

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FOURTH DAY

(Continued)

(Saturday, May 22, 2021)

AFTER RECESS

The Senate met at 12:20 p.m. and was called to order by President Pro Tempore Birdwell.

Senator Hinojosa offered the invocation as follows:

The Lord is my shepherd; I shall not want. He makes me lie down in green pastures. He leads me beside still waters. He restores my soul. He leads me in the path of righteousness for His name's sake. Even though I walk through the valley of the shadow of death, I will fear no evil, for You are with me; Your rod and Your staff, You comfort me. You prepare a table before me in the presence of my enemies; You anoint my head with oil; my cup overflows. Surely goodness and mercy shall follow me all the days of my life, and I shall dwell in the house of the Lord forever. (Psalm 23)

BILLS SIGNED

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

SB 231, SB 237, SB 516, SB 742, SB 851, SB 874, SB 903, SB 1129, SB 1202, SB 1245, SB 1449, SB 1525.

HB 180, HB 189, HB 365, HB 374, HB 375, HB 402, HB 690, HB 725, HB 763, HB 766, HB 785, HB 837, HB 851, HB 868, HB 871, HB 876, HB 914, HB 1510, HB 1545, HB 1572, HB 1606, HB 1618, HB 1680, HB 1904, HB 1936, HB 1939, HB 1958, HB 2004, HB 2083, HB 2093, HB 2106, HB 2301, HB 2343, HB 2374, HB 2530, HB 2669, HB 2698, HB 2819, HB 2840, HB 2841, HB 2847, HB 2920, HB 2941, HB 3130, HB 3132, HB 3165, HB 3394, HB 3644, HB 3689, HB 3721, HB 3769, HB 3786, HB 3788, HB 3794, HB 3799, HB 3856, HB 4436, HB 4577, HB 4579, HB 4585, HB 4610.

HOUSE BILL 4568 ON SECOND READING

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4568** at this time on its second reading:

HB 4568, Relating to the Rockwall County Juvenile Board.

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 4568 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4568** 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 HOUSE BILL 1456 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1456** at this time on its second reading:

CSHB 1456, Relating to the expiration of the health care provider participation program administered and operated by the Nueces County Hospital District.

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.

COMMITTEE SUBSTITUTE HOUSE BILL 1456 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1456** 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 2110 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2110** at this time on its second reading:

HB 2110, Relating to the automatic transfer of manufacturer's warranties on air conditioning systems conveyed with residential real property.

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 2110 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2110** 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
HOUSE BILL 2658 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2658** at this time on its second reading:

CSHB 2658, Relating to the Medicaid program, including the administration and operation of the Medicaid managed care program.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2658 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 **CSHB 2658** 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 JOINT RESOLUTION 165 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 165** at this time on its second reading:

HJR 165, Proposing a constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.

The resolution 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 JOINT RESOLUTION 165 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 **HJR 165** be placed on its third reading and final passage.

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

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

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator West was granted leave of absence for the remainder of the day on account of important business.

HOUSE BILL 9 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 9** at this time on its second reading:

HB 9, Relating to the criminal punishment and conditions of community supervision for the offense of obstructing a highway or other passageway; increasing a criminal penalty.

The motion prevailed.

Senators Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, and Miles 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 the following vote: Yeas 24, Nays 6.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Miles.

Absent-excused: West.

HOUSE BILL 9 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 9** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Miles.

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 2237 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2237** at this time on its second reading:

CSHB 2237, Relating to mechanic's, contractor's, or materialman's liens.

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: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2237 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2237** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 30 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 30** at this time on its second reading:

HB 30, Relating to educational programs provided by the Windham School District in the Texas Department of Criminal Justice for certain inmates.

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: Bettencourt.

Absent-excused: West.

HOUSE BILL 30 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 30** be placed on its third reading and final passage.

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

Absent-excused: West.

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

Nays: Bettencourt.

Absent-excused: West.

HOUSE BILL 2430 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2430** at this time on its second reading:

HB 2430, Relating to the mileage expense reimbursement for certain temporary justices of the peace.

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: West.

HOUSE BILL 2430 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2430** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 4158 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4158** at this time on its second reading:

HB 4158, Relating to the dissemination of confidential information contained in the juvenile justice information system.

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: West.

HOUSE BILL 4158 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 **HB 4158** be placed on its third reading and final passage.

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

Absent-excused: West.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3261 ON SECOND READING**

Senator Taylor moved to suspend the regular order of business to take up for consideration **CSHB 3261** at this time on its second reading:

CSHB 3261, Relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, the review and use of the instructional materials and technology allotment, and requests for production of instructional materials.

The motion prevailed.

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

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3261** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 31.022(i), Education Code (page 2, line 51), strike "For any state fiscal biennium" and substitute "During any state fiscal biennium beginning on or after September 1, 2023".

(2) In SECTION 7(b) of the bill (page 4, line 14), strike "2023-2024" and substitute "2022-2023".

The amendment to **CSHB 3261** 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: West.

CSHB 3261 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: Seliger.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3261 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 **CSHB 3261** be placed on its third reading and final passage.

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

Nays: Seliger.

Absent-excused: West.

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

HOUSE BILL 428 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 428** at this time on its second reading:

HB 428, Relating to health benefit plan coverage for ovarian cancer testing and screening.

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, Hughes.

Absent-excused: West.

HOUSE BILL 428 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 428** be placed on its third reading and final passage.

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

Absent-excused: West.

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

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

Nays: Hall, Hughes.

Absent-excused: West.

HOUSE BILL 1278 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1278** at this time on its second reading:

HB 1278, Relating to public hearings on homelessness issues held by the Texas Interagency Council for the Homeless.

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: Schwertner, Springer.

Absent-excused: West.

HOUSE BILL 1278 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 **HB 1278** be placed on its third reading and final passage.

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

Absent-excused: West.

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

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

Nays: Schwertner, Springer.

Absent-excused: West.

COMMITTEE SUBSTITUTE HOUSE BILL 3853 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3853** at this time on its second reading:

CSHB 3853, Relating to middle mile broadband service provided by an electric utility.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3853** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 43.102 Utilities Code (page 6, between lines 22 and 23) add the following new subsection (a)(4) and renumber existing subsections accordingly:

(4) the capacity, number of fiber strands, and any other facilities of the middle mile broadband service that will be available to lease to Internet service providers;

(2) Strike page 6, line 38, through page 6, line 49, and substitute the following:

(c) The commission must approve, modify, or reject a plan submitted to the commission under this section not later than the 181st day after the date the plan is submitted under Subsection (a).

The amendment to **CSHB 3853** 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: West.

CSHB 3853 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: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3853 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 **CSHB 3853** be placed on its third reading and final passage.

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

Absent-excused: West.

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

(President in Chair)

HOUSE BILL 2924 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 2924** at this time on its second reading:

HB 2924, Relating to certain grounds for the involuntary termination of the parent-child relationship.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2924** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 22, through page 3, line 51).

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

SECTION _____. Section 161.001, Family Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The court may not order termination under Subsection (b)(1)(M) unless the petition for the termination of the parent-child relationship is filed not later than the first anniversary of the date the department or an equivalent agency in another state was granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the parent's conduct violated Subsection (b)(1)(D) or (E) or substantially equivalent provisions of the law of another state.

SECTION _____. Section 262.2015(b), Family Code, is amended to read as follows:

(b) The court may find under Subsection (a) that a parent has subjected the child to aggravated circumstances if:

(1) the parent abandoned the child without identification or a means for identifying the child;

(2) the child or another child of the parent is a victim of serious bodily injury or sexual abuse inflicted by the parent or by another person with the parent's consent;

(3) the parent has engaged in conduct against the child or another child of the parent that would constitute an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecent with a child);

(E) Section 22.011 (sexual assault);

(F) Section 22.02 (aggravated assault);

(G) Section 22.021 (aggravated sexual assault);

(H) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(I) Section 22.041 (abandoning or endangering child);

(J) Section 25.02 (prohibited sexual conduct);

(K) Section 43.25 (sexual performance by a child);

(L) Section 43.26 (possession or promotion of child pornography);

(M) Section 21.02 (continuous sexual abuse of young child or children);

(N) Section 43.05(a)(2) (compelling prostitution); or

(O) Section 20A.02(a)(7) or (8) (trafficking of persons);

(4) the parent voluntarily left the child alone or in the possession of another person not the parent of the child for at least six months without expressing an intent to return and without providing adequate support for the child;

(5) ~~the parent's parental rights with regard to another child have been involuntarily terminated based on a finding that the parent's conduct violated Section 161.001(b)(1)(D) or (E) or a substantially equivalent provision of another state's law;~~

~~(6)~~ the parent has been convicted for:

(A) the murder of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1111(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(B) the voluntary manslaughter of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1112(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(C) aiding or abetting, attempting, conspiring, or soliciting an offense under Paragraph (A) or (B); or

(D) the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent; or

~~(6)~~ ~~(7)~~ ~~the parent's parental rights with regard to another child of the parent have been involuntarily terminated; or~~

~~(8)~~ the parent is required under any state or federal law to register with a sex offender registry.

