

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-SECOND DAY**

(Tuesday, May 18, 2021)

The Senate met at 11:00 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 Buckingham offered the invocation as follows:

Our heavenly Father, thank You for the opportunity each of us has to serve You in the Texas Senate. Thank You for those who are working tirelessly here and across the State of Texas to ensure the blessings of liberty, for guiding us with a Christian spirit, and for reminding us that Your word is supreme in all that we do. Father, we ask that You bless and protect our governmental leaders at all levels and that You bestow upon us the knowledge to do what is right, not what is convenient, to do what is compassionate and what is just, not what some may simply want or expect, and to be wise enough to know the difference. Father, as we serve in this Chamber, guide us to establish justice, provide for the common defense to ensure domestic tranquility, promote the general welfare, and to secure the blessings of liberty. And also, Lord, as a side note, the Texas state 5A golf championship is up in Williamson County right now. Please hold off the rain so they can finish. We pray these things in Your glorious 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.

## SENATE RESOLUTIONS

Senator Seliger offered the following resolutions:

**SR 412**, Congratulating the 2021 Texas Commission on the Arts honorees.

The resolution was read.

**SR 413**, Congratulating the 2022 Texas Commission on the Arts honorees.

The resolution was read.

**SR 412** and **SR 413** were adopted without objection.

**SENATE BILL 675 WITH HOUSE AMENDMENT**

Senator Kolkhorst called **SB 675** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

**Amendment**

A BILL TO BE ENTITLED  
AN ACT

relating to special open season hunting of certain migratory game birds by veterans and members of the United States armed forces on active duty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.058, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) A special open season provided for by the commission under Subsection (a) may be combined with a special open season provided for by the commission under Section 61.059.

SECTION 2. Subchapter C, Chapter 61, Parks and Wildlife Code, is amended by adding Section 61.059 to read as follows:

Sec. 61.059. HUNTING OF CERTAIN MIGRATORY GAME BIRDS BY VETERANS AND ACTIVE DUTY ARMED FORCES MEMBERS. (a) The commission may provide for special open seasons during which the taking and possession of ducks, geese, mergansers, coots, moorhens, and gallinules are restricted to veterans, as defined by 38 U.S.C. Section 101, and members of the armed forces of the United States on active duty, including members of the national guard and reserves on active duty other than for training.

(b) A special open season provided for by the commission under Subsection (a) may be combined with a special open season provided for by the commission under Section 61.058.

(c) The commission by rule may prescribe the proof of veteran or active duty status required of a person to participate in a special open season under this section.

(d) If the commission by rule requires that a person participating in a special open season under this section have in the person's immediate possession proof of the person's veteran or active duty status in accordance with commission rule, the rule must provide that it is a defense to prosecution under that rule that the person produces in court proof of the person's veteran or active duty status in accordance with commission rule.

SECTION 3. 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 was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 675**.

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

### **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.

### **SENATE CONCURRENT RESOLUTION 23 WITH HOUSE AMENDMENT**

Senator Schwertner called **SCR 23** from the President's table for consideration of the House amendment to the resolution.

The President Pro Tempore laid the resolution and the House amendment before the Senate.

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

Amend **SCR 23** (house committee printing) on page 2 as follows:

(1) On line 13, strike "and" after the semicolon.

(2) On line 14, between "Commission" and the semicolon, insert "; and other related historical organizations".

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SCR 23**.

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

### **CONCLUSION OF MORNING CALL**

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

### **HOUSE BILL 3442 ON SECOND READING**

Senator Powell moved to suspend the regular order of business to take up for consideration **HB 3442** at this time on its second reading:

**HB 3442**, Relating to complaints filed with the State Board of Veterinary Medical Examiners.

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

### **HOUSE BILL 2698 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 2698** at this time on its second reading:

**HB 2698**, Relating to covers or barriers on the windows and doors of and other obstructions of the view of certain alcoholic beverage retailers.

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 2698 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 2698** 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.

**(President in Chair)**

### **COMMITTEE SUBSTITUTE SENATE BILL 1412 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 1412** at this time on its second reading:

**CSSB 1412**, Relating to the adoption and repeal of an additional ad valorem road tax for the maintenance of county roads.

The motion prevailed.

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

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

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

Nays: Hall, Kolkhorst.

### **COMMITTEE SUBSTITUTE SENATE BILL 1412 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1412** be placed on its third reading and final passage.

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

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

Nays: Hall, Kolkhorst.

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, May 18, 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:

**SB 45** Zaffirini Sponsor: Zwiener  
Relating to the prohibition against sexual harassment in the workplace.

**SB 162** Blanco Sponsor: Geren  
Relating to a false statement made to illegally acquire a firearm; creating a criminal offense.

**SB 211** Zaffirini Sponsor: Landgraf  
Relating to judicial review of acts by the Texas Commission on Environmental Quality.

**SB 232** Johnson Sponsor: Davis  
Relating to service of expert reports for health care liability claims.

**SB 285** West Sponsor: Neave  
Relating to the administration of and certain procedures under the Title IV-D program for child support enforcement.

**SB 337** Powell Sponsor: Dominguez  
Relating to the award of grants by the Texas Workforce Commission to facilitate the participation of certain veterans and military personnel in apprenticeship training programs.

**SB 460** Lucio Sponsor: Raymond  
Relating to designating the 11th day of each month as Buddy Check Day.

**SB 530** Huffman Sponsor: Cole  
Relating to the prosecution and punishment of the criminal offense of harassment; creating a criminal offense.

