

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-NINTH DAY**  
(Sunday, May 30, 2021)

The Senate met at 1:56 pursuant to adjournment and was called to order by the President.

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

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

Senator Perry offered the invocation as follows:

Heavenly Father, we thank You that You loved us enough or love us in spite of ourselves. We thank You for the unconditional mercy You share with us. And we just thank You for the opportunity to serve and the privilege that it is. We're still reminded as we're on the eve of Memorial Day that we remember those that gave it all, sacrificed it all, so we can actually have a self governance with confidence that good shall prevail and will prevail if we do our jobs in accordance with Your will. We just ask that You be with us as we go throughout the remaining two days. Keep the tempers low. Keep the wisdom and discernment flowing. And we just ask that You walk in the path with us along the way. In Jesus' name. Amen.

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

The motion prevailed without objection.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Sunday, May 30, 2021 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 113**

Shaheen

Recalling H.B. No. 1322 from the governor.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RULE 12.09(b) SUSPENDED**  
**(Printing and Notice of Conference Committee Reports)**

Senator Perry moved to suspend Senate Rule 12.09(b) as it relates to the Conference Committee Report on **SB 155**.

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

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

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

**SENATE RESOLUTION 540**

Senator Perry offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 155 (the use of certain information regarding voter qualification) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 1 of the bill, by amending Section 16.0332(a), Election Code, and adding Subsections (a-1), (d), and (e) to read as follows:

(a) After the registrar receives notification ~~[a list]~~ under Subsection (a-1) of this section, Section 18.068 of this code, or Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status or notification of persons who indicate a lack of citizenship status in connection with a motor vehicle or Department of Public Safety record, the registrar shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

(a-1) The secretary of state shall enter into an agreement with the Department of Public Safety under which information in the existing statewide computerized voter registration list is compared against information in the database of the Department of Public Safety on a monthly basis to verify the accuracy of citizenship status information previously provided on voter registration applications.

(d) The secretary of state shall prescribe rules for the administration of this section.

(e) Not later than December 31 of each year, the secretary of state shall provide a report to the legislature of the number of voter registrations canceled under this section during the calendar year.

Explanation: This change is necessary to allow for the verification of the citizenship status of certain registered voters.

**SR 540** was read and was adopted by the following vote: Yeas 19, Nays 12.

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

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

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 155 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **SB 155**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 18, Nays 13.

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

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

#### **CONFERENCE COMMITTEE ON SENATE BILL 969 DISCHARGED**

On motion of Senator Kolkhorst and by unanimous consent, the Senate conferees on **SB 969** were discharged.

Question: Shall the Senate concur in the House amendment to **SB 969**?

Senator Kolkhorst moved to concur in the House amendment to **SB 969**.

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

#### **SENATE BILL 966 WITH HOUSE AMENDMENT**

Senator Kolkhorst called **SB 966** from the President's table for consideration of the House amendment to the bill.

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

### Floor Amendment No. 1 on Third Reading

Amend **SB 966** on third reading as follows:

(1) In SECTION 5 of the bill, in amended Section 81.082, Health and Safety Code:

(A) Amend Subsection (d) (page 2, line 25), by striking "or a public health emergency".

(B) Amend Subsection (d) (page 2, line 26), between "or" and "the", by inserting "by the commissioner with the approval of".

(C) Amend Subsection (d) (page 3, line 1), immediately after "days.", by inserting "A public health emergency order may be renewed by the commissioner for an additional 30 days.".

(D) Strike proposed Subsection (d-1) (page 3, lines 3 through 9), and substitute the following:

(d-1) Notwithstanding Subsection (d), if the legislature or the legislature public health oversight board is unable to meet to consider the renewal of a declaration of a public health disaster, the declaration shall continue until the legislature or board meets unless the declaration is terminated by the commissioner or governor.

(2) In SECTION 6 of the bill, strike proposed Sections 81.0821(c)(2) through (6), Health and Safety Code (page 4, lines 2 through 8), and substitute the following:

(3) the chair of the Senate Committee on Finance or its successor;

(4) the chair of the Senate Committee on State Affairs or its successor;

(5) the chair of the Senate Committee on Health and Human Services or its successor;

(6) the chair of the Senate Committee on Education or its successor;

(7) the chair of the House Committee on Appropriations or its successor;

(8) the chair of the House Committee on State Affairs or its successor;

(9) the chair of the House Committee on Public Health or its successor;

(10) the chair of the House Committee on Public Education or its successor;

(11) two additional members of the senate appointed by the lieutenant governor; and

(12) two additional members of the house appointed by the speaker.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 966**.

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

### SENATE BILL 968 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 968** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

### Floor Amendment No. 1 on Third Reading

Amend **SB 968** on third reading as follows:

(1) On page 2, line 21, between "manufacturer" and "of", insert "or wholesale distributor".

(2) On page 3, line 12, strike "AND EMERGENCIES".

(3) On page 3, lines 15-16, strike "; PUBLIC HEALTH EMERGENCIES".

(4) On page 3, strike lines 17-19, and substitute the following:

SECTION 5. Section 81.003(7), Health and Safety Code, is amended to read as follows:

(5) On page 4, strike lines 6-14.

(6) On page 4, strike lines 24-26 and substitute the following:

commissioner shall require the reports of polymerase chain reaction tests from clinical or hospital laboratories to contain the cycle threshold values and their reference ranges.

(7) On page 5, line 13, strike "OR ORDER PUBLIC HEALTH EMERGENCY".

(8) On page 5, lines 14-15, strike "or order a statewide or regional public health emergency".

(9) On page 5, strike "or public health emergency" each time it appears (lines 21 and 27).

(10) On pages 5, strike "or emergency" each time it appears (lines 22 and 25).

(11) On page 6, strike "or emergency" each time it appears (lines 1, 10-11, 13, 15, 17-18, and 19-20).

(12) On page 6, line 2, strike "or ordered".

(13) On page 6, line 3, strike "or public health emergency".

(14) On page 6, line 4, immediately before "a designated", insert "by the commissioner with the approval of".

(15) On page 6, line 5, strike "renew" and substitute "approve the renewal of".

(16) On page 6, lines 6-7, strike "or public health emergency order".

(17) On page 6, strike "or order" each time it appears (lines 8, 21, 23-24, and 25).

(18) On page 7, line 1 strike "or emergency"

(19) On page 7, strike lines 2-17 and substitute the following:

Sec. 81.0814. CONSULTATION WITH TASK FORCE ON INFECTIOUS DISEASE PREPAREDNESS AND RESPONSE. After declaring a public health disaster, the commissioner shall consult with the Task Force on Infectious Disease Preparedness and Response, including any subcommittee the task force forms to aid in the rapid assessment of response efforts.

(20) On page 7, line 20, strike "or emergency".

(21) Strike page 9, line 27 through page 10, line 4, and reletter subsequent subsections of added Section 1001.0515, Health and Safety Code, accordingly.

(22) On page 11, line 1, strike "Under the direction of" and substitute "In coordination with".

(23) On page 11, line 12, strike "Not later than December 1, 2022" and substitute "Not later than nine months after the date the declared public health disaster related to the 2019 novel coronavirus disease is terminated, or September 1, 2023, whichever is earlier".

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

SECTION \_\_\_\_\_. Sections 161.00705(a) and (c), Health and Safety Code, are as amended to read as follows:

(a) The department shall maintain a registry of persons who receive an immunization[;] or antiviral[; ~~and other medication~~] administered to prepare for a potential disaster, public health disaster [emergency], terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency or in response to a declared disaster, public health disaster [emergency], terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. A health care provider who administers an immunization[;] or antiviral[; ~~or other medication~~] shall provide the data elements to the department. At the request and with the authorization of the health care provider, the data elements may be provided through a health information exchange as defined by Section 182.151.

(c) The department shall track adverse reactions to an immunization[;] or antiviral[; ~~and other medication~~] administered to prepare for a potential disaster, public health disaster [emergency], terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency or in response to a declared disaster, public health disaster [emergency], terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. A health care provider who administers an immunization[;] or antiviral[; ~~or other medication~~] may provide data related to adverse reactions to the department.

SECTION \_\_\_\_\_. Sections 1001.089(a)(2), Health and Safety Code, is amended to read as follows:

(2) "Local public health entity" means a local health authority, local health unit, local health department, or public health district.

### **Floor Amendment No. 2 on Third Reading**

Amend **SB 968** on third reading on page 3, between lines 8 and 9, by inserting the following:

(d) In entering into a contract under Subsection (a), the division shall ensure that the manufacturer is located in the United States to the extent practicable.

### **Floor Amendment No. 3 on Third Reading**

Amend **SB 968** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.1861 to read as follows:

Sec. 418.1861. DISEASE PREVENTION INFORMATION SYSTEM. (a) The Department of State Health Services, using existing resources, shall develop and implement a disease prevention information system for dissemination of immunization information during a declared state of disaster or local state of disaster.

(b) During a declared state of disaster or local state of disaster, the Department of State Health Services shall ensure that educational materials regarding immunizations are available to local health authorities in this state for distribution to:

(1) public and private schools;

(2) child-care facilities as defined by Section 42.002, Human Resources

Code;

(3) community centers offering youth services and programs;

(4) community centers offering services and programs to vulnerable populations, including communities of color, low-income individuals, and elderly individuals;

(5) local health care providers; and

(6) veterans homes as defined by Section 164.002, Natural Resources Code.

(c) The educational materials must include:

(1) the most recent immunization schedules by age as recommended by the Centers for Disease Control and Prevention; and

(2) locations, if any, of local health care providers that offer immunizations.

SECTION \_\_\_\_\_. As soon as practicable, but not later than August 31, 2022, the Department of State Health Services shall implement the disease prevention information system as required by Section 418.1861, Government Code, as added by this Act.

#### **Floor Amendment No. 4 on Third Reading**

Amend **SB 968** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 418, Government Code, is amended by adding Section 418.1085 to read as follows:

Sec. 418.1085. LIMITATIONS ON CONSTRUCTION AND RELATED SERVICES. The presiding officer of the governing body of a political subdivision may not issue an order during a declared state of disaster or local disaster to address a pandemic disaster that would limit or prohibit:

(1) housing and commercial construction activities, including related activities involving the sale, transportation, and installation of manufactured homes;

(2) the provision of governmental services for title searches, notary services, and recording services in support of mortgages and real estate services and transactions;

(3) residential and commercial real estate services, including settlement services; or

(4) essential maintenance, manufacturing, design, operation, inspection, security, and construction services for essential products, services, and supply chain relief efforts.

#### **Floor Amendment No. 5 on Third Reading**

Amend **SB 968** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 418, Government Code, is amended by adding Subchapter J to read as follows:

#### SUBCHAPTER J. WELLNESS CHECKS FOR MEDICALLY FRAGILE INDIVIDUALS DURING CERTAIN EMERGENCIES

Sec. 418.301. DEFINITIONS. In this subchapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Department" means the Department of State Health Services.

