

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTY-FIRST DAY

(Wednesday, April 28, 2021)

The Senate met at 11:32 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 Creighton offered the invocation as follows:

Our Father and our God, we thank You today for the privilege of coming into Your presence. We thank You for Your gracious hand which has preserved us as a nation. We praise You for the peaceful continuity of government. We recall that the Bible says in Psalm 127:1, Unless the Lord build the house, those that build it, those that labor, labor in vain. You also said that to whom much has been given, much shall be required. We look gratefully to the past and thank You that from the very foundation of America, You granted our forefathers courage and wisdom, as they trusted in You. So, we ask today that You would inspire us by their example: where there has been failure, forgive us; where there has been progress, confirm; where there has been success, give us humility; and teach us to follow Your instructions more closely as we enter the next century at the time. Give to all those to whom You have entrusted leadership today a desire to seek Your will and to do it. In Jesus' name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## MESSAGES FROM THE GOVERNOR

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

April 28, 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 Correctional Managed Health Care Committee for a term to expire February 1, 2025:

Erin S. Holt

Bonham, Texas

*(replacing Erin A. Wyrick of Amarillo whose term expired)*

Respectfully submitted,

/s/Greg Abbott

Governor

April 28, 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 Facilities Commission for a term to expire January 31, 2027:

Brian A. Bailey

Austin, Texas

*(Mr. Bailey is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

April 28, 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 State Board of Acupuncture Examiners for a term to expire January 31, 2027:

Rey Ximenes, M.D.

Spicewood, Texas

*(replacing Jeremy D. Wiseman, M.D. of Austin whose term expired)*

Respectfully submitted,

/s/Greg Abbott  
Governor

### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President Pro Tempore 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 Pro Tempore 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.

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.

### **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.

### **CONCLUSION OF MORNING CALL**

The President Pro Tempore at 11:40 a.m. announced the conclusion of morning call.

**SENATE BILL 1111 ON THIRD READING**

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

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

**SENATE BILL 1428 ON THIRD READING**

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

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

**COMMITTEE SUBSTITUTE****SENATE BILL 1589 ON THIRD READING**

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2158 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2158** at this time on its second reading:

**CSSB 2158**, Relating to requiring the Texas Education Agency to provide identification kits to school districts and open-enrollment charter schools for distribution to the parent or legal custodian of certain students.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2158 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2158** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1499 ON THIRD READING**

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

**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 12, Present-not voting 1.

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

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

Present-not voting: Lucio.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1339 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1339** at this time on its second reading:

**CSSB 1339**, Relating to the authority to request attorney general advice on questions relating to actions in which the state is interested.

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, Nichols, Paxton, Perry, Schwertner, Springer.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1339 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 **CSSB 1339** 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 25, Nays 6.

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

Nays: Creighton, Nichols, Paxton, Perry, Schwertner, Springer.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1373 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1373** at this time on its second reading:

**CSSB 1373**, Relating to the imposition and collection of fines, fees, and court costs in criminal cases.

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 1373 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 **CSSB 1373** 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 321 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 321** at this time on its second reading:

**CSSB 321**, Relating to contributions to, benefits from, and the administration of the Employees Retirement System of Texas.

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 Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 321** (senate committee printing) as follows:

- (1) Strike SECTIONS 8 and 9 of the bill (page 2, lines 21 through 40).
- (2) In SECTION 20 of the bill, strike added Section 815.407 Government Code (page 4, lines 35 through 38), and substitute the following:

Sec. 815.407. LEGACY PAYMENTS. (a) In addition to the state contributions required by this subtitle, each fiscal year the state shall make an actuarially determined payment in the amount necessary to amortize the system's unfunded actuarial liabilities by not later than the fiscal year ending August 31, 2054.

(b) Before each regular legislative session, the retirement system shall provide the Legislative Budget Board with the amount necessary to make the actuarially determined payment required under Subsection (a). The director of the Legislative Budget Board, under the direction of the Legislative Budget Board, shall include that payment in the general appropriations bill prepared for introduction at each regular legislative session under Section 322.008. This subsection expires September 1, 2055.

- (3) In SECTION 21 of the bill, strike added Section 820.002, Government Code (page 4, lines 54 through 63), and substitute the following:

Sec. 820.002. APPLICABILITY. This chapter applies only to a member of the employee or elected class of membership who:

- (1) was hired or took office on or after September 1, 2022; and
- (2) was not a member on the date the member was hired or took office.

(4) In SECTION 21 of the bill, in added Section 820.052(2)(B), Government Code (page 5, line 29), between "Section 820.053" and the underlined semicolon, insert ", provided that the member is only entitled to the enhanced benefit described by Section 820.053(a)(2)(B) if the member has at least 20 years of service as a law enforcement or custodial officer".

(5) In SECTION 21 of the bill, in added Section 820.053(a)(2)(B) (page 5, line 49), between "balance" and the underlined comma, insert "based on the member's additional two percent contribution under Section 820.101(b)".

(6) In SECTION 21 of the bill, in added Section 820.053(a)(3) (page 5, line 53), between "(3)" and "service", insert "subject to Subsection (c)".

(7) In SECTION 21 of the bill, immediately following added Section 820.053, Government Code (page 5, between lines 62 and 63), insert the following:

(c) For purposes of this section, a member of the elected class of membership under Section 812.002(a)(2) shall have the member's accumulated account balance computed as if the contributions to the account were based on the state base salary, excluding longevity pay payable under Section 659.0445, being paid a district judge as set by the General Appropriations Act in accordance with Section 659.012(a).

(8) In Section 21 of the bill, strike added Section 820.054(a), Government Code (page 5, lines 63 through 67), and substitute the following:

(a) Notwithstanding any other law, a member subject to this chapter, a retiree receiving a cash balance annuity under this chapter, or the beneficiary of a member or retiree described by this subsection, who qualifies for a death or survivor benefit annuity or a disability retirement annuity under Chapter 814 is entitled to a cash balance annuity under Section 820.053 instead of the annuity otherwise provided under Chapter 814.

(9) In SECTION 21 of the bill, strike added Section 820.103(b), Government Code (page 6, lines 30 through 36), and substitute the following:

(b) Subject to Subsection (c), in addition to the amount deposited under Section 820.102, each fiscal year, the retirement system shall:

(1) deposit into each member's individual account in the employees saving account an amount equal to the gain sharing interest rate determined under Subsection (a) for the fiscal year multiplied by the member's accumulated account balance; and

(2) recalculate the annuity of a retiree or annuitant under this chapter by multiplying the annuity by an amount equal to the gain sharing interest rate determined under Subsection (a).

(10) In SECTION 22 of the bill, in added Section 1151.102(b)(2)(D), Insurance Code (page 6, line 59), strike "Code" and substitute "Code, and has at least 10 years of eligible service credit".

(11) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Subchapter B, Chapter 814, Government Code, is amended by adding Section 814.1005 to read as follows:

Sec. 814.1005. INAPPLICABILITY OF SUBCHAPTER TO CASH BALANCE GROUP MEMBERS. This subchapter does not apply to a cash balance group member.

(12) Renumber the SECTIONS of the bill appropriately.

The amendment to **CSSB 321** 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 321** as amended was passed to engrossment 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.

### **SENATE CONCURRENT RESOLUTION 29 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 29** at this time on its second reading:

**SCR 29**, Expressing commitment to eliminating racially offensive place names and urging the U.S. Board on Geographic Names to approve requests to change racially offensive names of geographic features.

The resolution was read second time and was adopted by the following vote: Yeas 31, Nays 0.

### **REMARKS ORDERED PRINTED**

On motion of Senator Huffman and by unanimous consent, the remarks by Senator Miles regarding **SCR 29** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President and Members. At this time I move to suspend the Senate regular order of business to take up and consider Senate Concurrent Resolution 29. This resolution implores the United States Board on Geographic Names to change the names of 20 geographical features in Texas containing the word "Negro." Twenty years ago, the 72nd legislative session passed HB 1756, sponsored in the Senate. HB 1756 directed TxDOT to submit names changes, name change applications, to United States Board on Geographic Names on almost 20 geographic features in Texas, all containing the word "Negro." The name includes Negro Hollow, Negro Tank, Negro Lake, among other features all simply prefaced with the word "Negro." However, changing these names eventually languished and it was never accomplished. However, the United States Board on Geographic Names is waiting for a list of, for its next meeting in June to finalize these names. SCR 29 implores these names are changed for the good of Texas. Members, I want to take a moment to say thank you to all 30 of my colleagues who signed on to this resolution. It means a lot to me and other African Americans in this State of Texas. I think it speaks loudly on what we are really all about and what we stand for in this Chamber. So, Madam

Chair, Mr. President, before I move forward, I just want to say thank you, sincerely, to each and every last one of you, and I move adoption, Mr. President.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1646 ON THIRD READING**

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

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

The motion prevailed by the following vote: Yeas 18, Nays 12, Present-not voting 1.

