

# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, SECOND CALLED SESSION

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## PROCEEDINGS

FOURTH DAY — FRIDAY, AUGUST 27, 2021

The house met at 11:19 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 60).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, M.; Goodwin; Guerra; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; Guillen; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Neave; Ordaz Perez; Ortega; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

The invocation was offered by Representative Burns as follows:

Most gracious heavenly Father, Lord, we praise you as our creator and thank you for life. We thank you for the blessings you've given us, and we thank you for our circumstances, whatever they may be. I pray for the lost, that they would find Jesus. I pray for those that trust in you, that we would continue to seek and look toward Jesus. And I pray for us all, that we may reflect Jesus as we seek to follow your will. Lord, forgive us when we fail. I give my heart to you in love. In Jesus' name, amen.

The chair recognized Representative Burns who led the house in the pledges of allegiance to the United States and Texas flags.

**LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

Morales Shaw on motion of Perez.

The following member was granted leave of absence for today because of illness:

Guillen on motion of Lozano.

**MOTION IN WRITING  
RULES SUSPENDED**

Representative Noble offered the following motion in writing:

Mr. Speaker:

I move to suspend Rule 6, Section 11, to authorize the Committee on Resolutions Calendars to prepare and post the Congratulatory and Memorial Resolutions Calendar set for Monday, August 30, not later than 11 a.m. on Monday, August 30.

Noble

The motion was read and prevailed.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Noble moved to set a congratulatory and memorial calendar for 2 p.m. Monday, August 30.

The motion prevailed.

(Davis and Ortega now present)

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of personal business:

Canales on motion of Longoria.

Guerra on motion of Longoria.

**SB 1 - RULES SUSPENDED  
HOUSE SPONSOR AUTHORIZED**

Representative Ashby moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SB 1** all co-authors for **HB 3**.

The motion prevailed.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1 ON THIRD READING****(Murr, Lozano, Clardy, White, Jetton, et al. - House Sponsors)**

**SB 1**, A bill to be entitled An Act relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses.

(Neave and Ordaz Perez now present)

**SB 1** was passed by (Record 61): 80 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 61 was taken, I was absent. I would have voted no.

Beckley

When Record No. 61 was taken, I was excused because of personal business. I would have voted no.

Canales

When Record No. 61 was taken, I was absent. I would have voted no.

Crockett

When Record No. 61 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 61 was taken, I was absent. I would have voted no.

Martinez

When Record No. 61 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 61 was taken, I was absent. I would have voted no.

C. Morales

When Record No. 61 was taken, I was absent because of important business.  
I would have voted no.

Ramos

When Record No. 61 was taken, I was absent. I would have voted no.

Reynolds

When Record No. 61 was taken, I was absent. I would have voted no.

Rodriguez

### REASONS FOR VOTE

Representative Beckley submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocol or procedures to address the recent surge in the spread of COVID on the house floor and the Capitol buildings in general. Until the issue is addressed and safety measures are put in place to protect members of the Texas Legislature, I will not be present on the floor, but have included my statement on **SB 1**.

**SB 1** is a restrictive and discriminatory voting bill. There are restrictions on early voting and overnight voting is prohibited entirely, making it harder for those who work long or irregular hours and those with family or child-care responsibilities to vote.

**SB 1** empowers partisan poll watchers to harass and intimidate voters and makes it harder for election judges to remove watchers from a polling place when necessary, including when those watchers break the law.

The bill removes safeguards for partisan signature verification committees, making it easier to erroneously throw out mail ballots based on personal opinions of a voter's signature, with no required training in handwriting analysis.

**SB 1** would make it harder than ever to assist voters needing help either at the polls or when filling out a mail ballot.

**SB 1** creates new restrictions that likely violate the ADA, intrusively requires private information, and criminalizes honest mistakes made by those providing assistance.

**SB 1** also creates a criminal offense for vote harvesting, which is vaguely defined and could be construed to include any interactions between campaigns and voters.

Due to aforementioned reasons, I would have voted "no."

Representative J. González submitted the following reason for vote to be printed in the journal:

Our nation, and our democracy, was viciously attacked on January 6th by insurrectionists that were emboldened and encouraged by elected officials in Texas. They were inspired by "The Big Lie," a lie perpetuated by the highest officeholders in our state, as well as by my republican colleagues. This insurrection and the inaccurate statements hurled all over national news made their way to Texas' legislative process. And now, republican leaders have codified these egregious lies into Texas law.