(3) "Emergency assistance registry" means the registry maintained by the division that provides local emergency planners and emergency responders with additional information on the needs of certain individuals in their communities.

(4) "First responder" means any federal, state, or local personnel who may respond to a disaster, including:

(A) public health and public safety personnel;

(B) commissioned law enforcement personnel;

(C) fire protection personnel, including volunteer firefighters;

(D) emergency medical services personnel, including hospital emergency facility staff;

(E) a member of the National Guard; or

(F) a member of the Texas State Guard.

(5) "Medically fragile individual" means any individual who, during a time of disaster or emergency, would be particularly vulnerable because of a medical condition, including individuals:

(A) with Alzheimer's disease and other related disorders;

(B) receiving dialysis services;

(C) who are diagnosed with a debilitating chronic illness;

(D) who are dependent on oxygen treatment; and

(E) who have medical conditions that require 24-hour supervision from a skilled nurse.

Sec. 418.302. MEDICALLY FRAGILE INDIVIDUAL DESIGNATION. The division shall develop a process for designating individuals who are included in the emergency assistance registry as medically fragile for the purposes of this chapter.

Sec. 418.303. EMERGENCY ASSISTANCE REGISTRY ACCESS. The division shall authorize the following persons to access the emergency assistance registry to assist medically fragile individuals during an event described by Section 418.305:

(1) the commission;

(2) the department;

(3) first responders;

(4) local governments; and

(5) local health departments.

Sec. 418.304. REQUIRED WELLNESS CHECK. The division shall collaborate with the persons authorized to access the emergency assistance registry under Section 418.303 and with applicable municipalities and counties to ensure that a wellness check is conducted on each medically fragile individual listed in the emergency assistance registry and located in an area that experiences an event described by Section 418.305 to ensure the individual has:

(1) continuity of care; and

(2) the ability to continue using electrically powered medical equipment, if applicable.

Sec. 418.305. EVENTS REQUIRING WELLNESS CHECKS. (a) The division, in collaboration with the commission and the department, shall adopt rules regarding which events require a wellness check, including:

(1) an extended power, water, or gas outage;



(2) a state of disaster declared under this chapter; or

(3) any other event considered necessary by the commission, the department, or the division.

(b) If more than one disaster is declared for the same event, or the same event qualifies as an event requiring a wellness check for multiple reasons under Subsection (a), only one wellness check is required to be conducted under this subchapter.

Sec. 418.306. REQUIREMENTS FOR WELLNESS CHECK. (a) The division, in collaboration with the commission and the department, by rule shall develop minimum standards for conducting wellness checks. Each county and municipality shall adopt procedures for conducting wellness checks in compliance with the minimum standards.

(b) A wellness check on a medically fragile individual under this subchapter must:

(1) include:

(A) an automated telephone call and text to the individual;

(B) a personalized telephone call to the individual; and

(C) if the individual is unresponsive to a telephone call under paragraph

(B), an in-person wellness check; and

(2) be conducted in accordance with the minimum standards prescribed by division rule and the procedures of the applicable county or municipality.

(c) A wellness check must be conducted as soon as practicable but not later than 24 hours after the event requiring a wellness check occurs.

Sec. 418.307. RULES. The division, in collaboration with the commission and the department, shall adopt rules to implement this subchapter.

SECTION \_\_\_\_. As soon as practicable after the effective date of this Act, the Texas Division of Emergency Management shall adopt the rules necessary to implement Subchapter J, Chapter 418, Government Code, as added by this Act.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 968**.

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

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

Nays: Eckhardt, Johnson, West, Whitmire.

### **REASON FOR VOTE**

Senator Eckhardt submitted the following reason for vote on **SB 968**:

I agree with much of SB 968. Vaccine passports are a troubling infringement on an individual's right to medical privacy, and I commend Senator Kolkhorst for prohibiting the practice. Yet I worry that SB 968 goes too far in its attempt to protect individual rights by encroaching on private business' ability to determine how best to serve their customers. Because of the restrictions this bill will place on Texas businesses, I cannot support this bill.

ECKHARDT

**REMARKS ORDERED PRINTED**

On motion of Senator Nichols and by unanimous consent, the remarks by Senators Kolkhorst and Nichols regarding **SB 968** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Nichols:** Thank, thank you, Mr. President. Senator Kolkhorst, my question, and I have already had a conversation with you on it, I'd like to get some comments that I would like to make for the record, and then at the end I'll ask you a question, and then you can do the clarification, if you would. I understand that late into the night an amendment had been added that adds to, related to medical fragile people and the possibility of contacting them in case of a disaster. And it's also my understanding that more than, more than 150 maybe even 200 local government entities had, have already registered with TDEM. That's the State of Texas emergency assistance registry. I'm just going to refer to it as the registry, but as we saw with the winter storm, registration may create unrealistic expectations for Texans who are on that list. TDEM currently states on their website that registration does not guarantee a number of things like evacuation from a hurricane, and so on. The amendment language appears to require local government to conduct an in-person visit for individuals who do not respond to a call, and as you know and I know, we both have rural districts so we got a lot of counties and cities, and our local governmental entities always kind of have a radar for when a statute passes that requires them to do something. And I want to make sure that it is not an unfunded mandate, which I don't think it is. So, I appreciate your work on this bill, but before voting occurs, can you tell me that there would be a way for local governments to make that decision about continued participation in that registry because they may start dropping out of it?

**Senator Kolkhorst:** Yep.

**Senator Nichols:** So, what are their options?

**Senator Kolkhorst:** Excellent question, so I'm going to just, a bit of history going back to 2006. Governor Rick Perry issued after Katrina and Ike, Senator Taylor, RP-50, I believe it is RP-57, Executive Order RP-57. And within that there was a part, there's a lot of different things about fuel and distribution, traffic and control management, evacuation of people with special needs, and that's where this registry, STEAR is what it's called, kind of developed out of it. The Governor's Division of Emergency Management shall develop and implement a statewide database to assist the evacuation of special needs population with, with the coastal jurisdiction as a priority, and it goes on to list a few things. And so, that is now called the Texas Department of Emergency Management. Within that, this again is the State of Texas Emergency Assistance Registry, STEAR, and so one of the things, I know I've talked to my local officials, STEAR, the registry, is completely voluntary. This is reading from their handbook, is completely voluntary and free to local governments and to Texas citizens with the exception of a couple of statutes, which means you have to evacuate people in nursing homes and with our group homes. And so, those were in statute. So, when you look at STEAR, it's not even in statute. So, Representative Bucy put on an amendment that actually hangs on top of an executive order, which is very rare in this process, but that is where we find ourselves. So, the registry itself is

voluntary. So, no city, no county has to do it. In working through this, I noticed, you know, during Winter Storm Uri, certainly we had a number of constituents that called that said they were part of this registry, but nobody even checked on them because they don't have to. And so, it's very confusing in that, you know, a person might be in the registry, but then nobody ever calls on them. Representative Bucy, I think his effort, and that was a House bill that passed unanimously out of committee, no one registered to, Texas Association of Counties, nobody registered to vote against it or to say anything negative about it. He is trying to give some belts and suspenders to that registry. So, the registry itself is voluntary. I don't believe that this will be an unfunded mandate. It may result in some of our cities and counties opting out of STEAR. We will come back next session and work with this. I've already talked to Chief Nim Kidd about this issue, and we will be working through this.

**Senator Nichols:** Okay, thank you, appreciate your response. I'm hoping that Nim Kidd also can work out some rules, so somehow or another, people that don't want to, the requirement to send people out there even regards of how noble a cause that is, they're not mandated to do it. They can voluntarily drop out of the registry. And so, Mr. President, I wish to ask that this exchange between Senator Kolkhorst and I be reduced to writing and entered into the record.

#### SENATE RESOLUTION 548

Senator Paxton offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2462 (the reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 11. Section 420.003(1-a), Government Code, is amended to read as follows:

(1-a) "Active criminal case" means a case:

(A) in which:

(i) a sexual assault or other sex offense has been reported to a law enforcement agency; ~~and~~

(ii) physical evidence of the offense has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(iii) the agency documents that an offense has been committed and reported; and

(B) for which:

(i) the statute of limitations has not run with respect to the prosecution of the offense; or

(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

SECTION 12. Sections 420.034(a) and (c), Government Code, are amended to read as follows:

(a) For purposes of this section, "evidence" means evidence collected during the investigation of a ~~[an alleged]~~ sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(c) The tracking system must:

(1) include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2) track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;

(3) ~~[(2)]~~ allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and

(4) ~~[(3)]~~ allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

SECTION 13. Section 420.045, Government Code, is transferred to Section 420.034, Government Code, redesignated as Subsection (h), Section 420.034, Government Code, and amended to read as follows:

(h) Not later than December 1 of each year, the department ~~[Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory]~~ shall submit a ~~[quarterly]~~ report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature ~~[department]~~ identifying the number of evidence collection kits that have ~~[the law enforcement agency has]~~ not yet been submitted for laboratory analysis or for which the ~~[crime]~~ laboratory analysis has not yet been completed ~~[an analysis]~~, as applicable. The annual report must be titled "Statewide Electronic Tracking System Report" and must be posted on the department's publicly accessible Internet website.

SECTION 14. Section 420.035(a), Government Code, as added by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a) If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall:

- (1) promptly notify any law enforcement agency investigating the ~~alleged~~ offense; and
- (2) not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034.

SECTION 15. Section 420.042, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by this section shall provide to the department written documentation of the failure, including a detailed explanation for the failure. The agency shall submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by this section.

SECTION 16. Section 420.046, Government Code, is amended to read as follows:

Sec. 420.046. NONCOMPLIANCE. Failure to comply with the requirements of Subchapter B or this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

SECTION 17. Section 420.042(b), Government Code, is repealed.

SECTION 20. The changes in law made by this Act to Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular Session, 2019, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

SECTION 21. Section 420.042(g), Government Code, as added by this Act, applies to evidence of a sexual assault or other sex offense in possession of a law enforcement agency on or after the effective date of this Act.

Explanation: The addition is necessary to improve the tracking and analysis of evidence of a sexual assault or other sex offense and to ensure compliance with certain requirements imposed with respect to a sex offense or evidence of a sex offense.

(2) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement in proposed SECTION 19 of the bill, a transition provision for the bill, to read as follows:

SECTION 19. The changes in law made by this Act to Chapters 56A and 56B, Code of Criminal Procedure, apply only to a sexual assault reported on or after the effective date of this Act. A sexual assault reported before the effective date of this Act is governed by the law in effect on the date the sexual assault was reported, and the former law is continued in effect for that purpose.

