

# SENATE JOURNAL

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

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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## **EIGHTH DAY**

(Thursday, September 2, 2021)

The Senate met at 3:15 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, 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 Hall offered the invocation as follows:

Our dear heavenly Father, we just thank You so much for all You've done for us and given to us. We thank You for this great country and great state that You have given us the privilege of living in. We pray, Lord, You'll look after our troops and first responders that are out there defending our right and ability to be here. We pray especially for those that have been abandoned in Afghanistan, both Americans and the Christians. And we find, Lord, pray that Your hand will protect them until we can get them out to safety. We pray today for Your wisdom, Your courage, and Your strength that we would know Your will and that we would do it, and that we'd go from here and conduct ourselves so that others would see You through us and You get all the credit. In Christ's name we do pray. Amen.

Senator Zaffirini 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.

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

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

There was no objection.

## **CONCLUSION OF MORNING CALL**

The President at 3:16 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 97 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business and Senate Rule 7.12(a) to take up for consideration **CSSB 97** at this time on its third reading and final passage:

**CSSB 97**, Relating to processes to address election irregularities; providing a civil penalty.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 17, Nays 14.

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

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

**AT EASE**

The President at 3:37 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 7:02 p.m. called the Senate to order as In Legislative Session.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, September 2, 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:

**HB 5**

Bonnen

Relating to making supplemental appropriations and giving direction regarding appropriations.

**HB 233**

Huberty

Relating to providing accelerated instruction for public school students who fail to achieve satisfactory performance on certain assessment instruments.

**SB 3**

Hughes

Sponsor: Huberty

Relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions.

(Amended)

**SB 9**

Huffman

Sponsor: Dutton

Relating to public school instruction and materials regarding the prevention of child abuse, family violence, and dating violence and the adoption of public school policies to prevent dating violence.

(Committee Substitute/Amended)

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

**HB 7** (119 Yeas, 3 Nays, 1 Present, not voting)

**HB 20** (78 Yeas, 42 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **HB 7, HB 20.**

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 5** to Committee on Finance.

**SENATE BILL 3 WITH HOUSE AMENDMENTS**

Senator Hughes called **SB 3** 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**

Amend **SB 3** (house committee report) as follows:

(1) On page 6, line 2, strike "particular current event or".

(2) On page 6, lines 5 through 7, strike ", to the best of the teacher's ability, strive to explore that topic from diverse and contending perspectives without giving deference to any one perspective" and substitute "explore that topic objectively and in a manner free from political bias".

(3) On page 7, lines 14 and 15, strike "for actions committed in the past" and substitute ", blame, or guilt for actions committed".

(4) On page 7, strike lines 16 through 18 and renumber subsequent subparagraphs accordingly.

(5) On page 8, line 12, strike "or".

(6) On page 8, line 18, between "advocacy" and the underlined period, insert the following:

; or

(3) a program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy

(7) Strike page 8, line 24, through page 9, line 1, and substitute the following appropriately lettered subsection:

(\_\_\_\_) A school district or open-enrollment charter school may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described by Subsection (a)(4) in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity.

(8) On page 9, between lines 4 and 5, insert the following appropriately lettered subsection:

(\_\_\_\_) This section does not create a private cause of action against a teacher, administrator, or other employee of a school district or open-enrollment charter school. A school district or open-enrollment charter school may take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

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

SECTION \_\_\_\_\_. During the revision of the essential knowledge and skills for the social studies curriculum beginning in 2021 and scheduled to conclude in or around 2023, the State Board of Education may not use the removal by this Act of documents, speeches, historical figures, and other knowledge and skills from specific statutory reference in Section 28.002(h-2), Education Code, as added by **HB 3979**, Acts of the 87th Legislature, Regular Session, 2021, as a reason for the removal or noninclusion of those documents, speeches, historical figures, or other knowledge and skills from the essential knowledge and skills for the social studies curriculum, including any essential knowledge and skills that require an understanding of:

(1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;

(2) the history, qualities, traditions, and features of civic engagement in the United States;

(3) the history of Native Americans;

(4) the structure, function, and processes of government institutions at the federal, state, and local levels;

(5) the founding documents of the United States, including:

(A) the Declaration of Independence;

(B) the United States Constitution; and

(C) the Federalist Papers;