**SB 634** Kolkhorst Sponsor: Anderson  
Relating to the confidentiality of the identity of certain landowners who participate in a State Soil and Water Conservation Board program to manage or eradicate an invasive species.

**SB 692** Zaffirini Sponsor: Smithee  
Relating to access to certain financial records by the guardianship abuse, fraud, and exploitation deterrence program.

- SB 700** Buckingham Sponsor: Cyrier  
Relating to the continuation and functions of the Texas Parks and Wildlife Department.
- SB 833** Campbell Sponsor: Paddie  
Relating to a sales tax refund for sales tax overpayments by certain oil or gas severance taxpayers.
- SB 858** Johnson Sponsor: Davis  
Relating to the disclosure of information collected by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, or coordinated county transportation authority under the public information law.
- SB 886** Blanco Sponsor: Romero, Jr.  
Relating to the provision of citizenship assistance to veterans by the Texas Veterans Commission.
- SB 941** Buckingham Sponsor: Morales, Eddie  
Relating to the adoption of a state scenic byways program.
- SB 952** Hinojosa Sponsor: Walle  
Relating to plot plan requirements for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality.
- SB 1093** Creighton Sponsor: Metcalf  
Relating to the administration of a veterans treatment court program.
- SB 1105** Hughes Sponsor: Anchia  
Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.
- SB 1122** Zaffirini Sponsor: Holland  
Relating to participation in the comptroller's contracts for travel services.
- SB 1130** Hancock Sponsor: Geren  
Relating to the provision of certain massage therapy instruction using distance learning.
- SB 1225** Huffman Sponsor: Paddie  
Relating to the authority of a governmental body impacted by a catastrophe to temporarily suspend the requirements of the public information law.
- SB 1226** Schwertner Sponsor: Geren  
Relating to the authorized activities of a holder of a brewpub license.
- SB 1251** Miles Sponsor: Johnson, Ann  
Relating to authorizing certain joint graduate degree programs between The University of Texas Health Science Center at Houston and The University of Texas M. D. Anderson Cancer Center.
- SB 1277** West Sponsor: Turner, John  
Relating to an agreement between a school district and public institution of higher education to provide a dual credit program to high school students enrolled in the district.
- SB 1295** Creighton Sponsor: Morrison  
Relating to financial support and incentives for comprehensive regional universities.

- SB 1467** Hinojosa Sponsor: Canales  
Relating to The University of Texas Rio Grande Valley, to student fees imposed by the university, and to the elimination of certain obsolete statutory references in relation to the university.
- SB 1615** Bettencourt Sponsor: VanDeaver  
Relating to the adult high school charter school program.
- SB 1783** Creighton Sponsor: Turner, Chris  
Relating to a fee collected by a landlord in lieu of a security deposit.
- SB 1818** Zaffirini Sponsor: Landgraf  
Relating to a defense under the Solid Waste Disposal Act for persons engaged in certain scrap metal recycling transactions.
- SB 1860** Powell Sponsor: Neave  
Relating to creating an electronic application system for state student financial assistance.
- SB 2162** Creighton Sponsor: Perez  
Relating to the creation of the Harris County Municipal Utility District No. 578; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2164** Creighton Sponsor: Bell, Cecil  
Relating to the creation of the Montgomery County Municipal Utility District No. 201; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2173** Creighton Sponsor: Metcalf  
Relating to the creation of the Montgomery County Municipal Utility District No. 207; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2207** Springer Sponsor: Smith  
Relating to the creation of the Grayson County Municipal Utility District No. 8; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2216** Creighton Sponsor: Metcalf  
Relating to the powers and duties of the East Montgomery County Municipal Utility District No. 14; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2219** Springer Sponsor: Smith  
Relating to the creation of the Heritage Ranch Municipal Utility District No. 1 of Grayson County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SJR 27** Hancock Sponsor: Leach  
Proposing a constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, May 18, 2021 - 2

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 19** Schwertner Sponsor: Capriglione  
Relating to prohibited contracts with companies that discriminate against the firearm or ammunition industries.

(Committee Substitute/Amended)

**SB 160** Perry Sponsor: Darby

Relating to county road reports.

(Committee Substitute)

**SB 219** Hughes Sponsor: Leach

Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.

(Committee Substitute/Amended)

**SB 286** West Sponsor: Neave

Relating to suits affecting the parent-child relationship and child support, including the payment of spousal maintenance by an obligor ordered to pay child support and the disclaimer of a property interest by a child support obligor.

(Committee Substitute)

**SB 374** Seliger Sponsor: Shine

Relating to municipal annexation of certain rights-of-way.

(Amended)

**SB 445** Hughes Sponsor: Canales

Relating to the use of a flashing warning signal light and certain other equipment by a person operating a school bus.

(Committee Substitute)

**SB 474** Lucio Sponsor: Collier

Relating to the unlawful restraint of a dog; creating a criminal offense.

(Committee Substitute)

**SB 600** Perry Sponsor: King, Tracy O.

Relating to an inventory of dams controlled by river authorities.

