

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-THIRD DAY**

(Tuesday, May 4, 2021)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Creighton.

The President announced that a quorum of the Senate was present.

Senator Campbell offered the invocation as follows:

Heavenly Father, O God of Abraham, Isaac, and Jacob, and Jesus Christ, Christ of Nazareth, thank You so much for Your grace that You give us, for Your mercies that You give us. Thank You for Your favor over us and help us go forward with strength and peace and joy. In Jesus Christ's name. 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.

## LEAVE OF ABSENCE

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

## MESSAGES FROM THE GOVERNOR

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

May 4, 2021

Austin, Texas

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

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

To be members of the Nueces River Authority Board of Directors for terms to expire February 1, 2027:

Eric L. Burnett  
Portland, Texas

Karin E. Knolle  
Sandia, Texas

Stacy L. Meuth  
Floresville, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott  
Governor

May 4, 2021  
Austin, Texas

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

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

To be members of the Board of the Texas Department of Motor Vehicles for terms to expire February 1, 2027:

Christian A. Alvarado  
Austin, Texas  
*(replacing Guillermo "Memo" Treviño of Laredo whose term expired)*

Sharla L. Omumu  
Cypress, Texas  
*(replacing Shelley P. Washburn of Houston whose term expired)*

Respectfully submitted,

/s/Greg Abbott  
Governor

**(President Pro Tempore Birdwell in Chair)**

**BILLS AND RESOLUTIONS SIGNED**

The President Pro Tempore announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 479, SB 599, SB 635, SB 669, SB 863, SB 872, SB 1203, SB 1212, SB 1280, SB 1367, SB 1523, SCR 10, SCR 13, SCR 14, SCR 15, SCR 16, SCR 19, SCR 25, SCR 35, SCR 36, SCR 40.**

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

### **REPORT OF COMMITTEE ON NOMINATIONS**

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

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

Member, Board, Texas Department of Motor Vehicles: Manuel Robert Ramirez, Tarrant County.

Member, Commission on Jail Standards: Raul P. Gonzales, Refugio County.

Members, Council on Sex Offender Treatment: Elizabeth Perez Aliseda, Bee County; Velma Stanley, Angelina County; Tiffany Suzanne Strother, Johnson County.

Members, Parks and Wildlife Commission: Paul Lewis Foster, El Paso County; Travis B. Rowling, Dallas County.

Commissioner, Rio Grande Compact Commission: Robert Scott Skov, El Paso County.

Members, Board of Directors, San Jacinto River Authority: William Paul Faubel, Montgomery County; Ricardo R. Mora, Montgomery County.

Member, Board of Directors, State Bar of Texas: Maria Hernandez Ferrier, Bexar County.

Members, State Board of Dental Examiners: Linda Treviño Burke, Cameron County; Lois M. Palermo, Galveston County; David H. Yu, Travis County.

Members, State Securities Board: Robert Randall Belt, Harris County; Eugene Wallace Kinney, Kendall County; E. Edward Okpa, Dallas County.

Members, Texas Board of Architectural Examiners: Timothy Alfred Bargainer, Williamson County; Darren La Marr James, Denton County; Fernando Trevino, Bexar County.

Member, Texas Board of Criminal Justice: Sichan Siv, Bexar County.

Members, Texas Board of Occupational Therapy Examiners: Jacob William Boggus, Cameron County; Jennifer Bowlin Clark, Grimes County; Eddie R. Jessie, Harris County; Stephanie Durocher Johnston, Montgomery County; Sally Harris King, Harris County; Todd Matthew Novosad, Travis County.

Members, Texas Board of Physical Therapy Examiners: Harvey D. Aikman, Hidalgo County; Glenda Clausell, Harris County; Jacob Delgado, McLennan County; Liesl Lynn Stratton Olson, Lubbock County; Kathryn Jo Roby, Bell County.

Members, Texas Board of Respiratory Care: Samuel L. Brown, Harrison County; Timothy Rae Chappell, Collin County; Sam Gregory Marshall, Williamson County; Debra Elaine Patrick, Collin County; Kandace D'Ann Pool, Tom Green County; Hammad Nasir Qureshi, Harris County.

Member, Texas Commission on Fire Protection: Christopher Gavin Cantu, Travis County.

Member, Texas Commission on Law Enforcement: Jason Dewayne Hester, Travis County.

Members, Texas Industrialized Building Code Council: Suzanne Rebecca Arnold, Dallas County; Janet Murray Hoffman, Galveston County; Otis Wayne Jones, Harris County; Binoy Joseph Kurien, Brazoria County; Edwin O. Lofton, Llano County; John Dilworth Scholl, Armstrong County; William Fletcher Smith, Hays County.

Members, Board of Trustees, Texas Municipal Retirement System: Anali Alanis, Hidalgo County; Juan Diego Huizar, Atascosa County; Bill James Philibert, Harris County; Robert Bernard Scott, Dallas County.

Members, Board of Directors, Texas Public Finance Authority: Shanda Gillaspie Perkins, Tarrant County; Jay Alan Riskind, Travis County; Brendan Scher, Travis County; Benjamin Streusand, Harris County.