The amendment to **HB 2924** 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: West.

HB 2924 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: West.

HOUSE BILL 2924 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 2924** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 2893 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2893** at this time on its second reading:

HB 2893, Relating to the establishment by the Texas Department of Housing and Community Affairs of colonia self-help centers in certain counties and to the representation of those counties on the Colonia Resident Advisory Committee.

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: West.

HOUSE BILL 2893 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2893** be placed on its third reading and final passage.

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

Absent-excused: West.

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

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 5:00 p.m. today.

**COMMITTEE SUBSTITUTE
HOUSE BILL 547 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSHB 547** at this time on its second reading:

CSHB 547, Relating to authorizing equal opportunity for access by non-enrolled students to University Interscholastic League sponsored activities; authorizing a fee.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Lucio, Nelson, Paxton, Perry, Springer, Taylor, Whitmire.

Nays: Blanco, Eckhardt, Gutierrez, Johnson, Kolkhorst, Menéndez, Miles, Nichols, Powell, Schwertner, Seliger, Zaffirini.

Absent-excused: West.

The bill was read second time and was passed to third reading by the following vote: Yeas 16, Nays 14.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Kolkhorst, Menéndez, Miles, Nichols, Powell, Schwertner, Seliger, Whitmire, Zaffirini.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1281 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1281** at this time on its second reading:

CSHB 1281, Relating to the operation of golf carts in certain areas.

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: Springer.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1281 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1281** be placed on its third reading and final passage.

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

Absent-excused: West.

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

Nays: Springer.

Absent-excused: West.

HOUSE BILL 2581 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 2581** at this time on its second reading:

HB 2581, Relating to civil works projects and other construction projects of governmental entities.

The motion prevailed.

Senator 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: Zaffirini.

Absent-excused: West.

HOUSE BILL 2581 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 2581** be placed on its third reading and final passage.

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

Nays: Zaffirini.

Absent-excused: West.

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

HOUSE BILL 21 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 21** at this time on its second reading:

HB 21, Relating to the statute of limitations applicable to a sexual harassment complaint filed with the Texas Workforce Commission.

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: West.

HOUSE BILL 21 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 21** be placed on its third reading and final passage.

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

Absent-excused: West.

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

COMMITTEE SUBSTITUTE HOUSE BILL 1240 ON SECOND READING

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1240** at this time on its second reading:

CSHB 1240, Relating to the offense of failure to comply with an order from a fire marshal and the authority of certain county employees to issue citations for certain violations; changing a criminal 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:

Nays: Creighton, Hall, Hughes, Nichols.

Absent-excused: West.

COMMITTEE SUBSTITUTE HOUSE BILL 1240 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 **CSHB 1240** be placed on its third reading and final passage.

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

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

Nays: Creighton, Hall, Hughes, Nichols.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 505 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 505** at this time on its second reading:

CSSB 505, Relating to the prohibited discharge of a patient to certain unlicensed or unpermitted group-centered facilities.

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, Hall, Hughes, Nichols.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 505 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 505** be placed on its third reading and final passage.

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

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

Nays: Creighton, Hall, Hughes, Nichols.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 547 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 **CSHB 547** be placed on its third reading and final passage:

CSHB 547, Relating to authorizing equal opportunity for access by non-enrolled students to University Interscholastic League sponsored activities; authorizing a fee.

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

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

Nays: Eckhardt, Gutierrez, Johnson, Menéndez, Powell, Seliger.

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 16, Nays 14.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Kolkhorst, Menéndez, Miles, Nichols, Powell, Schwertner, Seliger, Whitmire, Zaffirini.

Absent-excused: West.

COMMITTEE SUBSTITUTE HOUSE BILL 3897 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3897** at this time on its second reading:

CSHB 3897, Relating to fees levied by municipalities and counties for certain alcoholic beverage licenses.

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: West.

COMMITTEE SUBSTITUTE HOUSE BILL 3897 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 **CSHB 3897** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 4454 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4454** at this time on its second reading:

HB 4454, Relating to the powers and duties of the Willacy County Drainage District No. 2.

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: West.

HOUSE BILL 4454 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4454** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 1156 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1156** at this time on its second reading:

HB 1156, Relating to creating the criminal offense of financial abuse of an elderly individual.

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: West.

HOUSE BILL 1156 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 **HB 1156** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 1307 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1307** at this time on its second reading:

HB 1307, Relating to the care of pregnant women in county jail or in the custody of the Texas Department of Criminal Justice.

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: West.

HOUSE BILL 1307 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 **HB 1307** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 1518 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **HB 1518** at this time on its second reading:

HB 1518, Relating to the hours for selling alcoholic beverages in certain establishments.

The motion prevailed.

Senators Birdwell, Hughes, Lucio, and Perry asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1518** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 24.07, Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

Sec. 24.07. HOURS OF SALE. A holder of a wine only package store permit may remain open and sell malt beverages, wine, and vinous liquors, for off-premises consumption only, on any day and during the same hours as those prescribed for the sale of malt beverages under Section 105.05 ~~[that the holder of a wine and malt~~

~~beverage retailer's permit may sell malt beverages and wine],~~ except that the permittee may not sell wine or vinous liquor containing more than 17 percent alcohol by volume on a Sunday or after 10 p.m. on any day.

SECTION _____. Section 105.04, Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

Sec. 105.04. HOURS OF SALE: WINE AND MALT BEVERAGE RETAILER. The hours of sale and delivery for alcoholic beverages sold under a wine and malt beverage retailer's permit or a wine and malt beverage retailer's off-premise permit are the same as those prescribed for the sale of malt beverages under Section 105.05~~[-, except that no sale shall be allowed between 2 a.m. and noon on Sunday].~~

SECTION _____. Section 105.05(b), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(b) A person may sell, offer for sale, or deliver malt beverages between 7 a.m. and midnight on any day except Sunday. On Sunday a person may sell malt beverages between midnight and 1:00 a.m. and between noon and midnight, except that:

(1) permittees or licensees authorized to sell for on-premise consumption may sell malt beverages between 10:00 a.m. and noon if the malt beverages are served to a customer during the service of food to the customer; and

(2) holders of a retail dealer's on-premise license or a retail dealer's off-premise license may also sell malt beverages for off-premise consumption between 10:00 a.m. and noon.

The amendment to **HB 1518** 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: Birdwell, Campbell, Hughes, Lucio, Perry.

Absent-excused: West.

HB 1518 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: Birdwell, Hughes, Lucio, Perry.

Absent-excused: West.

HOUSE BILL 1518 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 1518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Birdwell, Hughes, Lucio, Perry.

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 18 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 18** at this time on its second reading:

CSHB 18, Relating to establishment of the prescription drug savings program for certain uninsured individuals.

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: Creighton, Hughes.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 18 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 **CSHB 18** be placed on its third reading and final passage.

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

Absent-excused: West.

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

Nays: Creighton, Hughes.

Absent-excused: West.

HOUSE BILL 4279 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4279** at this time on its second reading:

HB 4279, Relating to the eligibility of the Windham School District to participate in the Jobs and Education for Texans (JET) Grant Program.

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: West.

HOUSE BILL 4279 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4279** be placed on its third reading and final passage.

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

Absent-excused: West.

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

(Senator Perry in Chair)

COMMITTEE SUBSTITUTE

HOUSE BILL 1172 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1172** at this time on its second reading:

CSHB 1172, Relating to the rights of victims of sexual assault or other prohibited sexual conduct.