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

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

Present-not voting: Lucio.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1580 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1580** at this time on its second reading:

**CSSB 1580**, Relating to the use of securitization by electric cooperatives to address certain weather-related extraordinary costs and expenses.

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 1580 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1580** 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 513 ON THIRD READING**

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 69 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 69** at this time on its second reading:

**CSSB 69**, Relating to prohibiting peace officers from using neck restraints during a search or arrest.

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 69 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 69** 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 640 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 640** at this time on its second reading:

**CSSB 640**, Relating to a study on the interoperability needs and technology readiness of behavioral health service providers in this state.

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, Springer.

**COMMITTEE SUBSTITUTE  
SENATE BILL 640 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 640** 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, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Hall, Springer.

**BILL AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

**SB 965, SCR 39, SCR 42.**

**SENATE BILL 746 ON SECOND READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **SB 746** at this time on its second reading:

**SB 746**, Relating to requiring the parent of a student enrolled in a school district to provide and update a student's contact information.

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

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

Nays: Bettencourt, Birdwell, Campbell, Creighton, Hughes, Nelson, Nichols, Paxton, Perry, Springer.

The bill was read second time.

Senator Miles offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 746** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the heading to added Section 26.0125, Education Code (page 1, line 26), strike "STUDENT" and substitute "PARENT".

(2) In added Section 26.0125, Education Code, strike "student's" and substitute "parent's" in each of the following places it appears:

- (A) page 1, line 31;
- (B) page 1, line 32; and
- (C) page 1, line 34.

The amendment to **SB 746** 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 746** as amended was passed to engrossment by the following vote: Yeas 26, Nays 5.

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

Nays: Campbell, Creighton, Hughes, Nelson, Springer.

#### **SENATE BILL 746 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 746** be placed on its third reading and final passage.

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

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

Nays: Campbell, Creighton, Hughes, Nelson, Springer.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

#### **REMARKS ORDERED PRINTED**

On motion of Senator Bettencourt and by unanimous consent, the remarks by Senators Bettencourt and Miles regarding Floor Amendment No. 1 to **SB 746** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Bettencourt, for what purpose?

**Senator Bettencourt:** Ask questions of the amendment author.

**President:** Do you yield?

**Senator Miles:** Yeah, it depends on what kind of socks he's got on today.

**Senator Bettencourt:** Okay, well, no Reagan socks.

**Senator Miles:** Okay, we're good. He don't have his bad boy socks on.

**Senator Bettencourt:** Okay, that's right. Senator, does this have anything to do with the home schooling association that expressed concern—

**Senator Miles:** Yes.

**Senator Bettencourt:** –of, about this data being used to track students that go into home schooling, and they're concerned enough to be alerting negatively on the bill right now. So, does this amendment address their concerns?

**Senator Miles:** It does not. I appreciate you bringing that concern to me and talking about, talking about it alone with me. But it does not address home schools whatsoever, and is not, we're not trying to track how many kids are in home schools.

**Senator Bettencourt:** Could you address it by legislative intent at this point, by addressing their concerns specifically?

**Senator Miles:** As ways in an amendment or you just want me to explain to them that this is for public school system?

**Senator Bettencourt:** Well, I think that they would prefer an amendment. I think they had some amendment language. Do you, are you going to be bringing that up later or–

**Senator Miles:** They didn't. I was not given any amendment language, my understanding that everything was good to go.

**Senator Bettencourt:** –is this the amendment that they wanted? That was what–

**Senator Miles:** Yes.

**Senator Bettencourt:** –okay. Senator Taylor says yes.

**Senator Miles:** Yes.

**Senator Bettencourt:** Okay. Well now, I just want to make sure, Senator Miles, because it's an important point because we don't want, we've got four major, as you know, market channels now for education and the largest growing one is actually home schooling which is estimated to be up to 600,000 students at this point. So, if–

**Senator Miles:** I'm trying–

**Senator Bettencourt:** –this is the amendment–

**Senator Miles:** –and, I'm going to, I'm going to make the same comment when you asked me originally, why does a home school kid need to know what his address is if he's at home?

**Senator Bettencourt:** Well, I think they're worried that somebody else gets the data and calls them because of that. But that's, but if this amendment solves it, and–

**Senator Miles:** This amendment–

**Senator Bettencourt:** –Senator Taylor says so–

**Senator Miles:** –solves that.

**Senator Bettencourt:** –then I'm good with it. So, thank you for taking the questions.

**Senator Miles:** Thank you, Senator Bettencourt.

**SENATE BILL 566 ON THIRD READING**

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

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 28, 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 15** Thompson, Senfronia

Relating to the creation of the Brain Institute of Texas; granting authority to issue bonds.

**HB 363** VanDeaver

Relating to restricting the use of personally identifiable student information by an operator of a website, online service, online application, or mobile application used for a school purpose and providing an exemption from certain restrictions for a national assessment provider.

**HB 409** Cortez

Relating to waivers for entrance fees to state parks and certain hunting and fishing license fees for resident first responders.

**HB 853** Cook

Relating to orders for possession of and access to a child in a suit affecting the parent-child relationship.

**HB 956** Dutton

Relating to the places where certain knives are prohibited.

- HB 962** Bucy  
Relating to the hours of instruction required for driver training.
- HB 1164** Oliverson  
Relating to patient safety practices regarding placenta accreta spectrum disorder.
- HB 1281** Wilson  
Relating to the operation of certain low-powered vehicles.
- HB 1427** Shaheen  
Relating to the disclosure of negotiated rates requested by members of the legislature from certain health care vendors that contract with this state.
- HB 1434** Oliverson  
Relating to limitations on pelvic examinations; authorizing disciplinary action, including an administrative penalty.
- HB 1468** Bell, Keith  
Relating to a local remote learning program offered by a public school.
- HB 1818** Patterson  
Relating to the source of dogs and cats sold by pet stores; providing a civil penalty.
- HB 1903** Walle  
Relating to the Occupational Therapy Licensure Compact; authorizing fees.
- HB 1930** Walle  
Relating to landlord and tenant dispute information reported by justice courts to the Texas Judicial Council and made accessible to the public.
- HB 2106** Perez  
Relating to the prevention, identification, investigation, and enforcement of payment card fraud; providing a civil penalty.
- HB 2120** Bell, Keith  
Relating to school district hearings regarding complaints.
- HB 2268** Paul  
Relating to disconnection notices for water and sewer service.
- HB 2309** Dominguez  
Relating to the enforcement of parking privileges for people with disabilities; increasing criminal fines; authorizing a fee.
- HB 2315** Turner, John  
Relating to the forfeiture of contraband relating to the criminal offense of racing on a highway.
- HB 2318** Geren  
Relating to the content and numbering of propositions on the ballot.
- HB 2414** Davis  
Relating to the authority of a county clerk to require a person to present photo identification to file a document in the real property records of a county.
- HB 2509** Lucio III  
Relating to measures to support or enhance graduate medical education for the practice of podiatric medicine in this state.

- HB 2557** Rogers  
Relating to a school security volunteer program in certain counties.
- HB 2593** Moody  
Relating to the criminal penalties for the possession of certain tetrahydrocannabinols under the Texas Controlled Substances Act.
- HB 2766** Rogers  
Relating to the creation of a rural dual credit pilot program by the Texas Higher Education Coordinating Board.
- HB 2787** Middleton  
Relating to repeal of certain Employee Retirement Income Security Act of 1974 exemption provisions relating to pharmacy benefits.
- HB 2879** Landgraf  
Relating to notice required in connection with possessory liens on certain motor vehicles.
- HB 3041** Frank  
Relating to the provision of certain services by the Department of Family and Protective Services as an alternative to removing a child and certain procedures with respect to children in the managing conservatorship of the department.
- HB 3233** Moody  
Relating to the establishment by certain counties and hospital districts of disease control pilot programs to reduce the risk of certain infectious and communicable diseases; authorizing fees.
- HB 3271** Ordaz Perez  
Relating to establishing loan programs to assist certain micro-businesses by increasing access to capital; authorizing fees.
- HB 3938** Bell, Keith  
Relating to the establishment of the industry-based certification advisory council and the transfer of certain duties to that advisory council.
- HB 3961** Spiller  
Relating to required posting of information regarding the office of the state long-term care ombudsman on certain long-term care facilities' Internet websites.
- HB 4579** Burrows  
Relating to the powers, duties, and bond authority of the Lubbock Reese Redevelopment Authority; providing authority to impose a fee.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**(Senator Blanco in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1602 ON SECOND READING**

Senator Taylor moved to suspend the regular order of business to take up for consideration **CSSB 1602** at this time on its second reading:

**CSSB 1602**, Relating to nonrenewal of certain property and casualty insurance policies for the insured's failure to cooperate in a claim investigation, settlement, or defense.