(Committee Substitute)



- SB 696** Zaffirini Sponsor: Guillen  
Relating to the imposition, rate, and use of hotel occupancy taxes in certain counties and municipalities; authorizing certain counties to impose a hotel occupancy tax; reducing the maximum rate of the hotel occupancy tax imposed by certain counties.  
(Committee Substitute/Amended)
- SB 763** Powell Sponsor: Cook  
Relating to the creation of the urban air mobility advisory committee.  
(Amended)
- SB 804** Menéndez Sponsor: Cortez  
Relating to the authority of a municipality to add property to a common characteristic public improvement district.  
(Amended)
- SB 876** Hancock Sponsor: Thompson, Ed  
Relating to the county in which a person may apply for the registration of and title for a motor vehicle.  
(Committee Substitute/Amended)
- SB 901** Perry Sponsor: Landgraf  
Relating to the enforcement of commercial motor vehicle safety standards in certain counties.  
(Amended)
- SB 906** Perry Sponsor: Murr  
Relating to the civil commitment of sexually violent predators.  
(Committee Substitute)
- SB 1055** Huffman Sponsor: Reynolds  
Relating to motor vehicle accidents involving a pedestrian or other vulnerable road user within the area of a crosswalk; creating a criminal offense.  
(Amended)
- SB 1056** Huffman Sponsor: Wu  
Relating to criminal liability for reporting false information to draw an emergency response; creating an offense.  
(Amended)
- SB 1138** Hughes Sponsor: Noble  
Relating to a study on streamlining public safety net programs to reduce costs and improve outcomes for recipients under the programs.  
(Amended)
- SB 1263** Birdwell Sponsor: Bell, Cecil  
Relating to funding for the Texas emissions reduction plan.  
(Committee Substitute)
- SB 1480** Johnson Sponsor: Guillen  
Relating to the licensing and regulation of certain drug and alcohol related court-ordered educational programs; providing administrative penalties; requiring occupational licenses; authorizing fees; creating criminal offenses.  
(Amended)

**SB 1642** Creighton Sponsor: Canales  
 Relating to the administration of navigation districts.  
 (Committee Substitute)

**SB 1776** Campbell Sponsor: Bell, Keith  
 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.  
 (Amended)

**SB 1911** Blanco Sponsor: Rose  
 Relating to the content of an application for Medicaid.  
 (Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
 House of Representatives

**COMMITTEE SUBSTITUTE  
 SENATE BILL 1630 ON SECOND READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **CSSB 1630** at this time on its second reading:

**CSSB 1630**, Relating to criminal history record information checks for applicants for employment and employees of group homes; creating a criminal offense.

The motion prevailed.

Senators Bettencourt, Creighton, Paxton, and Springer asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Bettencourt, Creighton, Springer.

**COMMITTEE SUBSTITUTE  
 SENATE BILL 1630 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 1630** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Creighton, Paxton, Springer.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

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

Nays: Bettencourt, Creighton, Springer.

#### **SENATE BILL 1745 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1745** at this time on its second reading:

**SB 1745**, Relating to the creation of a joint interim committee to study colonias and colonia initiatives 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: Springer.

#### **SENATE BILL 1745 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1745** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Springer.

#### **SENATE BILL 2037 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2037** at this time on its second reading:

**SB 2037**, Relating to the definition of exploitation for purposes of investigating reports of exploitation against certain elderly persons and persons with disabilities.

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 2037 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 **SB 2037** 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 1003 ON THIRD READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **CSSB 1003** at this time on its third reading and final passage:

**CSSB 1003**, Relating to location requirements for the construction of certain wind-powered energy devices.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Blanco, Creighton, Eckhardt, Johnson, Lucio, Menéndez, Perry, Powell, Seliger, West, Whitmire, Zaffirini.

The bill was read third time.

Senator Gutierrez offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **CSSB 1003** (senate committee printing) on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 240, Local Government Code, is amended by adding Subchapter F to read as follows:

**SUBCHAPTER F. WIND-POWERED ENERGY DEVICES**

**Sec. 240.101. DEFINITIONS.** In this subchapter:

(1) "Military aviation facility" means a base, station, fort, or camp at which fixed-wing aviation operations or training is conducted by the United States Air Force, the United States Air Force Reserve, the United States Army, the United States Army Reserve, the United States Navy, the United States Navy Reserve, the United States Marine Corps, the United States Marine Corps Reserve, the United States Coast Guard, the United States Coast Guard Reserve, or the Texas National Guard.

(2) "Wind-powered energy device" means an apparatus designed or adapted to:

(A) convert the energy available in the wind into thermal, mechanical, or electrical energy;

(B) store the energy converted under Paragraph (A), either in the form to which originally converted or another form; or

(C) distribute the energy converted under Paragraph (A).

**Sec. 240.102. APPLICABILITY OF SUBCHAPTER.** This subchapter applies only to a county:

(1) that is located adjacent to an international border; and

(2) in which a military aviation facility that trains military personnel to pilot aircraft and a national recreation area are located.

Sec. 240.103. DESIGNATION OF CONSTRUCTION AREAS. (a) The commissioners court of a county by order may, in collaboration with the military aviation facility located in the county:

(1) designate one or more appropriate locations for a person to install a wind-powered energy device in the unincorporated area of the county in accordance with this section; and

(2) prohibit the installation of a wind-powered energy device in the county in an area other than a designated area.

(b) An order under Subsection (a) may not apply to a wind-powered energy device installed before the effective date of the order.

(c) Areas designated by a county under Subsection (a) must maintain compatibility with the activities of the military aviation facility.

The amendment to **CSSB 1003** 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 on Third Reading except as follows:

Nays: Perry, Seliger.

**CSSB 1003** as amended was finally passed by the following vote: Yeas 17, Nays 14.

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

Nays: Alvarado, Blanco, Creighton, Eckhardt, Johnson, Lucio, Menéndez, Miles, Perry, Powell, Seliger, West, Whitmire, Zaffirini.