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: Nichols.

Absent-excused: West.

COMMITTEE SUBSTITUTE

HOUSE BILL 1172 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 **CSHB 1172** be placed on its third reading and final passage.

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

Absent-excused: West.

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

Nays: Nichols.

Absent-excused: West.

HOUSE BILL 900 ON SECOND READING

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 900** at this time on its second reading:

HB 900, Relating to the liability of a landlord for damages resulting from the execution of a writ of possession in an eviction suit.

The motion prevailed.

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

The bill was read second time.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 900** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 24, Property Code, is amended by adding Section 24.012 to read as follows:

Sec. 24.012. MUNICIPAL OR COUNTY REGULATION OF EVICTIONS PROHIBITED. Notwithstanding any other law, a municipality or county may not adopt or enforce an ordinance, order, or other regulation that:

(1) delays, prohibits, or restricts the execution of a writ of possession or a suit to evict a tenant under this chapter; and

(2) has the effect of causing financial damages to a landlord.

The amendment to **HB 900** 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: West.

HB 900 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: Miles.

Absent-excused: West.

HOUSE BILL 900 ON THIRD READING

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 900** be placed on its third reading and final passage.

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

Nays: Miles.

Absent-excused: West.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 885 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 885** at this time on its second reading:

CSHB 885, Relating to the requirements for a junior college district to receive approval from the Texas Higher Education Coordinating Board to offer baccalaureate degree programs.

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: Buckingham, Hughes, Seliger.

Absent-excused: West.

**COMMITTEE SUBSTITUTE
HOUSE BILL 885 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 **CSHB 885** be placed on its third reading and final passage.

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

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

Nays: Buckingham, Hughes, Seliger.

Absent-excused: West.

HOUSE BILL 3026 ON SECOND READING

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3026** at this time on its second reading:

HB 3026, Relating to the operation and regulation of certain automated motor vehicles.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3026** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in the amended heading to Section 545.452, Transportation Code (page 1, line 24), between "OF" and "AUTOMATED", insert "THE OPERATION OF".

(2) In SECTION 2 of the bill, in amended Section 545.452(a), Transportation Code (page 1, line 29), between the comma and "automated", insert "the operation of".

(3) In SECTION 2 of the bill, in amended Section 545.452(a), Transportation Code (page 1, lines 30-31), strike "or operation of automated motor vehicles".

The amendment to **HB 3026** 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: West.

HB 3026 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: West.

HOUSE BILL 3026 ON THIRD READING

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3026** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 3459 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3459** at this time on its second reading:

HB 3459, Relating to preauthorization requirements for certain medical and health care services and utilization review for certain health benefit plans.

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3459** (senate committee report) as follows:

(1) Strike SECTIONS 1 and 2 of the bill (page 1, line 30, through page 2, line 53).

(2) In SECTION 4 of the bill (page 3, lines 3 and 4) strike "The changes in law made by this Act to Chapters 843 and 1301, Insurance Code, apply" and substitute "Subchapter N, Chapter 4201, Insurance Code, as added by this Act, applies".

(3) In SECTION 4 of the bill (page 3, line 5 and lines 6 and 7) strike "medical care or" each time it appears.

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

SECTION _____. Chapter 4201, Insurance Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. EXEMPTION FROM PREAUTHORIZATION
REQUIREMENTS FOR PHYSICIANS AND PROVIDERS PROVIDING CERTAIN
HEALTH CARE SERVICES

Sec. 4201.651. DEFINITIONS. (a) In this subchapter, "preauthorization" means a determination by a health maintenance organization, insurer, or person contracting with a health maintenance organization or insurer that health care services proposed to be provided to a patient are medically necessary and appropriate.

(b) In this subchapter, terms defined by Section 843.002, including "health care services," "physician," and "provider," have the meanings assigned by that section.

Sec. 4201.652. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to:

(1) a health benefit plan offered by a health maintenance organization operating under Chapter 843, except that this subchapter does not apply to:

(A) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(B) the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code;

(2) a preferred provider benefit plan or exclusive provider benefit plan offered by an insurer under Chapter 1301; and

(3) a person who contracts with a health maintenance organization or insurer to issue preauthorization determinations or perform the functions described in this subchapter for a health benefit plan to which this subchapter applies.

Sec. 4201.653. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. (a) A health maintenance organization or an insurer that uses a preauthorization process for health care services may not require a physician or provider to obtain preauthorization for a particular health care service if, in the most recent six-month evaluation period, as described by Subsection (b), the health maintenance organization or insurer has approved or would have approved not less than 90 percent of the preauthorization requests submitted by the physician or provider for the particular health care service.

(b) Except as provided by Subsection (c), a health maintenance organization or insurer shall evaluate whether a physician or provider qualifies for an exemption from preauthorization requirements under Subsection (a) once every six months.

(c) A health maintenance organization or insurer may continue an exemption under Subsection (a) without evaluating whether the physician or provider qualifies for the exemption under Subsection (a) for a particular evaluation period.

(d) A physician or provider is not required to request an exemption under Subsection (a) to qualify for the exemption.

Sec. 4201.654. DURATION OF PREAUTHORIZATION EXEMPTION. (a) A physician's or provider's exemption from preauthorization requirements under Section 4201.653 remains in effect until:

(1) the 30th day after the date the health maintenance organization or insurer notifies the physician or provider of the health maintenance organization's or insurer's determination to rescind the exemption under Section 4201.655, if the physician or provider does not appeal the health maintenance organization's or insurer's determination; or

(2) if the physician or provider appeals the determination, the fifth day after the date the independent review organization affirms the health maintenance organization's or insurer's determination to rescind the exemption.

(b) If a health maintenance organization or insurer does not finalize a rescission determination as specified in Subsection (a), then the physician or provider is considered to have met the criteria under Section 4201.653 to continue to qualify for the exemption.

Sec. 4201.655. DENIAL OR RESCISSION OF PREAUTHORIZATION EXEMPTION. (a) A health maintenance organization or insurer may rescind an exemption from preauthorization requirements under Section 4201.653 only:

(1) during January or June of each year;

(2) if the health maintenance organization or insurer makes a determination, on the basis of a retrospective review of a random sample of not fewer than five and no more than 20 claims submitted by the physician or provider during the most recent evaluation period described by Section 4201.653(b), that less than 90 percent of the claims for the particular health care service met the medical necessity criteria that would have been used by the health maintenance organization or insurer when conducting preauthorization review for the particular health care service during the relevant evaluation period; and

(3) if the health maintenance organization or insurer complies with other applicable requirements specified in this section, including:

(A) notifying the physician or provider not less than 25 days before the proposed rescission is to take effect; and

(B) providing with the notice under Paragraph (A):

(i) the sample information used to make the determination under Subdivision (2); and

(ii) a plain language explanation of how the physician or provider may appeal and seek an independent review of the determination.

(b) A determination made under Subsection (a)(2) must be made by an individual licensed to practice medicine in this state. For a determination made under Subsection (a)(2) with respect to a physician, the determination must be made by an individual licensed to practice medicine in this state who has the same or similar specialty as that physician.

(c) A health maintenance organization or insurer may deny an exemption from preauthorization requirements under Section 4201.653 only if:

(1) the physician or provider does not have the exemption at the time of the relevant evaluation period; and

(2) the health maintenance organization or insurer provides the physician or provider with actual statistics and data for the relevant preauthorization request evaluation period and detailed information sufficient to demonstrate that the physician or provider does not meet the criteria for an exemption from preauthorization requirements for the particular health care service under Section 4201.653.

Sec. 4201.656. INDEPENDENT REVIEW OF EXEMPTION DETERMINATION. (a) A physician or provider has a right to a review of an adverse determination regarding a preauthorization exemption be conducted by an independent review organization. A health maintenance organization or insurer may not require a physician or provider to engage in an internal appeal process before requesting a review by an independent review organization under this section.

(b) A health maintenance organization or insurer shall pay:

(1) for any appeal or independent review of an adverse determination regarding a preauthorization exemption requested under this section; and

(2) a reasonable fee determined by the Texas Medical Board for any copies of medical records or other documents requested from a physician or provider during an exemption rescission review requested under this section.