The motion prevailed.

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

Senator Miles asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **CSSB 1602** (senate committee printing) in SECTION 1 of the bill, in added Section 551.1053, Insurance Code, as follows:

(1) In the heading (page 1, line 27), between "OF" and "POLICIES", insert "PRIVATE PASSENGER AUTOMOBILE INSURANCE".

(2) In Subsection (a) (page 1, line 28), between "insured" and "fails", insert "under a private passenger automobile insurance policy".

(3) In Subsection (b) (page 1, line 41), strike "a policy" and substitute "a private passenger automobile insurance policy".

The amendment to **CSSB 1602** was read and was adopted by a viva voce vote.

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

Present-not voting: Miles.

**CSSB 1602** 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: Gutierrez, Whitmire.

Present-not voting: Miles.

### **COMMITTEE SUBSTITUTE SENATE BILL 1602 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 1602** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

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

Nays: Gutierrez, Whitmire.

Present-not voting: Miles.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2, Present-not voting 1. (Same as previous roll call)

#### **SENATE BILL 741 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 741** at this time on its second reading:

**SB 741**, Relating to the carrying or storage of a handgun by a school marshal.

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)

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 678 ON SECOND READING**

Senator Alvarado moved to suspend the regular order of business to take up for consideration **CSSB 678** at this time on its second reading:

**CSSB 678**, Relating to the creation of the small business disaster recovery loan program.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Creighton, Hall, Hancock, Hughes, Nichols, Paxton, Springer.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 678** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 30), strike "403" and substitute "481".

(2) In the recital to SECTION 1 of the bill (page 1, line 31), strike "R" and substitute "CC".

(3) In SECTION 1 of the bill, in the heading to Subchapter R, Chapter 403, Government Code (page 1, line 32), strike "R." and substitute "CC".

(4) In SECTION 1 of the bill (on page 1, line 33), strike added "Sec. 403.501" and substitute "Sec. 481.601", and renumber subsequent sections of added Subchapter CC, Chapter 481, Government Code, and cross references to those sections accordingly.

(5) In SECTION 1 of the bill, in added Subchapter R, Chapter 403, Government Code:

(A) strike "comptroller" and substitute "office" each time it appears:

(i) page 1, lines 43, 47, 53, and 55;

(ii) page 2, lines 11, 17, 20, 23, 26, 43, 65, 68; and

(iii) page 3, lines 7, 9, 13, 14, 17; and

(B) strike "comptroller's" and substitute "office's" on page 2, line 32.

(6) In SECTION 2 of the bill (page 3, line 27), strike "comptroller of public accounts" and substitute "Texas Economic Development and Tourism Office".

(7) In SECTION 2 of the bill (page 3, line 31), strike "comptroller" and substitute "office".

The amendment to **CSSB 678** 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 678** as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Creighton, Hall, Hancock, Hughes, Nichols, Paxton, Springer.

### COMMITTEE SUBSTITUTE SENATE BILL 678 ON THIRD READING

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 678** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Hancock, Paxton, Springer.

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

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

Nays: Creighton, Hall, Hancock, Hughes, Nichols, Paxton, Springer.

**(President in Chair)****HOUSE BILL 1024 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1024** at this time on its second reading:

**HB 1024**, Relating to the pickup and delivery of alcoholic beverages from certain premises for off-premises consumption.

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

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

Nays: Perry.

**HOUSE BILL 1024 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 **HB 1024** 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: Perry.

**REMARKS ORDERED PRINTED**

On motion of Senator Taylor and by unanimous consent, the remarks by Senators Hancock and Taylor regarding **HB 1024** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Taylor, for what purpose?

**Senator Taylor:** Would this be the proper time to ask questions?

**President:** Yes, it would be.

**Senator Taylor:** Thank you, Mr. President. Senator Hancock, this is a great bill and I think really is necessary. A lot of our restaurants have suffered immensely and this has been a great thing. It was done during COVID, it's proven to be functional and it works well. I did have some questions from folks back home who are actually located on the water and want to make sure that this is your intent, that this would apply to boats as well.

**Senator Hancock:** Yeah. Our understanding in reading the language is, and we talked, I think we shared with you some of the language in there that it would address that, because it talks about, you know, trailers or movable objects, so our understanding is this would address that issue. And so, appreciate the clarification.

**Senator Taylor:** To just, so just be specific that this would apply that if someone pulled up to a restaurant located on the water, they could also take the beer to go provisions as well.

**Senator Hancock:** Correct.

**Senator Taylor:** Thank you. Mr. President, if I could, I'd like to move that our conversation be reduced to writing and placed in the Journal—

**President:** Any objection, hearing none.

**Senator Taylor:** —for legislative intent.

**President:** Any objection, hearing none, the motion is adopted.

**(Senator Paxton in Chair)**

### **SENATE BILL 390 ON SECOND READING**

On motion of Senator Eckhardt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 390** at this time on its second reading:

**SB 390**, Relating to the date of dissolution of the Save Historic Munny 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.

### **SENATE BILL 390 ON THIRD READING**

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 390** be placed on its third reading and final passage.

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

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

**(Senator Perry in Chair)**

### **SENATE BILL 1776 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1776** at this time on its second reading:

**SB 1776**, Relating to the inclusion of an elective course on the founding principles of the United States in the curriculum for public high school students and the posting of the founding documents of the United States in public school buildings.

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 1776 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1776** 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.

### HOUSE BILL 1585 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1585** at this time on its second reading:

**HB 1585**, Relating to the operations and functions of the Teacher Retirement System of Texas.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 1585** (senate committee printing) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 1 (page 1, lines 20 through 29);

(B) SECTIONS 3 and 4 (page 1, lines 55 through 61); and

(C) SECTION 6 (page 2, line 33, through page 3, line 18).

(2) In the recital to SECTION 5 of the bill (page 2, line 2), strike "Subsections (b) and (e)" and substitute "Subsection (b)".

(3) In SECTION 5 of the bill, strike amended Section 824.601(b), Government Code (page 2, lines 4 through 17), and substitute the following:

(b) Except as provided by Subsection (b-1) or (b-4), or Section 824.602 and subject to Subsection (b-2) and, if applicable, Subsection (b-3), a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution.

(4) In SECTION 5 of the bill, strike added Section 824.601(b-3), Government Code (page 2, lines 18 through 22), and substitute the following:

(b-3) A retiree under Section 824.202 is subject to Subsection (b) only if the retirement system first issues the following notices to the retiree:

(1) with respect to the first occurrence of the retiree's employment that does not qualify for an exception under Section 824.602, the system issued a written warning notifying the retiree of that fact; and

(2) in a month following the month in which the system issued the warning described by Subdivision (1) and with respect to a subsequent occurrence of the retiree's continued employment that does not qualify for an exception under Section 824.602, the system issued a written notice:

(A) warning the retiree of the fact described by this subdivision; and

(B) requiring the retiree to pay to the system, in a form and manner prescribed by the system, an amount, as elected by the retiree, that equals the total sum the retiree:

(i) earned for all employment by Texas public educational institutions for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision; or

(ii) received in retirement benefit payments for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision.

(5) In SECTION 5 of the bill, strike amended Section 824.601(e), Government Code (page 2, lines 30 through 32).

(6) In SECTION 11 of the bill, strike amended Section 825.308(3), Government Code (page 4, lines 22 through 24), and substitute the following:

(3) retirement annuities waived or forfeited in accordance with Section 824.601 or 824.004;

(3-a) retiree earnings described by Section 824.601(b-3)(2)(B)(i) that have been paid to the system;

(7) In SECTION 25 of the bill (page 7, lines 35 through 38), strike the transition language and substitute the following:

SECTION 25. Section 824.601, Government Code, as amended by this Act, applies only to employment by a retiree of the Teacher Retirement System of Texas that occurs on or after the effective date of this Act.

(8) Renumber the SECTIONS of the bill accordingly.

The amendment to **HB 1585** 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 **HB 1585** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in the recital (page 2, line 2), between "(b)" and "and (e)", add ", (b-1),".

(2) In SECTION 5 of the bill, in amended Section 824.601, Government Code (page 2, between lines 17 and 18), insert the following:

(b-1) Subsection (b) does not apply to a retiree under Section 824.202 whose effective date of retirement is on or before January 1, 2021 [~~2011~~].