Explanation: The change in the provision is necessary to specify a transition for amended Articles 56A.052, 56A.251, 56A.252, 56A.302, 56A.303, 56A.304, 56A.307, and 56B.453, Code of Criminal Procedure, and added Articles 56A.2505 and 56A.2506, Code of Criminal Procedure, in the bill.

**SR 548** was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2462 ADOPTED**

Senator Paxton called from the President's table the Conference Committee Report on **HB 2462**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Paxton, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 23 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **SB 23**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Gutierrez, Johnson, Miles.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 696 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 696**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 4, Present-not voting 1.

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

Nays: Bettencourt, Hall, Hughes, Kolkhorst.

Present-not voting: Hancock.

(Senator Perry in Chair)

**SENATE BILL 1495 WITH HOUSE AMENDMENT**

Senator Huffman called **SB 1495** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

A BILL TO BE ENTITLED  
AN ACT

relating to certain criminal offenses related to highways and motor vehicles; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1. Section 42.03, Penal Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Except as otherwise provided by Subsections (d) and (e), an ~~A+~~ offense under this section is a Class B misdemeanor.

(d) Subject to Subsection (e), an offense under this section is a Class A misdemeanor if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition.

(e) An offense under this section is a state jail felony if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition, and:

(1) the person has previously been convicted of an offense punishable under Subsection (d);

(2) at the time of the offense, the person was operating a motor vehicle while intoxicated, as defined by Section 49.01; or

(3) a person suffered bodily injury as a result of the offense.

(f) For purposes of this section, "reckless driving exhibition" means an operator of a motor vehicle, on a highway or street and in the presence of two or more persons assembled for the purpose of spectating the conduct, intentionally:

(1) breaking the traction of the vehicle's rear tires;

(2) spinning the vehicle's rear tires continuously by pressing the accelerator and increasing the engine speed; and

(3) steering the vehicle in a manner designed to rotate the vehicle.

SECTION 2. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4205 to read as follows:

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

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

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

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1495**.

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

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

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

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1138 ADOPTED**

Senator Hughes called from the President's table the Conference Committee Report on **SB 1138**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Hughes, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### **SENATE RESOLUTION 543**

Senator Hughes offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 1356 (the participation by members of nonprofit teacher organizations in a tutoring program for public school students and related retirement benefits for certain tutors participating in the program) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text to proposed SECTION 2 of the bill, in added Section 33.913(a), Education Code:

or a person who is not a member but meets the requirements under Subsection (b)

Explanation: The addition is necessary to permit a person who is not a member of a nonprofit teacher organization to participate in the tutoring program.



(2) Senate Rules 12.03(1) and (4) are suspended to permit the committee to amend text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 2 of the bill, amending the text to added Section 33.913(c), Education Code, to read as follows:

(c) The superintendent or chief executive officer of each school district or open-enrollment charter school or the person designated by the superintendent or chief executive officer shall:

(1) oversee the tutoring program within the district or school; and

(2) not later than the last day of each semester, submit a report to the board of trustees of the district or the governing body of the school that includes, with respect to that semester:

(A) the number of active or retired teachers who contacted the district or school to offer tutoring services to students in the district or school; and

(B) the number of active or retired teachers who were used by the district or school as a tutor on a volunteer basis or employed by the district or school to provide tutoring services for compensation.

Explanation: The changes are necessary to require the chief executive officer of an open-enrollment charter school to oversee the tutoring program and to require the superintendent or chief executive officer of each school district or open-enrollment charter school, or other person designated by the school district or open-enrollment charter school, to submit a report each semester regarding the tutoring program to the board of trustees of the district or governing body of the school.

(3) Senate Rules 12.03(1) and (4) are suspended to permit the committee to amend text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 2 of the bill, amending the text to added Section 33.913(d), Education Code, to read as follows:

(d) A school district or open-enrollment charter school may use any available local, state, or federal funds to provide compensation to a person participating in the program as a tutor who is providing tutoring for compensation under the program.

Explanation: The additions are necessary to allow a school district or open-enrollment charter school to use local, state, or federal funds to compensate a person providing tutoring services under the program.

(4) Senate Rules 12.03(1) and (4) are suspended to permit the committee to amend text not in disagreement and to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 2 of the bill, amending the text to added Section 33.913(e), Education Code, to read as follows:

(e) If an active or retired teacher who has been approved for participation in the tutoring program contacts a school district or open-enrollment charter school to provide tutoring to students in the district or school and the district or school needs tutoring assistance, the district or school may:

(1) if the teacher is providing tutoring services on a volunteer basis, use the volunteer tutoring services provided by the teacher; or

(2) if the district or school has local, state, or federal funds for purposes of the tutoring program and the teacher is providing tutoring services for compensation, employ the teacher as a tutor.

Explanation: The additions are necessary to give school districts and open-enrollment charter schools the discretion to, if the teacher contacts the district or school and the district or school needs tutoring assistance, use or employ, using local, state, or federal funds, an active or retired teacher as a tutor on a volunteer basis or for compensation.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text to proposed SECTION 2 of the bill, in added Section 33.913(f)(2), Education Code:

, any open-enrollment charter schools located within that district,

Explanation: The addition is necessary to require a nonprofit organization participating in the tutoring program to provide contact information of certain persons for certain open-enrollment charter schools.

(6) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following text to proposed SECTION 4 of the bill, in added Section 825.604(2), Government Code:

or open-enrollment charter schools

Explanation: The addition is necessary to require the retirement system to provide a statement directing members and retirees to contact their local open-enrollment charter schools regarding the tutoring program.

**SR 543** was read and was adopted by the following vote: Yeas 31, Nays 0.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1356 ADOPTED**

Senator Hughes called from the President's table the Conference Committee Report on **SB 1356**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Hughes, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1588 ADOPTED**

Senator Hughes called from the President's table the Conference Committee Report on **SB 1588**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Hughes, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Buckingham, Eckhardt, Johnson.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 204 ADOPTED**

Senator Schwertner called from the President's table the Conference Committee Report on **SB 204**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Johnson, Miles, West.

**SENATE BILL 967 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 967** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

A BILL TO BE ENTITLED  
AN ACT

relating to the expiration and extension of certain public health orders issued by a health authority.

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

SECTION 1. Subchapter B, Chapter 121, Health and Safety Code, is amended by adding Section 121.026 to read as follows:

Sec. 121.026. EXPIRATION AND EXTENSION OF CERTAIN PUBLIC HEALTH ORDERS ISSUED BY HEALTH AUTHORITY. (a) This section applies only to a public health order imposed on more than one individual, animal, place, or object.

(b) A public health order issued by a health authority under this chapter or other law expires on the eighth day following the date the order is issued unless, before the eighth day by majority vote:

(1) the governing body of a municipality or the commissioners court of a county that appointed the health authority extends the order for a longer period; or

(2) if the health authority is jointly appointed by a municipality and county, the commissioner's court of the county extends the order for a longer period.

SECTION 2. Section 121.026, Health and Safety Code, as added by this Act, applies only to a public health order issued by a health authority on or after the effective date of this Act. A public health order issued by a health authority before the effective date of this Act is governed by the law in effect when the public health order was issued, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.

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

Amend **SB 967** on third reading in added Section 121.026(b), Health and Safety Code, by striking "eighth" in each instance that it appears and substituting "15th".

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 967**.

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

**SENATE BILL 970 WITH HOUSE AMENDMENT**

Senator Kolkhorst called **SB 970** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 970** (house committee report) on page 1, by striking line 22 and renumbering the subsequent subdivisions of Subsection (b), SECTION 1 of the bill, accordingly.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 970**.

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

**SENATE RESOLUTION 545**

Senator Nichols offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 15 (the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8 of the bill by adding Section 730.007(a-2), Transportation Code, to read as follows:

(a-2) Subsection (a)(2)(C) does not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a government agency.

Explanation: The addition is necessary to clarify that certain provisions of the Act do not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a governmental agency.

**SR 545** was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 15 ADOPTED**

Senator Nichols called from the President's table the Conference Committee Report on **SB 15**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Sunday, May 30, 2021 - 2

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 1869** (72 Yeas, 67 Nays, 3 Present, not voting)

**HB 2483** (143 Yeas, 0 Nays, 1 Present, not voting)

**HB 3476** (144 Yeas, 0 Nays, 1 Present, not voting)

**SB 49** (142 Yeas, 0 Nays, 1 Present, not voting)

**SB 383** (111 Yeas, 32 Nays, 1 Present, not voting)

**SB 626** (139 Yeas, 1 Nays, 1 Present, not voting)

**SB 800** (145 Yeas, 0 Nays, 1 Present, not voting)

**SB 1438** (127 Yeas, 15 Nays, 1 Present, not voting)

**SB 1588** (139 Yeas, 4 Nays, 1 Present, not voting)

**SB 1831** (140 Yeas, 0 Nays, 1 Present, not voting)

**SB 2124** (141 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 686** (134 Yeas, 6 Nays, 1 Present, not voting)

**HB 3973** (141 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RULE 12.09(b) SUSPENDED**  
**(Printing and Notice of Conference Committee Reports)**

On motion of Senator Taylor and by unanimous consent, Senate Rule 12.09(b) was suspended as it relates to the Conference Committee Report on **HB 1525**.

**CONFERENCE COMMITTEE REPORT ON**  
**HOUSE BILL 1525 ADOPTED**

Senator Taylor called from the President's table the Conference Committee Report on **HB 1525**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Taylor, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON**  
**SENATE BILL 14 ADOPTED**

Senator Creighton called from the President's table the Conference Committee Report on **SB 14**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Creighton, the Conference Committee Report was adopted by the following vote: Yeas 19, Nays 12.

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

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

**CONFERENCE COMMITTEE REPORT ON**  
**HOUSE BILL 3578 ADOPTED**

Senator Johnson called from the President's table the Conference Committee Report on **HB 3578**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Johnson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON**  
**HOUSE BILL 3752 ADOPTED**

Senator Hancock called from the President's table the Conference Committee Report on **HB 3752**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Hancock, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**BILLS AND RESOLUTION SIGNED**

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

**SB 165, SB 282, SB 312, SB 313, SB 318, SB 334, SB 415, SB 445, SB 456, SB 464, SB 475, SB 477, SB 576, SB 611, SB 615, SB 642, SB 827, SB 841, SB 860, SB 916, SB 959, SB 1047, SB 1061, SB 1090, SB 1094, SB 1095, SB 1117, SB 1125, SB 1137, SB 1155, SB 1167, SB 1191, SB 1208, SB 1227, SB 1244, SB 1296, SB 1336, SB 1353, SB 1357, SB 1441, SB 1465, SB 1480, SB 1541, SB 1578, SB 1590, SB 1605** (Signed subject to Art. III, Sec. 49-a, Texas Constitution), **SB 1679, SB 1692, SB 1761, SB 1808, SB 1817, SB 1854, SB 1876, SB 1888, SB 1900, SB 1917, SB 1919, SB 1923, SB 1949, SB 1984, SB 2013, SB 2016, SB 2049, SB 2054, SB 2066, SB 2081, SB 2166, SB 2188, SB 2193, SB 2212, SB 2222, SB 2243, SCR 21.**

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1929 ADOPTED**

Senator Buckingham called from the President's table the Conference Committee Report on **HB 1929**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Buckingham, the Conference Committee Report was adopted by the following vote: Yeas 21, Nays 10.