Members, Texas State Board of Examiners of Professional Counselors: Carmelia Amuna, Bell County; Loretta Jean Bradley, Lubbock County; Brenda Sanchez Compagnone, Bexar County; Christopher Scott Taylor, Tarrant County.

Members, Texas State Board of Plumbing Examiners: Frank S. Denton, Montgomery County; David Albert Yelovich, Harris County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

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

### **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 to permit committees to meet during consideration of the Local and Uncontested Calendar.

SCHWERTNER

The Motion In Writing was read and prevailed without objection.

### CONCLUSION OF MORNING CALL

The President Pro Tempore at 10:19 a.m. announced the conclusion of morning call.

### SENATE BILL 1436 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1436** at this time on its second reading:

**SB 1436**, Relating to the appeal of a determination by the comptroller of public accounts of a protest of the comptroller's findings in a study of school district property values.

The motion prevailed.

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

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 1436** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . 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.

The amendment to **SB 1436** was read and was adopted by a viva voce vote.

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

Absent-excused: Creighton.

**SB 1436** 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: Johnson.

Absent-excused: Creighton.

### SENATE BILL 1436 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Johnson.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

#### **SENATE BILL 1109 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 1109** at this time on its second reading:

**SB 1109**, Relating to requiring public schools to provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence, and dating violence.

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: Nelson, Springer.

Absent-excused: Creighton.

#### **SENATE BILL 1109 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 1109** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

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

Nays: Nelson, Springer.

Absent-excused: Creighton.

#### **SENATE BILL 1616 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1616** at this time on its second reading:

**SB 1616**, Relating to powers and duties of governmental entities during a public health disaster; providing civil penalties.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: Creighton.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 11. (Same as previous roll call)

### **HOUSE BILL 1033 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 1033** at this time on its second reading:

**HB 1033**, Relating to prescription drug price disclosure; authorizing a fee; providing an administrative penalty.

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:

Absent-excused: Creighton.

### **HOUSE BILL 1033 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 1033** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE SENATE BILL 1921 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1921** at this time on its second reading:

**CSSB 1921**, Relating to Medicaid reimbursement for the provision of certain behavioral health and physical health services.

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:

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1921 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 **CSSB 1921** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE BILL 33 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 33** at this time on its second reading:

**HB 33**, Relating to measures to facilitate the award of postsecondary course credit leading to workforce credentialing based on military experience, education, and training.

The bill was read second time.

Senator Gutierrez offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 33** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 434, Government Code, is amended by adding Section 434.027 to read as follows:

Sec. 434.027. **ENERGY INDUSTRY PROGRAM FOR VETERAN PROFESSIONAL DEVELOPMENT.** (a) The Texas Veterans Commission shall develop and administer a program to provide assistance to veterans seeking a certification or training to prepare for employment in the energy industry.

(b) The commission, in coordination with the General Land Office and Veterans' Land Board, shall conduct an outreach campaign to encourage veterans to participate in the program established under this section.

(c) The commission shall adopt rules to implement the program established under this section.

The amendment to **HB 33** was read and was adopted by a viva voce vote.

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

Absent-excused: Creighton.

**HB 33** 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 except as follows:



Absent-excused: Creighton.

### **HOUSE BILL 33 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 **HB 33** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### **SENATE BILL 1616 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1616** be placed on its third reading and final passage:

**SB 1616**, Relating to powers and duties of governmental entities during a public health disaster; providing civil penalties.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Alvarado, Gutierrez, Johnson, Lucio, Miles, Whitmire.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: Creighton.

### **COMMITTEE SUBSTITUTE SENATE BILL 1357 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 1357** at this time on its second reading:

**CSSB 1357**, Relating to deadlines associated with proposing and adopting a budget for certain counties.

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:

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1357 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 1357** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 1942 ON SECOND READING**

On motion of Senator Gutierrez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1942** at this time on its second reading:

**SB 1942**, Relating to the creation of public facility corporations and requirements applicable to public facility corporations.

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: Buckingham.

Absent-excused: Creighton.

**SENATE BILL 1942 ON THIRD READING**

Senator Gutierrez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1942** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Buckingham.

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1149 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1149** at this time on its second reading:

**CSSB 1149**, Relating to the transition of case management for children and pregnant women program services and Healthy Texas Women program services to a managed care program.

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

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

Nays: Hughes.

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1149 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Hughes.

Absent-excused: Creighton.

**COMMITTEE SUBSTITUTE  
SENATE BILL 838 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 838** at this time on its second reading:

**CSSB 838**, Relating to the authorization by a school district or open-enrollment charter school for a person to carry or possess a weapon on school premises for purposes of safety and security.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Alvarado, Johnson, Miles, Powell, Whitmire.