### **HOUSE BILL 3442 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3442** at this time on its second reading:

**HB 3442**, Relating to complaints filed with the State Board of Veterinary Medical Examiners.

The bill was read second time.

Senator Powell offered the following amendment to the bill:

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

Amend **HB 3442** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 801.207, Occupations Code (page 1, lines 22 through 24), strike "Subsections (b-1), (b-2), and (b-3)" and substitute "Subsection (b-1)".

(2) In SECTION 1 of the bill, in amended Section 801.207(b), Occupations Code (page 1, line 25), strike "Subsections (b-1) and (b-2)" and substitute "Subsection (b-1)".

(3) In SECTION 1 of the bill, strike proposed Sections 801.207(b-1), (b-2), and (b-3), Occupations Code (page 1, lines 35 through 51), and substitute the following:

(b-1) Not later than the 14th day before the date of an informal proceeding under Section 801.408, the board shall provide to the license holder who is the subject of the complaint a copy of the record of any review conducted under Section 801.2055 of a complaint requiring medical expertise. The board shall redact the name of each veterinarian who conducted the review.

The amendment to **HB 3442** 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.

**HB 3442** 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 3442 ON THIRD READING**

Senator Powell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3442** 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 183 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 183** at this time on its second reading:

**CSSB 183**, Relating to emergency medical services subscription programs and reciprocity agreements between certain air ambulance companies operating a subscription 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: Creighton, Hughes.

### **COMMITTEE SUBSTITUTE SENATE BILL 183 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 183** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Creighton, Hughes.

### **HOUSE BILL 1603 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1603** at this time on its second reading:

**HB 1603**, Relating to the use of individual graduation committees and other alternative methods to satisfy certain public high school graduation requirements.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

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

Amend **HB 1603** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 39.057(a), Education Code, is amended to read as follows:

(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 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Section 28.0258;

(16) [~~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

(17) [~~16~~] as the commissioner otherwise determines necessary.

The amendment to **HB 1603** 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.

**HB 1603** 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:

Nays: Creighton.

### HOUSE BILL 1603 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1603** be placed on its third reading and final passage.

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



The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Creighton.

### **HOUSE BILL 3615 ON SECOND READING**

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 3615** at this time on its second reading:

**HB 3615**, Relating to certain rates charged by and programs offered by municipally owned utilities.

The motion prevailed.

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

The bill was read second time and was passed to 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: Eckhardt, Zaffirini.

### **HOUSE BILL 3615 ON THIRD READING**

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3615** be placed on its third reading and final passage.

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

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

Nays: Eckhardt, Zaffirini.

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

### **HOUSE BILL 2106 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 2106** at this time on its second reading:

**HB 2106**, Relating to the prevention, identification, investigation, and enforcement of payment card fraud; providing a civil 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.

### HOUSE BILL 2106 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 2106** 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 1382 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 1382** at this time on its second reading:

**HB 1382**, Relating to the availability of certain information regarding early voting.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 1382** (senate committee report) in SECTION 1 of the bill by striking added Subsection 86.015(c), Election Code (page 1, lines 41 through 53), and substituting the following:

(c) An online tool used under this section must:

(1) for each election, record:

(A) each application for a ballot to be voted by mail received by the clerk; and

(B) each carrier envelope sent to a voter by the clerk;

(2) for each carrier envelope, record or assign a serially numbered and sequentially issued barcode or tracking number that is unique to each envelope; and

(3) update the applicable Internet website as soon as practicable after each of the following events occurs:

(A) receipt by the early voting clerk of the person's application for a ballot to be voted by mail;

(B) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;

(C) placement in the mail by the early voting clerk of the person's official ballot;

(D) receipt by the early voting clerk of the person's marked ballot; and

(E) acceptance or rejection by the early voting ballot board of a person's marked ballot.

The amendment to **HB 1382** 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, Eckhardt, Menéndez, Miles, West, Whitmire.

**HB 1382** 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:

Nays: Alvarado, Eckhardt, Menéndez, Miles, West, Whitmire.

### **HOUSE BILL 1382 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 1382** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Eckhardt, Menéndez, Miles, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

### **REMARKS ORDERED PRINTED**

On motion of Senator Miles and by unanimous consent, the remarks by Senators Hughes and Miles regarding **HB 1382** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Miles:** Brother Hughes, I'm trying to just understand why.

**Senator Hughes:** Right.

**Senator Miles:** Can you give me the reason, what is this chasing—

**Senator Hughes:** Oh, of course—

**Senator Miles:** —what are we trying to do here? Why?

**Senator Hughes:** —well, Senator, as you know, I think you and I agree that paper backup, paper ballots are a good idea. You know electronic voting somehow folks don't know whether there can be a recount, but with paper ballots it's important that we know how many ballots are out there, know this is the same ballot I sent is the one that came back. So, this just requires numbering of those ballots. It doesn't, it doesn't tell me how you voted or how anybody else voted. It's actually in the Texas Constitution that all ballots are supposed to be numbered. That's what the idea is, it's just really about keeping track and making sure that we have the same number of ballots sent out that come back.

**Senator Miles:** But when you number a ballot, don't you identify who voted on that ballot?

**Senator Hughes:** Oh, no, Sir.

**Senator Miles:** Tell me why not.

**Senator Hughes:** No, Sir.

**Senator Miles:** Tell me why not.

**Senator Hughes:** Well, if we did that, then somebody could go back and they could see how you voted. And so, we don't want to do that. We want to protect that secret ballot.