During the Regular Session, as Vice-chair of the Elections Committee, I led the fight against misinformation and a suite of attempts to restrict Texans' fair and free right to vote. In the Elections Committee, members heard continuously from community advocacy organizations like NAACP, LULAC, and the Texas Civil Rights Project that these voter suppression bills would likely disparately impact people of color, seniors, and people with disabilities. It was no surprise that throughout the legislative process, we saw women legislators of color being silenced during debate on bills that would further promote republicans' frightful and divisive attacks on the franchise.

**SB 1** will give partisan poll watchers unfettered access to the polling site; outlaws drive-thru voting, 24-hour voting, and other strategies to make voting easier; makes it harder to vote by mail; and implements other voter suppression tactics that will create a long-lasting, chilling effect on Texas voters.

History will look back on this bill in disgust and will remember those who voted yea, those who voted nay, those who ended a historic quorum break, and the courageous members that stayed off the house floor and protested the passage of this bill until the very moment votes were recorded. I am proud to have helped organize two historic quorum breaks that effectively stopped this language from becoming law, one lasting 38 days. With confidence, on behalf of the residents of House District 104 and the people of Texas, I express my strong and complete opposition to **SB 1**. I would have voted "no."

Representative Israel submitted the following reason for vote to be printed in the journal:

The right to vote is sacred and fundamental to our democracy. We should spend our limited time in this body on measures that help more Texans vote safely and securely, like online voter registration. Given the many other pressing priorities of our state at this time, I fundamentally oppose this legislation and further attempts to restrict the right to vote.

Representative Martinez Fischer submitted the following reason for vote to be printed in the journal:

I have served in the Texas House of Representatives for 20 years. In that time, I have seen bills that are damaging and that cause harm to our state. I've fought against them in the committee room and on the house floor. I've even fought them all the way up to the United States Supreme Court.

The process isn't always perfect. In fact, it rarely is. But in my 20 years of service, rarely have I felt the process was so broken that denying quorum was the only option to defend my constituents. The knowingly deceitful tactics employed in the pursuit of this discriminatory omnibus elections legislation forced our hand.

Legislating to ensure free and fair elections is more foundational than anything we do as a body. Every drafting decision, every amendment, and every floor vote impacts the ability of our constituents to exercise one of their most sacred and cherished rights: the freedom to vote. When the stakes are this high, the process has to reflect that.

**SB 1** has one purpose: to stop people from voting. More than that, it tries to stop certain people from voting—people that look like me, my family, and my community. I cannot abide by that.

If my colleagues in the majority cared about crafting a sound policy, they would have offered in good faith to negotiate with the minority. Instead, we found ourselves on the receiving end of social media stunts and "Wanted" poster graphics that put a literal target on the backs of black and brown members like me.

If they cared about public input, they would have started taking testimony on the elections bill earlier than nearly 2 a.m. in the morning during the first called special session. They would not have voted immediately after taking hours upon hours of public testimony, denying members the time to reflect on what they had heard.

The quality of our policy reflects the quality of our process. In short, if the majority cared about the process, they would have gone to every length to ensure transparency and good faith engagement with the public and with their colleagues in the minority party. They opted instead for a hasty, sloppy, self-serving process that has left the People's House in a shambles.

I cannot in good conscience be a party to this farce. I remain opposed to **SB 1** and will continue to work for federal voting rights protections for all Americans.

Representative C. Morales submitted the following reason for vote to be printed in the journal:

I take my oath of office very seriously. We broke quorum this session because the republicans do not believe in our democracy and would not even entertain amendments addressing the legitimate concerns of our communities. With no negotiation, fair hearings, or opportunities to work on solutions, we were left with no choice. We left because it is all we could do to stop the detrimental harm to our communities. We left because we believe that voting is the foundation of our democracy.

I would have voted no on a majority of these bills because it was a partisan agenda that was not good for Texans. From the beginning, the final outcome had been determined. Millions of taxpayer dollars were spent on special sessions used to punish, harm, and instill fear in communities across our state. I would have voted no because this bill is bad for my community and erases years of progress that we have made as a state.

This is not the end. The COVID-19 pandemic is still ravaging our communities, Texans now cannot access crucial health care, and entire communities will face additional barriers to exercising their rights and participating in our democracy. There will be another special session for redistricting and any other partisan priority that the governor chooses to add to the call. They will not stop, but neither will we. We will continue to represent our constituents and stand up for our communities in whatever way we can. I am proud to represent HD 145.