(3) Strike SECTION 25 of the bill (page 7, lines 35 through 38) and substitute the following:

SECTION 25. Sections 824.601 and 824.602, Government Code, as amended by this Act, apply only to employment by a retiree of the Teacher Retirement System of Texas that occurs on or after the effective date of this Act.

The amendment to **HB 1585** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**HB 1585** as amended was passed to third reading by a viva voce vote.

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

### **HOUSE BILL 1585 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 **HB 1585** be placed on its third reading and final passage.

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

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

### **REMARKS ORDERED PRINTED**

On motion of Senator Kolkhorst and by unanimous consent, the remarks by Senators Kolkhorst and Lucio regarding Floor Amendment No. 2 to **HB 1585** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Kolkhorst, for what purpose?

**Senator Kolkhorst:** Does the author of the amendment yield for a question?

**President:** Senator Lucio, you yield?

**Senator Lucio:** I yield.

**Senator Kolkhorst:** Thank you. Thank you, Senator Lucio. I know this is a very important Sunset Bill and appreciate your hard work on this, and you always advocate for education, appreciate you so much. My question is to kind of set a stage, and it's work that I did when I was in the House with Senator Duncan and, at the time, Representative Craig Eiland on retire-rehire. And we had some major issues going on at that point. We made some adjustments not just to retire-rehire but the five-year averaging and a couple of other changes that some have credited keeping us, though, Senator Huffman, we struggle to make sure that we're solvent and within that 31-year window and all of the requirements of pension funds. We still struggle with that. It really did put a tourniquet on the bleeding. Much of those changes had been made in the 1990s when the good times were rolling. I remember Barry Telford at the time had made those changes, and then he was actually lobbying for the Texas State Retired Teachers Association after he had retired, and he came to me and he said, I was wrong about some of the things that we did because this system is going to do nothing but now hurt our retired teachers. So, in making this change, Senator Lucio, where we, you don't have to lay out for those 12 months. We're going to move it to January the 1st, 2021.

**Senator Lucio:** That's correct.

**Senator Kolkhorst:** I think that, you know, in meeting with others the actuary soundness is going to be okay. Correct?

**Senator Lucio:** Yes, Ma'am. It will be. I've been assured of that.

**Senator Kolkhorst:** But if we do this again next year, and we move it to 2023, and then the next time we move it to 2025, and the next time we move it to 2027, what does that do?

**Senator Lucio:** Well, I, you know, we're going to have to wait and take it up at that time and discuss what impact it will have. Certainly, if it has a negative impact, we're not going to support any effort that will make the fund insolvent.

**Senator Kolkhorst:** So, there's a reason that we've waited a decade to change this date. And I'm going to kind of, if you don't mind, take the liberty of answering my own question there.

**Senator Lucio:** Sure, go ahead.

**Senator Kolkhorst:** It changes the behavior of retirement.

**Senator Lucio:** That's—

**Senator Kolkhorst:** It absolutely would change the behavior of retirement and it would have an actuary impact. And so, one of the things that I'm going to say, I'm going to support your amendment, but it was, it was extremely hard to change the behavior of what had been created. And this was, I believe if I'm correct it was 2005 when we did all this work, and part of the work was, you know, I gave the example of if I retire today and I start drawing my pension fund but then I go back in that same teaching position or staff position or superintendent position, I can't pay back into the fund. That's double jeopardy by federal rules. Right? And so, we did where the school district had to pay both sides of the retirements to keep the fund solvent. Now, I know that Senator Schwertner, you've got some corrections on some things of the penalties that teachers have to pay. School districts are passing that on and there's some work we need to do. But the idea is to keep the teacher retirement system fund solvent and to not change retirement patterns. It really can have an impact, a devastating impact on our teachers that solely depend on these funds to live. My sister is one of them. She does not get social security. She retires on, and she's widowed. And she didn't get her husband's social security. She didn't get that option either. And so, retired teachers are a special group that we always want to protect. We laud them, we had the retired teachers day, and we all stood up and told stories of the impact. I said, I'm not here but for Doug Smith as my high school golf coach and Miss Condra, my second grade teacher, who told me I could do anything I wanted to do or be, I wouldn't stand on this floor today and represent the people. So, my question to you is just that we have to be sensitive when we change these retirement dates so that we do not change behavior in retirement patterns.

**Senator Lucio:** I want to make it very clear today, for everyone listening, the change is only for one time and there is no intention on my part and I'm sure no intention on part of anyone here today that we make this a regular pattern for us to follow in the future.

**Senator Kolkhorst:** Thank you.

**Senator Lucio:** So, I wanted to make that clear today.

**Senator Kolkhorst:** Thank you, Senator. Senator Perry, I mean, Mr. President, I'd like to have motion that we reduce the exchange between Senator Lucio and I, reduce it to writing and place it in the Journal.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1508 ON THIRD READING**

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

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

**SENATE BILL 1495 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 1495** at this time on its second reading:

**SB 1495**, Relating to certain criminal offenses related to highways and motor vehicles; creating a criminal offense; increasing a criminal penalty.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1495** (senate committee report) as follows:

(1) In SECTION 3 of the bill, strike Section 545.4205, Transportation Code (Page 1, lines 49 through 61) and insert the following:

Sec. 545.4205. INTERFERENCE WITH PEACE OFFICER INVESTIGATION OF RECKLESS DRIVING EXHIBITION; CRIMINAL OFFENSE. (a) A person commits an offense if they use their body, a car, or barricade to knowingly impede or otherwise interfere with a peace officer's investigation of an exhibition of conduct prohibited under Section 545.420 or a reckless driving exhibition, as defined by Section 42.03, Penal Code.

(b) An offense under this section is a Class B misdemeanor.

(c) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

The amendment to **SB 1495** 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 1495** 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, Hancock, Hughes, Perry, Springer.

#### **SENATE BILL 1495 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 1495** 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 26, Nays 5.

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

Nays: Creighton, Hancock, Hughes, Perry, Springer.

**(President in Chair)**

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 2202 ON THIRD READING**

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

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

#### **SENATE BILL 2194 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 2194** at this time on its second reading:

**SB 2194**, Relating to the regulation of certain retail electric products.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 2194** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.110 to read as follows:

Sec. 39.110. WHOLESALE INDEXED PRODUCTS PROHIBITED. (a) In this section, "wholesale indexed product" means a retail electric product in which the price a customer pays for electricity includes a direct pass-through of real-time settlement point prices determined by the independent organization certified under Section 39.151 for the ERCOT power region.

(b) An aggregator, a broker, or a retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

(c) An aggregator, a broker, or a retail electric provider may enroll a customer other than a residential and small commercial customer in a wholesale indexed product only if the provider, aggregator, or broker obtains before the customer's enrollment an acknowledgment signed by the customer that the customer accepts the potential price risks associated with a wholesale indexed product.

(d) An acknowledgment required by Subsection (c) must include the following statement, in clear, boldfaced text:

"I understand that the volatility and fluctuation of wholesale energy pricing may cause my energy bill to be multiple times higher in a month in which wholesale energy prices are high. I understand that I will be responsible for charges caused by fluctuations in wholesale energy prices."

(e) An acknowledgment required by Subsection (c) may be included as an addendum to a contract.

(f) A retail electric provider that provides a wholesale indexed product to a customer must keep on file the acknowledgment required by Subsection (c) for each customer while the customer is enrolled with the retail electric provider in the wholesale indexed product.

SECTION 2. Section 39.112, Utilities Code, is amended to read as follows:

Sec. 39.112. NOTICE OF EXPIRATION AND PRICE CHANGE. (a) In this section, "fixed rate product" means a retail electric product with a term of at least three months for which the price for each billing period, including recurring charges, does not change throughout the term of the contract, except that the price may vary to reflect actual changes in transmission and distribution utility charges, changes to ERCOT or Texas Regional Entity administrative fees charged to loads, or changes to federal, state, or local laws that result in new or modified fees or costs that are not within the retail electric provider's control.

(b) A retail electric provider shall provide a residential customer who has a fixed rate product with at least three ~~one~~ written notices ~~notice~~ of the date the fixed rate product will expire. The ~~notices~~ ~~notice~~ must be provided during the last third of the contract period and in intervals that allow for, as practicable, even distribution of the notices throughout the last third of the contract period. The final notice for a contract with a period of more than four months must be provided at least 30 days before the

date that the contract will expire. The final notice for a contract with a period of less than four months must be provided at least 15 days before the date that the contract will expire.