- (6) the contributions of Frederick Douglass;
- (7) the Fugitive Slave Acts of 1793 and 1850;
- (8) the Indian Removal Act;
- (9) the political organizations that promoted the Chicano movement;
- (10) the impact of the women's suffrage and equal rights movements;
- (11) the history of white supremacy, including the institution of slavery, the eugenics movement, and the Ku Klux Klan, and the ways in which it is morally wrong;
- (12) the history and importance of the civil rights movement, including the following documents:
  - (A) Martin Luther King Jr.'s "Letter from a Birmingham Jail" and "I Have a Dream" speech;
  - (B) the federal Civil Rights Act of 1964 (42 U.S.C. Section 2000a et seq.);
  - (C) the United States Supreme Court's decision in *Brown v. Board of Education* (1954);
  - (D) the Emancipation Proclamation;
  - (E) the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution;
  - (F) the life and work of Cesar Chavez; and
  - (G) the life and work of Dolores Huerta;
- (13) the history and importance of the women's suffrage movement, including the following documents:
  - (A) the federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);
  - (B) the Fifteenth, Nineteenth, and Twenty-Sixth Amendments to the United States Constitution;
  - (C) the role of Abigail Adams during the American Revolution; and
  - (D) the works of Susan B. Anthony;
- (14) the life and works of Dr. Hector P. Garcia;
- (15) the League of United Latin American Citizens; and
- (16) the United States Supreme Court's decision in *Hernandez v. Texas* (1954).

## Floor Amendment No. 2

Amend **SB 3** (house committee report) as follows:

(1) On page 1, line 9, strike "Section 21.4555" and substitute "Sections 21.4555 and 21.4556".

(2) On page 3, between lines 13 and 14, insert the following:

Sec. 21.4556. CIVICS TRAINING PROGRAM ADVISORY BOARD. (a) The commissioner shall establish an advisory board to advise the commissioner in developing the civics training programs under Section 21.4555.

(b) The advisory board is composed of nine members, consisting of:

(1) four members appointed by the speaker of the house;

(2) four members appointed by the lieutenant governor; and

(3) one member appointed by the governor.

(c) Each member must be a current or former educator with at least 10 years of experience.

(d) The member appointed by the governor is the chair of the advisory board.

(e) Members are not entitled to reimbursement for travel or other expenses.

(f) The advisory board is not subject to Chapter 551 or 552, Government Code.

(g) Chapter 2110, Government Code, does not apply to the advisory board.

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

Amend Amendment No. 2 by Huberty to **SB 3** on page 1 of the amendment as follows:

(1) Strike lines 10 through 16 and substitute the following:

(b) The advisory board is composed of nine members appointed by the commissioner.

(2) Strike lines 19 through 20 and reletter the subdivisions accordingly.

### **Floor Amendment No. 11**

Amend **SB 3** (house committee report) on page 6, line 14, between "level" and the underlined semicolon, by inserting ", if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation".

### **Floor Amendment No. 12**

Amend **SB 3** (house committee report) on page 8, line 15, between "under" and "the P-TECH program", by inserting "a career and technology education program or under".

### **Floor Amendment No. 13**

Amend **SB 3** (house committee report) on page 9, between lines 4 and 5, by adding the following appropriately lettered subsection:

( ) Nothing in this section may be construed as prohibiting a teacher employed by a school district or open-enrollment charter school from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

The amendments were read.

Senator Hughes moved to concur in the House amendments to **SB 3**.

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 BILL 9 WITH HOUSE AMENDMENTS**

Senator Huffman called **SB 9** 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.

## **Amendment**

### **A BILL TO BE ENTITLED AN ACT**

relating to public school instruction and materials regarding the prevention of child abuse, family violence, and dating violence and the adoption of public school policies to prevent dating violence.

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

SECTION 1. This Act may be cited as the Christine Blubaugh Act.

SECTION 2. Section 28.004, Education Code, as effective September 1, 2021, is amended by amending Subsections (c) and (j) and adding Subsections (j-2), (q), (q-1), (q-2), (q-3), (q-4), (q-5), and (q-6) to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in:

(A) health education in kindergarten through grade eight; and

(B) if the school district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

(A) health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement;

(E) instruction on substance abuse prevention;

(F) school health services, including mental health services;

(G) a comprehensive school counseling program under Section 33.005;

(H) a safe and healthy school environment; and

(I) school employee wellness;

(3) appropriate grade levels and methods of instruction for human sexuality instruction;

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A) school health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

(B) a comprehensive school counseling program under Section 33.005;

(C) a safe and healthy school environment; and

(D) school employee wellness;

(5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies;

(6) strategies to increase parental awareness regarding:

(A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

(B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns; ~~and~~

(7) appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods of administering an opioid antagonist, as defined by Section 483.101, Health and Safety Code; and

(8) appropriate grade levels and curriculum for instruction regarding child abuse, family violence, and dating violence.