Absent-excused: Creighton.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 838 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 838** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Alvarado, Johnson, Miles, Powell, Whitmire.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

**ACKNOWLEDGMENT**

The President Pro Tempore acknowledged the presence of United States Representative Sylvia Garcia.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2026 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2026** at this time on its second reading:

**CSSB 2026**, Relating to instruction on informed American patriotism in public schools.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2026** (senate committee printing) as follows:

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

SECTION \_\_\_\_\_. Section 5.001, Education Code, is amended by adding Subdivision (10) to read as follows:

(10) "Informed American patriotism" means a reasoned appreciation, gained through the study of historical primary sources, of why America has been, is now, and continues to be the destination of choice for those around the world who yearn to live in freedom. Informed American patriotism is only a conditional pledge of devotion that will be maintained only so long as America adheres to a republican form of

government. If we abandon a representative democracy, our pledge of allegiance will be withdrawn as is stated in the Pledge of Allegiance, which swears devotion to a "republic".

(2) In SECTION 2 of the bill, in added Section 28.002(h-1)(4)(A), Education Code (page 2, line 39), between "the" and "Declaration", insert "entirety of the".

(3) In SECTION 2 of the bill, in added Section 28.002(h-1)(4)(B), Education Code (page 2, line 40), between "the" and "United", insert "entirety of the".

(4) In SECTION 2 of the bill, in added Section 28.002(h-1)(4)(C), Education Code (page 2, line 41), between "including" and "Essays", insert "the entirety of".

The amendment to **CSSB 2026** was read and was adopted by a viva voce vote.

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

Absent-excused: Creighton.

Senator West offered the following amendment to the bill:

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

Amend **CSSB 2026** (senate committee printing) in SECTION 2 of the bill, in added Section 28.002(h-1)(4), Education Code, as follows:

(1) In Paragraph (E) (page 2, line 46), strike "and".

(2) In Paragraph (F) (page 2, line 48), between "States" and the underlined period, insert the following appropriately lettered paragraphs:

( ) the entirety of Frederick Douglass's speeches The Meaning of July Fourth for the Negro and What the Black Man Wants; and

( ) the entirety of Martin Luther King Jr.'s speech I Have a Dream

The amendment to **CSSB 2026** 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 except as follows:

Absent-excused: Creighton.

**CSSB 2026** 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:

Absent-excused: Creighton.

### **COMMITTEE SUBSTITUTE SENATE BILL 2026 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 2026** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE BILL 654 ON SECOND READING**

Senator Johnson moved to suspend the regular order of business to take up for consideration **HB 654** at this time on its second reading:

**HB 654**, Relating to the rule against perpetuities.

Senator Johnson withdrew the motion to suspend the regular order of business.

**SENATE BILL 504 ON SECOND READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **SB 504** at this time on its second reading:

**SB 504**, Relating to authority of a county fire marshal to inspect group homes and assisted living facilities; authorizing a fee; creating a criminal offense.

The motion prevailed.

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

The bill was read second time.

Senator Miles offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 504** (senate committee printing) in SECTION 1 of the bill, in added Section 352.0165, Local Government Code, as follows:

(1) In the heading (page 1, line 26), between "FACILITIES" and the underlined semicolon, insert "IN CERTAIN COUNTIES".

(2) Between Subsections (a) and (b) (page 1, between lines 39 and 40), insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) This section applies only to a county with a population of 3.3 million or more.

The amendment to **SB 504** was read and was adopted by a viva voce vote.

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

Absent-excused: Creighton.

Senator Miles offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 504** (senate committee printing) in SECTION 1 of the bill, in added Section 352.0165, Local Government Code, as follows:

(1) In the heading (page 1, lines 25-26), strike "AND ASSISTED LIVING FACILITIES".

(2) Strike Subsection (a)(1) (page 1, lines 27-28) and renumber subsequent subdivisions accordingly.

(3) In Subsections (b) and (c) (page 1, lines 42-43, 47, and 49), strike "or assisted living facility" each time it appears.

The amendment to **SB 504** 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 except as follows:

Absent-excused: Creighton.

**SB 504** 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:

Absent-excused: Creighton.

### **SENATE BILL 504 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 504** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**(Senator Hughes in Chair)**

### **HOUSE BILL 17 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 17** at this time on its second reading:

**HB 17**, Relating to a restriction on the regulation of utility services and infrastructure based on the energy source to be used or delivered.

The motion prevailed.

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

The bill was read second time.

Senator Eckhardt offered the following amendment to the bill:

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

Amend **HB 17** (senate committee printing) in SECTION 1 of the bill, by striking added Section 181.903(d), Utilities Code (page 1, lines 52 through 55), and substituting the following:

(d) This section does not limit the ability of a regulatory authority or political subdivision to:

(1) choose utility services for properties owned by the regulatory authority or political subdivision; or

(2) encourage, promote, or provide rebates for energy efficiency, energy storage, or renewable or clean energy through ordinances, resolutions, regulations, codes, orders, policies, or other measures if they do not directly or indirectly ban, restrict, or prohibit the connection or reconnection of a utility service or the

construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer.

The amendment to **HB 17** was read and failed of adoption by the following vote: Yeas 13, Nays 17.

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

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

Absent-excused: Creighton.

**HB 17** 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: Blanco, Eckhardt.

Absent-excused: Creighton.

### **HOUSE BILL 17 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Blanco, Eckhardt.

Absent-excused: Creighton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE SENATE BILL 1365 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1365** at this time on its second reading:

**CSSB 1365**, Relating to public school organization, accountability, and fiscal management.

The motion prevailed by the following vote: Yeas 18, Nays 12.