**Senator Miles:** But when you have a numerical number identified to what household it went to, then you know whose ballot that is.

**Senator Hughes:** To make sure we're clear, this doesn't tell us, this keeps track of each one received and each envelope sent out, but it doesn't allow you to go back and see, okay, Senator Miles had ballot number x-y-z. No, no, that's, I'm glad you asked. That's not what this is about.

**Senator Miles:** So, Brother Hughes, number 19 is sent to Maemae Jenkins' house.

**Senator Hughes:** One more time, I'm sorry.

**Senator Miles:** Number 19, ballot 1919 is sent to Ms. Jenkins' house. You're telling me there's no tracking system, there's no backup that knows that number 1919 went to the Jenkins' household?

**Senator Hughes:** That's correct. That's important. That's important. It's not about being able to see how a certain person voted. That's not what it's about at all.

**Senator Miles:** Okay, so how are we keeping count, then what is the purpose of it? If we're not, if the numerical numbers aren't housed or logged anywhere, then what is the purpose of this?

**Senator Hughes:** Uhm, I think I follow what you're saying.

**Senator Miles:** The way I read this—

**Senator Hughes:** The idea is we want to make sure that the ballot that gets sent out is the ballot that gets sent back.

**Senator Miles:** Sent back.

**Senator Hughes:** As you know, sometimes people go to mailboxes—

**Senator Miles:** But—

**Senator Hughes:** —they steal them—

**Senator Miles:** —and—

**Senator Hughes:** —sometimes people request them on your behalf without you knowing about it. So, that's the idea.

**Senator Miles:** And, Senator Hughes, in order to know that it came back, there has to be a database somewhere. Correct?

**Senator Hughes:** Keep going, I think I'm with you.

**Senator Miles:** If there has to be a database, when you send 1919 out—

**Senator Hughes:** Right.

**Senator Miles:** —in order to keep track of it, it's got to be a database somewhere, held somewhere to do what you're asking it—

**Senator Hughes:** Right.

**Senator Miles:** –to do.

**Senator Hughes:** Keep going. I'm with you so far.

**Senator Miles:** Okay. So, in that database, when it was sent out–

**Senator Hughes:** Okay.

**Senator Miles:** –you know, in order for you to know that the right person–

**Senator Hughes:** I see.

**Senator Miles:** –returned the right one–

**Senator Hughes:** I got you.

**Senator Miles:** –there's got to be a database, a cross reference.

**Senator Hughes:** The number, forgive me, the number is on the carrier envelope that you send your ballot back in. So, once everything comes back and it's checked, as you know, the ballot's removed from the carrier envelope, and it goes over into the sea of ballots. So, if I misspoke, I apologize. The number goes on the carrier envelope that you send your ballot back in.

**Senator Miles:** Okay.

**Senator Hughes:** So, it's still protected as far as the ballot is. I'm sorry if I said that wrong.

**Senator Miles:** So, clarification.

**Senator Hughes:** Yes, Sir.

**Senator Miles:** The envelope that it comes back with has the number on it.

**Senator Hughes:** Yes, Sir.

**Senator Miles:** And the envelope that it comes back in, when the ballot comes back, are you telling me that that envelope is discarded?

**Senator Hughes:** Those envelopes are retained but they are separated from the ballot. And you remember how this process works.

**Senator Miles:** Okay, but the envelope–

**Senator Hughes:** So, when the carrier envelope comes back, the information's verified, and then the ballot is removed, and it's put over there with the ballots, the envelopes are retained over here. So, we don't know what ballot goes in what envelope, because that would violate the secret ballot if we did that.

**Senator Miles:** Okay, and then–

**Senator Hughes:** We don't want to do that.

**Senator Miles:** –where are those, when those ballots come back and they're separated from the envelope–

**Senator Hughes:** Yes, Sir.

**Senator Miles:** –where's that taking place at?

**Senator Hughes:** Once, well, once those are separated then there's—

**Senator Miles:** No, where are they—

**Senator Hughes:** —no way—

**Senator Miles:** —where are they separated at?

**Senator Hughes:** Well, they, they're mailed back to the county, they're mailed back to the county—

**Senator Miles:** Well—

**Senator Hughes:** —clerk—

**Senator Miles:** —let's—

**Senator Hughes:** —or the elections division—

**Senator Miles:** —think realistically.

**Senator Hughes:** —if you're in a larger county—

**Senator Miles:** So, they're mailed back—

**Senator Hughes:** —if that's what you're asking.

**Senator Miles:** —to the county.

**Senator Hughes:** Yes, Sir.

**Senator Miles:** And then they're separated.

**Senator Hughes:** That's right. They're separated after information's verified. As you know, there's a ballot board, they look at the signatures, the board has Democrats and Republicans. They look at the signatures, go over the details, and once they verify, then the ballot is separated and it goes over there with the ballots.

**Senator Miles:** Right.

**Senator Hughes:** So, we don't know what ballot envelope your ballot was in.

**Senator Miles:** Okay. So, where they're separated then the envelope goes over here—

**Senator Hughes:** Yes.

**Senator Miles:** —and the ballot goes over here.

**Senator Hughes:** Yes, Sir.

**Senator Miles:** Okay. And that's done with the secretary, in the secretary's office, at the ballot board.

**Senator Hughes:** Yes, Sir. The county handles that on a county by county basis. That is right.

**Senator Miles:** County by county basis. So, what's to stop the separation, at the part of the separation what is to prevent something, some hanky panky going on right there at that, at that place, because as in some of the counties that we live in they're not going to be a whole lot of people in that ballot board, or at the separation. There may just be two or three people. So, we're putting the faith in those two or three people to do the right thing is what you're saying.