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, and dating violence, available by:

(1) for curriculum materials in the public domain:

(A) providing a copy of the curriculum materials by mail or e-mail to a parent of a student enrolled in the district on the parent's request; and

(B) posting the curriculum materials on the district's Internet website, if the district has an Internet website; and

(2) for copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

(A) review the curriculum materials at the student's campus at any time during regular business hours;

(B) purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials under Subsection (j-1) or (j-2); or

(C) review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

(j-2) If a school district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, and dating violence, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

(q) Any course materials and instruction relating to the prevention of child abuse, family violence, and dating violence shall be selected by the board of trustees with the advice of the local school health advisory council.

(q-1) The board of trustees shall adopt a policy establishing a process for the adoption of curriculum materials for the school district's instruction relating to the prevention of child abuse, family violence, and dating violence. The policy must require:

(1) the board to adopt a resolution convening the local school health advisory council for the purpose of making recommendations regarding the curriculum materials;

(2) the local school health advisory council to:

(A) after the board's adoption of the resolution under Subdivision (1), hold at least two public meetings on the curriculum materials before adopting recommendations; and

(B) provide the recommendations adopted under Paragraph (A) to the board at a public meeting of the board; and

(3) the board, after receipt of the local school health advisory council's recommendations under Subdivision (2), to take action on the adoption of the recommendations by a record vote at a public meeting.

(q-2) Curriculum materials proposed to be adopted for the school district's instruction relating to the prevention of child abuse, family violence, and dating violence must be made available as provided by Subsection (j)(1) or (2)(A) or (C), as applicable.

(q-3) Before adopting curriculum materials for the school district's instruction relating to the prevention of child abuse, family violence, and dating violence, the board of trustees shall ensure that the curriculum materials are:

(1) based on the advice of the local school health advisory council;

(2) suitable for the subject and grade level for which the curriculum materials are intended; and

(3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

(q-4) The board of trustees shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, and dating violence in accordance with this section.

(q-5) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, and dating violence to district students. If instruction will be provided, the notice must include:

(1) a statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, and dating violence;

(2) a detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, and dating violence;

(3) a statement of the parent's right to:

(A) at the parent's discretion, review or purchase a copy of curriculum materials as provided by Subsection (j);

(B) remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, and dating violence without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(C) use the grievance procedure as provided by Subsection (i-1) or the appeals process under Section 7.057 concerning a complaint of a violation of this section;

(4) a statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, and dating violence must be posted on the district's Internet website address at which the curriculum materials are located; and

(5) information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, and dating violence, including information regarding the local school health advisory council established under Subsection (a).

(q-6) Before a student may be provided with instruction relating to the prevention of child abuse, family violence, and dating violence, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:

(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (q-5); and

(2) must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, and dating violence begins.

SECTION 3. The heading to Section 37.0831, Education Code, is amended to read as follows:

Sec. 37.0831. DATING VIOLENCE POLICIES; EDUCATIONAL MATERIALS AND RESOURCES.

SECTION 4. Section 37.0831, Education Code, as amended by S.B. No. 1267, Acts of the 87th Legislature, Regular Session, 2021, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A dating violence policy must:

(1) include:

(A) a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code;

(B) a clear statement that dating violence is not tolerated at school; and

(C) reporting procedures and guidelines for students who are victims of dating violence; and

(2) address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade six or higher, counseling for affected students, and awareness education for students and parents.

(c) To the extent possible, a school district shall make available to students:

(1) age-appropriate educational materials that include information on the dangers of dating violence; and

(2) resources to students seeking help.

SECTION 5. (a) Except as otherwise provided by Subsection (b) of this section, Section 28.004, Education Code, as amended by this Act, applies beginning with the 2022-2023 school year.

(b) Section 28.004(j-2), Education Code, as added by this Act, applies only to a purchase agreement entered into, amended, or renewed on or after the effective date of this Act.

SECTION 6. If this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, this Act takes effect on the first day that occurs after August 31, 2021, and is on or after the earliest date on which this Act may take effect. If this Act does not receive the vote necessary for effect on that date, this Act takes effect on the 91st day after the last day of the legislative session.