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

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

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1758 ADOPTED**

Senator Birdwell called from the President's table the Conference Committee Report on **HB 1758**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Birdwell, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Gutierrez, Menéndez, West.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 2124 ADOPTED**

Senator Blanco called from the President's table the Conference Committee Report on **SB 2124**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Blanco, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Hall.

### GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate her three eldest daughters, Amanda Campbell, Audrey Campbell Zatopek, and Ashley Campbell.

The Senate welcomed its guests.

### CONFERENCE COMMITTEE REPORT ON SENATE BILL 794 ADOPTED

Senator Campbell called from the President's table the Conference Committee Report on **SB 794**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Campbell, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### SENATE RESOLUTION 550

Senator Huffman offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Joint Resolution 4 (requiring a judge or magistrate to impose the least restrictive conditions of bail that may be necessary and authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons) to consider and take action on the following matter:

Senate Rules 12.03(1) and (4) are suspended to permit the committee to change, alter, or amend text which is not in disagreement and to add text on a matter which is not included in either the house or senate version of the joint resolution in proposed SECTION 2 of the joint resolution, by amending proposed Sections 11d(a) and (c), Article I, Texas Constitution, to read as follows:

(a) A person accused of committing a sexual offense punishable as a felony of the first degree, of committing a violent offense, or of committing continuous trafficking of persons may be denied bail pending trial if a judge or magistrate determines by clear and convincing evidence after a hearing that requiring bail and conditions of release is insufficient to reasonably ensure:

(1) the person's appearance in court as required; or

(2) the safety of the community, law enforcement, or the victim of the alleged offense.

(c) This section may not be construed to:

(1) limit any right a person has under other law to contest a denial of bail or to contest the amount of bail set by a judge or magistrate; or

(2) require any testimonial evidence before a judge or magistrate makes a bail decision with respect to a person to whom this section applies.

Explanation: This change is necessary to clarify which persons may be denied bail pending trial and the procedural requirements imposed on a judge or magistrate before making certain bail decisions.

**SR 550** was read and was adopted by the following vote: Yeas 23, Nays 8.



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

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

### **CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION 4 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **HJR 4**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 8.

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

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

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1267 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 1267**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

### **SENATE RESOLUTION 542**

Senator Kolkhorst offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2658 (the Medicaid program, including the administration and operation of the Medicaid managed care program) to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 8. Section 32.0261, Human Resources Code, is amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section applies only to a child younger than 19 years of age who is determined eligible for medical assistance under this chapter.

(b) The executive commissioner shall adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to provide for two consecutive periods of ~~[a period of continuous]~~ eligibility for a child between each certification and recertification of the child's eligibility, subject to Subsections (f) and (h) [under 19 years of age who is determined to be eligible for medical assistance under this chapter].

(c) The first of the two consecutive periods of eligibility described by Subsection (b) must be continuous in accordance with Subsection (d). The second of the two consecutive periods of eligibility is not continuous and may be affected by changes in a child's household income, regardless of whether those changes occurred or whether the commission became aware of the changes during the first or second of the two consecutive periods of eligibility.

(d) A ~~[The rules shall provide that the]~~ child remains eligible for medical assistance during the first of the two consecutive periods of eligibility, without additional review by the commission and regardless of changes in the child's household ~~[resources or]~~ income, until ~~[the earlier of:~~

~~(1) the end of the six-month period following the date on which the child's eligibility was determined, except as provided by Subsections (f)(1) and (h) [or~~

~~(2) the child's 19th birthday].~~

(e) During the sixth month following the date on which a child's eligibility for medical assistance is certified or recertified, the commission shall, in a manner that complies with federal law, including verification plan requirements under 42 C.F.R. Section 435.945(j), review the child's household income using electronic income data available to the commission. The commission may conduct this review only once during the child's two consecutive periods of eligibility. Based on the review:

(1) the commission shall, if the review indicates that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c); or

(2) the commission may, if the review indicates that the child's household income exceeds the maximum income for eligibility for the medical assistance program, request additional documentation to verify the child's household income in a manner that complies with federal law.

(f) If, after reviewing a child's household income under Subsection (e), the commission determines that the household income exceeds the maximum income for eligibility for the medical assistance program, the commission shall continue to provide medical assistance to the child until:

(1) the commission provides the child's parent or guardian with a period of not less than 30 days to provide documentation demonstrating that the child's household income does not exceed the maximum income for eligibility; and

(2) the child's parent or guardian fails to provide the documentation during the period described by Subdivision (1).

(g) If a child's parent or guardian provides to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance

program, the commission shall provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c).

(h) Notwithstanding any other period prescribed by this section, a child's eligibility for medical assistance ends on the child's 19th birthday.

(i) The commission may not recertify a child's eligibility for medical assistance more frequently than every 12 months as required by federal law.

(j) If a child's parent or guardian fails to provide to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide the child's parent or guardian with written notice of termination following that period. The notice must include a statement that the child may be eligible for enrollment in the child health plan under Chapter 62, Health and Safety Code.

(k) In developing the notice, the commission shall consult with health care providers, children's health care advocates, family members of children enrolled in the medical assistance program, and other stakeholders to determine the most user-friendly method to provide the notice to a child's parent or guardian.

(l) The executive commissioner may adopt rules as necessary to implement this section.

Explanation: This addition is necessary to provide for continuous eligibility and a periodic eligibility review for a child for Medicaid.

**SR 542** was read and was adopted by the following vote: Yeas 31, Nays 0.

#### **GUEST PRESENTED**

Senator Huffman was recognized and introduced to the Senate her son, Luke Huffman.

The Senate welcomed its guest.

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2658 ADOPTED**

Senator Kolkhorst called from the President's table the Conference Committee Report on **HB 2658**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Kolkhorst, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**(President in Chair)**

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 248 ADOPTED**

Senator Johnson called from the President's table the Conference Committee Report on **SB 248**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Johnson, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Creighton, Hall, Hughes.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 766 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **SB 766**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 2154 ADOPTED**

Senator Schwertner called from the President's table the Conference Committee Report on **SB 2154**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1123 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **SB 1123**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 4124 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **HB 4124**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**(Senator Hughes in Chair)**

**SENATE RESOLUTION 552**

Senator Kolkhorst offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the

differences on House Bill 3720 (long-term care facilities for and Medicaid waiver programs available to certain individuals, including individuals with intellectual and developmental disabilities) to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement by omitting proposed Section 531.06035, Government Code, and the transition language associated with that section. The omitted text imposes a duty on the Health and Human Services Commission to conduct a medical necessity assessment of a child who receives Supplemental Security Income (SSI) before placing the child on the interest list for the medically dependent children (MDCP) program.

Explanation: The omission of the text is necessary to remove the duty imposed on the Health and Human Services Commission to conduct certain medical necessity assessments of a child who receives Supplemental Security Income (SSI) before placing the child on the interest list for the medically dependent children (MDCP) program.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 1. Section 531.0581(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall establish a Long-Term Care Facilities Council as a permanent advisory committee to the commission. The council is composed of the following members appointed by the executive commissioner:

- (1) at least one member who is a for-profit nursing facility provider;
- (2) at least one member who is a nonprofit nursing facility provider;
- (3) at least one member who is an assisted living services provider;
- (4) at least one member responsible for survey enforcement within the state survey and certification agency;
- (5) at least one member responsible for survey inspection within the state survey and certification agency;
- (6) at least one member of the state agency responsible for informal dispute resolution;
- (7) at least one member with expertise in Medicaid quality-based payment systems for long-term care facilities;
- (8) at least one member who is a practicing medical director of a long-term care facility; ~~and~~
- (9) at least one member who is a physician with expertise in infectious disease or public health; and
- (10) at least one member who is a community-based provider at an intermediate care facility for individuals with intellectual or developmental disabilities licensed under Chapter 252, Health and Safety Code.

Explanation: This addition is necessary to change the composition of the Texas Long-Term Care Facilities Council to include at least one member who is a community-based provider at certain intermediate care facilities.

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 3. Section 252.065(b), Health and Safety Code, is amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. The total amount of penalties ~~[a penalty]~~ assessed under this subsection for an on-site regulatory visit or complaint investigation, regardless of the duration of any ongoing violations, ~~[for each day a violation occurs or continues]~~ may not exceed:

- (1) \$5,000 for a facility with fewer than 60 beds; and
- (2) \$25,000 for a facility with 60 beds or more.

SECTION 4. Section 161.089, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

- (1) specify the types of violations that warrant imposition of an administrative penalty;
- (2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;
- (3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);
- (4) authorize the imposition of an administrative penalty in an amount not to exceed \$5,000 for each violation;
- (5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;
- (6) ensure standard and consistent application of administrative penalties throughout the state; ~~[and]~~
- (7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code; and
- (8) ensure standard and consistent interpretation of service delivery rules and consistent application of administrative penalties throughout this state.

(c-1) On adoption of the rules under Subsection (c), the executive commissioner shall develop interpretative guidelines for regulatory staff and providers regarding the imposition of administrative penalties under this section.

SECTION 6. Not later than December 1, 2021, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 252.065(b), Health and Safety Code, as amended by this Act, and Section 161.089, Human Resources Code, as amended by this Act.

SECTION 7. The Health and Human Services Commission may not assess a penalty under Section 161.089, Human Resources Code, as amended by this Act, until the executive commissioner of the Health and Human Services Commission:

(1) adopts the rules necessary to implement Section 161.089(c)(8), Human Resources Code, as added by this Act; and

(2) develops the interpretive guidelines required by Section 161.089(c-1), Human Resources Code, as added by this Act.

Explanation: The changes are necessary to implement certain changes to law relating to the imposition of administrative penalties against certain long-term care facilities, including a change to the amount of an administrative penalty for certain violations committed by intermediate care facilities for individuals with an intellectual disability and a change to ensure the executive commissioner of the Health and Human Services Commission adopts standard and consistent rules relating to the interpretation and consistent application of administrative penalties against certain long-term care facilities.