(c) An independent review organization must complete an expedited review of an adverse determination regarding a preauthorization exemption not later than the 30th day after the date a physician or provider files the request for a review under this section.

(d) A physician or provider may request that the independent review organization consider another random sample of not less than five and no more than 20 claims submitted to the health maintenance organization or insurer by the physician or provider during the relevant evaluation period for the relevant health care service as part of its review. If the physician or provider makes a request under this subsection, the independent review organization shall base its determination on the medical necessity of claims reviewed by the health maintenance organization or insurer under Section 4201.655 and reviewed under this subsection.

Sec. 4201.657. EFFECT OF APPEAL OR INDEPENDENT REVIEW DETERMINATION. (a) A health maintenance organization or insurer is bound by an appeal or independent review determination that does not affirm the determination made by the health maintenance organization or insurer to rescind a preauthorization exemption.

(b) A health maintenance organization or insurer may not retroactively deny a health care service on the basis of a rescission of an exemption, even if the health maintenance organization's or insurer's determination to rescind the preauthorization exemption is affirmed by an independent review organization.

(c) If a determination of a preauthorization exemption made by the health maintenance organization or insurer is overturned on review by an independent review organization, the health maintenance organization or insurer:

(1) may not attempt to rescind the exemption before the end of the next evaluation period that occurs; and

(2) may only rescind the exemption after if the health maintenance organization or insurer complies with Sections 4201.655 and 4201.656.

Sec. 4201.658. ELIGIBILITY FOR PREAUTHORIZATION EXEMPTION FOLLOWING FINALIZED EXEMPTION RESCISSION OR DENIAL. After a final determination or review affirming the rescission or denial of an exemption for a specific health care service under Section 4201.653, a physician or provider is eligible for consideration of an exemption for the same health care service after the six-month evaluation period that follows the evaluation period which formed the basis of the rescission or denial of an exemption.

Sec. 4201.659. EFFECT OF PREAUTHORIZATION EXEMPTION. (a) A health maintenance organization or insurer may not deny or reduce payment to a physician or provider for a health care service for which the physician or provider has qualified for an exemption from preauthorization requirements under Section 4201.653 based on medical necessity or appropriateness of care unless the physician or provider:

(1) knowingly and materially misrepresented the health care service in a request for payment submitted to the health maintenance organization or insurer with the specific intent to deceive and obtain an unlawful payment from the health maintenance organization or insurer; or

(2) failed to substantially perform the health care service.

(b) A health maintenance organization or an insurer may not conduct a retrospective review of a health care service subject to an exemption except:

(1) to determine if the physician or provider still qualifies for an exemption under this subchapter; or

(2) if the health maintenance organization or insurer has a reasonable cause to suspect a basis for denial exists under Subsection (a).

(c) For a retrospective review described by Subsection (b)(2), nothing in this subchapter may be construed to modify or otherwise affect:

(1) the requirements under or application of Section 4201.305, including any timeframes specified by that section; or

(2) any other applicable law, except to prescribe the only circumstances under which:

(A) a retrospective utilization review may occur as specified by Subsection (b)(2); or

(B) payment may be denied or reduced as specified by Subsection (a).

(d) Not later than five days after qualifying for an exemption from preauthorization requirements under Section 4201.653, a health maintenance organization or insurer must provide to a physician or provider a notice that includes:

(1) a statement that the physician or provider qualifies for an exemption from preauthorization requirements under Section 4201.653;

(2) a list of the health care services and health benefit plans to which the exemption applies; and

(3) a statement of the duration of the exemption.

(e) If a physician or provider submits a preauthorization request for a health care service for which the physician or provider qualifies for an exemption from preauthorization requirements under Section 4201.653, the health maintenance organization or insurer must promptly provide a notice to the physician or provider that includes:

(1) the information described by Subsection (d); and

(2) a notification of the health maintenance organization's or insurer's payment requirements.

(f) Nothing in this subchapter may be construed to:

(1) authorize a physician or provider to provide a health care service outside the scope of the provider's applicable license issued under Title 3, Occupations Code; or

(2) require a health maintenance organization or insurer to pay for a health care service described by Subdivision (1) that is performed in violation of the laws of this state.

The amendment to **HB 3459** 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: West.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3459** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill appropriately:

SECTION _____. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.2181 to read as follows:

Sec. 1551.2181. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND HEALTH CARE PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. A preauthorization process used by a health benefit plan provided under this chapter is subject to the same limitations and requirements provided by Section 1301.1354 for a preauthorization process used by an insurer.

SECTION _____. Subchapter D, Chapter 1575, Insurance Code, is amended by adding Section 1575.1701 to read as follows:

Sec. 1575.1701. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND HEALTH CARE PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. A preauthorization process used by a health benefit plan provided under this chapter is subject to the same limitations and requirements provided by Section 1301.1354 for a preauthorization process used by an insurer.

SECTION _____. Subchapter C, Chapter 1579, Insurance Code, is amended by adding Section 1579.1061 to read as follows:

Sec. 1579.1061. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND HEALTH CARE PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. A preauthorization process used by a health coverage plan provided under this chapter is subject to the same limitations and requirements provided by Section 1301.1354 for a preauthorization process used by an insurer.

The amendment to **HB 3459** 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: West.

HB 3459 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: West.

HOUSE BILL 3459 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 3459** be placed on its third reading and final passage.

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

Absent-excused: West.

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

COMMITTEE SUBSTITUTE HOUSE BILL 3531 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3531** at this time on its second reading:

CSHB 3531, Relating to motor vehicle titles, registration, and license plates.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3531** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 502.198(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Sections 502.058, 502.060, 502.1911, 502.192, 502.356, ~~and~~ 502.357, and 502.360 and Subchapter H, this section applies to all fees collected by a county assessor-collector under this chapter.

SECTION ____. Subchapter G, Chapter 502, Transportation Code, is amended by adding Section 502.360 to read as follows:

Sec. 502.360. EQUALIZATION FOR ROAD USE CONSUMPTION FOR ALTERNATIVELY FUELED VEHICLES. (a) In this section:

(1) "Alternatively fueled vehicle" means a motor vehicle that is capable of being powered by a source other than gasoline or diesel fuel.

(2) "Conventionally fueled vehicle" means a motor vehicle that is capable of being powered only by gasoline or diesel fuel.

(3) "Hybrid electric vehicle" means a motor vehicle, including a plug-in hybrid electric motor vehicle, that is capable of being powered by both electricity and gasoline, diesel, or another type of fuel.

(4) "Natural gas vehicle" means a motor vehicle that is capable of being powered by compressed natural gas or liquefied natural gas as fuel.

(5) "Plug-in hybrid electric vehicle" means a vehicle that is capable of being:

(A) powered by a battery that drives an electric motor;

(B) powered by an internal combustion engine, or other propulsion source, that uses gasoline or diesel fuel; and

(C) recharged by plugging into an electrical outlet or electric vehicle charging station.

(b) This section does not apply to a hybrid electric vehicle that is not a plug-in hybrid electric vehicle.

(c) In addition to other fees authorized under this chapter, at the time of application for registration or renewal of registration of an alternatively fueled vehicle, other than a vehicle subject to a fee under Subsection (d) or (e), the applicant shall pay an additional fee according to the gross weight of the vehicle, as follows:

<u>Weight Classification in pounds</u>	<u>Fee Schedule</u>
<u>0-6,000</u>	<u>\$200</u>
<u>6,001-10,000</u>	<u>\$250</u>

(d) In addition to other fees authorized under this chapter, at the time of application for registration or renewal of registration of a plug-in hybrid electric vehicle, the applicant shall pay an additional fee according to the gross weight of the vehicle, as follows:

<u>Weight Classification in pounds</u>	<u>Fee Schedule</u>
<u>0-6,000</u>	<u>\$40</u>
<u>6,001-10,000</u>	<u>\$50</u>

(e) In addition to other fees authorized under this chapter, at the time of application for registration or renewal of registration of a natural gas vehicle, the applicant shall pay an additional fee in an amount equal to the difference between the amounts calculated under Subsections (f)(1) and (2) for that class of vehicle.