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

Amend **CSSB 9** (house committee report) as follows:

(1) On page 3, line 20, between "violence" and the period, insert ", provided that the local school health advisory council's recommendations under this subdivision do not conflict with the essential knowledge and skills developed by the State Board of Education under this subchapter".

(2) On page 4, line 25, strike "and instruction".

(3) On page 6, line 10, strike "section" and substitute, "subchapter, including the essential knowledge and skills addressing these topics developed by the State Board of Education".

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

Amend **CSSB 9** (house committee printing) as follows:

(1) On page 3, lines 19 and 20, strike "and dating violence" and substitute "dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking".

(2) Strike "and dating violence" and substitute "dating violence, and sex trafficking" in each of the following places it appears:

- (A) page 3, lines 23 and 24;
- (B) page 4, line 19;
- (C) page 4, line 26;
- (D) page 5, line 5;
- (E) page 5, line 22;
- (F) page 5, line 26;
- (G) page 6, line 9;
- (H) page 6, line 15;
- (I) page 6, line 20;
- (J) page 6, line 23;
- (K) page 7, line 3;
- (L) page 7, line 11;
- (M) page 7, line 17;
- (N) page 7, lines 21 and 22; and
- (O) page 8, line 3.

**Floor Amendment No. 3**

Amend **CSSB 9** (house committee report) on page 8, line 23, between "violence" and the underlined semicolon, by inserting "including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence".

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 9**.

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

**SENATE RULES SUSPENDED**  
**(Posting Rules and Tag Rule)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a), Senate Rule 11.18(a), and Senate Rule 11.19 were suspended in order that the Committee on Finance might meet and consider **HB 5** at her desk upon recess.

**RECESS**

On motion of Senator Zaffirini, the Senate at 7:19 p.m. recessed until 7:35 p.m. today.

**AFTER RECESS**

The Senate met at 8:06 p.m. and was called to order by the President.

**BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 3, SB 9**.

**SENATE RULE 7.12(a) SUSPENDED**  
**(Printing of Bills)**

On motion of Senator Nelson and unanimous consent, Senate Rule 7.12(a) was suspended and **HB 5** was ordered not printed.

**HOUSE BILL 5 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 5** at this time on its second reading:

**HB 5**, Relating to making supplemental appropriations and giving direction regarding appropriations.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 5 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 5** be placed on its third reading and final passage.

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

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

### REMARKS ORDERED PRINTED

On motion of Senator Kolkhorst and by unanimous consent, her remarks regarding **HB 5** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Kolkhorst, what purpose?

**Senator Kolkhorst:** I thank you, Mr. President, to ask the author of the bill a couple questions.

**Senator Nelson:** Certainly.

**President:** Do you yield?

**Senator Kolkhorst:** First of all, thank you, Madam Chair Nelson, for all of your hard work on the different appropriations bills, and again I think that you said it best when the comptroller has updated his revenue estimate, it gave us a chance to fund things that we really wanted to do during the regular session. One of these, I want to specifically talk about, you mentioned about our foster care and the \$90 million and so, point of clarification, because of some of the discussions. Madam Chair, the House Bill 5 in addressing foster care capacity crisis is leaving roughly 300 children in the state's care without adequate placements. I want to clarify, in Section 11 of HB 5, Section (a), provides 35 million each year in the biennium to DFPS to help build foster care capacity in order to help the children lacking placements. Is that correct?

**Senator Nelson:** Yes, yes, Senator, it is correct.

**Senator Kolkhorst:** Thank you so much. Is it the intent of the Senate to ensure that those funds, which total \$70 million over the biennium, be designated statewide to both the Legacy foster and the regions that are transitioning to or have already implemented Community-Based Care.

**Senator Nelson:** Yes, the purpose of those funds are to address capacity statewide. As you know, the state's entire foster care system is currently in a significant capacity crisis, Senator. Those funds should be directed, dedicated to both Legacy and CBC regions.

**Senator Kolkhorst:** Thank you so much, and I know that there were \$20 million that you noted for grants.

**Senator Nelson:** Right.

**Senator Kolkhorst:** In our discussions with stakeholders and so forth during the regular session, we set aside some grant money for CBC—

**Senator Nelson:** Umh hmm.

**Senator Kolkhorst:** —in my discussions, and I think with your staff and with you, that 20 million was really meant to kind of complement that but go to the Legacy system. But the 70 million was meant to go to anywhere that needed that both CBC and Legacy.

