

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Wednesday, September 22, 2021)

AFTER RECESS

The Senate met at 10:24 a.m. and was called to order by the President.

Senator Nichols offered the invocation as follows:

Our most gracious heavenly Father, we praise You today for the privilege of being allowed to bring Your peace and Your justice to our state. We ask You to guide our thoughts and conversations toward Your divine will and bless our efforts for our fellow citizens whom we represent. We thank You for Your blessings on this body and acknowledge Your guidance for us. Grant us now this peace and wisdom. Amen.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH TEXAS LEGISLATURE, THIRD CALLED SESSION:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Section 40, and Article IV, Section 8, of the Texas Constitution, do hereby present the following additional subjects to the 87th Texas Legislature, Third Called Session, for consideration:

Legislation providing additional property-tax relief for Texans.

Legislation proposing a constitutional amendment to further protect the safety of the community, law enforcement, and victims, from accused criminals who may be released on bail, including by giving magistrates the discretion to deny bail under some circumstances to people accused of certain violent, sexual, or trafficking offenses.

Respectfully submitted,

/s/Greg Abbott
Governor

Austin, Texas
September 22, 2021

RECESS

On motion of Senator Whitmire, the Senate at 10:27 a.m. recessed until 10:45 a.m. today.

AFTER RECESS

The Senate met at 11:10 a.m. and was called to order by the President.

SENATE RESOLUTION 14

Senator Taylor offered the following resolution:

WHEREAS, Nicole Sunstrum is concluding her service as legislative director in the office of State Senator Larry Taylor, drawing to a close an exceptional tenure with the Texas Legislature that has spanned more than 13 years; and

WHEREAS, One of Senator Taylor's longest-serving staff members, Ms. Sunstrum has worked for the legislator since he was a member of the Texas House of Representatives, and her responsibilities during that period included serving as committee clerk for the House Committee on Elections during the 82nd Legislature in 2011; she then transferred to the senate in 2013, when Senator Taylor was sworn in for his first term in the upper chamber; in the years since, she has held a number of leadership roles, including policy analyst, committee clerk, senior policy advisor, and most recently, legislative director; and

WHEREAS, Ms. Sunstrum is stepping down from her position in Senator Taylor's office to focus on her role as executive director for the Gulf Coast Protection District; appointed to the helm of the organization by Governor Greg Abbott in June 2021, she is helping carry forward the district's mission of leveraging funding for flood control and surge protection measures for the state's coastal communities; and

WHEREAS, A graduate of The University of Texas at Austin with a bachelor's degree in government, Ms. Sunstrum also holds a master's degree in public administration from Texas State University; she previously served as vice president of the Texas Water Foundation Young Professionals Board and as a commissioner with the Austin Urban Renewal Board, and she gives generously of her time and expertise to the Texas Exes Mentorship Program; she is the proud mother of Elodie Scot Poole; and

WHEREAS, Nicole Sunstrum has performed her duties as a legislative staff member with tremendous skill, professionalism, and dedication, and she is indeed deserving of special recognition for her fine work; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature, 3rd Called Session, hereby commend Nicole Sunstrum for her service in the office of State Senator Larry Taylor and extend to her sincere best wishes for success in her new role; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Ms. Sunstrum as an expression of high regard by the Texas Senate.

SR 14 was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Taylor, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Taylor, joined by Senator Lucio, was recognized and introduced to the Senate Nicole Sunstrum and her daughter, Elodie Scot Poole.

The Senate welcomed its guests.

REMARKS ORDERED PRINTED

On motion of Senator Taylor and by unanimous consent, the remarks regarding **SR 14** were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Taylor, on your resolution.

Senator Taylor: Thank you, Mr. President, and thank you, Members, for allowing me this opportunity to recognize a truly valuable part of Team Taylor. She first joined with me my last term in the Texas House when I became the Chairman of the Elections Committee. She was the first person we interviewed and I think we pretty well quit, stopped interviewing at that point once we met with Nicole. She had a valuable background that she has. We had to call a lot of people and say, sorry, position's already been filled, and she has proven that that was the accurate and correct assessment during that interview process. Nicole is one of the nicest people you'll meet here, one of the most knowledgeable, and she always has this beautiful smile. And if you've been around any of our committees we've worked on, you know Nicole and her presence and her knowledge base. A lot of you have used that knowledge in working on bills that you have and the things we've worked on with you. She's actually been with me for a decade. She's been in the building for 13 years, having served as a committee clerk, committee director for Natural Resources, and the Texas House with our former colleague, Allan Ritter, which I'll get back to in just a little bit. Allan Ritter, remember that name. You know, with her knowledge, skills and that, the things we've worked on, we've gotten some major things done during her time here, but one of the biggest things we've done that's going to have the longest lasting legacy that you all have helped on is the coastal barrier for the Gulf Coast. Nicole has been so involved in that. She's worked with the Army Corps of Engineers. She's worked with all the people, worked on that project and as you heard, if you listened to the resolution, she was named by the Governor to serve as the interim director for that, and I think that's going to be actually full-time Executive Director for the Gulf Coast Protection District. I can think of no one else better to fill that position to get such a important project moving forward and protecting our coast, our economy, the State of Texas, and our, and our country. Nicole is a great Texan and she'll be greatly missed in my office and, Mr. President, you did notice we have quite a fan club up in the audience. These are other staffers she's worked with, people in my offices she's worked with, and her partner, Nick, and her lovely little daughter, Elodie. Elodie, can you wave at us? Go ahead and stand up and wave at us so Mommy can see you. That's Elodie. So, she's done all that while raising this beautiful little girl and