(f) The department shall, for each class of natural gas vehicle, calculate:

(1) the average annual amount of taxes imposed under Chapter 162, Tax Code, that a conventionally fueled vehicle of that class would pay; and

(2) the average annual amount of taxes imposed under that chapter that a natural gas vehicle of that class would pay.

(g) The department shall review and update the fee calculated under Subsection (f) at least once every five years.

(h) Fees collected under this section shall be deposited to the credit of the state highway fund.

(i) The board shall adopt rules necessary to administer this section.

The amendment to **CSHB 3531** 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: West.

CSHB 3531 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: West.

COMMITTEE SUBSTITUTE HOUSE BILL 3531 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 **CSHB 3531** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 3564 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3564** at this time on its second reading:

HB 3564, Relating to the authority of the Texas Department of Insurance to rescind a certificate of compliance issued for an improvement for purposes of coverage through the Texas Windstorm Insurance Association.

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: Hughes, Seliger.

Absent-excused: West.

HOUSE BILL 3564 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 **HB 3564** be placed on its third reading and final passage.

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

Absent-excused: West.

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

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

Nays: Hughes, Seliger.

Absent-excused: West.

HOUSE BILL 2361 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2361** at this time on its second reading:

HB 2361, Relating to the new technology implementation grant program administered by the Texas Commission on Environmental Quality.

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: West.

HOUSE BILL 2361 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 2361** be placed on its third reading and final passage.

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

Absent-excused: West.

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

(President Pro Tempore Birdwell in Chair)

HOUSE BILL 3610 ON SECOND READING

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 3610** at this time on its second reading:

HB 3610, Relating to the applicability of certain laws to certain public schools and certain requirements of a charter school that receives certain tax exemptions.

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

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

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

Absent-excused: West.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3610** (senate committee report) in SECTION 4 of the bill, adding Section 11.211, Tax Code (page 2), as follows:

(1) On line 21, between "SCHOOLS." and "The", insert "(a)".

(2) Between lines 32 and 33, insert the following:

(b) A school district or open-enrollment charter school shall include in the district's or school's annual financial report required under Section 44.008, Education Code, a list of each property the district or school leases to which Subsection (a) of this section applies.

The amendment to **HB 3610** was read.

Senator Springer moved to postpone further consideration of the bill to a time certain of 5:10 p.m. today.

The motion prevailed.

Question: Shall Floor Amendment No. 1 to **HB 3610** be adopted?

HOUSE BILL 1938 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1938** at this time on its second reading:

HB 1938, Relating to a grant program for law enforcement agencies to defray the cost of data storage for recordings created with body worn cameras.

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: West.

HOUSE BILL 1938 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 **HB 1938** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 113 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 113** at this time on its second reading:

HB 113, Relating to peer-to-peer car sharing programs.

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: West.

HOUSE BILL 113 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 113** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 3012 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3012** at this time on its second reading:

HB 3012, Relating to charitable raffles conducted by the professional sports teams charitable foundations of organizations sanctioned by certain professional associations at rodeo venues.

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: Birdwell, Creighton, Hall, Hughes.

Absent-excused: West.

HOUSE BILL 3012 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3012** be placed on its third reading and final passage.

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

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

Nays: Birdwell, Creighton, Hall, Hughes.

Absent-excused: West.

HOUSE JOINT RESOLUTION 143 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 143** at this time on its second reading:

HJR 143, Proposing a constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by certain professional associations to conduct charitable raffles at rodeo venues.

The resolution 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: Birdwell, Hall.

Absent-excused: West.

HOUSE JOINT RESOLUTION 143 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 143** be placed on its third reading and final passage.

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

Absent-excused: West.

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

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

Nays: Birdwell, Hall.

Absent-excused: West.

HOUSE BILL 3777 ON SECOND READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **HB 3777** at this time on its second reading:

HB 3777, Relating to eligible costs and expenses for purposes of the franchise tax credit for the certified rehabilitation of certified historic structures.

The motion prevailed.

Senators Gutierrez 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: Gutierrez, Zaffirini.

Absent-excused: West.

HOUSE BILL 3777 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3777** be placed on its third reading and final passage.

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

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

Nays: Gutierrez, Zaffirini.

Absent-excused: West.

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

COMMITTEE SUBSTITUTE HOUSE BILL 20 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 20** at this time on its second reading:

CSHB 20, Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

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

Absent-excused: West.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 20** (senate committee printing) in SECTION 5 of the bill as follows:

(1) In added Article 17.1502(c), Code of Criminal Procedure, strike page 4, lines 32-35, and substitute the following:

(c) If a defendant claims to be unable to give bail in the amount required by the schedule, the magistrate or an employee of the court or of the county in which the defendant is confined must verify the ability of a defendant to give bail in the amount required by the schedule and shall explain to the defendant the nature and significance of the verification process required by this subsection. A defendant who claims to be unable to give bail in the amount required by the schedule may file with the applicable magistrate a sworn affidavit in substantially the following form:

(2) In added Article 17.1502(d), Code of Criminal Procedure, strike page 4, lines 42-46, and substitute the following:

(d) A defendant filing an affidavit under Subsection (c) shall complete a form to allow a magistrate to assess information relevant to the defendant's financial situation. The form must be the form used to request appointment of counsel under Article 26.04 or a form promulgated by the Office of Court Administration of the Texas Judicial System that collects, at a minimum, the following information:

(3) In added Article 17.1502(e), Code of Criminal Procedure (page 5, line 1), between "defendant who" and "files", insert "is unable to give bail in the amount required by the schedule and who".

(4) In added Article 17.1502(e), Code of Criminal Procedure, strike page 5, lines 3-10, and substitute the following:

The hearing must be held not later than 48 hours after the defendant is arrested. At the hearing, the defendant must be given the opportunity to present evidence and respond to evidence presented by the attorney representing the state. After the hearing, the magistrate shall consider the facts presented by the defendant and the rules established by Article 17.15 and shall set the defendant's bail. If the magistrate does not set the defendant's bail in an amount below the amount required by the schedule, the magistrate shall issue written findings of fact supporting the bail decision.

(f) A defendant whose bail is not set as described by Subsection (e) in an amount below the amount required by the schedule is entitled to a bail review hearing in the court before whom the case is pending. The bail review hearing must be held not later than 48 hours after the conclusion of the hearing under Subsection (e).

(g) A defendant may be released without paying bail as required by the schedule if:

(1) in a bail review hearing conducted under Subsection (f) the court determines that the findings of fact issued under Subsection (e) do not support the bail decision; or

(2) a bail review hearing required under Subsection (f) is not conducted within the period required by that subsection.

(h) The judges of the courts trying criminal cases in a county must report to the Office of Court Administration of the Texas Judicial System each defendant for whom a hearing under Subsection (e) was not held within 48 hours of the defendant's arrest. If a delay occurs that will cause the hearing under Subsection (e) to be held later than 48 hours after the defendant's arrest, the magistrate or an employee of the court or of the county in which the defendant is confined must explain the reason for the delay to the defendant's counsel and, if applicable, to the defendant's spouse or closest living relative.

(i) The magistrate may enter an order or take other action authorized by Article 16.22 with respect to a defendant who does not appear competent to execute an affidavit under Subsection (c).

The amendment to **CSHB 20** 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: West.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 20** (senate committee printing) as follows:

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

SECTION _____. Article 1.07, Code of Criminal Procedure, is amended to read as follows:

Art. 1.07. RIGHT TO BAIL. Any person ~~[All prisoners]~~ shall be eligible for bail ~~[bailable]~~ unless denial of bail is expressly permitted by the Texas Constitution or by Chapter 17 ~~[for capital offenses when the proof is evident]~~. This provision may shall not be ~~[so]~~ construed ~~[as]~~ to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

(2) In SECTION 4 of the bill, amending Article 17.15, Code of Criminal Procedure (page 4, between lines 3 and 4), insert the following:

(c) For purposes of determining whether clear and convincing evidence exists to deny a person bail under Section 11d, Article I, Texas Constitution, a magistrate shall consider all information relevant to the factors listed in Subsection (a).

(3) Strike SECTION 14 of the bill, adding the effective date provision of the bill (page 7, line 5), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b) Article 17.15(c), Code of Criminal Procedure, as added by this Act, takes effect December 1, 2021, but only if the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons is approved by the voters. If that amendment is not approved by the voters, Article 17.15(c), Code of Criminal Procedure, has no effect.