**SR 552** was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3720 ADOPTED**

Senator Kolkhorst called from the President's table the Conference Committee Report on **HB 3720**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Kolkhorst, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 22 ADOPTED**

Senator Springer called from the President's table the Conference Committee Report on **SB 22**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Springer, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1315 ADOPTED**

Senator Lucio called from the President's table the Conference Committee Report on **SB 1315**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

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

Nays: Perry, Seliger.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 2038 ADOPTED**

Senator Menéndez called from the President's table the Conference Committee Report on **SB 2038**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Menéndez, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Sunday, May 30, 2021 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 671** (109 Yeas, 33 Nays, 2 Present, not voting)

**HB 900** (134 Yeas, 7 Nays, 2 Present, not voting)

**HB 1493** (134 Yeas, 8 Nays, 3 Present, not voting)

**HB 1758** (103 Yeas, 40 Nays, 1 Present, not voting)

**HB 1929** (110 Yeas, 33 Nays, 2 Present, not voting)

**HB 2315** (103 Yeas, 40 Nays, 2 Present, not voting)

**HB 2593** (95 Yeas, 44 Nays, 2 Present, not voting)

**HB 3578** (143 Yeas, 0 Nays, 2 Present, not voting)

**HB 4124** (110 Yeas, 33 Nays, 1 Present, not voting)

**SB 204** (138 Yeas, 4 Nays, 1 Present, not voting)

**SB 248** (81 Yeas, 62 Nays, 2 Present, not voting)

**SB 696** (83 Yeas, 57 Nays, 2 Present, not voting)

**SB 766** (142 Yeas, 0 Nays, 2 Present, not voting)

**SB 794** (138 Yeas, 1 Nays, 2 Present, not voting)

**SB 1123** (134 Yeas, 2 Nays, 2 Present, not voting)

**SB 1267** (138 Yeas, 5 Nays, 1 Present, not voting)



**SB 1315** (106 Yeas, 33 Nays, 2 Present, not voting)

**SB 2154** (109 Yeas, 26 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Sunday, May 30, 2021 - 4

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 112**

Bonnen

Instructing the enrolling clerk of the house to make corrections in H.B. No. 3459.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2315 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **HB 2315**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 6.

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

Nays: Creighton, Eckhardt, Hughes, Johnson, Perry, Springer.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1493 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 1493**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1704 ADOPTED**

Senator Blanco called from the President's table the Conference Committee Report on **SB 1704**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Blanco, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1560 ADOPTED**

Senator Buckingham called from the President's table the Conference Committee Report on **HB 1560**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Buckingham, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**SENATE RESOLUTION 558**

Senator Buckingham offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 713 (the sunset review process and certain governmental entities subject to that process) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on matters not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 1.03. ANATOMICAL BOARD OF THE STATE OF TEXAS. Section 691.003, Health and Safety Code, is amended to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2023 ~~[2024]~~.

SECTION 1.04. TEXAS COMMISSION OF LICENSING AND REGULATION; TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002(a), Occupations Code, is amended to read as follows:

(a) The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2023 ~~[2024]~~.

SECTION 1.05. TEXAS COMMISSION ON LAW ENFORCEMENT. (a) Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2023 [~~2024~~].

(b) For purposes of Section 1701.002, Occupations Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the Texas Commission on Law Enforcement for the 88th Legislature.

(c) In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the appropriateness of the Sunset Advisory Commission's recommendations for the Texas Commission on Law Enforcement made to the 87th Legislature.

(d) The Sunset Advisory Commission's recommendations to the 88th Legislature may include any recommendations the commission considers appropriate based on the limited-scope review conducted under this section.

SECTION 3.04. TEXAS RACING COMMISSION. (a) Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2027 [~~2024~~].

(b) Not later than December 1, 2021, the Texas Racing Commission shall replace all employees who were employed by the Texas Racing Commission on August 31, 2021, in:

(1) an exempt position; or

(2) a position at or above salary group B27 in the Texas Position Classification Plan, 1961.

(c) The Texas Racing Commission may not hire or rehire an individual to fill a position described by Subsection (b) of this section if the individual was employed by the commission in a position described by Subsection (b) of this section during the six months preceding the effective date of this Act.

Explanation: This addition is necessary to limit the scope of the next sunset review of the Texas Commission on Law Enforcement, to replace certain employees of the Texas Racing Commission, and to change the sunset review date various state agencies.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

#### ARTICLE 9. TRANSITION

SECTION 9.01. CONFLICT WITH OTHER LAWS. If a conflict exists between this Act and another Act of the 87th Legislature, Regular Session, 2021, that amends or repeals the sunset date of the governmental entity, the provisions of the other Act control without regard to the relative dates of enactment.

Explanation: This addition is necessary to address any conflicts with other legislation enacted by the 87th Legislature, Regular Session, 2021.

**SR 558** was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 713 ADOPTED**

Senator Buckingham called from the President's table the Conference Committee Report on **SB 713**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Buckingham, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1468 ADOPTED**

Senator Taylor called from the President's table the Conference Committee Report on **HB 1468**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Taylor, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

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

Nays: Creighton, Schwertner, Seliger.

**REMARKS ORDERED PRINTED**

On motion of Senator Lucio and by unanimous consent, the remarks by Senators Taylor and Lucio regarding **HB 1468** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Lucio:** Chairman Taylor, please forgive me, you and I spoke here by the rail a little while ago on special needs, on a special needs issue. Is this the bill that, that we spoke about?

**Senator Taylor:** Yes, Sir.

**Senator Lucio:** And, and the only thing I want, the reason I'm bringing it up is this, and you explained to me, and I'm satisfied with your explanation, Mr. Chairman. But I had originally worked on some language to say that if remote teaching or online was the way to go that it had to be made accessible to special needs children. And you very kindly informed me that that was already, that's already in the law. And I just wanted you to just make a comment or two to that effect so that people that are listening who have special needs children will understand that they're covered. If you don't mind, Sir.

**Senator Taylor:** Yeah.

**Senator Lucio:** Because you did remove that language from your bill.

**Senator Taylor:** Thank you, Senator. Yes, and what we've been informed by TEA, we already had these protections in place for all of our special needs students. And if they don't feel like they're being given the services they need or they're being denied service because they're special needs, all they have to do is file a complaint with TEA,

and TEA will investigate those accusations or dissatisfactions. And that's already in current law, so I think you'd have that same protection for virtual as you would classroom and any of the other services that we, that we currently offer our students.

**Senator Lucio:** I really appreciate that, and if you don't mind, but with all due respect, I'd like to ask that the President, Mr. President, if you would just, those remarks that you just made, if we could reduce those and put them in the *Senate Journal*, if you don't mind, so for everyone to be able to reflect on. Thank you so much, Mr. Chairman.

**Senator Taylor:** Thank you, Senator.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 572 ADOPTED

Senator Lucio called from the President's table the Conference Committee Report on **HB 572**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Lucio, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Sunday, May 30, 2021 - 5

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 1281** (143 Yeas, 0 Nays, 2 Present, not voting)

**HB 2462** (140 Yeas, 0 Nays, 2 Present, not voting)

**HB 3720** (140 Yeas, 1 Nays, 2 Present, not voting)

**SB 15** (140 Yeas, 0 Nays, 2 Present, not voting)

**SB 22** (139 Yeas, 3 Nays, 2 Present, not voting)

**SB 23** (112 Yeas, 26 Nays, 2 Present, not voting)

**SB 713** (133 Yeas, 7 Nays, 2 Present, not voting)

**SB 1164** (137 Yeas, 0 Nays, 2 Present, not voting)

**SB 1281** (137 Yeas, 0 Nays, 2 Present, not voting)

**SB 1704** (140 Yeas, 0 Nays, 2 Present, not voting)

**SB 2038** (127 Yeas, 14 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 4305 ADOPTED**

Senator Blanco called from the President's table the Conference Committee Report on **HB 4305**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Blanco, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

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

Nays: Bettencourt, Creighton, Hall, Hughes, Kolkhorst.

**HOUSE CONCURRENT RESOLUTION 113**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, House Bill No. 1322 has passed the Texas House of Representatives and the Texas Senate and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the house of representatives and the senate is necessary; now, therefore, be it

RESOLVED by the 87th Legislature of the State of Texas, That the governor be hereby requested to return House Bill No. 1322 to the house of representatives for further consideration; and, be it further

RESOLVED, That the action of the speaker of the house of representatives and the president of the senate in signing House Bill No. 1322 be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

**HCR 113** was read.

On motion of Senator Zaffirini, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 2233 ADOPTED**

Senator Menéndez called from the President's table the Conference Committee Report on **SB 2233**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Menéndez, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**HOUSE CONCURRENT RESOLUTION 112**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, House Bill No. 3459 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 87th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In the SECTION of the bill adding Section 1551.2181, Insurance Code, as added by Floor Amendment No. 2 by Huffman, strike "Section 1301.1354" and substitute "Subchapter N, Chapter 4201,".

(2) In the SECTION of the bill adding Section 1575.1701, Insurance Code, as added by Floor Amendment No. 2 by Huffman, strike "Section 1301.1354" and substitute "Subchapter N, Chapter 4201,".

(3) In the SECTION of the bill adding Section 1579.1061, Insurance Code, as added by Floor Amendment No. 2 by Huffman, strike "Section 1301.1354" and substitute "Subchapter N, Chapter 4201,".

**HCR 112** was read.

On motion of Senator Buckingham, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

**SENATE RULE 12.09(b) SUSPENDED**  
**(Printing and Notice of Conference Committee Reports)**

Senator Huffman moved to suspend Senate Rule 12.09(b) as it relates to the Conference Committee Report on **HB 20**.

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

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

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

**SENATE RESOLUTION 551**

Senator Huffman offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 20 (rules for setting the amount of bail, to the release of certain defendants on a monetary 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) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 4 of the bill, in added Articles 17.021(b), (d), (e), and (f), Code of Criminal Procedure, to read as follows:

(b) The public safety report system must:

(1) state the requirements for setting bail under Article 17.15;

(2) incorporate a form that must be signed by the person setting bail and that lists each factor provided by Article 17.15(a) and requires the person setting bail to certify on the form that the person considered each of those factors;

(3) provide information on the eligibility of the defendant for a personal bond;

(4) provide, in summary form, the criminal history of the defendant;

(5) provide information regarding the applicability of any required or discretionary bond conditions; and

(6) collect information on the bail decision.

(d) The public safety report system may not:

(1) be the only item relied upon by a judge or magistrate in making a bail decision; or

(2) include a score, rating, or assessment of a defendant's risk or make any recommendation regarding the appropriate bail for the defendant.

(e) As a component of the public safety report system, the office shall electronically collect each form completed under Subsection (b)(2) and shall use those forms to collect data regarding the number of defendants for whom bail was set during the preceding state fiscal year, including:

(1) the number for each category of offense;

(2) the number of personal bonds; and

(3) the number of monetary bonds.

(f) Not later than December 1 of each year, the office shall submit a report containing the data collected from the public safety report system during the preceding state fiscal year to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary.