**Senator Hughes:** Well, Senator, what you're describing is current law.

**Senator Miles:** I'm Senator Miles, there's Senator West.

**Senator Hughes:** What did I call you, I—

**Senator Miles:** You called me Senator West. That's the other Black guy.

**Senator Hughes:** He was, he was motioning, I apologize.

**Senator Miles:** That's the big guy.

**Senator Hughes:** He ask more, he asked more questions.

**Senator Miles:** I'm the better looking one.

**Senator Hughes:** Obviously, obviously. He asks more questions. Sir? You started this, Senator West. Senator Miles—

**Senator Miles:** Come on, man.

**Senator Hughes:** Thank you, so to answer your question it sounds like the concern is with the current system because right now whether the envelopes are numbered or not, right now an envelope comes back with the voter's name and address on it, and voter ID, and the voter number, registration number. Current law, that envelope comes back with that information and the ballot's on the inside. And then that ballot board, they have to go through it and they separate. So, separate and apart from this amendment, it sounds like your concern may be with the, with the current system. I want to make sure I'm following you.

**Senator Miles:** No, my concern's not with the current system. My concern is with numbering. What your bill here does is numbering the envelope that the ballot comes in and concern that at that point in time we can identify who voted what. And that's not something that is constitutional, and we shouldn't be trying to put anything in place because I don't really, don't think, right now, I don't see the problem. I've never seen the problem with fraud with mail ballots. So, I'm seeing the problem starting to develop when we start numbering people's ballots and people's envelopes.

**Senator Hughes:** Well, Senator, the envelope already has the name and address, voter ID number, so if we're concerned about the envelope being tied to the ballot, it's got the name and address and voter registration number. So, this is a separate, discrete number.

**Senator Miles:** Okay, so—

**Senator Hughes:** I've already—

**Senator Miles:** —we have the name—

**Senator Hughes:** —already got your name and address.

**Senator Miles:** —if we have the name and address, why do we need the number for?

**Senator Hughes:** I think maybe we're just, I'm not, I'm not quite following you, but keep going, I'm trying.

**Senator Miles:** You're a smart man, Senator Hughes. If we got the name and address, what do we need to number that person's ballot form, ballot envelope for?

**Senator Hughes:** So, this is about keeping track of the number of envelopes that go out and the number of envelopes that come back.

**Senator Miles:** Okay. So—

**Senator Hughes:** To make sure somebody didn't steal, go into your mailbox and steal the ballot or something like that, which is, you know, there's been testimony that happens. So, I tell you what, it happens in East Texas. I don't know about your district, but it happens in East Texas. We've had testimony about that.

**Senator Miles:** Okay, we, in SB 7—

**Senator Hughes:** Yes, Sir.

**Senator Miles:** —we made criminal offenses, we put in criminal offenses for fraudulent activity as relates to our ballot, did we not?

**Senator Hughes:** In Senate Bill 7 the only, the only criminal, the only crime created was refusing to admit a poll watcher. Senate Bill 7 did not have any other enhanced penalties. Now in two, now you recall when you and I first got here, we did make it a, a state jail felony to put false information on your application for a mail ballot. You and I were here for that. But Senate Bill 7 did not do penalties about mail ballots. I think the House version did but Senate Bill 7 as we sent it out of here did not.

**Senator Miles:** Okay, so, and I'm closing out right now. So, would you be opposed to putting, if this doesn't work the way we want it to work or you think it's going to work, because I see a possibility where there's some fraud could be committed by numbering these ballots or by numbering these envelopes. I see a possibility, a loophole where some fraud can be committed here. Should we not put criminal penalties on these numbers of these ballots if they're used improperly?

**Senator Hughes:** If someone is committing fraud with these, no matter what they're doing, they're already breaking the law, so I don't know how we could specify an offense just related to these numbers. But they'd already be breaking the law if they're cheating, they're already going to be breaking the law. We already have that.

**Senator Miles:** Okay, so if we find out we've got a large fraud, as it relates to, as your backup comes to help you out, Senator Bettencourt. Seems like every time I get on the mic, Mr. President, with anybody, Bettencourt backs them up. If you're, if we determine, are you willing to say and put in record, that if we determine that, if we do start seeing fraud on these numbered mail ballot envelopes, okay, that you're willing to come back in the 77th legislative session and take this and redo this.

**Senator Hughes:** Senator, let me say—

**Senator Miles:** Are you willing to put that on record?

**Senator Hughes:** Yes. Let me say, unequivocally, if there's evidence that somebody's cheating and using this to cheat, yes, Sir. You and me will come back and deal with, of course. Of course.