The amendment to **CSHB 20** 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: West.

CSHB 20 as amended was passed to third reading by the following vote: Yeas 20, Nays 10.

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

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

Absent-excused: West.

HOUSE BILL 1258 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1258** at this time on its second reading:

HB 1258, Relating to data matching with financial institutions to facilitate the collection of certain delinquent tax liabilities.

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: West.

HOUSE BILL 1258 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1258** be placed on its third reading and final passage.

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

Absent-excused: West.

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

COMMITTEE SUBSTITUTE HOUSE BILL 20 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 20** be placed on its third reading and final passage:

CSHB 20, Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

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

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

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

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

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

Absent-excused: West.

HOUSE BILL 1802 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 1802** at this time on its second reading:

HB 1802, Relating to a study on the use of alternative therapies for treating post-traumatic stress disorder.

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

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

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

Absent-excused: West.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1802** by adding the following appropriately numbered section:

SECTION __. The Agency is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement this Act using other appropriations available for the purpose.

The amendment to **HB 1802** 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: West.

HB 1802 as amended was passed to third reading by the following vote: Yeas 25, Nays 5.

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

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

Absent-excused: West.

HOUSE BILL 1802 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1802** be placed on its third reading and final passage.

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

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

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

Absent-excused: West.

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

HOUSE BILL 3610 ON SECOND READING

The President Pro Tempore laid before the Senate **HB 3610**, sponsored by Senator Springer, on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 5:10 p.m. today:

HB 3610, Relating to the applicability of certain laws to certain public schools and certain requirements of a charter school that receives certain tax exemptions.

Question: Shall Floor Amendment No. 1 to **HB 3610** be adopted?

Senator Menéndez withdrew Floor Amendment No. 1.

HB 3610 was passed to third reading by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

HOUSE BILL 3610 ON THIRD READING

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3610** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Blanco, Eckhardt, Johnson, Menéndez, Powell.

Absent-excused: West.

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

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

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

Absent-excused: West.

REMARKS ORDERED PRINTED

On motion of Senator Kolkhorst and by unanimous consent, the remarks by Senators Kolkhorst and Springer regarding **HB 3610** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Kolkhorst: Thank you, Senator. You and I have had a discussion about this bill. And one of my concerns is on the ability to also receive these property tax exemptions on administrative buildings. Correct?

Senator Springer: Correct.

Senator Kolkhorst: And my concern on that is that we don't, technically, I mean it could be, it could be a condo in downtown Austin, it could be any place and we, the *Houston Chronicle's* done some pretty good reporting on some of this, you know. I know that there was a luxury condominium in downtown Houston that was being used for storage and things like that. So, you and I talked about doing an amendment potentially to take the administration part out. And I know that you and the Representative had some concerns about that. So, my question to you is, is there any way that we can track this? And again, I really am very concerned—

Senator Springer: No—

Senator Kolkhorst: —about this—

Senator Springer: —absolutely, and I appreciate your concerns in wanting to make sure that we have the transparency and being good stewards of our tax dollars. And we do have that in our, both our, in our ISDs, in our charter schools, I'm not, and I know specifically we're really concerned more about the charter school aspect. But they do turn in to the TEA every location that they had. All real property whether they own it, what's the value if they own it, and if it's leased, location, and what are they leasing it for. And I think that that's how the, the *Chronicle* was able to, to get some of these prices and know about those locations.

Senator Kolkhorst: And so, let me ask you again, I had an amendment, and you've asked me not to offer it, that would have asked the district or open enrollment charter school, shall in it's annual financial report under Section 44.008 of the Education Code to list each portion of real property described in Subsection (a). Your answer back to that was we—

Senator Springer: That is included in these TEA reports. That detailed information is at the TEA already.

Senator Kolkhorst: So, specifically the, let me ask you legislative intent. We will be able to see what buildings are being leased—

Senator Springer: That's correct and I think—

Senator Kolkhorst: —and receiving tax exemptions.

Senator Springer: Right, and then we will know, I mean, today I would assume because this isn't in place as well as our ISDs and our community colleges, that we would have assumed that they are paying property taxes on that leased property that's already listed on the TEA report. And so, as the bill has described, it is not to the benefit of the landlord but has to go to the lessee, i.e., the charter schools or public schools, that they, that that gets shown up in a reduction of their lease payments. And so, we will know that that is, then at the end of the day, is lease free or property tax free.

Senator Kolkhorst: I think that's real important. And my concern on this is while I think charters serve a very important, you know, part of our school districts and our public school system, I want to make sure that it is not being abused as we open this up. And as you said, there's an equality measure that you're trying to achieve in 3610, that is equal to the public education system as well as community colleges, but there again, I don't think that the administration buildings of those two systems are often held out of someone's house. And so, your intent is not that someone could have their administrative office in their house and receive a tax exemption.

Senator Springer: That's correct. That's not our intent. I know that's, the association's, is definitely not their intent. I would hope that, you know, they would do as every association when they have these bad actors. And, you know, we've heard it in, you know, in some of our ISDs have done some things that we come back in, put legislation in that says, you know, we don't think you should have these type of facilities, you know, whether they were entertainment, or whatever the case is, and I know that you and I will both continue to look at this in this interim to find out if there are things and come back. And I think this body, would be very easy if somebody is abusing the system to come back and put more belts and suspenders on.

Senator Kolkhorst: And so, your intent is not for a charter school to potentially have their administrative office run out of, like I said, a condo in downtown Austin or Houston.

Senator Springer: Or it's a, it's a \$10 million home on Lake Austin, I mean, you know, that—

Senator Kolkhorst: Correct.

Senator Springer: —they live in and it's a really a residence more than it is and use that as a shield to be able to not pay their fair share of taxes to run this state, absolutely.

Senator Kolkhorst: And the reason I bring this up and, you know, this is because a few bad actors, like we say, one bad apple spoils the bunch, and without those belts and suspenders we could see a potential loophole here. So, thank you for my, your exchange today, and again, strongly stated your intent is not for the administrative offices to be housed in, so to be used to offset someone's property taxes in a home or a high-rise apartment, et cetera.

Senator Springer: No, absolutely and that is absolutely my intent. My intent is to see the property tax dollars that are saved on these leased facilities that they educate these kids to be able to have more resources to provide a higher level of education. And I know that's what both of us want. So, thank you.

Senator Kolkhorst: Absolutely.

HOUSE BILL 4477 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 4477** at this time on its second reading:

HB 4477, Relating to the financial exploitation of certain vulnerable adults.

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: West.

HOUSE BILL 4477 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 4477** be placed on its third reading and final passage.

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

Absent-excused: West.

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

(President in Chair)

VOTES RECONSIDERED ON HOUSE BILL 3924

On motion of Senator Springer and by unanimous consent, the vote by which **HB 3924** was finally passed was reconsidered:

HB 3924, Relating to health benefits offered by certain nonprofit agricultural organizations.

Question: Shall **HB 3924** be finally passed?

On motion of Senator Springer and by unanimous consent, the vote by which Floor Amendment No. 1 on Third Reading was adopted was reconsidered.

Question: Shall Floor Amendment No. 1 on Third Reading to **HB 3924** be adopted?

Senator Taylor withdrew Floor Amendment No. 1 on Third Reading.

HB 3924 was again finally passed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

HOUSE BILL 2483 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 2483** at this time on its second reading:

HB 2483, Relating to utility facilities for restoring electric service after a widespread power outage.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2483** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 35.151, Utilities Code, is amended to read as follows:

Sec. 35.151. **ELECTRIC ENERGY STORAGE**. This subchapter applies only to the ownership or operation of electric energy storage equipment or facilities in the ERCOT power region that are intended to:

(1) provide energy or ancillary services at wholesale, including electric energy storage equipment or facilities listed on a power generation company's registration with the commission or, for an exempt wholesale generator, on the generator's registration with the Federal Energy Regulatory Commission; or

(2) provide reliable delivery of electric energy to distribution customers.