have a little family. We're going to sorely miss Nicole in our office, but I know she's going to do great things with the Gulf Coast Protection District and once a part of Team Taylor, always part of Team Taylor. So, with that, I would move passage of the resolution or adoption of the resolution, Senate Resolution 14.

President: Senator Lucio, what purpose?

Senator Lucio: Speak on the resolution.

President: You are recognized.

Senator Lucio: Thank you, Mr. President. Chairman Taylor, thank you for sharing the background of this outstanding state employee, a true public servant, and she has distinguished herself greatly while working for you and for the people of Texas. I want to say that we need role models in a, with people who really represent the backbone of state government as Nicole has done over the years, and I want to commend the Governor for choosing her, you know, to take charge. I hope she becomes the permanent director of the Gulf Coast Protection District. Having lived on the coast all my life, I know how important coastal barriers issues are and I want to wish you a world of success. And, Mr. President, at the right time, I would like to make a motion to add all Members' names to the resolution. Thank you so much for this opportunity, Chairman Taylor, for all of us to hear the background on this distinguished public servant. Thank you.

President: Thank you, Senator Lucio. Any objection to the motion? Hearing none, the motion's adopted. Members, please rise for the adoption of the resolution. I think it would be appropriate. Members, all in favor? The resolution is adopted. And she's still waving.

Senator Taylor: Mr. President, if I could, I didn't finish my story. Allan Ritter, who was one of her first bosses here in the Capitol, guess who's on the board for the Gulf Coast Protection District? Allan Ritter. So, isn't it funny? I may very well be working for her someday in the future so, it's always good to take care of the people who work around you and with you because you never know where you're going to be in the future. But she has been a great member. If I could move that we add these comments to the Journal so that we can have those in her honor.

President: Any objection? Hearing none. Happy to do that. The motion's adopted.

Senator Taylor: Thank you, Members, and thank you, Mr. President. Thank you, Nicole.

President: Nicole, good luck to you. You did a great job, thank you.

SENATE RESOLUTION 13

Senator Whitmire offered the following resolution:

SR 13, In memory of William "Bill" Jeffrey.

The resolution was read.

On motion of Senator Nelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Whitmire, **SR 13** was adopted by a rising vote of the Senate.

In honor of the memory of William "Bill" Jeffrey, the text of the resolution is printed at the end of today's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, the remarks by Senator Whitmire and the President regarding **SR 13** were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Whitmire.

Senator Whitmire: Thank you, Mr. President and Members. Members, Houston is mourning one of its finest this morning. Officer Jeffrey was shot serving a warrant Monday. His partner was wounded. And I know, serving in this body for a number of years, that if Houston's mourning the loss of one of our police officers, each of you, your districts, the state is mourning, and our nation surely is. The resolution speaks to the fine record that Officer Jeffrey has established working 30 years on the streets of Houston. Can you imagine the challenges that he's encountered? And the commendations speak highly. His wife retired this year from 30 years. They were looking forward to retirement benefits, were going to give him the opportunity to live well with their daughter, Lacie. So, my message this morning is, let's not wait, Mr. President, until we lose one of our finest. Let's honor these fine men and women each and every day that we come to work. We have, as a body, increased resources for law enforcement, certainly whether they are on the Border. Just last week, we had a combined effort of Members to give our inner city impact gang task force additional resources. So, I think the message is, let's not just talk the talk, let's walk the walk when we honor law enforcement. It's, law enforcement, has been very controversial the last couple of years, got pulled into the political arena, which I know they don't want to be. So, let's distinguish some of the mistakes that may have been made and realize that 99.9 percent of law enforcement make us safer, and quite frankly, that's where it starts. Economic development, education, infrastructure will not matter if we do not have public safety. This gentleman gave his life to make Houston, the state, and the nation safer. So, I ask you to join me in prayers for the family and for the officers that are still on the street today, wherever they may reside, Houston, Littlefield, Flower Mound, each and every community. When you see an officer, let's make certain that we thank them for the job they're doing and make sure that young people in schools recognize that law enforcement is their friend. Mr. President, I respectfully ask to pass this resolution in honor of Officer Jeffrey.

President: Senator, thank you for your strong words. You have been standing with law enforcement for your long career and it's not always popular these days. I honor you for speaking directly, and to be candid with you, this killer, who was shot and killed himself, was out on bond multiple times. And we need to start recalling judges who are letting criminals out on the street. We cannot continue in our big cities to see this happen or anywhere else. And it's come to light that a number of our courts in Houston and Harris County haven't even had a trial this year, many of our criminal courts not even holding trials. And this person should not have been out on the street.