(c) The retail electric provider must provide each notice required by Subsection (b) to the customer by mail at the customer's billing address, unless the customer has opted to receive communications electronically from the retail electric provider.

(d) If the retail electric provider has access to customer contact information that allows the provider to send the customer a text message or call the customer, and the customer has agreed to receive notices by text message or call, the retail electric provider may provide additional notice to the customer by text message or call of the date the fixed rate product will expire. Notice provided by text message or call does not constitute notice under Subsection (b).

(e) A notice required by Subsection (b) must:

(1) for a notice provided by mail, ~~be sent to the customer's billing address by mail at least 30, but not more than 60, days preceding the date the contract will expire;~~

~~(2) be sent to the customer's e-mail address, if available to the provider and if the customer has agreed to receive notices electronically, at least 30, but not more than 60, days preceding the date the contract will expire;~~

~~(3) include in a manner visible from ~~on~~ the outside of the envelope in which the notice is sent, a statement that reads: "Contract Expiration Notice. See Enclosed.";~~

~~(4) if included with a customer's bill, be printed on a separate page or included as a separate document; ~~and~~~~

~~(5) include a description of any fees or charges associated with the early termination of the customer's fixed rate product; and~~

~~(6) describe any renewal offers the retail electric provider chooses to make available to the customer and identify methods by which the customer may obtain the contract documents for each of the offered products.~~

(f) The final notice provided under Subsection (b) must include the pricing terms for the default renewal product required by Subsection (h).

(g) ~~(e)~~ A retail electric provider shall include on each billing statement, in boldfaced and underlined text, the end date of the fixed rate product.

(h) Except as provided by Subsection (j), if a customer does not select another retail electric product before the expiration of the customer's contract term with a retail electric provider, the provider shall automatically serve the customer through a default renewal product that the customer may cancel at any time without a fee. The default renewal product must be:

(1) a month-to-month product in which the price the customer pays for electricity may vary between billing cycles; and

(2) based on clear terms designed to be easily understood by the average customer.

(i) A retail electric provider shall include in each contract for service the terms of the default renewal product that the customer will automatically be enrolled in under Subsection (h) if the customer does not select another retail electric product before the expiration of the contract term.

(j) If a retail electric provider does not provide notice of the expiration of a customer's contract with the provider in accordance with this section and the customer does not select another retail electric product before the expiration of the customer's contract term with the provider, the retail electric provider must continue to serve the customer under the pricing terms of the fixed rate product contract until:

(1) the provider provides notice of the expiration of the contract in accordance with this section; or

(2) the customer selects another retail electric product.

(k) [~~(d)~~] No provision in this section shall be construed to prohibit the commission from adopting rules that would provide a greater degree of customer protection.

SECTION 3. The changes in law made by this Act apply only to an enrollment or reenrollment of a customer in a retail electric product that is executed on or after the effective date of this Act. An enrollment or reenrollment of a customer in a retail electric product that is executed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2021.

The amendment to **SB 2194** 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 Gutierrez offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **SB 2194** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 17.004, Utilities Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other law, a buyer of retail electric service has the right to:

(1) avoid discontinuation of electric service for nonpayment on a Saturday or Sunday or a holiday observed by an electric utility or retail electric provider, unless the utility or provider is open to accept payment and restore service on that day;

(2) avoid discontinuation of electric service for a period of 60 days of nonpayment if an electric utility or retail electric provider receives written notice from a medical doctor licensed to practice in this state or a state that shares a border with this state that certifies that discontinuation of service would create a life-threatening situation for the customer or a permanent resident of the customer's household;

(3) negotiate with a retail electric provider a deferred payment plan to avoid discontinuation of electric service for a delinquent account in accordance with the utility's or provider's terms and conditions;

(4) avoid discontinuation of electric service or refusal of service for a location because a former occupant at that location, not of the same household, failed to pay a previous bill;

(5) avoid disconnection of electric service during periods when temperatures exceed 100 degrees Fahrenheit or fall below 32 degrees Fahrenheit and at times described by Section 39.101(h);

(6) avoid discontinuation of electric service on account of nonpayment if the customer has been approved for Low Income Home Energy Assistance Program benefits in an amount equal to the delinquent balance, the customer has provided notice of the approval to the electric utility, and the benefits are payable before the 30th day after the date the customer provides the notice;

(7) avoid discontinuation of electric service for failure to pay a portion of any bill that is in dispute if the customer provides a deposit for the amount in dispute;

(8) avoid discontinuation of electric service for nonpayment of bills if, as of 8 a.m. on the scheduled date of disconnection, a freeze warning has been issued by the National Weather Service for the county of the scheduled disconnection;

(9) avoid discontinuation of electric service for nonpayment of bills if, as of 8 a.m. on the scheduled date of disconnection, an excessive heat warning has been issued by the National Weather Service for the county of the scheduled disconnection;

(10) request a written explanation for the reason a retail electric provider refuses to serve a customer if the utility or provider refuses to initially serve the customer;

(11) receive a written explanation from a electric provider that refuses to initially serve a customer, after the customer provides the utility or provider with a valid mailing address, that includes:

(A) the reason service is being refused; and

(B) a description of the actions the customer must take in order to receive service;

(12) be given accurate and understandable information concerning the price and terms of service for electric service; and

(13) have access through the commission to an independent administrative process that provides a simple, quick, and effective means of resolving complaints about electric service and bills for customers who are unable to resolve disputed bills directly with a retail electric provider.

(b) The Public Utility Commission of Texas shall adopt rules as required to implement, administer, and enforce Section 17.004(a-1), Utilities Code, as added by this section, not later than July 1, 2022.

GUTIERREZ	HUFFMAN	POWELL
ALVARADO	HUGHES	SCHWERTNER
BETTENCOURT	LUCIO	SELIGER
BLANCO	MENÉNDEZ	SPRINGER
CREIGHTON	NELSON	ZAFFIRINI
HINOJOSA	PERRY	

The amendment to **SB 2194** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**SB 2194** 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: Hall, Hughes.

#### **SENATE BILL 2194 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 2194** 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.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1509 ON THIRD READING**

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

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 321 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 321** be placed on its third reading and final passage.

**SB 321**, Relating to contributions to, benefits from, and the administration of the Employees Retirement System of Texas.

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

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

Nays: Blanco, Eckhardt, Gutierrez, Miles, Powell, Whitmire.

The bill was read third time and was passed 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.

### COMMITTEE SUBSTITUTE SENATE BILL 1827 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1827** at this time on its second reading:

**CSSB 1827**, Relating to the creation of the opioid abatement account and to a statewide opioid settlement agreement.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1827** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 403, Government Code, is amended by adding Subchapter R to read as follows:

#### SUBCHAPTER R. STATEWIDE OPIOID SETTLEMENT AGREEMENT

Sec. 403.501. DEFINITIONS. In this subchapter:

(1) "Account" means the opioid abatement account established by Section 403.505.

(2) "Council" means the Texas opioid abatement fund council established by Section 403.503 to manage the distribution of money allocated to the council from the opioid abatement trust fund in accordance with a statewide opioid settlement agreement.

(3) "Fund" means the opioid abatement trust fund established by Section 403.506.

(4) "Released entity" means an entity against which a claim is released under a statewide opioid settlement agreement.

(5) "Statewide opioid settlement agreement" means all settlement agreements and related documents entered into by this state through the attorney general and opioid manufacturers, distributors, or retailers relating to illegal conduct in the marketing, promotion, sale, distribution, and dispensation of opioids that provide relief for this state and political subdivisions of this state.

(6) "Trust company" means the Texas Treasury Safekeeping Trust Company.

Sec. 403.502. SETTLEMENT RECORDS. The attorney general and comptroller shall maintain a copy of a statewide opioid settlement agreement, including any amendments to the agreement, and make the copy available on the attorney general's and comptroller's Internet websites.

Sec. 403.503. TEXAS OPIOID ABATEMENT FUND COUNCIL. (a) The Texas opioid abatement fund council is established to ensure that money recovered by this state through a statewide opioid settlement agreement is allocated fairly and spent to remediate the opioid crisis in this state by using efficient and cost-effective methods that are directed to regions of this state experiencing opioid-related harms.