SECTION 2. Subchapter E, Chapter 35, Utilities Code, is amended by adding Section 35.153 to read as follows:

Sec. 35.153. **CONTRACTS FOR ELECTRIC ENERGY STORAGE FOR RELIABILITY SERVICES.** (a) A transmission and distribution utility, with prior approval of the commission, may contract with a power generation company to provide electric energy from an electric energy storage facility to ensure reliable service to distribution customers.

(b) The commission may not authorize ownership of an electric energy storage facility by a transmission and distribution utility.

(c) Before entering into a contract under Subsection (a), the transmission and distribution utility must issue a request for proposals for use of an electric energy storage facility to meet the utility's reliability needs.

(d) A transmission and distribution utility may enter into a contract under Subsection (a) only if use of an electric energy storage facility is more cost-effective than construction or modification of traditional distribution facilities.

(e) A transmission and distribution utility may not enter into a contract under Subsection (a) that reserves an amount of capacity exceeding the amount of capacity required to ensure reliable service to the utility's distribution customers.

(f) A power generation company that owns or operates an electric energy storage facility subject to a contract under Subsection (a) may sell electric energy or ancillary services through use of the facility only to the extent that the company reserves capacity as required by the contract.

(g) A power generation company that owns or operates an electric energy storage facility subject to a contract under Subsection (a) may not discharge the facility to satisfy the contract's requirements unless directed by the transmission and distribution utility.

(h) A contract under Subsection (a) must require a power generation company that owns or operates an electric energy storage facility to reimburse a transmission and distribution utility for the cost of an administrative penalty assessed against the utility for a violation caused by the facility's failure to meet the requirements of the agreement.

(i) In establishing the rates of a transmission and distribution utility, a regulatory authority shall review a contract between the utility and a power generation company under Subsection (a). The utility has the burden of proof to establish that the costs of the contract are reasonable and necessary. The regulatory authority may authorize a transmission and distribution utility to include a reasonable return on the payments required under the contract only if the contract terms satisfy the relevant accounting standards for a capital lease or finance lease.

(j) The total amount of electric energy storage capacity reserved by contracts under Subsection (a) may not exceed 100 megawatts. The commission shall by rule establish the maximum amount of electric energy storage capacity allotted to each transmission and distribution utility.

(k) The commission shall adopt rules as necessary to implement this section and establish criteria for approving contracts under Subsection (a).

SECTION 3. The Public Utility Commission of Texas shall adopt rules required by Section 35.153, Utilities Code, as added by this Act, as soon as practicable after the effective date of this Act.

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

The amendment to **HB 2483** 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: West.

HB 2483 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: West.

HOUSE BILL 2483 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 2483** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 4056 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 4056** at this time on its second reading:

HB 4056, Relating to the establishment of a committee to study the formation of a Texas Bicentennial Commission.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4056** (senate committee report) by striking SECTION 2(a) of the bill providing for the committee's composition (page 1, line 25, through page 2, line 2) and substituting the following:

(a) The committee is composed of 18 members as follows:

- (1) one member appointed by the governor who serves as presiding officer;
- (2) one member appointed jointly by the lieutenant governor and the speaker of the house of representatives who serves as assistant presiding officer;
- (3) five senators appointed by the lieutenant governor;
- (4) five representatives appointed by the speaker of the house of representatives; and

(3) six nonvoting members appointed by the governor who are residents of this state with at least one member appointed from each state senatorial district that contains one of the following:

- (A) Fair Park;
- (B) the San Jacinto Battleground State Historic Site;
- (C) the Alamo;
- (D) the State Capitol; or
- (E) Washington-on-the-Brazos State Historic Site.

The amendment to **HB 4056** 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: West.

HB 4056 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: West.

HOUSE BILL 4056 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 4056** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE BILL 2622 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **HB 2622** at this time on its second reading:

HB 2622, Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

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

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, Whitmire, Zaffirini.

Absent-excused: West.

The bill was read second time and was passed to third reading by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE

HOUSE BILL 3927 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3927** at this time on its second reading:

CSHB 3927, Relating to certain temporary motor vehicle tags.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3927** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 503.0626(c), Transportation Code (page 1, line 34), strike "506.0632(g)" and substitute "503.0632(f)".

(2) In the recital to SECTION 2 of the bill (page 1, line 40), strike "Subsection (i)" and substitute "Subsections (i) and (j)".

(3) In SECTION 2 of the bill, immediately following added Section 503.063(i), Transportation Code (page 1, between lines 52 and 53), insert the following:

(j) A vehicle may be issued and display a buyer's tag without satisfying the inspection requirements of Chapter 548 if the vehicle is purchased at public auction in this state and is:

(1) an antique vehicle as defined by Section 683.077(b); or

(2) a special interest vehicle as defined by Section 683.077(b) that:

(A) is at least 12 years of age; and

(B) has been the subject of a retail sale.

(4) In SECTION 3 of the bill, in amended Section 503.0631(c), Transportation Code (page 2, line 7), strike "506.0632(g)" and substitute "503.0632(f)".

(5) In SECTION 4 of the bill, strike added Sections 503.0632(e), (f), and (g), Transportation Code (page 2, lines 41-67), and substitute the following:

(e) The department shall monitor the number of temporary tags obtained by a dealer or converter.

(f) If the department determines that a dealer or converter is fraudulently obtaining temporary tags from the temporary tag database, the department may, after giving notice electronically and by certified mail to the dealer or converter, deny access to a temporary tag database to the dealer or converter. A dealer or converter denied access to a temporary tag database under this subsection may request a hearing on the denial as provided by Subchapter O, Chapter 2301, Occupations Code.

The amendment to **CSHB 3927** 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: West.

CSHB 3927 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: West.

COMMITTEE SUBSTITUTE HOUSE BILL 3927 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 **CSHB 3927** be placed on its third reading and final passage.

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

Absent-excused: West.

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

HOUSE JOINT RESOLUTION 4 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HJR 4** at this time on its second reading:

HJR 4, Proposing a constitutional amendment authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons.

The motion prevailed by the following vote: Yeas 22, Nays 8.

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

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

Absent-excused: West.

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **HJR 4** (senate committee printing) as follows:

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

SECTION ____. Section 11, Article I, Texas Constitution, is amended to read as follows:

Sec. 11. (a) All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

(b) In making a bail decision, a judge or magistrate shall impose the least restrictive conditions, if any, and amount of bail, if any, necessary to reasonably ensure the accused person's appearance in court as required and the safety of the community, law enforcement, and the victim of the alleged offense.

(2) In SECTION 1 of the joint resolution, in added Section 11d, Article I, Texas Constitution, strike page 1, lines 20-21, and substitute the following:

Sec. 11d. (a) A person who is charged with a first-degree felony; or, a person who is charged with a violent offense or continuous trafficking of persons and (1) has been previously convicted of a violent or sexual offense; (2) is under information or indictment for another violent or sexual offense or charge of continuous trafficking of persons; or (3) has previously been convicted of a first-degree felony

(3) In SECTION 1 of the joint resolution, in added Section 11d, Article I, Texas Constitution (page 1, line 39), between "(d)" and "In this section", insert the following:

For purposes of determining whether clear and convincing evidence exists to deny a person bail as described by this section, a judge or magistrate shall consider the factors required to be considered by a judge or magistrate in setting bail under general law, including statutory law governing criminal procedure.

(c)

(4) In SECTION 2 of the joint resolution, in the ballot proposition language (page 1, line 44), between "amendment" and "authorizing", insert "requiring a judge or magistrate to impose the least restrictive conditions and amount of bail necessary and".

The amendment to **HJR 4** 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: West.

HJR 4 as amended was passed to third reading by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: West.

HOUSE JOINT RESOLUTION 4 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 4** 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, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor, Zaffirini.

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

Absent-excused: West.

The resolution was read third time and was passed by the following vote: Yeas 24, Nays 6.

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

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

Absent-excused: West.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 1987** today in the Civil Rights Room, 3E.4.

CO-SPONSOR OF HOUSE BILL 4

On motion of Senator Buckingham, Senator Hinojosa will be shown as Co-sponsor of **HB 4**.

CO-SPONSOR OF HOUSE BILL 15

On motion of Senator Kolkhorst, Senator Gutierrez will be shown as Co-sponsor of **HB 15**.

CO-SPONSORS OF HOUSE BILL 18

On motion of Senator Kolkhorst, Senators Blanco and Johnson will be shown as Co-sponsors of **HB 18**.