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



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

Absent-excused: Creighton.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1365** (senate committee printing) as follows:

(1) In the recital to SECTION 2.03 of the bill (page 4, line 9), between "(a)" and "and", insert ", (a-3)".

(2) In SECTION 2.03 of the bill, immediately following amended Section 39.054(a), Education Code (page 4, between lines 35 and 36), add the following:

(a-3) Not later than August 15 of each year, the following information [~~performance ratings of each district and campus~~] shall be made publicly available as provided by rules adopted under this section:

(1) the performance ratings of each school district and campus; and

(2) if applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

(3) In SECTION 2.03 of the bill, in added Section 39.054(a-4), Education Code (page 4, line 44), strike "school" and substitute "campus".

(4) In SECTION 2.03 of the bill, in added Section 39.054(a-4), Education Code (page 4, line 46), following the underlined semicolon, strike "or".

(5) In SECTION 2.03 of the bill, in added Section 39.054(a-4), Education Code (page 4, line 49), strike the underlined period and substitute ";".

(6) In SECTION 2.03 of the bill, in added Section 39.054(a-4), Education Code (page 4, between lines 49 and 50), add the following:

(3) the number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

(4) for other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

(7) In SECTION 2.03 of the bill, in added Section 39.054(a-5), Education Code (page 4, line 52), between "years" and "and", insert "of unacceptable performance ratings".

(8) In SECTION 2.03 of the bill, in added Section 39.054(a-5), Education Code (page 4, line 53), strike "for purposes of Chapter 39A" and substitute "of unacceptable performance ratings for purposes of any provision of this code".

(9) Add the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumber subsequent SECTIONS of ARTICLE 2 accordingly:

SECTION 2. \_\_\_\_. Sections 39.151(a), (b), and (e), Education Code, are amended to read as follows:

(a) The commissioner by rule shall provide a process for a school district or open-enrollment charter school to challenge an agency decision made under this chapter relating to an academic or financial accountability rating that affects the district or school, including a determination of consecutive school years of unacceptable performance ratings.

(b) The rules under Subsection (a) must provide for the commissioner to appoint a committee to make recommendations to the commissioner on a challenge made to an agency decision relating to an academic performance rating or determination, including a determination of consecutive school years of unacceptable performance ratings, or financial accountability rating. The commissioner may not appoint an agency employee as a member of the committee.

(e) A school district or open-enrollment charter school may not challenge an agency decision relating to an academic or financial accountability rating under this chapter, including a decision relating to a determination of consecutive school years of unacceptable performance ratings, in another proceeding if the district or school has had an opportunity to challenge the decision under this section.

SECTION 2. \_\_\_\_. If this Act takes effect later than August 15, 2021, the Texas Education Agency shall publish the consecutive school years of unacceptable performance ratings as required by Section 39.054(a-3), Education Code, as amended by this Act, for each school district and campus as soon as practicable after the effective date of this Act.

(10) Strike the recital to SECTION 4.06 of the bill (page 9, lines 8 through 9), and substitute "Sections 39A.256(a) and (b), Education Code, are amended to read as follows:".

(11) In SECTION 4.06 of the bill, in amended Section 39A.256(a), Education Code (page 9, line 11), strike "or a campus of an open-enrollment charter school" and substitute "~~[or a campus of an open-enrollment charter school]~~".

(12) In SECTION 4.06 of the bill, immediately following amended Section 39A.256(a), Education Code (page 9, between lines 14 and 15), add the following:

(b) Except as otherwise provided by this subsection, the board of managers for an open-enrollment charter school ~~[or a campus of an open-enrollment charter school]~~ may not serve for a period that exceeds the period authorized by law for a board of managers appointed for a school district. A board of managers appointed to wind up the affairs of a former open-enrollment charter school or campus serves until dissolved by the commissioner.

The amendment to **CSSB 1365** 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:

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

Absent-excused: Creighton.

Senator Bettencourt offered the following amendment to the bill:

## Floor Amendment No. 2

Amend **CSSB 1365** (senate committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2. \_\_\_\_ Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0545 to read as follows:

Sec. 39.0545. ALTERNATIVE METHODS AND STANDARDS FOR EVALUATING PERFORMANCE FOR 2020-2021 SCHOOL YEAR. (a) This section applies to a campus:

(1) that meets the participation requirements for all students in all subject areas for the annual measurement of achievement under Section 1111, Every Student Succeeds Act (20 U.S.C. Section 6311(c)(4)(E));

(2) to which the most recent performance rating assigned, other than a "Not Rated" rating, is a D, F, or performance that needs improvement; and

(3) is not subject to the appointment of a board of managers under Section 39A.117(b).

(b) Notwithstanding any other law, the commissioner shall adopt rules to develop and implement alternative methods and standards for evaluating the performance for the 2020-2021 school year of a campus to which this section applies. The rules adopted under this section must evaluate a campus under the domains of indicators of achievement listed in Sections 39.053(c)(1) and (2).