(b) The council is composed of the following 14 members:

(1) six regional members, appointed by the executive commissioner of the Health and Human Services Commission, who are from academia or are physicians and who each are appointed to represent one of the following groups of regional health care partnership regions:

(A) regions 9 and 10;

(B) region 3;

(C) regions 11, 12, 13, 14, 15, and 19;

(D) regions 6, 7, 8, and 16;

(E) regions 1, 2, 17, and 18; and

(F) regions 4, 5, and 20;

(2) four members who are current or retired health care professionals holding or formerly holding a license under Title 3, Occupations Code, with significant experience in treating opioid-related harms and who are appointed as follows:

(A) one member appointed by the governor;

(B) one member appointed by the lieutenant governor;

(C) one member appointed by the speaker of the house of representatives; and

(D) one member appointed by the attorney general;

(3) one member who is employed by a hospital district and is appointed by the governor;

(4) one member who is employed by a hospital district and is appointed by the attorney general;

(5) one member appointed by the governor and who is a member of a law enforcement agency and has experience with opioid-related harms; and

(6) one nonvoting member who serves as the presiding officer of the council and is the comptroller or the comptroller's designee.

(c) In making appointments under Subsection (b), the governor, lieutenant governor, speaker of the house of representatives, and attorney general shall coordinate to ensure that the membership of the council reflects, to the extent possible, the ethnic and geographic diversity of this state.

(d) The council is administratively attached to the comptroller. The comptroller shall provide the staff and facilities necessary to assist the council in performing its duties.

Sec. 403.504. COUNCIL OPERATION. (a) A council member is not entitled to compensation for council service but is entitled to reimbursement for actual and necessary expenses incurred in performing council duties.

(b) The council may hold public meetings as necessary to fulfill its duties under this subchapter.

(c) The council is subject to Chapters 551 and 552.

Sec. 403.505. OPIOID ABATEMENT ACCOUNT. (a) The opioid abatement account is a dedicated account in the general revenue fund administered by the comptroller.

(b) The account is composed of:

(1) money obtained from a statewide opioid settlement agreement and deposited in the account under Section 403.507;

(2) money received by the state from any other source resulting directly or indirectly from an action by the state against an opioid manufacturer, an opioid distributor, or another person in the opioid industry relating to a violation of state or federal law on the manufacture, marketing, distribution, or sale of opioids, other than money distributed to a political subdivision of the state in accordance with the terms of a settlement agreement or judgment;

(3) money appropriated or transferred to the account by the legislature;

(4) gifts and grants contributed to the account; and

(5) earnings on the principal of the account.

(c) Money in the account may be appropriated only to a state agency for the abatement of opioid-related harms.

(d) The comptroller may use money appropriated to the comptroller from the account only to:

(1) prevent opioid use disorder through evidence-based education and prevention, such as school-based prevention, early intervention, or health care services or programs intended to reduce the risk of opioid use by school-age children;

(2) support efforts to prevent or reduce deaths from opioid overdoses or other opioid-related harms, including through increasing the availability or distribution of naloxone or other opioid antagonists for use by health care providers, first responders, persons experiencing an opioid overdose, families, schools, community-based service providers, social workers, or other members of the public;

(3) create and provide training on the treatment of opioid addiction, including the treatment of opioid dependence with each medication approved for that purpose by the United States Food and Drug Administration, medical detoxification, relapse prevention, patient assessment, individual treatment planning, counseling, recovery supports, diversion control, and other best practices;

(4) provide opioid use disorder treatment for youths and adults, with an emphasis on programs that provide a continuum of care that includes screening and assessment for opioid use disorder and co-occurring behavioral health disorders, early intervention, contingency management, cognitive behavioral therapy, case management, relapse management, counseling services, and medication-assisted treatments;

(5) provide patients suffering from opioid dependence with access to all medications approved by the United States Food and Drug Administration for the treatment of opioid dependence and relapse prevention following opioid detoxification, including opioid agonists, partial agonists, and antagonists;

(6) support efforts to reduce the abuse or misuse of addictive prescription medications, including tools used to give health care providers information needed to protect the public from the harm caused by improper use of those medications;

(7) support treatment alternatives that provide both psychosocial support and medication-assisted treatments in areas with geographical or transportation-related challenges, including providing access to mobile health services and telemedicine, particularly in rural areas; or

(8) further any other purpose related to opioid abatement authorized by appropriation.

Sec. 403.506. OPIOID ABATEMENT TRUST FUND. (a) The opioid abatement trust fund is a trust fund established outside of the state treasury for the purposes of this subchapter that is administered by the trust company.

(b) The fund consists of:

(1) money obtained under a statewide opioid settlement agreement and deposited in the fund under Section 403.507; and

(2) interest, dividends, and other income of the fund.

(c) The trust company shall allocate:

(1) to political subdivisions to address opioid-related harms in those communities an amount equal to 15 percent of the total amount of money obtained under a statewide opioid settlement agreement and distributed to the fund and the account under Section 403.507; and

(2) to the council an amount equal to 70 percent of the total amount of money obtained under a statewide opioid settlement agreement and distributed to the fund and the account under Section 403.507.

Sec. 403.507. DEPOSIT AND ALLOCATION OF SETTLEMENT MONEY; EFFECT OF BANKRUPTCY. (a) Money obtained under a statewide opioid settlement agreement must be deposited as provided by this section and further allocated in accordance with the settlement agreement.

(b) Of money obtained under a statewide opioid settlement agreement:

(1) 15 percent shall be deposited into the account; and

(2) 85 percent shall be deposited into the fund.

(c) For the purposes of a statewide opioid settlement agreement in relation to a bankruptcy plan for a released entity, money is distributed in accordance with the bankruptcy plan.

Sec. 403.508. COUNCIL ALLOCATION OF MONEY. Of the money allocated to the council under Section 403.506(c)(2), the council shall allocate:

(1) one percent to the comptroller for the administration of the council;

(2) 15 percent to hospital districts; and

(3) the remaining money based on the opioid abatement strategy developed by the council under Section 403.509.

Sec. 403.509. COUNCIL-APPROVED OPIOID ABATEMENT STRATEGY.

(a) The council shall determine and approve one or more evidence-based opioid abatement strategies for providing money under Section 403.508(3).

(b) To approve an opioid abatement strategy, at least four of the members appointed under Section 403.503(b)(1) and four of the members appointed under Sections 403.503(b)(2)-(5) must approve the strategy.

Sec. 403.510. REPORT. Not later than October 1 of each year, the council shall submit a written report to the legislature detailing all expenditures made by the council during the preceding state fiscal year.

SECTION 2. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150F to read as follows:

CHAPTER 150F. RELEASE OF CERTAIN CLAIMS BY GOVERNMENTAL ENTITIES

Sec. 150F.001. CLAIMS RELEASED IN STATEWIDE OPIOID SETTLEMENT. (a) A governmental entity may not bring an action asserting a claim that was released under a statewide opioid settlement agreement entered into by the attorney general.

(b) A court shall dismiss with prejudice a pending action asserting a released claim described by Subsection (a) brought by a governmental entity.

SECTION 3. The individuals responsible for appointing the Texas opioid abatement fund council under Section 403.503, Government Code, as added by this Act, shall make all appointments under that section not later than the 60th day after the effective date of this Act.

SECTION 4. The comptroller of public accounts is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the comptroller may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment to **CSSB 1827** 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 1827** 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 1827 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1827** 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 247 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 247** at this time on its second reading:

**SB 247**, Relating to discrimination against or burdening certain constitutional rights of an applicant for or holder of a license to practice law in this state.

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

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

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 247** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 81.02401(a)(2)(B), Government Code (page 1, lines 36-37), and substitute the following:

(B) freedom of speech or expression that is protected by the United States or Texas Constitution, including speech regarding a sincerely held religious belief, a political ideology, or a societal view, and expressive conduct;

(2) In SECTION 1 of the bill, in added Section 81.02401(b), Government Code (page 1, line 43), strike "is:" and substitute ":".

(3) In SECTION 1 of the bill, strike added Sections 81.02401(b)(1) and (2), Government Code (page 1, lines 44-46), and substitute the following:

(1) is essential to enforcing a compelling governmental purpose and narrowly tailored to accomplish that purpose; or

(2) restricts wilful expressions of bias or prejudice in connection with an adjudicatory proceeding.

The amendment to **SB 247** was read and was adopted by the following vote: Yeas 19, Nays 12.

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

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

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 247** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 82, Government Code, is amended by adding Section 82.067 to read as follows:

Sec. 82.067. CERTAIN REPRESENTATION REFUSAL PROHIBITED. (a) An attorney may not refuse to represent a person as a client based on the person's race, color, religion, sex, national origin, physical or mental disability, sexual orientation, or gender identity.

(b) To the extent of a conflict between this section and Section 81.02401, this section prevails.