That's why they had to go get him with a search warrant, because a judge let him out. And we ought to hold, we're held, we're held accountable in this body. We're held accountable, and these judges need to be held accountable, enough's enough. And the people in any city or rural area, wherever it is, we need to educate the voters of who's behind a lot of these deaths. I'm sorry for speaking out, but I just sit here, this is just over and over and over again. These people should not be on the streets. Members, let's, would you please rise.

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 11:37 a.m. announced the conclusion of morning call.

SENATE BILL 5 ON SECOND READING

The President laid before the Senate **SB 5**, by Senator Lucio at this time on its second reading:

SB 5, Relating to the unlawful restraint of a dog; creating a criminal offense.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 5** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 821.101(1)(A), Health and Safety Code (page 1, lines 25 and 26), strike "rain, hail, sleet, snow, and subfreezing temperatures" and substitute "inclement weather".

(2) In added Section 821.101(2), Health and Safety Code (page 1, lines 30 and 31), strike "band constructed of nylon, leather, or similar material," and substitute "band of material".

(3) In added Section 821.101, Health and Safety Code, between Subdivisions (3) and (4) (page 1, between lines 35 and 36), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of that section accordingly:

() "Inclement weather" includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

(4) In added Section 821.101(5)(C), Health and Safety Code (page 1, lines 44 and 45), strike "is attached around the dog in a manner that prevents the dog from escaping and".

(5) Strike added Section 821.102(a)(2), Health and Safety Code (page 1, lines 54 through 57), and substitute the following:

(2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;

(6) In added Section 821.102(b)(3)(B), Health and Safety Code (page 2, line 6), immediately following the underlined semicolon, insert "or".

(7) In added Section 821.102(b)(4), Health and Safety Code (page 2, line 8), strike "; or" and substitute an underlined period.

(8) Strike added Section 821.102(b)(5), Health and Safety Code (page 2, line 9).

(9) In added Section 821.103(a)(5), Health and Safety Code (page 2, line 36), between "time" and "necessary", insert "reasonably".

The amendment to **SB 5** 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.

SB 5 as amended was passed to engrossment by a viva voce vote.

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

Nays: Hall, Hughes, Nichols.

SENATE BILL 5 ON THIRD READING

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

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Hall, Hughes, Nichols.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

SENATE BILL 3 ON SECOND READING

Senator Perry moved to suspend the regular order of business and Senate Rule 7.12(a) to take up for consideration **SB 3** at this time on its second reading:

SB 3, 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 12.

Yea: 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.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SJR 1 by Huffman

Proposing a constitutional amendment 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 Committee on Jurisprudence.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider **SJR 1** in the Betty King Committee Room upon adjournment.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 9 by Springer, In memory of Ralph Edward Lewis.

SR 11 by Springer, In memory of Dusty L. Wainscott.

Congratulatory Resolutions

SR 10 by Springer, Recognizing Eddie Hill Day in Wichita Falls.

SR 12 by Nelson, Recognizing Strangers Rest Baptist Church on the occasion of its 80th anniversary.

SR 15 by Eckhardt, Recognizing June Yvonne Lundgren Creppon for 55 years of service to the New Sweden Evangelical Lutheran Church.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:28 p.m. adjourned, in memory of William "Bill" Jeffrey, until 12:40 p.m. today.

**In Memory
of
William "Bill" Jeffrey
Senate Resolution 13**

WHEREAS, The Senate of the State of Texas joins the citizens of Houston in mourning the loss of Houston Police Officer William Jeffrey, who died in the line of duty on September 20, 2021, at the age 54; and

WHEREAS, A lifelong public servant and a respected member of the Houston community, Bill Jeffrey was a loving husband and father, a proud veteran of the United States Navy, and an esteemed senior officer with the Houston Police Department; and

WHEREAS, Courageous and dedicated to duty, Bill Jeffrey joined the Houston Police Department on June 11, 1990; he served in both the North Patrol and South Central Patrol Divisions, and he was assigned to the Major Offenders Division in November of 2008; and

WHEREAS, Officer Jeffrey manifested uncommon talent and exceptional bravery in managing the responsibilities of law enforcement, and he set lasting standards for professional excellence that inspired many new recruits and young officers; in the course of his career, he was the recipient of 77 commendations, 18 of which were awarded by citizens within the communities he served; and

WHEREAS, In all of his endeavors, Bill was supported by the love and encouragement of his devoted wife, Susanne, who retired as a senior police officer in December of 2020; their cherished daughter, Lacie, enriched his life immeasurably; and

WHEREAS, Officer Jeffrey exemplified the highest ideals of law enforcement through his selfless commitment to protecting and serving the public; he was a treasured Texas citizen and an outstanding peace officer, and he will long be remembered with great respect and admiration by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, 3rd Called Session, hereby extend sincere condolences to the bereaved family of Officer William Jeffrey; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Officer Bill Jeffrey.

WHITMIRE