(c) The commissioner shall review a campus to which this section applies under the alternative methods and standards adopted under Subsection (b) on the request of the school district in which the campus is located made by the deadline established by commissioner rule.

(d) An acceptable performance rating assigned under the alternative methods and standards adopted by the commissioner under Subsection (b) is considered a break in consecutive school years of unacceptable performance ratings under this code.

(e) This section does not apply to an intervention ordered on the basis of consecutive school years of unacceptable performance ratings accrued before the effective date of this section.

(f) This section expires September 1, 2027.

SECTION 2. \_\_\_\_ As soon as practicable after the effective date of this Act, the commissioner of education shall adopt rules to develop and implement alternative methods and standards for evaluating the performance of a campus for the 2020-2021 school year as required by Section 39.0545, Education Code, as added by this Act.

The amendment to **CSSB 1365** 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 except as follows:

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

Absent-excused: Creighton.

Senator Bettencourt offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 1365** (senate committee printing) as follows:

(1) In SECTION 2.02 of the bill, strike amended Section 39.057(a), Education Code, redesignated as Section 39.003(a), Education Code (page 2, line 2, through page 3, line 12), and substitute the following:

(a) The commissioner may authorize special [~~accreditation~~] investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter;

(15) when a school district for any reason fails to produce, at the request of the agency, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification; or

(16) as the commissioner otherwise determines necessary.

(2) In SECTION 4.03 of the bill, in amended Section 39.0302(a), Education Code (page 8, line 48), strike "(10) [~~14~~]" and substitute "(14)".

The amendment to **CSSB 1365** was read and was adopted by a viva voce vote.

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

Absent-excused: Creighton.

Senator Taylor offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 1365** (senate committee printing) as follows:

(1) In SECTION 2.03 of the bill, strike amended Section 39.054(a), Education Code (page 4, line 11 through line 35), and substitute the following:

(a) Except as provided by Subsection (a-4), the [The] commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district assigned performance rating under Section 39.0544. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D, except as provided by Section 39.0543, or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement, except as provided by Section 39.0543. A reference in law to an unacceptable performance rating includes an overall or domain performance rating of F and, as provided by Section 39.0543, D or performance that needs improvement.

(2) Strike SECTION 2.10 of the bill, adding Section 39A.117, Education Code (page 5, line 55 through page 6, line 14), and renumber subsequent SECTIONS of the ARTICLE accordingly.

(3) In SECTION 2.15 of the bill, in the transition language:

(A) Strike Subsection (b) of the SECTION (page 7, lines 12 through 14);

(B) Strike Subsections (d) and (e) of the SECTION (page 7, lines 18 through 24); and

(C) Reletter the subsections of the SECTION appropriately.

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

SECTION \_\_\_\_\_. Sections 12.1141(b) and (d), Education Code, are amended to read as follows:

(b) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for expedited renewal of the charter, the charter automatically renews unless, not later than the 30th day after the date the charter holder submits the petition, the commissioner provides written notice to the charter holder that expedited renewal of the charter is denied. The commissioner may not deny expedited renewal of a charter if:

(1) the charter holder has been assigned the highest or second highest performance rating under Subchapter C, Chapter 39, for the three preceding school years;

(2) the charter holder has been assigned a financial performance accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better for the three preceding school years; and

(3) no campus operating under the charter has been assigned an unacceptable ~~[the lowest]~~ performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a campus has been closed.

(d) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter, the commissioner may not renew the charter and shall allow the charter to expire if:

(1) the charter holder has been assigned an unacceptable ~~[the lowest]~~ performance rating under Subchapter C, Chapter 39, for any three of the five preceding school years;

(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years;

(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for any three of the five preceding school years; or

(4) any campus operating under the charter has been assigned an unacceptable ~~[the lowest]~~ performance rating under Subchapter C, Chapter 39, for the three preceding school years and such a campus has not been closed.

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0543 to read as follows:

Sec. 39.0543. NEEDS IMPROVEMENT OR UNACCEPTABLE PERFORMANCE RATING. (a) A reference in law to an acceptable performance or acceptable performance rating for a school district, open-enrollment charter school, district campus, or charter school campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district, charter school, district campus, or charter school campus:

(1) has not previously received more than one overall performance rating of D; or

(2) has not received an overall performance rating of F.

(a-1) For the purposes of this section, an overall performance rating issued in a previous school year for a school district, open-enrollment charter school, district campus, or charter school campus of:

(1) met standard, academically acceptable, recognized, exemplary, A, B, or C is considered to be a performance rating of C or higher; and

(2) improvement required, academically unacceptable, or F is considered to be a rating of F.

(a-2) Subsection (a-1) and this subsection expire September 1, 2027.

(b) A reference in law to an unacceptable performance or unacceptable performance rating includes a performance rating of D if the rating does not satisfy Subsection (a).

SECTION \_\_\_\_\_. Section 39A.061(b), Education Code, is amended to read as follows:

(b) The commissioner may authorize a targeted improvement plan, ~~[or]~~ an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11.