The amendment to **SB 247** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

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

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

**SB 247** as amended was passed to engrossment by the following vote: Yeas 19, Nays 12.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 162 ON SECOND READING**

Senator Blanco moved to suspend the regular order of business to take up for consideration **CSSB 162** at this time on its second reading:

**CSSB 162**, Relating to a false statement made to illegally acquire a firearm; creating a criminal offense.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Bettencourt, Creighton, Hall, Kolkhorst, Perry, Schwertner, Springer.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 162 ON THIRD READING**

Senator Blanco moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 162** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Kolkhorst, Schwertner, Springer.

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

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

Nays: Bettencourt, Creighton, Hall, Kolkhorst, Perry, Schwertner, Springer.

**HOUSE BILL 567 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 567** at this time on its second reading:

**HB 567**, Relating to the procedures and grounds for terminating the parent-child relationship, for taking possession of a child, and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services.

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

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

**HOUSE BILL 567 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 **HB 567** be placed on its third reading and final passage.

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

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

**REMARKS ORDERED PRINTED**

On motion of Senator Johnson and by unanimous consent, the remarks by Senators Hughes and Johnson regarding **HB 567** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Johnson, for what purpose?

**Senator Johnson:** Questions of the author.

**President:** Do you yield?

**Senator Hughes:** Of course, I'll yield.

**Senator Johnson:** Senator Hughes, you and I talked before, just to clarify the legislative intent to this bill, it's good work. And we talked about one of the standards of neglect that you wanted to address some kind of fluffy language in here. I think previously parents could have their children removed if there were, if it were found to be a substantial risk of a litany of things. And substantial risk really leaves a lot of people uncomfortable and possibly some room for some really grievous action on the part of CPS if they're not doing things rights. So—

**Senator Hughes:** That's right.

**Senator Johnson:** —I appreciate, and I know you've worked with stakeholders to make this a really important and solid bill. But I do think it's also important that when we have this new language in here, we get a legislative record for what we mean. So, the change that you introduced was striking the words "substantial risk" and replacing it with "an immediate danger" for various things. Correct?

**Senator Hughes:** That's right.

**Senator Johnson:** Now, when you say immediate danger, we don't mean within the next 15 seconds or so. Right?

**Senator Hughes:** That's correct.

**Senator Johnson:** Okay. So, if we think it's going to happen, whether it's in five seconds or five minutes, five hours or five days, if CPS has a reason to believe that something bad is going to happen, that's an immediate danger for purposes of neglectfully leaving the kid in that situation. Right?

**Senator Hughes:** Senator, that's right. The idea is that we are not addressing different styles of parenting but danger to the children. That's exactly right.

**Senator Johnson:** Right. And immediate in this context is, is like imminent.

**Senator Hughes:** That's right. In fact, the courts have held that those two terms have virtually the same meaning in this context. That's correct.

**Senator Johnson:** Right. So, if the Lieutenant Governor says you have to come up to the dais immediately, I better go right now. But in the statute when we say immediately, we mean that we're really concerned that something's going to happen at any given moment.

**Senator Hughes:** That's right.

**Senator Johnson:** Okay.

**Senator Hughes:** That's right.

**Senator Johnson:** Okay. And so, this might apply in the instance of say, we have evidence of an abusive parent who's gone several days a week and the other parent does nothing to take this child out of danger. We know that parent's going to come home and commit some kind of abuse, that would be an immediate threat. Right?

**Senator Hughes:** Senator, that's right, and as you know, the standards for abuse itself is not changed by this statute. But that parent who is allowing that, that would be neglect. So, you're exactly right. In a situation like that, the child would be protected. That's right.

**Senator Johnson:** Thank you, Senator Hughes.

**Senator Hughes:** Senator Johnson, thank you.

**(Senator Kolkhorst in Chair)**

### **SENATE BILL 1865 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 1865** at this time on its second reading:

**SB 1865**, Relating to an annual permit for certain equipment used to apply paint to roadways; authorizing a fee.

The bill was read second time.

Senator West offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 1865** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 623.071(c-2), Transportation Code (page 1, line 27), strike "and size".

(2) In added Section 623.071(c-2)(1), Transportation Code (page 1, line 29), strike "and size limits" and substitute "limit".

The amendment to **SB 1865** 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 1865** 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, Hancock, Seliger.

### **SENATE BILL 1865 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 1865** 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, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Creighton, Hancock, Seliger.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1349 ON SECOND READING**

On motion of Senator Eckhardt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1349** at this time on its second reading:

**CSSB 1349**, Relating to placing a child in the possessory conservatorship of the child's parents in certain situations.

The bill was read second time.

Senator Eckhardt offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1349** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 263.409(a)(1), Family Code (page 1, line 30), after "department;" insert "and".

(2) In SECTION 1 of the bill, in added Section 263.409(a)(2), Family Code (page 1, line 32), strike "and" and substitute ":",.

(3) In SECTION 1 of the bill, strike added Section 263.409(a)(3), Family Code (page 1, lines 33-34).

(4) In SECTION 1 of the bill, strike added Section 263.409(b), Family Code (page 1, lines 35-37), and reletter subsequent subsections of Section 263.409 as appropriate.

(5) In SECTION 3 of the bill, in added Section 263.504(a), Family Code (page 1, line 56), strike "second anniversary of the".

(6) In SECTION 3 of the bill, in added Section 263.504(a), Family Code (page 1, line 60 through page 2, line 2), strike "if the parent was named possessory conservator for the child in the final order".

(7) In SECTION 3 of the bill, in added Section 263.504(b), Family Code (page 2, lines 3-4), strike "second anniversary of the".

(8) In SECTION 3 of the bill, in added Section 263.504(b), Family Code (page 2, lines 9 and 10), strike "if the parent was named possessory conservator for the child in the final order".

(9) In SECTION 3 of the bill, in added Section 263.504(c)(2), Family Code (page 2, line 16), after "child;" insert "and".

(10) In SECTION 3 of the bill, in added Section 263.504(c)(3), Family Code (page 2, line 18), strike "and" and substitute ":",.

(11) In SECTION 3 of the bill, strike added Section 263.504(c)(4), Family Code (page 2, lines 19 and 20).

(12) In SECTION 3 of the bill, in added Section 263.504, Family Code (page 2, between lines 22 and 23), insert the following:

(e) This section does not affect a parent's right under other applicable law to seek a modification of an order issued under this subchapter.

ECKHARDT  
KOLKHORST

The amendment to **CSSB 1349** 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 1349** 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 1349 ON THIRD READING**

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1349** 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 1588 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 1588** at this time on its second reading:

**CSSB 1588**, Relating to the powers and duties of certain property owners' associations.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1588** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 207.003(c), Property Code (page 1, line 27), strike "\$250" and substitute "\$375".

(2) In SECTION 1 of the bill, in amended Section 207.003(c), Property Code (page 1, line 29), strike "\$30" and substitute "\$75".

(3) In SECTION 3 of the bill, in amended Section 207.006, Property Code (page 2, line 2), strike "accessible" and substitute "available".

(4) In SECTION 5 of the bill, at the end of added Section 209.00505(c)(2), Property Code (page 3, line 11), immediately after the underlined semicolon, add "or".

(5) In SECTION 5 of the bill, in added Section 209.00505(c), Property Code (page 3, lines 12-13), strike Subdivision (3) and renumber the subdivisions and any cross-references accordingly.

(6) In SECTION 6 of the bill, in amended Section 209.0051(e), Property Code (page 3, line 67), strike "the home page of".

(7) In SECTION 6 of the bill, in amended Section 209.0051(e), Property Code (page 3, line 68), strike "accessible by" and substitute "available to".

(8) In SECTION 6 of the bill, in amended Section 209.0051(h), Property Code (page 4, lines 24-25), strike "review authority [control]" and substitute "control".

(9) In SECTION 12 of the bill, strike added Section 209.007(h), Property Code (page 5, lines 68-69 and page 6, lines 1-4), and substitute the following:

(h) During a hearing, a member of the board or the association's designated representative shall first present the association's case against the owner. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.

(10) In SECTION 15 of the bill, in the repealer (page 6, line 34), strike Subdivision (1) and renumber subsequent subdivisions and any cross-references accordingly.

(11) Strike SECTION 7 of the bill, amending Section 209.0055(a), Property Code (page 4, lines 41-57).

(12) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 207.001, Property Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Management company" has the meaning assigned by Section 209.002.

SECTION \_\_\_\_\_. Section 209.002, Property Code, is amended by adding Subdivision (5-a) to read as follows:

(5-a) "Management company" means a person or entity established or contracted to provide management or administrative services on behalf of a property owners' association.

(13) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 1588** 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 1588** 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: Buckingham, Eckhardt, Johnson.

### COMMITTEE SUBSTITUTE SENATE BILL 1588 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 1588** 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, Campbell, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Buckingham, Eckhardt, Johnson.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

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

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Local Government might meet today in the Civil Rights Room.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **SB 2011** at 8:00 a.m. tomorrow.