Explanation: This change is necessary to clarify the requirements of the public safety report system.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 5 of the bill, in added Article 17.03(b-2), Code of Criminal Procedure, to read as follows:

(b-2) Notwithstanding any other law, a defendant may not be released on personal bond if the defendant:

(1) is charged with an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20A.02 (trafficking of persons);

(D) Section 20A.03 (continuous trafficking of persons);

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



- (F) Section 21.11 (indecenty with a child);  
(G) Section 22.01(a)(1) (assault), if the offense is punishable as a felony of the second degree under Subsection (b-2) of that section;  
(H) Section 22.02 (aggravated assault);  
(I) Section 22.021 (aggravated sexual assault);  
(J) Section 25.072 (repeated violation of certain court orders or conditions of bond in family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);  
(K) Section 25.11 (continuous violence against the family);  
(L) Section 38.14 (taking or attempting to take weapon from peace officer, federal special investigator, employee or official of correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer);  
(M) Section 43.04 (aggravated promotion of prostitution);  
(N) Section 43.05 (compelling prostitution); or  
(O) Section 43.25 (sexual performance by a child); or  
(2) while released on bail or community supervision for an offense listed in Subdivision (1), is charged with committing:  
(A) an offense under the following provisions of the Penal Code:  
(i) Section 22.01(a)(1) (assault);  
(ii) Section 22.05 (deadly conduct);  
(iii) Section 22.07 (terroristic threat); or  
(iv) Section 42.01(a)(7) or (8) (disorderly conduct involving firearm); or  
(B) any offense punishable as a felony.

Explanation: This change is necessary to clarify which persons are ineligible to be released on personal bond.

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 7 of the bill, in added Article 17.15(a)(6), Code of Criminal Procedure, to read as follows:

6. The criminal history record information for the defendant, including information obtained through the statewide telecommunications system maintained by the Department of Public Safety and through the public safety report system developed under Article 17.021, shall be considered, including any acts of family violence, other pending criminal charges, and any instances in which the defendant failed to appear in court following release on bail.

Explanation: This change is necessary to explain the responsibilities of a person setting bail with respect to a defendant's criminal history.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in SECTION 10 of the bill, in added Article 17.50(h), Code of Criminal Procedure, to read as follows:

(h) The clerk of the court is not required to send a copy of an order under Subsection (a) if the Office of Court Administration of the Texas Judicial System develops a means to cause a notice of conditions of release on bond to be electronically delivered to the applicable parties required by that subsection.

Explanation: This change is needed to provide for an alternative means of delivery for certain notices.

**SR 551** was read and was adopted by the following vote: Yeas 21, Nays 10.

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

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

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 20 ADOPTED

Senator Huffman called from the President's table the corrected Conference Committee Report on **HB 20**. The Conference Committee Report was filed with the Senate on Sunday, May 30, 2021.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 21, Nays 10.

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

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

### REMARKS ORDERED PRINTED

On motion of Senator Huffman and by unanimous consent, her remarks regarding **HB 20** were ordered reduced to writing and printed in the *Senate Journal* as follows:

I want to touch specifically on the legislative intent for Art. 17.027 and some alterations we made in conference. This section is included to ensure that within the same county and jurisdiction, if a defendant is out on bond and is charged with a new offense, they are presented to the original magistrate for any further bail determinations. If a person out on bond commits an offense in a different county, then the original magistrate doesn't have jurisdiction on the new offense, but that magistrate should be notified to ensure no bond conditions were violated.

(Note: Prepared text)

### REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks by Senators Huffman and West regarding **HB 20** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator West:** Thank you very much, Senator.

**Senator Huffman:** Yes.

**Senator West:** I want to make sure we take time to talk about indigent people.

**Senator Huffman:** About what?

**Senator West:** Indigents.

**Senator Huffman:** Yes.

**Senator West:** How does this particular bill, based on the current law that we have for bail bonds or bonds here in the State of Texas, how does this change what indigents must do in order to avail themselves of getting a personal bond or a lower bond? Or even—

**Senator Huffman:** I think—

**Senator West:** —having a bond set.

**Senator Huffman:** —it, I think it, it makes sure there's a good process in place that if they are, in fact, indigent that they're, that will come to the attention of a court who must consider all the factors and determine whether or not they are indigent, of course, but also look through the factors established in the law to determine whether or not they would be an appropriate candidate for a personal bond. I don't know if you heard my layout, but this really, except for the process of having to look at the criminal history and look at specific factors, there's no limitation on personal bonds for many misdemeanors and many felonies. It's really focused, the limitations occur mainly on the violent felonies that I've laid out.

**Senator West:** And which, and which we—

**Senator Huffman:** Yeah.

**Senator West:** —should do.

**Senator Huffman:** Right. So—

**Senator West:** It's not—

**Senator Huffman:** —the bill proposal makes sure and, you know, it lays out that a personal bond and/or a monetary bond is to be considered, but it gives out all the factors that have to be considered and a process to apply for indigency.

**Senator West:** As, as I understand the bill, as I understand the bill, also, those indigents that are in jail have to fill out at least two years of financials or some form that's going to be promulgated will ask for two years of financials.

**Senator Huffman:** I don't think it's two years of financials. I think there's information provided that I believe they will fill out to the best of their ability and then the judge will make, or magistrate will make a determination from that point.

**Senator West:** Two, two things then. Alright.

**Senator Huffman:** Yeah.

**Senator West:** Because I thought it was, I thought it was up to two, up to two years. I may be wrong.

**Senator Huffman:** I don't think it is but I'm happy to look. It's not designed to be difficult. It's designed to give information to the magistrate to establish indigency. So, I don't think of it as designed to, it's meant to help individuals establish their indigency.

**Senator West:** Is it, is this, is this particular document that they have to fill out made under penalty of perjury?

**Senator Huffman:** I don't, but let me look. I'm not sure, I don't want to give you the wrong answer.

**Senator West:** And the reason I'm asking is, as you're looking, if someone's in jail and they're indigent and they're trying to fill this out as best possible—

**Senator Huffman:** Right.

**Senator West:** —without real—

**Senator Huffman:** Uhm-hum.

**Senator West:** —and they make a mistake and put down the wrong information, would they then be subject to a third-degree felony in terms of a government, this is a government document, so falsification of a government document.

**Senator Huffman:** Senator West, I'm trying to look. I don't remember there having to be like a perjury warning or anything. Certainly not designed at all to try to, you know, trick someone accused or someone in jail. It's really, was designed to provide information to the magistrate.

**Senator West:** No, I understand that but, you know—

**Senator Huffman:** Yeah.

**Senator West:** —they're all, there's always instances where the unintended consequences.

**Senator Huffman:** Right.

**Senator West:** If I'm sitting in jail and I have to fill out a financial—

**Senator Huffman:** Right.

**Senator West:** —ability document, I don't have access to a lot of the documents that I would need in order to fill it out. And so, I want to make certain that they do it to the best of their ability, but they're not subject to perjury.

**Senator Huffman:** I finally found the section. You know, Senator, when we were writing this, believe me, we were trying to make it, we understood that it can be difficult to provide information like that, but it's sort of a, how do you, how do you provide it if you don't provide it. You know, I don't—

**Senator West:** You're in jail, you're in jail how can you—

**Senator Huffman:** —that means so, I think the intent was that they give as much information as possible. Let's see, and it does say that they do file an affidavit under Subsection (f). I'm looking here so I can give you a good answer. It is a sworn affidavit and substantially the following form, and I'm on page 10 if you have a copy of the, if you have a copy of the CCR.

**Senator West:** I'm looking at the corrected.

**Senator Huffman:** Yes, I think that's, that should be it. It's on page 10, see, shall complete a form. What we did was consolidate it with a form used to request appointment of counsel so it could all kind of be done at once. We are trying to streamline the process here and make it as, and I believe, I believe that this language is from O'Donnell. Yes, okay. This language we took directly from the Supreme, I mean the Fifth Circuit case. So—

**Senator West:** That, that's one, that's the one out of Houston.

**Senator Huffman:** No, that's one out of Houston that went to the Fifth Circuit—

**Senator West:** Right.

**Senator Huffman:** —yeah. So, we took this language so, I do understand what you're saying, but we did take the language from O'Donnell, and so everything in this bill we like tracked O'Donnell's. We're really trying to exactly follow—

**Senator West:** That's—

**Senator Huffman:** —the perimeters of the federal court.

**Senator West:** And that case was never, it was never implemented in Harris County, though. Right?

**Senator Huffman:** There was some implementation. I don't know if this exact part was implemented, but it, but Harris County is under O'Donnell. I'm not sure if they use this exact form or if they have modified it in some way.

**Senator West:** And, and I understand it. But I just want to make certain two things. If someone is filling out a document to the best of their ability—

**Senator Huffman:** Right.

**Senator West:** —and something happens to be wrong in there, I don't want to see a falsification of government document or perjury case come out of it.

**Senator Huffman:** I don't want to see that happen either, Senator West.

**Senator West:** That is not your intent, is it?

**Senator Huffman:** That is not my intent at all. So, from, you know this is a big bill. It's long, it makes a lot of changes in the process. There's a lot of data that's going to be collected. I'm going to watch this very carefully over the next two years. And if there's some aspects of it that need to be tweaked as we often do with these big pieces of legislation, we'll work on it. So, but it's not our intent to trick someone or trap someone. And I do understand that it does sound like that's a lot of information and you and I think, both know from experience very often you may see a defendant who simply states I'm unemployed or I'm homeless or, you know, or someone presents perhaps with mental issues, mental health issues, and it's pretty clear that they're indigent. Right? I don't think they're going to lose that aspect of the process.

**Senator West:** Okay, one other question.

**Senator Huffman:** Yes.

**Senator West:** I assume that this be, all this becomes a part of the court file.

**Senator Huffman:** Yes.

**Senator West:** And so, if prosecution wanted to use it, they could use it for whatever purpose they desire.

**Senator Huffman:** I do not think that they could use that as any evidence against a defendant.

**Senator West:** I didn't see anything in here that said one way or the other.

**Senator Huffman:** Let me look. I don't know if that's addressed in this. I don't think that it is. But my experience has been in the past that that kind of information is in the court's file, but that doesn't necessarily mean that that is information that, and the prosecutor, of course, will access if he is representing in a bond hearing or something. There may be some information worth finding—

**Senator West:** Outside of a bond hearing.

**Senator Huffman:** Yeah. I just don't know how you determine if someone's indigent if you don't gather this information.

