.

CO-AUTHOR OF SENATE BILL 215

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 215**.

CO-AUTHOR OF SENATE BILL 337

On motion of Senator Powell, Senator Hinojosa will be shown as Co-author of SB 337.

CO-AUTHOR OF SENATE BILL 594

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of SB 594.

CO-AUTHOR OF SENATE BILL 912

On motion of Senator Buckingham, Senator Hinojosa will be shown as Co-author of SB 912.

CO-AUTHOR OF SENATE BILL 1111

On motion of Senator Bettencourt, Senator Hughes will be shown as Co-author of SB 1111

CO-AUTHOR OF SENATE BILL 1138

On motion of Senator Hughes, Senator Bettencourt will be shown as Co-author of SB 1138.

CO-AUTHOR OF SENATE BILL 1177

On motion of Senator Birdwell, Senator Zaffirini will be shown as Co-author of SB 1177.

CO-AUTHOR OF SENATE BILL 1185

On motion of Senator Alvarado, Senator West will be shown as Co-author of SB 1185.

CO-AUTHOR OF SENATE BILL 1196

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

CO-AUTHOR OF SENATE BILL 1277

On motion of Senator West, Senator Zaffirini will be shown as Co-author of SB 1277.

CO-AUTHOR OF SENATE BILL 1353

On motion of Senator Miles, Senator Lucio will be shown as Co-author of SB 1353.

CO-AUTHORS OF SENATE BILL 1508

On motion of Senator Creighton, Senators Bettencourt and Hughes will be shown as Co-authors of SB 1508.

CO-AUTHORS OF SENATE BILL 1509

On motion of Senator Creighton, Senators Bettencourt, Hughes, and Kolkhorst will be shown as Co-authors of **SB 1509**.

CO-AUTHOR OF SENATE BILL 1521

On motion of Senator Zaffirini, Senator Powell will be shown as Co-author of SB 1521.

CO-AUTHORS OF SENATE BILL 1589

On motion of Senator Bettencourt, Senators Creighton and Hughes will be shown as Co-authors of SB 1589.

CO-AUTHOR OF SENATE BILL 1646

On motion of Senator Perry, Senator Kolkhorst will be shown as Co-author of SB 1646.

CO-AUTHOR OF SENATE BILL 1694

On motion of Senator Paxton, Senator Creighton will be shown as Co-author of SB 1694.

CO-AUTHOR OF SENATE BILL 1776

On motion of Senator Campbell, Senator Buckingham will be shown as Co-author of SB 1776.

CO-AUTHORS OF SENATE BILL 1831

On motion of Senator Taylor, Senators Alvarado, Lucio, West, and Zaffirini will be shown as Co-authors of SB 1831.

CO-AUTHOR OF SENATE BILL 1910

On motion of Senator Blanco, Senator Hinojosa will be shown as Co-author of SB 1910.

CO-AUTHOR OF SENATE BILL 2124

On motion of Senator Blanco, Senator Paxton will be shown as Co-author of SB 2124.

CO-AUTHORS OF SENATE BILL 2195

On motion of Senator Kolkhorst, Senators Blanco, Campbell, Hinojosa, and Menéndez will be shown as Co-authors of **SB 2195**.

CO-AUTHORS OF SENATE BILL 2202

On motion of Senator Creighton, Senators Bettencourt, Paxton, and Springer will be shown as Co-authors of SB 2202.

CO-SPONSOR OF HOUSE BILL 1024

On motion of Senator Hancock, Senator Alvarado will be shown as Co-sponsor of **HB 1024**.

CO-SPONSOR OF HOUSE BILL 1195

On motion of Senator Hancock, Senator West will be shown as Co-sponsor of **HB 1195**.

CO-SPONSOR OF HOUSE BILL 1927

On motion of Senator Schwertner, Senator Kolkhorst will be shown as Co-sponsor of **HB 1927**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 318 by Lucio, In memory of Teodoro L. Contreras.

SR 321 by Lucio, In memory of Pedro T. "Pete" Blanco.

SR 322 by Creighton, In memory of Robert Lynn Foshee Sr.

Congratulatory Resolutions

SR 315 by Springer, Recognizing the Boomtown Shootout barbecue competition.

SR 316 by Hughes and Nichols, Recognizing Richard D. Brawley on the occasion of his retirement

SR 317 by Lucio, Recognizing Art Cavazos for his contributions to the Harlingen Consolidated Independent School District.

SR 319 by Lucio, Recognizing Vanguard Academy Public Charter Schools for its contributions to Rio Grande Valley communities.

SR 320 by Lucio, Recognizing Susie Houston for her service to Laguna Vista.

SR 323 by Creighton, Recognizing Joe Haliti of Joe's Italian Restaurant for his service during the COVID-19 pandemic.

SR 324 by Powell, Recognizing the 75th anniversary of the Lanham Act.

HCR 90 (Hughes), Honoring the Texas Chili Parlor in Austin.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:14 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 27, 2021

LOCAL GOVERNMENT — SB 658, SB 403, CSSB 58, SB 2046, SB 1421, SB 1167, SB 2163, SB 2166, SB 2172, SB 2205, SB 2207, SB 2219, SB 2208, SB 2211, SB 2216, SB 2174, SB 1942, SB 1744, SB 1436, SB 504, SB 2217

HEALTH AND HUMAN SERVICES — SB 866, SB 1616

LOCAL GOVERNMENT — SB 385, CSSB 832, CSSB 1357, CSSB 1169

STATE AFFAIRS — SB 1247

BILLS AND RESOLUTION ENGROSSED

April 27, 2021

SB 275, SB 280, SB 286, SB 784, SB 912, SB 997, SB 1105, SB 1138, SB 1259, SB 1315, SB 1341, SB 1413, SB 1439, SB 1480, SB 1815, SB 1831, SB 1879, SB 1896, SJR 47

RESOLUTIONS ENROLLED

April 27, 2021

SR 315, SR 316, SR 317, SR 318, SR 319, SR 320, SR 321, SR 322, SR 323, SR 324