**SENATE RULE 11.13 SUSPENDED**  
**(Consideration of Bills in Committees)**  
**(Motion In Writing)**

Senator Schwertner submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet while the Senate is meeting tomorrow.

SCHWERTNER

The Motion In Writing was read and prevailed without objection.

**CO-AUTHORS OF SENATE BILL 69**

On motion of Senator Miles, Senators Alvarado, Blanco, Eckhardt, Hinojosa, Johnson, Lucio, Menéndez, Powell, and Zaffirini will be shown as Co-authors of **SB 69**.

**CO-AUTHORS OF SENATE BILL 162**

On motion of Senator Blanco, Senators Alvarado, Birdwell, Hinojosa, Miles, and Paxton will be shown as Co-authors of **SB 162**.

**CO-AUTHOR OF SENATE BILL 184**

On motion of Senator Johnson, Senator Zaffirini will be shown as Co-author of **SB 184**.

**CO-AUTHOR OF SENATE BILL 263**

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 263**.

**CO-AUTHOR OF SENATE BILL 279**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 279**.

**CO-AUTHOR OF SENATE BILL 315**

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 315**.

**CO-AUTHOR OF SENATE BILL 390**

On motion of Senator Eckhardt, Senator Miles will be shown as Co-author of **SB 390**.

**CO-AUTHOR OF SENATE BILL 640**

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 640**.

**CO-AUTHOR OF SENATE BILL 678**

On motion of Senator Alvarado, Senator Eckhardt will be shown as Co-author of **SB 678**.

**CO-AUTHOR OF SENATE BILL 687**

On motion of Senator Lucio, Senator Eckhardt will be shown as Co-author of **SB 687**.

**CO-AUTHOR OF SENATE BILL 776**

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 776**.

**CO-AUTHORS OF SENATE BILL 866**

On motion of Senator Creighton, Senators Schwertner and Springer will be shown as Co-authors of **SB 866**.

**CO-AUTHOR OF SENATE BILL 1065**

On motion of Senator Alvarado, Senator Miles will be shown as Co-author of **SB 1065**.

**CO-AUTHOR OF SENATE BILL 1105**

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-author of **SB 1105**.

**CO-AUTHOR OF SENATE BILL 1266**

On motion of Senator Taylor, Senator Zaffirini will be shown as Co-author of **SB 1266**.

**CO-AUTHOR OF SENATE BILL 1277**

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

**CO-AUTHOR OF SENATE BILL 1353**

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

**CO-AUTHOR OF SENATE BILL 1359**

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-author of **SB 1359**.

**CO-AUTHOR OF SENATE BILL 1377**

On motion of Senator Johnson, Senator Lucio will be shown as Co-author of **SB 1377**.

**CO-AUTHOR OF SENATE BILL 1495**

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 1495**.

**CO-AUTHOR OF SENATE BILL 1508**

On motion of Senator Creighton, Senator Hall will be shown as Co-author of **SB 1508**.

**CO-AUTHOR OF SENATE BILL 1509**

On motion of Senator Creighton, Senator Campbell will be shown as Co-author of **SB 1509**.

**CO-AUTHOR OF SENATE BILL 1580**

On motion of Senator Hancock, Senator Seliger will be shown as Co-author of **SB 1580**.

**CO-AUTHOR OF SENATE BILL 1588**

On motion of Senator Hughes, Senator Springer will be shown as Co-author of **SB 1588**.

**CO-AUTHOR OF SENATE BILL 1622**

On motion of Senator Bettencourt, Senator West will be shown as Co-author of **SB 1622**.

**CO-AUTHOR OF SENATE BILL 1750**

On motion of Senator Hancock, Senator Zaffirini will be shown as Co-author of **SB 1750**.

**CO-AUTHOR OF SENATE BILL 1776**

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

**CO-AUTHOR OF SENATE BILL 1827**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 1827**.

**CO-AUTHOR OF SENATE BILL 1860**

On motion of Senator Powell, Senator Zaffirini will be shown as Co-author of **SB 1860**.

**CO-AUTHOR OF SENATE BILL 1917**

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 1917**.

**CO-AUTHORS OF SENATE BILL 1973**

On motion of Senator Springer, Senators Lucio and Seliger will be shown as Co-authors of **SB 1973**.

**CO-AUTHORS OF SENATE BILL 2026**

On motion of Senator Taylor, Senators Birdwell and Paxton will be shown as Co-authors of **SB 2026**.

**CO-AUTHOR OF SENATE BILL 2050**

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 2050**.

**CO-AUTHOR OF SENATE BILL 2066**

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 2066**.

**CO-AUTHORS OF SENATE BILL 2158**

On motion of Senator Campbell, Senators Lucio and Schwertner will be shown as Co-authors of **SB 2158**.

**CO-AUTHORS OF SENATE BILL 2194**

On motion of Senator Schwertner, Senators Hinojosa and West will be shown as Co-authors of **SB 2194**.

**CO-AUTHOR OF SENATE BILL 2202**

On motion of Senator Creighton, Senator Campbell will be shown as Co-author of **SB 2202**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 51**

On motion of Senator Creighton, Senators Kolkhorst and Springer will be shown as Co-authors of **SJR 51**.

**CO-SPONSORS OF HOUSE BILL 5**

On motion of Senator Nichols, Senators Blanco, Huffman, Paxton, Seliger, Springer, and Zaffirini will be shown as Co-sponsors of **HB 5**.

**CO-SPONSORS OF HOUSE BILL 390**

On motion of Senator Huffman, Senators Nelson and Zaffirini will be shown as Co-sponsors of **HB 390**.

**CO-SPONSORS OF HOUSE BILL 567**

On motion of Senator Hughes, Senators Hinojosa, Lucio, and West will be shown as Co-sponsors of **HB 567**.

**CO-SPONSOR OF HOUSE BILL 780**

On motion of Senator Zaffirini, Senator Seliger will be shown as Co-sponsor of **HB 780**.

**CO-SPONSOR OF HOUSE BILL 1118**

On motion of Senator Paxton, Senator Zaffirini will be shown as Co-sponsor of **HB 1118**.

**CO-SPONSOR OF HOUSE BILL 1585**

On motion of Senator Lucio, Senator Blanco will be shown as Co-sponsor of **HB 1585**.

**CO-SPONSOR OF HOUSE BILL 1927**

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

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SCR 46** by Springer, Congratulating Phyllis A. Cowling on receiving the 2020 Earl M. Collier Award for Distinguished Health Care Administration from the Texas Hospital Association.

**SCR 47** by Springer, Congratulating University of North Texas softball player Hope Trautwein on pitching a perfect game in which she struck out all 21 opposing batters.

**SR 325** by Zaffirini, Recognizing Vince Ramirez for his contributions to the war on drugs.

**SR 326** by Campbell, Recognizing B. D. Tiner on the occasion of his retirement.

**SR 327** by Springer, Recognizing Rory Isabel Dulock for her performance in the Voice of Democracy essay contest.

**SR 328** by Springer, Recognizing the Bryson High School robotics team for its success in the Texas Computer Education Association Virtual Robotics Contest.

**SR 329** by Springer, Recognizing Wichita Falls High School football coaches for saving the life of a student.

**SR 330** by Springer, Recognizing Michael R. Pool on the occasion of his retirement.

**SR 331** by Springer, Recognizing Myrlan Coleman on the occasion of her retirement.

**SR 332** by Springer, Recognizing Wesley Mabe for his promotion to the Dallas-Fort Worth Fugitive Apprehension Strike Team.

### **RECESS**

On motion of Senator Whitmire, the Senate at 5:36 p.m. recessed until 8:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

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

April 28, 2021

**JURISPRUDENCE — CSSB 41**

**FINANCE — CSSB 1071**

**STATE AFFAIRS — CSSB 838**

**EDUCATION — SB 1109**

**ADMINISTRATION — SCR 22**

**FINANCE — CSSB 2222**

### **BILLS ENGROSSED**

April 28, 2021

**SB 69, SB 162, SB 321, SB 390, SB 513, SB 566, SB 640, SB 678, SB 746, SB 1111, SB 1339, SB 1349, SB 1373, SB 1428, SB 1495, SB 1499, SB 1508, SB 1509, SB 1580, SB 1588, SB 1589, SB 1602, SB 1646, SB 1776, SB 1827, SB 1865, SB 2158, SB 2194, SB 2202**

### **RESOLUTIONS ENROLLED**

April 28, 2021

**SR 325, SR 326, SR 327, SR 328, SR 329, SR 330, SR 331, SR 332**