**Senator Miles:** Okay. Thank you, Sir.

**Senator Hughes:** Yes, Sir, thank you for that.

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



**Senator Hughes:** Of course.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, May 18, 2021 - 3

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:

**SB 153** Perry Sponsor: Sanford  
Relating to the exclusion of certain payment processing services from the definition of "data processing service" for purposes of sales and use taxes.  
(Committee Substitute)

**SB 155** Perry Sponsor: Klick  
Relating to the use of information from the lists of noncitizens and nonresidents excused or disqualified from jury service.  
(Committee Substitute/Amended)

**SB 313** Huffman Sponsor: Meyer  
Relating to a sales and use tax exemption for firearm safety equipment.  
(Amended)

**SB 383** Powell Sponsor: Perez  
Relating to disclosure requirements of certain facilities that provide care for persons with Alzheimer's disease and related disorders.  
(Amended)

**SB 581** Bettencourt Sponsor: Schofield  
Relating to regulation by a property owners' association of certain religious displays.

**SB 601** Perry Sponsor: Burrows  
Relating to the creation and activities of the Texas Produced Water Consortium.  
(Committee Substitute/Amended)

**SB 884** Zaffirini Sponsor: Raymond  
Relating to the management and operation by The University of Texas System of a multi-institution center in the city of Laredo.

**SB 922** Seliger Sponsor: Patterson  
Relating to contracts for fingerprinting services entered into by the Department of Public Safety of the State of Texas.

**SB 1354** Miles Sponsor: Collier  
Relating to the prosecution of the offense of injury to a child, elderly individual, or disabled individual.

**SCR 7** Springer Sponsor: Spiller  
Designating the Bowie knife as the official state knife of Texas.

**SCR 26** Springer Sponsor: Ashby  
Designating the third Tuesday in February as Texas Game Warden Day for a 10-year period beginning in 2021.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 569** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 574** (94 Yeas, 48 Nays, 1 Present, not voting)

**HB 654** (135 Yeas, 8 Nays, 1 Present, not voting)

**HB 918** (131 Yeas, 11 Nays, 1 Present, not voting)

**HB 1071** (137 Yeas, 4 Nays, 1 Present, not voting)

**HB 1147** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 1322** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 2152** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 2404** (139 Yeas, 4 Nays, 2 Present, not voting)

**HB 2533** (142 Yeas, 0 Nays, 1 Present, not voting)

**HB 2723** (144 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### HOUSE BILL 781 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 781** at this time on its second reading:

**HB 781**, Relating to the carrying and possession of a handgun by a public junior college school marshal.

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

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

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

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

### HOUSE BILL 3799 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 3799** at this time on its second reading:

**HB 3799**, Relating to the exemption from sales and use taxes for items sold by a nonprofit organization at a county fair.

The motion prevailed.

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

The bill was read second time and was passed to 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: Hall.

#### **HOUSE BILL 3799 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3799** be placed on its third reading and final passage.

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

Nays: Hall.

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

#### **SENATE BILL 1311 ON THIRD READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 1311** at this time on its third reading and final passage:

**SB 1311**, Relating to the provision of and professional liability insurance coverage for gender transitioning or gender reassignment medical procedures and treatments for certain children.

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)

#### **STATEMENT REGARDING SENATE BILL 1311**

Senator Eckhardt submitted the following statement regarding **SB 1311**:

This body has passed a very damaging piece of legislation. SB 1311 is discriminatory: it is the latest attack against the LGBTQ community, a group of Texans that have borne the brunt of hateful legislation in Texas for years. SB 1311 is dangerous: trans youth are already at an elevated risk of suicide, and this bill denies them medical treatment proven to help them, greatly exacerbating the chance these

young people attempt to take their own lives. And SB 1311 is unconstitutional, blatantly violating the US Constitution's equal protection clause. This bill is yet another example of lawmakers in Austin claiming to know more than the medical professionals of our state, overruling their best judgment, and driving a wedge in the doctor-patient relationship. Texas already ranks in the bottom 10 states in doctors per capita. If we continue to penalize medical professionals for doing their job, I fear that we will continue to drive doctors we sorely need away from our state.

ECKHARDT

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

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

**HB 167** to Committee on Jurisprudence.

**HB 290** to Committee on Health & Human Services.

**HB 570** to Committee on Finance.

**HB 1014** to Committee on Education.

**HB 1032** to Committee on Education.

**HB 1252** to Committee on Education.

**HB 1504** to Committee on Education.

**HB 1698** to Committee on Transportation.

**HB 2095** to Committee on Water, Agriculture & Rural Affairs.

**HB 2269** to Committee on Business & Commerce.

**HB 2352** to Committee on Criminal Justice.

**HB 2391** to Committee on Education.

**HB 2534** to Committee on Business & Commerce.

**HB 2730** to Committee on Jurisprudence.

**HB 3005** to Committee on State Affairs.

**HB 3121** to Committee on Health & Human Services.

**HB 3162** to Committee on State Affairs.

**HB 3250** to Committee on Business & Commerce.

**HB 3418** to Committee on Business & Commerce.

**HB 3462** to Committee on Higher Education.

**HB 3482** to Committee on Local Government.

**HB 3855** to Committee on Water, Agriculture & Rural Affairs.

**HB 4056** to Committee on Natural Resources & Economic Development.

**HB 4604** to Committee on Local Government.

### **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.

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

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider the following bills tomorrow in the Extension Auditorium, E1.004: **HB 1259, HB 3767.**

**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 and consider **HB 4242** today.

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

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider the following bills tomorrow in Room E1.016: **HB 3286, HB 4073, HB 1698.**

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

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills tomorrow in Room E1.016:  
**HB 2505, HB 3363.**

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

On motion 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 in the press room, 2E.9.