SECTION \_\_\_\_\_. Subchapter B, Chapter 39A, Education Code, is amended by adding Section 39A.065 to read as follows:

Sec. 39A.065. LOCAL IMPROVEMENT PLAN. (a) A school district, open-enrollment charter school, district campus, or charter school campus that is assigned a rating of D that qualifies under Section 39.0543(a) shall develop and implement a local improvement plan.

(b) A local improvement plan must be presented to the board of trustees of the school district or governing board of the open-enrollment charter school.

(c) The commissioner shall adopt rules to establish requirements for a local improvement plan components and training. The commissioner may not require a school district or open-enrollment charter school to submit the local improvement plan to the agency.

SECTION \_\_\_\_\_. Subchapter C, Chapter 39A, Education Code, is amended by adding Sections 39A.117 and 39A.118 to read as follows:

Sec. 39A.117. INTERVENTION FOR CERTAIN DISTRICTS OR CAMPUSES. (a) For purposes of this section:

(1) an acceptable performance rating includes:

(A) a rating of met standard, academically acceptable, recognized, exemplary, A, B, or C; or

(B) a rating of D that meets the requirements of Section 39.0543(a);

(2) an unacceptable performance rating includes:

(A) a rating of improvement required, academically unacceptable, or F;

or

(B) a rating of D that meets the requirements of Section 39.0543(b); and

(3) a rating of not rated is not considered an acceptable or unacceptable performance rating and may not be considered a break in consecutive years of unacceptable performance.

(b) As soon as practicable after the effective date of S.B. 1365, Acts of the 87th Legislature, Regular Session, 2021, or similar legislation, the commissioner shall:

(1) determine the number of school years of unacceptable performance ratings occurring after the 2012-2013 school year for each school district, open-enrollment charter school, and district campus, or charter school campus by determining the number of unacceptable performance ratings assigned to each district, charter school, district campus, or charter school campus since the most recent acceptable performance rating was assigned to the district, charter school, district campus, or charter school campus;

(2) use the number of school years of unacceptable performance ratings as the base number of consecutive years of unacceptable performance for which the performance rating in the 2021-2022 school year will be added; and

(3) order the appointment of a board of managers under Section 39A.111 to the school district or charter school for each campus that is determined under Subdivision (1) to have been assigned an unacceptable performance rating for five or more school years.

(c) Exemptions from interventions authorized under Sections 11.174 and 28.020 and Section 5, Chapter 919 (H.B. 4205), Acts of the 86th Legislature, Regular Session, 2019, apply to an intervention ordered under this section and the commissioner shall make necessary modifications to an intervention ordered under this section in accordance with those provisions of law.

(d) This section may not be construed to:

(1) provide a school district or open-enrollment charter school additional remedies or appellate or other review for previous interventions, sanctions, or performance ratings ordered or assigned; or

(2) prohibit the commissioner from taking any action or ordering any intervention or sanction otherwise authorized by law.

(e) To the extent of conflict with any other transition provision affecting this section, this transition provision prevails.

(f) This section expires September 1, 2027.

Sec. 39A.118. INTERVENTION IF ASSIGNED CERTAIN PERFORMANCE NEEDS IMPROVEMENT RATING. (a) Until another performance rating is issued, the agency may not implement the intervention or sanctions as provided by Subsection (b) for a school district, open-enrollment charter school, district campus, or charter school campus, if the performance rating initiating the action under Subsection (b) is based on the first or second overall performance rating of D, since previously receiving a rating of C or higher.

(b) The following interventions are subject to a pause under Subsection (a):

(1) revocation of a charter under Section 12.115(c);



(2) annexation under Section 13.054;  
(3) change in accreditation status under rules adopted for accreditation under Section 39.052; and

(4) interventions or sanctions under Section 39A.101(a), 39A.107(a) or (c), or 39A.111.

(c) The performance rating identified under Subsection (a):

(1) may not be included in calculating consecutive school years of an unacceptable performance rating; and

(2) is not considered a break in consecutive school years of an unacceptable performance rating.

(d) Interventions or sanctions implemented prior to the intervention pause under Subsection (a) shall continue during the school year for which actions under Subsection (b) are paused.

(e) This section does not apply to a commissioner action based on performance or reasons not listed as interventions under Subsection (b).

SECTION \_\_\_\_\_. Section 39A.0545, Education Code, is repealed.

The amendment to **CSSB 1365** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

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

Absent-excused: Creighton.

Senator Seliger offered the following amendment to the bill:

### **Floor Amendment No. 5**

Amend **CSSB 1365** (senate committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 4.\_\_\_\_. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

- (G) elementary class size limits under Section 25.112, in the case of any campus in the district that fails to satisfy any standard under Section 39.054(e);
- (H) high school graduation under Section 28.025;
- (I) special education programs under Subchapter A, Chapter 29;
- (J) bilingual education under Subchapter B, Chapter 29;
- (K) prekindergarten programs under Subchapter E, Chapter 29;
- (L) safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;
- (M) computation and distribution of state aid under Chapters 31, 43, and 48;
- (N) extracurricular activities under Section 33.081;
- (O) health and safety under Chapter 38;
- (P) public school accountability and special investigations under Subchapters A, B, C, D, and J, Chapter 39, and Chapter 39A;
- (Q) options for local revenue levels in excess of entitlement under Chapter 49;
- (R) a bond or other obligation or tax rate under Chapters 43, 45, and 48; and
- (S) purchasing under Chapter 44.