CO-SPONSOR OF HOUSE BILL 20

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 20**.

CO-SPONSOR OF HOUSE BILL 21

On motion of Senator Zaffirini, Senator Powell will be shown as Co-sponsor of **HB 21**.

CO-SPONSOR OF HOUSE BILL 133

On motion of Senator Kolkhorst, Senator Hinojosa will be shown as Co-sponsor of **HB 133**.

CO-SPONSOR OF HOUSE BILL 547

On motion of Senator Paxton, Senator Bettencourt will be shown as Co-sponsor of **HB 547**.

CO-SPONSOR OF HOUSE BILL 1128

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-sponsor of **HB 1128**.

CO-SPONSOR OF HOUSE BILL 1181

On motion of Senator Creighton, Senator Kolkhorst will be shown as Co-sponsor of **HB 1181**.

CO-SPONSOR OF HOUSE BILL 1262

On motion of Senator Hughes, Senator Gutierrez will be shown as Co-sponsor of **HB 1262**.

CO-SPONSOR OF HOUSE BILL 1307

On motion of Senator Menéndez, Senator Lucio will be shown as Co-sponsor of **HB 1307**.

CO-SPONSOR OF HOUSE BILL 1500

On motion of Senator Creighton, Senator Hall will be shown as Co-sponsor of **HB 1500**.

CO-SPONSOR OF HOUSE BILL 1564

On motion of Senator Blanco, Senator Bettencourt will be shown as Co-sponsor of **HB 1564**.

CO-SPONSOR OF HOUSE BILL 1694

On motion of Senator Schwertner, Senator Hinojosa will be shown as Co-sponsor of **HB 1694**.

CO-SPONSOR OF HOUSE BILL 1802

On motion of Senator Campbell, Senator Hinojosa will be shown as Co-sponsor of **HB 1802**.

CO-SPONSOR OF HOUSE BILL 1900

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 1900**.

CO-SPONSOR OF HOUSE BILL 1938

On motion of Senator Kolkhorst, Senator Hinojosa will be shown as Co-sponsor of **HB 1938**.

CO-SPONSORS OF HOUSE BILL 2554

On motion of Senator Schwertner, Senators Eckhardt, Gutierrez, and Hall will be shown as Co-sponsors of **HB 2554**.

CO-SPONSOR OF HOUSE BILL 2645

On motion of Senator Zaffirini, Senator Gutierrez will be shown as Co-sponsor of **HB 2645**.

CO-SPONSOR OF HOUSE BILL 2658

On motion of Senator Kolkhorst, Senator Eckhardt will be shown as Co-sponsor of **HB 2658**.

CO-SPONSOR OF HOUSE BILL 2667

On motion of Senator Perry, Senator Hinojosa will be shown as Co-sponsor of **HB 2667**.

CO-SPONSOR OF HOUSE BILL 2822

On motion of Senator Buckingham, Senator Hinojosa will be shown as Co-sponsor of **HB 2822**.

CO-SPONSOR OF HOUSE BILL 3012

On motion of Senator Nelson, Senator Powell will be shown as Co-sponsor of **HB 3012**.

CO-SPONSOR OF HOUSE BILL 3276

On motion of Senator Hughes, Senator Hall will be shown as Co-sponsor of **HB 3276**.

CO-SPONSOR OF HOUSE BILL 3348

On motion of Senator Creighton, Senator Paxton will be shown as Co-sponsor of **HB 3348**.

CO-SPONSOR OF HOUSE BILL 3385

On motion of Senator Hughes, Senator Hall will be shown as Co-sponsor of **HB 3385**.

CO-SPONSOR OF HOUSE BILL 3610

On motion of Senator Springer, Senator Bettencourt will be shown as Co-sponsor of **HB 3610**.

CO-SPONSOR OF HOUSE BILL 3660

On motion of Senator Perry, Senator Miles will be shown as Co-sponsor of **HB 3660**.

CO-SPONSOR OF HOUSE BILL 3777

On motion of Senator Nelson, Senator Powell will be shown as Co-sponsor of **HB 3777**.

CO-SPONSORS OF HOUSE BILL 3853

On motion of Senator Perry, Senators Blanco and Hinojosa will be shown as Co-sponsors of **HB 3853**.

CO-SPONSOR OF HOUSE BILL 3920

On motion of Senator Hughes, Senator Hall will be shown as Co-sponsor of **HB 3920**.

CO-SPONSOR OF HOUSE BILL 3959

On motion of Senator Perry, Senator Hancock will be shown as Co-sponsor of **HB 3959**.

CO-SPONSORS OF HOUSE BILL 3979

On motion of Senator Hughes, Senators Bettencourt, Campbell, and Hall will be shown as Co-sponsors of **HB 3979**.

CO-SPONSOR OF HOUSE BILL 4018

On motion of Senator Nelson, Senator Powell will be shown as Co-sponsor of **HB 4018**.

CO-SPONSOR OF HOUSE BILL 4245

On motion of Senator Perry, Senator Taylor will be shown as Co-sponsor of **HB 4245**.

CO-SPONSORS OF HOUSE CONCURRENT RESOLUTION 51

On motion of Senator Alvarado, Senators Gutierrez, Johnson, and Paxton will be shown as Co-sponsors of **HCR 51**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 4

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HJR 4**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 99

On motion of Senator Nichols, Senator Hinojosa will be shown as Co-sponsor of **HJR 99**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 143

On motion of Senator Nelson, Senator Powell will be shown as Co-sponsor of **HJR 143**.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:30 p.m. adjourned until 10:00 a.m. Monday, May 24, 2021.

APPENDIX

COMMITTEE REPORTS

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

May 22, 2021

STATE AFFAIRS — **CSHB 3276**

LOCAL GOVERNMENT — **HB 4429, HB 4025, HB 2027, HB 2314, HB 2535, CSHB 1558, CSHB 2073, CSHB 3140, HB 3971, CSHB 72, HB 4356, CSHB 4645, CSHB 4663, HB 4616, CSHB 4374, CSHB 4580, HB 3340, HB 3629, HB 3717, HB 1475, HB 792, HB 4664, CSHB 639, HB 1090, HB 1476, HB 3690, HB 1861, CSHB 4609, HB 2610, HB 2091, HB 2428**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 3097, CSHB 2172, CSHB 3023, CSHB 1501, CSHB 1247, CSHB 619, CSHB 1520**

LOCAL GOVERNMENT — **CSHB 4611, CSHB 4652, HB 4668**

HEALTH AND HUMAN SERVICES — **HB 1516, HB 1914, CSHB 1664, CSHB 3287, CSHB 133, CSHB 15**

JURISPRUDENCE — **HB 2706**

CRIMINAL JUSTICE — **HB 558, HB 624, HB 757, HB 1306, HB 1400, HB 2036, HB 2357, HB 2831, HB 3114, HB 3157, HB 3452, HB 4149, HB 4293, HB 4338**

STATE AFFAIRS — **HB 4240**

FINANCE — **CSHB 4368**

LOCAL GOVERNMENT — **HB 4665, CSHB 4638, CSHB 4628, CSHB 4623, CSHB 4604, CSHB 4647, CSHB 4590, CSHB 4658**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 4110**

LOCAL GOVERNMENT — **CSHB 4667, CSHB 1869**

HEALTH AND HUMAN SERVICES — **CSHB 3379, CSHB 1681**

LOCAL GOVERNMENT — **HB 4591**

BUSINESS AND COMMERCE — **HB 2998**

JURISPRUDENCE — **CSHB 79, CSHB 4661, CSHB 769, CSHB 295, CSHB 10, CSHB 3712**

CRIMINAL JUSTICE — **CSHB 3660**

HEALTH AND HUMAN SERVICES — **CSHB 290**

LOCAL GOVERNMENT — **CSHB 4627**

JURISPRUDENCE — **CSHB 246, CSHB 3986**

STATE AFFAIRS — **CSHB 3203**

FINANCE — **CSHB 2**

STATE AFFAIRS — **CSHB 3107**

RESOLUTIONS ENROLLED

May 21, 2021

SR 408, SR 457, SR 459, SR 460, SR 461, SR 462

BILL ENGROSSED

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SB 505