**Senator West:** I understand that.

**Senator Huffman:** Yeah. Yeah.

**Senator West:** But for, for any other purpose other than determining—

**Senator Huffman:** It's—

**Senator West:** —a person's indigency.

**Senator Huffman:** —it needs to be for the purpose of determining indigency.

**Senator West:** Only.

**Senator Huffman:** Yes.

**Senator West:** Okay. otherwise it should—

**Senator Huffman:** That's my understanding of the law.

**Senator West:** —otherwise it should not be utilized by the prosecution.

**Senator Huffman:** For, yes, evidence against the defendant, correct.

**Senator West:** And that's your intent as the author.

**Senator Huffman:** That's my intent.

**Senator West:** Okay.

**Senator Huffman:** Yes.

**Senator West:** Thank you very much.

**Senator Huffman:** Yes, yes.

#### **SENATE BILL 1921 WITH HOUSE AMENDMENT**

Senator Lucio called **SB 1921** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 1921** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 32.024, Human Resources Code, is amended by adding Subsection (II) to read as follows:

(II) The commission shall provide medical assistance reimbursement to an authorized wound care education and training services provider and establish outcome measures for evaluating the physical health care outcomes of recipients who receive wound care education and training services from an authorized wound care education and training services provider.

SECTION \_\_\_\_\_. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0285 to read as follows:

Sec. 32.0285. CALCULATION OF MEDICAL EDUCATION ADD-ON FOR REIMBURSEMENT OF TEACHING HOSPITALS THAT PROVIDE BEHAVIORAL HEALTH AND PHYSICAL HEALTH SERVICES. The commission shall, on request from a teaching hospital that provides behavioral health and physical health services, update on a biannual basis the education adjustment factor used to calculate the medical education add-on using the most current Medicare education adjustment factor data available under 42 C.F.R. Section 412.105 at the time the commission makes the update.

SECTION \_\_\_\_\_. Section 32.0285, Human Resources Code, as added by this Act, applies only to a request from a teaching hospital that is made on or after September 1, 2022.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 1921**.

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

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 492 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **HB 492**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Springer.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1776 ADOPTED**

Senator Campbell called from the President's table the Conference Committee Report on **SB 1776**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Campbell, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 8.

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

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

### GUEST PRESENTED

Senator Campbell was recognized and introduced to the Senate her friend, Robie G. Gilbert.

The Senate welcomed its guest.

#### (President in Chair)

### SENATE RESOLUTION 562

Senator Schwertner offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 3 (preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties) to consider and take action on the following matter:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement by omitting proposed Sections 39.110(a) and (b), Utilities Code. The omitted text prohibited the offering of certain wholesale indexed electric products to residential or small commercial customers. The omitted text reads:

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

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

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

(b) Except as provided by Subsection (c), an aggregator, a broker, or a retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

Explanation: The omission of the text is necessary to remove the prohibition of the offering of certain wholesale indexed electric products to residential or small commercial customers.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 37 of the bill:



SECTION 37. The Texas Electricity Supply Chain Security and Mapping Committee shall produce the map required under Section 38.203, Utilities Code, as added by this Act, not later than September 1, 2022.

Explanation: The addition of the text is necessary to require the Texas Electricity Supply Chain Security and Mapping Committee to produce the map required under added Section 38.203, Utilities Code, not later than September 1, 2022.

**SR 562** was read and was adopted by the following vote: Yeas 31, Nays 0.

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 3 ADOPTED**

Senator Schwertner called from the President's table the Conference Committee Report on **SB 3**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### **SENATE RESOLUTION 564**

Senator Hancock offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 2 (the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region) to consider and take action on the following matters:

(1) Senate Rules 12.03(1), (3), and (4) are suspended to permit the committee to amend text not in disagreement, to add text on a matter not in disagreement, and to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3 of the bill, in amended Sections 39.151(g) and (g-1), Utilities Code, and added Sections 39.151(g-2), (g-3), and (g-4), Utilities Code, to read as follows:

(g) To maintain certification as an independent organization for the ERCOT power region under this section, an organization's governing body must be composed of persons selected by the ERCOT board selection committee ~~[specified by this section and selected in accordance with formal bylaws or protocols of the organization].~~

(g-1) The independent organization's bylaws or protocols must be approved by the commission and must reflect the input of the commission. ~~[The bylaws must specify the process by which appropriate stakeholders elect members and, for unaffiliated members, prescribe professional qualifications for selection as a member.]~~ The bylaws must require that every member of the governing body be a resident of this state and must prohibit a legislator from serving as a member ~~[the use of a professional search firm to identify candidates for membership of unaffiliated members. The process must allow for commission input in identifying candidates].~~ The governing body must be composed of:

(1) the chairman of the commission as an ex officio nonvoting member;

(2) the counsellor as an ex officio voting member representing residential and small commercial consumer interests;

(3) the chief executive officer of the independent organization as an ex officio nonvoting [~~voting~~] member; and

(4) eight members selected by the selection committee under Section 39.1513 with executive-level experience in any of the following professions:

(A) finance;

(B) business;

(C) engineering, including electrical engineering;

(D) trading;

(E) risk management;

(F) law; or

(G) electric market design [~~six market participants elected by their respective market segments to serve one year terms, with:~~

~~[(A) one representing independent generators;~~

~~[(B) one representing investor owned utilities;~~

~~[(C) one representing power marketers;~~

~~[(D) one representing retail electric providers;~~

~~[(E) one representing municipally owned utilities; and~~

~~[(F) one representing electric cooperatives;~~

~~[(5) one member representing industrial consumer interests and elected by the industrial consumer market segment to serve a one year term;~~

~~[(6) one member representing large commercial consumer interests selected in accordance with the bylaws to serve a one year term; and~~

~~[(7) five members unaffiliated with any market segment and selected by the other members of the governing body to serve three year terms].~~

(g-2) Members [~~(g-1) The presiding officer~~] of the governing body are entitled to receive a salary for their service [~~must be one of the members described by Subsection (g)(7)~~].

(g-3) A person does not qualify for selection as a member of the governing body of an independent organization for the ERCOT power region if the person has a fiduciary duty or assets in the electricity market for that region.

(g-4) To maintain certification as an independent organization under this section, the organization's governing body may not include more than two members who are employed by an institution of higher education, as defined by Section 61.003, Education Code, in a professorial role.

Explanation: This change is necessary to provide for the composition of the governing body of an independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region and to establish requirements relating to the eligibility and selection of members of the governing body.

(2) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the senate engrossment of Senate Bill 2 and the corresponding bill as the bill was amended by the house in added Section 39.151(g-2), Utilities Code. The omitted text reads:

(g-2) A person does not qualify for appointment as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In making an appointment under Subsection (g)(3) or (7), the governor:

(1) shall give preference to a person who has executive-level business experience representing a range of industries; and

(2) may consider a person recommended by the legislature.

(g-2) A person does not qualify for selection as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In making a selection under Subsection (g)(3) or (7), the members of the governing body shall give preference to a person who has executive-level business experience representing a range of industries.

Explanation: The change is necessary to omit the qualification and selection requirements.

(3) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the senate engrossment of Senate Bill 2 and the corresponding bill as the bill was amended by the house in added Section 39.151(g-3), Utilities Code. The omitted text reads:

(g-3) Members of the governing body of an independent organization certified under this section must serve staggered terms. A member described by Subsection (g)(4) or (5) must serve a term that expires in an even-numbered year. A member described by Subsection (g)(6) or (7) must serve a term that expires in an odd-numbered year. As soon as practicable after the date a member of the governing body's term expires, the appropriate authority must appoint or arrange for the election of a replacement in the same manner as the original appointment or election. If a vacancy occurs on the governing body, the appropriate authority must appoint or arrange for the election of a successor in the same manner as the original appointment or election to serve for the remainder of the unexpired term.

Explanation: The change is necessary to omit the term and vacancy requirements.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1513 to read as follows:

Sec. 39.1513. ERCOT BOARD SELECTION COMMITTEE. (a) The ERCOT board selection committee is composed of:

(1) one member appointed by the governor;

(2) one member appointed by the lieutenant governor; and

(3) one member appointed by the speaker of the house of representatives.

(b) A person may not be appointed as a member of the committee unless the person is a resident of this state.

(c) A member of the committee is not entitled to compensation for serving as a member but is entitled to reimbursement for actual and necessary expenses incurred in performing the official duties of office.

(d) The committee shall select members eligible under Section 39.151 to serve on the governing body of an independent organization certified under that section for the ERCOT power region and shall designate the chair and vice chair of the governing body from those members.

(e) The ERCOT board selection committee shall retain an outside consulting firm to help select members of the governing body under Subsection (d).

Explanation: The addition is necessary to provide for the creation of a committee to select the members of a governing body of an independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region.

(5) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in SECTION 4 of the senate engrossment of Senate Bill 2 and the corresponding bill as the bill was amended by the house that would require an independent organization certified by the Public Utility Commission of Texas under Section 39.151, Utilities Code, to modify the organization to comply with Section 39.151, Utilities Code, as amended by the bill, not later than September 1, 2021. The omitted language reads: "not later than September 1, 2021".

Explanation: The omission is necessary to provide sufficient time for the ERCOT Board Selection Committee to be formed and for the committee to select members of the governing body of the independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region.

**SR 564** was read and was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Blanco, Eckhardt, Gutierrez, Johnson.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 2 ADOPTED**

Senator Hancock called from the President's table the Conference Committee Report on **SB 2**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Hancock, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Blanco, Eckhardt, Gutierrez, Johnson.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Sunday, May 30, 2021 - 6

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 1560** (140 Yeas, 0 Nays, 2 Present, not voting)

**HB 3752** (89 Yeas, 53 Nays, 2 Present, not voting)

**HB 3774** (134 Yeas, 3 Nays, 2 Present, not voting)

**SB 2** (132 Yeas, 5 Nays, 2 Present, not voting)

**SB 3** (142 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**RECESS**

On motion of Senator Whitmire, the Senate at 7:36 p.m. recessed until 9:30 p.m. today.

**AFTER RECESS**

The Senate met at 11:31 p.m. and was called to order by the President.

**SENATE RESOLUTION 561**

Senator Hancock offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 1281 (a reliability assessment of the ERCOT power grid and certificates of public convenience and necessity for certain transmission projects) to consider and take action on the following matter:

Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text which is not in disagreement and add text on a matter which is not in disagreement in proposed SECTION 1 of the bill by adding Sections 37.052(c)(1)(A) and (B), Utilities Code, to read as follows:

(1) the transmission line does not exceed:

(A) three miles in length, if the line connects to a load-serving substation or metering point; or

(B) two miles in length, if the line connects to a generation substation or metering point;

Explanation: The change is necessary to distinguish that an electric transmission line to which Subsection 37.056(c), Utilities Code, as added by this bill, applies must measure three miles or less for a load-serving electric transmission line and two miles or less for an electric transmission line that connects to power generation.