SECTION 4. \_\_\_\_\_. Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

- (1) a provision of this title establishing a criminal offense; and
- (2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

- (B) criminal history records under Subchapter C, Chapter 22;
- (C) high school graduation under Section 28.025;
- (D) special education programs under Subchapter A, Chapter 29;
- (E) bilingual education under Subchapter B, Chapter 29;
- (F) prekindergarten programs under Subchapter E, Chapter 29;
- (G) extracurricular activities under Section 33.081;
- (H) health and safety under Chapter 38;
- (I) public school accountability and special investigations under Subchapters A, B, C, D, F, and J, Chapter 39, and Chapter 39A; and

(J) the duty to discharge or refuse to hire certain employees or applicants for employment under Section 12.1059.

SECTION 4. \_\_\_\_\_. Section 12.104(b), Education Code, as amended by Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

- (1) a provision of this title establishing a criminal offense;
- (2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(M) the requirement under Section 21.006 to report an educator's misconduct;

(N) intensive programs of instruction under Section 28.0213;

(O) the right of a school employee to report a crime, as provided by Section 37.148;

(P) bullying prevention policies and procedures under Section 37.0832;

(Q) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(R) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(S) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(T) establishment of residency under Section 25.001;

(U) ~~(F)~~ school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071;

(V) ~~(F)~~ the early childhood literacy and mathematics proficiency plans under Section 11.185; and

(W) ~~(F)~~ the college, career, and military readiness plans under Section 11.186.

SECTION 4.\_\_\_\_. To the extent of any conflict, this article prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

The amendment to **CSSB 1365** 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. 5 except as follows:

Absent-excused: Creighton.

**CSSB 1365** as amended was passed to engrossment by the following vote: Yeas 19, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, 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.

Absent-excused: Creighton.

### **HOUSE BILLS ON FIRST READING**

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

**HB 8** to Committee on Jurisprudence.

**HB 14** to Committee on Jurisprudence.

**HB 451** to Committee on Jurisprudence.

**HB 460** to Committee on Criminal Justice.

**HB 548** to Committee on Veteran Affairs and Border Security.

**HB 559** to Committee on Water, Agriculture and Rural Affairs.

**HB 763** to Committee on Business and Commerce.

**HB 964** to Committee on Natural Resources and Economic Development.

**HB 999** to Committee on Education.

**HB 1213** to Committee on Jurisprudence.

**HB 1239** to Committee on State Affairs.

**HB 1276** to Committee on Health and Human Services.

**HB 1341** to Committee on Water, Agriculture and Rural Affairs.

**HB 1342** to Committee on Education.

**HB 1365** to Committee on Jurisprudence.

**HB 1382** to Committee on State Affairs.

**HB 1434** to Committee on Health and Human Services.

**HB 1490** to Committee on Business and Commerce.

**HB 1496** to Committee on Education.

**HB 1525** to Committee on Education.

**HB 1543** to Committee on Local Government.

**HB 1693** to Committee on Transportation.

**HB 1752** to Committee on Business and Commerce.

**HB 1757** to Committee on Jurisprudence.

**HB 1777** to Committee on Business and Commerce.

**HB 1849** to Committee on State Affairs.

**HB 1903** to Committee on Health and Human Services.

**HB 1958** to Committee on Water, Agriculture and Rural Affairs.

**HB 1993** to Committee on Business and Commerce.

**HB 2057** to Committee on State Affairs.

**HB 2058** to Committee on Health and Human Services.

**HB 2093** to Committee on Health and Human Services.

**HB 2120** to Committee on Education.  
**HB 2201** to Committee on Natural Resources and Economic Development.  
**HB 2211** to Committee on Health and Human Services.  
**HB 2240** to Committee on Business and Commerce.  
**HB 2318** to Committee on State Affairs.  
**HB 2398** to Committee on Finance.  
**HB 2415** to Committee on Finance.  
**HB 2450** to Committee on Water, Agriculture and Rural Affairs.  
**HB 2519** to Committee on Education.  
**HB 2530** to Committee on Finance.  
**HB 2610** to Committee on Local Government.  
**HB 2625** to Committee on Finance.  
**HB 2640** to Committee on State Affairs.  
**HB 2658** to Committee on Health and Human Services.  
**HB 2698** to Committee on Business and Commerce.  
**HB 2819** to Committee on Business and Commerce.  
**HB 2840** to Committee on Water, Agriculture and Rural Affairs.  
**HB 2896** to Committee on Finance.  
**HB 2920** to Committee on Business and Commerce.  
**HB 2957** to Committee on Natural Resources and Economic Development.  
**HB 3041** to Committee on Health and Human Services.  
**HB 3120** to Committee on Business and Commerce.  
**HB 3165** to Committee on Criminal Justice.  
**HB 3394** to Committee on Jurisprudence.  
**HB 3399** to Committee on Transportation.  
**HB 3428** to Committee on Jurisprudence.  
**HB 3429** to Committee on Transportation.  
**HB 3442** to Committee on Water, Agriculture and Rural Affairs.  
**HB 3616** to Committee on Business and Commerce.  
**HB 3622** to Committee on Business and Commerce.  
**HB 3644** to Committee on Administration.  
**HB 3769** to Committee on Business and Commerce.  
**HB 3786** to Committee on Finance.  
**HB 3799** to Committee on Finance.  
**HB 3801** to Committee on Water, Agriculture and Rural Affairs.  
**HB 3849** to Committee on Business and Commerce.  
**HB 3850** to Committee on Business and Commerce.  
**HB 3961** to Committee on Health and Human Services.  
**HB 4218** to Committee on Natural Resources and Economic Development.  
**HB 4344** to Committee on Jurisprudence.  
**HB 4548** to Committee on Transportation.

