

# SENATE JOURNAL

**EIGHTY-SEVENTH LEGISLATURE — SECOND CALLED SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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## **THIRD DAY**

(Tuesday, August 10, 2021)

The Senate met at 3:49 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Menéndez, Miles.

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

Senator Powell offered the invocation as follows:

Great God of hope, fill our hearts with the almighty power of Your love. Remind us every day that true leadership is never about the love of power, but always about the power of love. Let our greatest passion be compassion, our greatest strength, love. In leading, let us know when to follow, and in loving, let us never fail. As we close our prayer today, we lift into Your healing hands all those who suffer from the virus, especially our friends in the House, and Senator Menéndez' precious granddaughter, Adelisa. We pray for our doctors, nurses, and all caregivers that they will be guided in Your grace, strengthened by Your wisdom, and protected every day by Your blessings. We pray this today in the service of humanity. 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.

## **LEAVES OF ABSENCE**

On motion of Senator Whitmire, Senator Menéndez was granted leave of absence for today on account of an illness in the family.

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

### CONCLUSION OF MORNING CALL

The President at 3:53 p.m. announced the conclusion of morning call.

### SENATE BILL 4 ON SECOND READING

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

**SB 4**, Relating to abortion complication reporting and the regulation of drug-induced abortion procedures, providers, and facilities; creating a criminal offense.

The motion prevailed by the following vote: Yeas 19, Nays 10.

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, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 10. (Same as previous roll call)

### SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet today in the Betty King Committee Room, 2E.20.

### RECESS

On motion of Senator Whitmire, the Senate at 4:11 p.m. recessed until 4:25 p.m. today.

### AFTER RECESS

The Senate met at 4:30 p.m. and was called to order by the President.

### VOTE RECONSIDERED ON SENATE JOINT RESOLUTION 2

On motion of Senator Bettencourt and by unanimous consent, the vote by which **SJR 2** was finally passed was reconsidered:

**SJR 2**, Proposing a constitutional amendment authorizing the legislature to provide for the reduction of the amount of a limitation on the total amount of ad valorem taxes that may be imposed for general elementary and secondary public school purposes on the residence homestead of a person who is elderly or disabled to reflect any statutory reduction from the preceding tax year in the maximum compressed rate of the maintenance and operations taxes imposed for those purposes on the homestead.

Question: Shall **SJR 2** be finally passed?

Senator Bettencourt offered the following amendment to the resolution:

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

Amend **SJR 2** on third reading in SECTION 2 of the joint resolution by striking "November 8" and substituting "May 7".

The amendment to **SJR 2** was read and was adopted by a viva voce vote.

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

Absent-excused: Menéndez, Miles.

**SJR 2** as amended was again finally passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Menéndez, Miles.

**SENATE BILL 2 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 2** at this time on its second reading:

**SB 2**, Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

The motion prevailed by the following vote: Yeas 19, Nays 10.

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, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 10. (Same as previous roll call)

**REMARKS ORDERED PRINTED**

Senator Whitmire moved that a transcript of the floor debate on Senate Bill 29, 87th Legislature, Regular Session, and a transcript of the floor debate on Senate Bill 2, 87th Legislature, First Called Session, be included in an addendum to the *Senate Journal* for today's legislative day.

Senator Whitmire further moved that the floor debate on Senate Bill 29, 87th Legislature, Regular Session, and the floor debate on Senate Bill 2, 87th Legislature, First Called Session, be considered part of the legislative history of Senate Bill 2, 87th Legislature, Second Called Session.

The motion prevailed without objection.

**SENATE BILL 9 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 9** at this time on its second reading:

**SB 9**, Relating to requiring public schools to provide instruction and materials and adopt policies relating to the prevention of child abuse, family violence, and dating violence.

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

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

Absent-excused: Menéndez, Miles.

### **SENATE BILL 9 ON THIRD READING**

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

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

August 10, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND CALLED SESSION:

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

To be District Attorney of the 91st Judicial District, Eastland County, for a term to expire December 31, 2022 or until his successor shall be duly elected and qualified:

Brad Stephenson

Eastland, Texas

*(replacing Russell D. Thomason of Eastland who resigned.)*

Respectfully submitted,

/s/Greg Abbott

Governor

### **SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)**

On motion of Senator Campbell and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Nominations might meet tomorrow.

**CO-AUTHORS OF SENATE BILL 2**

On motion of Senator Perry, Senators Campbell, Creighton, and Hughes will be shown as Co-authors of **SB 2**.

**CO-AUTHORS OF SENATE BILL 4**

On motion of Senator Lucio, Senators Campbell, Creighton, Hall, Hancock, and Hughes will be shown as Co-authors of **SB 4**.

**CO-AUTHOR OF SENATE BILL 7**

On motion of Senator Huffman, Senator Perry will be shown as Co-author of **SB 7**.

**CO-AUTHORS OF SENATE BILL 9**

On motion of Senator Huffman, Senators Alvarado, Blanco, Campbell, Hall, Johnson, Powell, Schwertner, and Zaffirini will be shown as Co-authors of **SB 9**.

**CO-AUTHOR OF SENATE BILL 13**

On motion of Senator Huffman, Senator Campbell will be shown as Co-author of **SB 13**.

**CO-AUTHOR OF SENATE RESOLUTION 2**

On motion of Senator Zaffirini, Senator Eckhardt will be shown as Co-author of **SR 2**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 5** by West, Recognizing Thomas W. Codd on the occasion of his retirement.

**SR 6** by Lucio, Recognizing the Brownsville Chamber of Commerce on the occasion of its 84th anniversary.

**SR 7** by Lucio, Recognizing Victor L. Manor Sr. for his contributions to the Federal Bureau of Prisons.

**SR 8** by Lucio, Recognizing Andrews Distributing Company on the occasion of its 45th anniversary.

**SR 9** by Lucio, Recognizing the Port of Brownsville on the occasion of its 85th anniversary.

**SR 10** by Lucio, Recognizing Jose Guerrero on the occasion of his retirement.

**SR 11** by Lucio, Recognizing Kenedy County on the occasion of its 100th anniversary.

**SR 12** by Lucio, Recognizing John William Hellerstedt for his service as commissioner of the Texas Department of State Health Services.

**SR 13** by Kolkhorst, Recognizing August Pahmiyer on the occasion of his 100th birthday.

## RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:11 p.m. recessed until 9:00 a.m. tomorrow.

The Senate further agreed that when the Senate finally adjourns, it do so in memory of Orlando Flores DeHoyos.

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## APPENDIX

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### COMMITTEE REPORTS

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

August 10, 2021

STATE AFFAIRS — **SB 3, SB 5**

EDUCATION — **CSSB 15**

### BILL AND RESOLUTION ENGROSSED

August 10, 2021

**SB 9, SJR 2**

### RESOLUTIONS ENROLLED

August 10, 2021

**SR 5, SR 6, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, SR 13**