**SR 561** was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1281 ADOPTED**

Senator Hancock called from the President's table the Conference Committee Report on **SB 1281**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Hancock, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1648 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **SB 1648**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Sunday, May 30, 2021 - 7

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 572** (138 Yeas, 0 Nays, 2 Present, not voting)

**HB 1525** (129 Yeas, 3 Nays, 2 Present, not voting)

**HB 2658** (135 Yeas, 0 Nays, 2 Present, not voting)

**HB 4492** (116 Yeas, 18 Nays, 2 Present, not voting)

**SB 1648** (137 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 1987** (99 Yeas, 18 Nays, 13 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### SENATE RESOLUTION 546

Senator Huffman offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 3774 (the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government) to consider and take action on the following matter:

Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.01(c) of the bill, providing for the creation date of the 478th Judicial District (Bell County), to read as follows:

(c) The 478th Judicial District is created on January 1, 2022.

Explanation: This change is necessary to allow for the creation of the 478th Judicial District (Bell County) on January 1, 2022.

**SR 546** was read and was adopted by the following vote: Yeas 31, Nays 0.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3774 ADOPTED

Senator Huffman called from the President's table the Conference Committee Report on **HB 3774**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### CONFERENCE COMMITTEE ON SENATE BILL 321 DISCHARGED

On motion of Senator Huffman and by unanimous consent, the Senate conferees on **SB 321** were discharged.

Question: Shall the Senate concur in the House amendment to **SB 321**?

Senator Huffman moved to concur in the House amendment to **SB 321**.

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

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, West, Whitmire, Zaffirini.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 4492 ADOPTED**

Senator Hancock called from the President's table the corrected Conference Committee Report on **HB 4492**. The Conference Committee Report was filed with the Senate on Sunday, May 30, 2021.

On motion of Senator Hancock, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 6.

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

Nays: Hall, Hughes, Kolkhorst, Miles, Paxton, West.

**REMARKS ORDERED PRINTED**

On motion of Senator Gutierrez and by unanimous consent, the remarks by Senators Hancock and Gutierrez regarding **HB 4492** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Gutierrez:** Thank you, Mr. President. I'll, in advance, I'll tell you it's not my intent to talk this down. I just want to get some things on the record that have occurred in the last 24 hours here—

**President:** Sure.

**Senator Gutierrez:** —because I think it's important for the people of Texas to know this. Last night, we received a version of this bill from the House at 11:55. Can you tell us what were the elements of that last version from our first conference committee report?

**Senator Hancock:** Pretty much what we read here other than the provision that was added in, to put back in the 2.1 cap on the legislation.

**Senator Gutierrez:** We start, your legislation started with a cap of 2.1 percent. But somehow what came over from the House was an elimination of that cap and essentially akin to an open ATM credit card for these companies to be able to access. Is that not correct?

**Senator Hancock:** Yeah, Senator Gutierrez, as you know, it got here so late that it was very, very difficult to get the signatures in time. And the side-by-side took a while as well, and even when we got the side-by-side, it was the wrong side-by-side, so, yes, that was gone.

**Senator Gutierrez:** Okay. And at the end of the day, I think all of us, through the time that you have spent working on this bill, most of us and all of us really, quite frankly, committed to supporting this legislation, most of us. And at all times your legislation had a cap to limit the source of these particular loan proceeds to \$2.1 billion. Correct?



**Senator Hancock:** That is correct.

**Senator Gutierrez:** Okay. And unfortunately, yesterday, what we received from the House did not have that cap. Now, this corrected committee, conference report, the corrected report we're voting on in a moment, does have a cap that does not exceed \$2.1 billion. Is that correct?

**Senator Hancock:** Yes. And for reference, if Members want to look on page 16, that is in there. As you can tell, it was added, a very unique style there.

**Senator Gutierrez:** There was also amendments from our previous legislation that had a transparency component that was very important to Senator Kolkhorst. Correct?

**Senator Hancock:** Correct.

**Senator Gutierrez:** And that transparency component that was important for the ratepayers to be able to see, unfortunately, was also stripped out from the House. Correct?

**Senator Hancock:** Correct. And I think that's a component that we need to look at adding, you know, in the future.

**Senator Gutierrez:** There was also a ratepayer relief component that we had talked about here on our side, the Texas Senate would, made it very clear that we wanted to have some direct relief to ratepayers. Correct?

**Senator Hancock:** Correct.

**Senator Gutierrez:** And that was stripped out from the House of Representatives.

**Senator Hancock:** Correct.

**Senator Gutierrez:** And the ratepayer relief program, at one point there was talk, a potentiality for a direct payment to consumers. Correct?

**Senator Hancock:** Correct.

**Senator Gutierrez:** And even though we had a shell bill talking about ratepayer assistance programs, I believe that part of our conference committee report and the anticipated conference committee report was also a \$350 credit to consumers. Correct?

**Senator Hancock:** It was.

**Senator Gutierrez:** So, that they would be able to, essentially, exhaust that credit of \$350.

**Senator Hancock:** Correct.

**Senator Gutierrez:** And the House of Representatives didn't include that credit either, did they?

**Senator Hancock:** Correct.

**Senator Gutierrez:** And last night, with five minutes left, we were told to accept what they sent us, or else. Was that a fair statement?

**Senator Hancock:** We got it with very few minutes to pass before our deadline, Senator Gutierrez.

**Senator Gutierrez:** I know that you worked very hard on this. And it was very clear from the inception, and I've been very honest with you from day one, that under no circumstances were we going to attribute more than the \$2.1 billion to bucket number two and three combined, no more than the \$2.1 billion. And those communications between you and I have not wavered in any way. Correct?

**Senator Hancock:** Correct. And you're a key reason why that provision and that these changes were made today, Senator Gutierrez.

**Senator Gutierrez:** And I also understand, and we got time here, it's 11:48, I also understand that by what we're doing today, we are setting up a program so that people would be able to get, to not have the peak billing. Essentially, that's the net effect of what we're trying to do here. Correct?

**Senator Hancock:** Correct, Senator Gutierrez. We're trying to do what's best for the consumer and assist them in regarding to these, some of these high prices.

**Senator Gutierrez:** That said, by offering the state, the faith and credit of the State of Texas to access lower interest loans, we're trying to pass on that savings to consumers, as you have suggested many times. There is still a pass-through to consumers in this legislation, a minimal pass-through and not the gargantuan pass-through that they might get if we did nothing. Is that a fair statement?

**Senator Hancock:** Any, any interest rate you can save on \$2 billion will help consumers.

**Senator Gutierrez:** Alright. And we still got time, it's 11:49.

**Senator Hancock:** We do have to call roll.

**Senator Gutierrez:** I need to ensure this last point. Because I want a commitment from you, because we worked in good faith to try to get some ratepayer relief assistance. This body made it very clear in amendment number 5 that we wanted to have some direct assistance to ratepayers. It is undoubtedly clear that we're heading for a special session, undoubtedly clear. I would like a commitment from you, Sir, that we will come back and ask the Governor and ask the House of Representatives to do the right thing for the people of the State of Texas, because it is only fair and right and just. We lost 200 people, people froze in their homes, \$110 billion of property damage. A \$350 credit is the least that we could do.

**Senator Hancock:** Thank you, Senator Gutierrez.

**Senator Gutierrez:** So, do I have that commitment from you?

**Senator Hancock:** Yes, Sir.

**Senator Gutierrez:** Governor, I think I'm good here. Thank you, Sir.

### **BILLS AND RESOLUTIONS SIGNED**

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

**SB 6, SB 13, SB 19, SB 20, SB 24, SB 25, SB 30, SB 36, SB 63, SB 69, SB 112, SB 219, SB 225, SB 279, SB 331, SB 348, SB 369, SB 398, SB 424, SB 437, SB 504, SB 598, SB 617, SB 623, SB 640, SB 746, SB 768, SB 790, SB 801,**

**SB 1019, SB 1088, SB 1102, SB 1132, SB 1351, SB 1385, SB 1421, SB 1458, SB 1531, SB 1575, SB 1580, SB 1668, SB 1696, SB 1772, SB 1856, SB 1895, SB 1896, SB 1911, SB 1990, SB 1997, SCR 31, SCR 50, SCR 54, SCR 56.**

**HB 4, HB 18, HB 19, HB 39, HB 80, HB 115, HB 135, HB 368, HB 549, HB 558, HB 1400, HB 1753, HB 2827, HB 2879, HB 3215, HB 3289, HB 3363, HB 3375, HB 3510, HB 3606, HB 3682, HB 3746, HB 3800, HB 3833, HB 4048, HB 4218, HB 4356, HB 4474, HB 4578, HB 4588, HB 4589, HB 4591, HB 4592, HB 4594, HB 4605, HB 4617, HCR 67.**

**HCR 113.**

### **CO-SPONSOR OF HOUSE BILL 1919**

On motion of Senator Schwertner, Senator Lucio will be shown as Co-sponsor of **HB 1919.**

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolution**

**SR 560** by Zaffirini, In memory of Stephany J. Bryan.

#### **Congratulatory Resolutions**

**SR 554** by Campbell, Recognizing Seth Woolbert for his service as a legislative intern.

**SR 555** by Campbell, Recognizing Ansh Samdaria for his service as a legislative intern.

**SR 556** by Campbell, Recognizing Alex San Martin for his service as a legislative intern.

**SR 557** by Campbell, Recognizing Elizabeth Stevenson for her service as a legislative intern.

**SR 559** by Zaffirini, Recognizing the Webb County Specialty Drug Courts for their service to the community.

**SR 565** by West, Recognizing Franklin Delano Roosevelt High School for its commitment to education.

**SR 566** by West, Recognizing Dale Hansen for his career in broadcasting.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:00 a.m. Monday, May 31, 2021, adjourned until 10:30 a.m. today.

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**APPENDIX**

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**BILLS AND RESOLUTIONS ENROLLED**May 29, 2021

**SB 6, SB 13, SB 19, SB 20, SB 24, SB 25, SB 30, SB 36, SB 63, SB 69, SB 112, SB 219, SB 225, SB 279, SB 331, SB 348, SB 369, SB 398, SB 424, SB 437, SB 504, SB 598, SB 617, SB 623, SB 640, SB 746, SB 768, SB 790, SB 801, SB 1019, SB 1088, SB 1102, SB 1132, SB 1351, SB 1385, SB 1421, SB 1458, SB 1531, SB 1575, SB 1580, SB 1668, SB 1696, SB 1772, SB 1856, SB 1895, SB 1896, SB 1911, SB 1990, SB 1997, SCR 31, SCR 50, SCR 54, SCR 56, SR 541, SR 544, SR 547**

**SIGNED BY GOVERNOR**May 30, 2021

**SB 45, SB 162, SB 211, SB 285, SB 337, SB 460, SB 530, SB 634, SB 675, SB 692, SB 700, SB 833, SB 922, SB 1277, SB 1295, SB 1354, SB 1467, SB 1783, SB 1818, SB 1860, SB 2162, SB 2164, SCR 7, SCR 23, SCR 26**

**FILED WITHOUT SIGNATURE OF GOVERNOR**May 30, 2021

**SB 232, SB 2173, SB 2207, SB 2216, SB 2219**