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

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet today in the press room, 2E.9.

**CO-AUTHOR OF SENATE BILL 171**

On motion of Senator Blanco, Senator Eckhardt will be shown as Co-author of **SB 171**.

**CO-AUTHOR OF SENATE BILL 272**

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

**CO-AUTHOR OF SENATE BILL 508**

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 508**.

**CO-AUTHOR OF SENATE BILL 838**

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 838**.

**CO-AUTHORS OF SENATE BILL 1109**

On motion of Senator West, Senators Alvarado, Hancock, Lucio, and Perry will be shown as Co-authors of **SB 1109**.

**CO-AUTHOR OF SENATE BILL 1196**

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

**CO-AUTHOR OF SENATE BILL 1297**

On motion of Senator Zaffirini, Senator Perry will be shown as Co-author of **SB 1297**.

**CO-AUTHOR OF SENATE BILL 1566**

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 1566**.

**CO-AUTHOR OF SENATE BILL 1622**

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

**CO-AUTHOR OF SENATE BILL 1629**

On motion of Senator Miles, Senator Zaffirini will be shown as Co-author of **SB 1629**.

**CO-AUTHOR OF SENATE BILL 2023**

On motion of Senator Powell, Senator Zaffirini will be shown as Co-author of **SB 2023**.

**CO-AUTHOR OF SENATE BILL 2026**

On motion of Senator Taylor, Senator Kolkhorst will be shown as Co-author of **SB 2026**.

**CO-AUTHOR OF SENATE BILL 2028**

On motion of Senator Kolkhorst, Senator Zaffirini will be shown as Co-author of **SB 2028**.

**CO-AUTHOR OF SENATE BILL 2081**

On motion of Senator Menéndez, Senator Zaffirini will be shown as Co-author of **SB 2081**.

**CO-AUTHOR OF SENATE BILL 2195**

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

**CO-AUTHOR OF SENATE BILL 2229**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 2229**.

**CO-SPONSORS OF HOUSE BILL 33**

On motion of Senator Zaffirini, Senators Alvarado and Hinojosa will be shown as Co-sponsors of **HB 33**.

**CO-SPONSOR OF HOUSE BILL 604**

On motion of Senator Zaffirini, Senator Paxton will be shown as Co-sponsor of **HB 604**.

**CO-SPONSORS OF HOUSE BILL 1371**

On motion of Senator Lucio, Senators Blanco and Zaffirini will be shown as Co-sponsors of **HB 1371**.

**CO-SPONSORS OF HOUSE BILL 1603**

On motion of Senator Seliger, Senators Huffman, Nichols, Paxton, West, and Zaffirini will be shown as Co-sponsors of **HB 1603**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 355** by Schwertner, In memory of Vivian Louise Homesley Wood.

**Congratulatory Resolutions**

**SR 354** by Schwertner, Recognizing Randy Hartford on the occasion of his retirement.

**SR 356** by Schwertner, Recognizing Karen Wooley for receiving a Southeastern Conference Faculty Achievement Award and being named Southeastern Conference Professor of the Year.

**SR 357** by Schwertner, Recognizing the City of Florence as the location of the prehistoric Gault Site.

**RECESS AND MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:57 p.m. agreed to recess until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to recess, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 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:

May 4, 2021

**LOCAL GOVERNMENT — SB 402**

**WATER, AGRICULTURE AND RURAL AFFAIRS — CSSB 1008, HB 1699, HB 1905, HB 2083, HB 1728**

**STATE AFFAIRS — HB 1082, HB 867, HB 918, HB 1407, HB 1622, SB 2011**

**BUSINESS AND COMMERCE — CSHB 2533, SB 1020, HB 1363, HB 1510**

**BILLS ENGROSSED**

May 4, 2021

**SB 504, SB 838, SB 1109, SB 1149, SB 1357, SB 1436, SB 1616, SB 1921, SB 1942, SB 2026**

**RESOLUTIONS ENROLLED**

May 4, 2021

**SR 354, SR 355, SR 356, SR 357**

**SENT TO GOVERNOR**

May 4, 2021

**SB 479, SB 599, SB 635, SB 669, SB 863, SB 872, SB 1203, SB 1212, SB 1280, SB 1367, SB 1523, SCR 10, SCR 13, SCR 14, SCR 15, SCR 16, SCR 19, SCR 25, SCR 35, SCR 36, SCR 40**