**CO-AUTHORS OF SENATE BILL 1745**

On motion of Senator Zaffirini, Senators Hinojosa and Lucio will be shown as Co-authors of **SB 1745.**

**CO-AUTHOR OF SENATE BILL 2044**

On motion of Senator Menéndez, Senator Campbell will be shown as Co-author of **SB 2044.**

**CO-SPONSOR OF HOUSE BILL 9**

On motion of Senator Campbell, Senator Bettencourt will be shown as Co-sponsor of **HB 9.**

**CO-SPONSORS OF HOUSE BILL 19**

On motion of Senator Taylor, Senators Birdwell, Hancock, Lucio, and Perry will be shown as Co-sponsors of **HB 19**.

**CO-SPONSORS OF HOUSE BILL 133**

On motion of Senator Kolkhorst, Senators Blanco, Miles, and West will be shown as Co-sponsors of **HB 133**.

**CO-SPONSOR OF HOUSE BILL 149**

On motion of Senator Kolkhorst, Senator Miles will be shown as Co-sponsor of **HB 149**.

**CO-SPONSOR OF HOUSE BILL 1069**

On motion of Senator Birdwell, Senator Creighton will be shown as Co-sponsor of **HB 1069**.

**CO-SPONSOR OF HOUSE BILL 1080**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-sponsor of **HB 1080**.

**CO-SPONSOR OF HOUSE BILL 1172**

On motion of Senator Zaffirini, Senator Bettencourt will be shown as Co-sponsor of **HB 1172**.

**CO-SPONSOR OF HOUSE BILL 1296**

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-sponsor of **HB 1296**.

**CO-SPONSOR OF HOUSE BILL 1297**

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-sponsor of **HB 1297**.

**CO-SPONSOR OF HOUSE BILL 1382**

On motion of Senator Hughes, Senator Bettencourt will be shown as Co-sponsor of **HB 1382**.

**CO-SPONSOR OF HOUSE BILL 1387**

On motion of Senator Birdwell, Senator Creighton will be shown as Co-sponsor of **HB 1387**.

**CO-SPONSOR OF HOUSE BILL 1434**

On motion of Senator Zaffirini, Senator Johnson will be shown as Co-sponsor of **HB 1434**.

**CO-SPONSOR OF HOUSE BILL 1588**

On motion of Senator Paxton, Senator Alvarado will be shown as Co-sponsor of **HB 1588**.

**CO-SPONSOR OF HOUSE BILL 1603**

On motion of Senator Seliger, Senator Buckingham will be shown as Co-sponsor of **HB 1603**.

**CO-SPONSOR OF HOUSE BILL 1925**

On motion of Senator Buckingham, Senator Schwertner will be shown as Co-sponsor of **HB 1925**.

**CO-SPONSOR OF HOUSE BILL 2106**

On motion of Senator Zaffirini, Senator Hughes will be shown as Co-sponsor of **HB 2106**.

**CO-SPONSORS OF HOUSE BILL 2667**

On motion of Senator Perry, Senators Hughes, Kolkhorst, Lucio, and Springer will be shown as Co-sponsors of **HB 2667**.

**CO-SPONSOR OF HOUSE BILL 2926**

On motion of Senator Buckingham, Senator Zaffirini will be shown as Co-sponsor of **HB 2926**.

**CO-SPONSOR OF HOUSE BILL 3088**

On motion of Senator Kolkhorst, Senator Perry will be shown as Co-sponsor of **HB 3088**.

**CO-SPONSOR OF HOUSE BILL 3394**

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-sponsor of **HB 3394**.

**CO-SPONSOR OF HOUSE BILL 3521**

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-sponsor of **HB 3521**.

**CO-SPONSOR OF HOUSE BILL 3893**

On motion of Senator Eckhardt, Senator Zaffirini will be shown as Co-sponsor of **HB 3893**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 430** by Gutierrez, In memory of Roland R. Esparza.

**SR 432** by Buckingham and Perry, In memory of Robert Otto Dittmar II.

**Congratulatory Resolutions**

**SR 404** by Creighton, Recognizing Western Governors University Texas on the occasion of its 10th anniversary.

**SR 405** by Creighton, Recognizing Tammy McRae for her service as the Montgomery County Tax Assessor-Collector and president of the Tax Assessor-Collectors Association of Texas.

**SR 433** by Buckingham, Recognizing Texas Ambulatory Surgery Center Day.

**SR 434** by Buckingham, Recognizing Lee Hamilton on the occasion of his retirement.

### **RECESS AND MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:39 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 11:00 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 18, 2021

STATE AFFAIRS — **CSHB 1849**

TRANSPORTATION — **CSHB 3512**

HEALTH AND HUMAN SERVICES — **HB 2058, HB 1616**

STATE AFFAIRS — **HB 448, HB 458, HB 853, HB 957, HJR 143, HB 3012, HB 3333, HB 3069**

### **RESOLUTIONS ENROLLED**

May 17, 2021

**SR 383, SR 414, SR 415, SR 417, SR 418, SR 419, SR 420, SR 421, SR 422, SR 423, SR 424, SR 425, SR 426, SR 427, SR 428**

### **BILLS ENGROSSED**

May 18, 2021

**SB 183, SB 1003, SB 1311, SB 1412, SB 1630, SB 1745, SB 2037**

### **SENT TO GOVERNOR**

May 18, 2021

**SCR 1, SCR 11, SCR 17, SCR 43**



**SIGNED BY GOVERNOR**

May 18, 2021

**SB 567, SB 721, SB 725, SB 1064, SB 1260, SB 1334, SB 1555, SB 1809, SB 1954**