**Senator Nelson:** Correct, Senator.

**Senator Kolkhorst:** Thank you so much, Madam Chair.

**Senator Nelson:** Yeah.

### **CO-AUTHOR WITHDRAWN**

The following letter was received by the Secretary of the Senate:

SENATOR BOB HALL

District 2

September 2, 2021

Patsy Spaw  
Secretary of the Senate  
The Senate of Texas  
P.O. Box 12068  
Austin, TX 78711-2068

Secretary Spaw,

As Senate Bill 9 advanced through the legislative process, changes were made. Owing to substantive changes to several provisions, of which I am not in support, I ask that I be removed as a co-author.

Thank you for your assistance in this matter.

Thank you,

/s/Bob Hall

Senator Bob Hall

The request was granted.

### **STATEMENT REGARDING HOUSE BILL 20 (Correction of Journal)**

Senator Springer submitted the following statement regarding **HB 20**:

Mr. President:

I move to correct yesterday's journal as follows:

On page 220-221, in the printed remarks between Senator Hughes and me, remove the word "not" immediately before "the intent that a social medium platform" to read as follows:

*"Senator Springer . . . It is the intent that a social medium platform does not include websites or apps whose primary purpose is the sale of good or services. Correct?"*

SPRINGER

**CO-AUTHOR OF SENATE BILL 1**

On motion of Senator Hughes, Senator Perry will be shown as Co-author of **SB 1**.

**CO-AUTHOR OF SENATE BILL 2**

On motion of Senator Perry, Senator Taylor will be shown as Co-author of **SB 2**.

**CO-AUTHORS OF SENATE BILL 3**

On motion of Senator Hughes, Senators Creighton, Perry, and Taylor will be shown as Co-authors of **SB 3**.

**CO-AUTHOR OF SENATE BILL 4**

On motion of Senator Lucio, Senator Perry will be shown as Co-author of **SB 4**.

**CO-AUTHOR OF SENATE BILL 5**

On motion of Senator Hughes, Senator Perry will be shown as Co-author of **SB 5**.

**CO-AUTHOR OF SENATE BILL 9**

On motion of Senator Huffman, Senator Buckingham will be shown as Co-author of **SB 9**.

**CO-AUTHOR OF SENATE BILL 10**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 10**.

**CO-AUTHOR OF SENATE BILL 11**

On motion of Senator Nelson, Senator Zaffirini will be shown as Co-author of **SB 11**.

**CO-AUTHORS OF SENATE BILL 97**

On motion of Senator Bettencourt, Senators Birdwell, Creighton, Hall, Hughes, Huffman, Nelson, Paxton, Schwertner, and Springer will be shown as Co-authors of **SB 97**.

**CO-SPONSORS OF HOUSE BILL 5**

On motion of Senator Nelson, Senators Hinojosa, Huffman, Schwertner, and Zaffirini will be shown as Co-sponsors of **HB 5**.

**CO-SPONSOR OF HOUSE BILL 9**

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

**MOTION TO ADJOURN SINE DIE**

On motion of Senator Zaffirini, the Senate of the 87th Legislature, 2nd Called Session, at 8:23 p.m. agreed to adjourn sine die, pending the completion of administrative duties and the receipt of messages from the House.

**BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **HB 5** (Signed subject to Art. III, Sec. 49-a, Texas Constitution).

**ADJOURNMENT SINE DIE**

The President announced that the hour for final adjournment of the 87th Legislature, 2nd Called Session, had arrived and, in accordance with a previously adopted motion, declared the 87th Legislature, 2nd Called Session, adjourned sine die at 8:46 p.m. Thursday, September 2, 2021.

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**APPENDIX**

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**COMMITTEE REPORT**

The following committee report was received by the Secretary of the Senate.

September 2, 2021

FINANCE — **HB 5**

**BILL ENGROSSED**

September 2, 2021

**SB 97**

**BILLS AND RESOLUTIONS ENROLLED**

September 2, 2021

**SB 3, SB 9, SR 56, SR 57, SR 58, SR 59, SR 60, SR 61**

**SENT TO GOVERNOR**

September 3, 2021

**SB 3, SB 9**

**SIGNED BY GOVERNOR**

September 7, 2021

**SB 1**

September 9, 2021

**SB 7, SB 15**

September 10, 2021

**SB 13**

September 17, 2021

**SB 3, SB 4, SB 6, SB 8, SB 9, SB 12**