Representative Muñoz submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocols or procedures in place to address the recent surge in the spread of COVID or the delta variants on the house floor or the Capitol buildings. Several positive cases have been confirmed on the floor, yet there is no mask mandate or daily testing required.

I cannot in good conscience support **SB 1** and have included my statement on **SB 1** below:

**SB 1** is a restrictive and discriminatory voting bill. Since my first session in 2011, the Texas Legislature has passed numerous voting restriction bills that have been found to be discriminatory in several federal cases filed challenging such discriminatory intent and purpose. The current bill, **SB 1**, is not necessary and is based on unfounded, toxic, political rhetoric because certain individuals cannot and will not accept the outcome of the election of November 2020. Additionally, the legislative process has been tainted and manipulated in such a way that meaningful and substantive debate on the issues are sidelined because of political affiliation and personal vendettas. Doing so prevents any meaningful debate and/or changes to legislation that could benefit the whole state, not just a select few. Furthermore, the inability to engage in debate, in favor or against, is an affront to the legislative process that so many portray they feel strongly about preserving, just like the institution itself. Today, even freedom of speech by using the word "racism" has also been frowned upon and asked that such a word not be used. Voter intimidation, voter suppression, legislation with a discriminatory impact on minorities, is for all its intended purpose the definition of racism. "Racism" defined, in any form, is "prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial or ethnic group, or the systematic oppression of a racial group to the social, economic, and political advantage of another, typically one that is a minority or marginalized."

There are numerous restrictions on early voting and overnight voting is prohibited entirely, making it harder for those who work long or irregular hours and/or those with family or child-care responsibilities to vote. And no justifiable reason has been given to support such a ban.

**SB 1** unnecessarily empowers partisan poll watcher(s) to harass and intimidate voters and makes it harder for election judges to remove watchers from a polling place when necessary, including instances when those same poll watchers break the law.

The bill removes safeguards for partisan signature verification committees, making it easier to erroneously throw out mail ballots based on personal opinions of a voter's signature, with no required training.

**SB 1** would make it harder than ever to assist voters needing help either at the polls or when filling out a mail ballot. Currently there are several protections in state law that prohibit unlawful assistance and safeguard the vote by mail ballot process.

**SB 1** creates new restrictions that likely violate the ADA, intrusively requires private information, and criminalizes honest mistakes made by those providing assistance.

**SB 1** also creates criminal offenses related to GOTV programs, which is vaguely defined and could be construed to include any interactions between campaigns and voters.

Unfortunately, the political process and empowering a partisan office that has singled out minorities for prosecution and punishment, in my opinion, does not serve the overall goal of encouraging participation in elections. Such actions only increase voter apathy.

Due to the aforementioned reasons, I would have voted "no."

Representative Ordaz Perez submitted the following reason for vote to be printed in the journal:

When voters speak, our government should listen. What we are seeing here today is a government that doesn't like what its citizens have said, nor the manner in which they said it. My home district in El Paso County was particularly hard-hit by the COVID-19 pandemic. As we saw here in Texas, and throughout the nation, black and Hispanic communities were especially impacted. Among all large counties in the United States with more than 500,000 in population, El Paso County had the second highest infection rate behind Miami-Dade. The death rate was the 10th highest in the United States of all large counties, and El Paso was the only non-East Coast county that experienced such a high death rate.

To put this in perspective, our delegation represents a county that is similar in size to Denton, but saw quadruple the number of deaths. Even though El Paso and Hidalgo Counties have about 20 percent fewer residents than Collin County, these two counties experienced triple the number of deaths respectively. More than 2,700 lives were lost due to this pandemic and our delegation represents many constituents who have lost multiple loved ones to this pandemic since March of last year. So it is no surprise that thousands of responsible Texans in our county, who had not hugged their children and grandchildren for many months, opted to exercise their right to vote in a manner that protected their health and the health of their neighbors.

In my house district, nearly 7,000 voters cast a ballot by mail. Due to the pandemic, many seniors opted to exercise their right to vote by mail. In El Paso County, 28,000 opted to exercise their right to vote by mail—the overwhelming majority of them were seniors aged 65 and older. While Texas republicans have argued that this isn't a partisan issue, the numbers tell a different story. When looking at each party's political base in El Paso County (that is looking at the voters who have voted only in their preferred party's primary) less than



20 percent of eligible republicans aged 65 and older cast a mail-in ballot in 2020, compared with double that number—40 percent—of eligible democrat voters with a history of strictly voting in democrat primaries. Despite the fact that 90 percent of voters have a history of voting in prior elections, which never generated any controversy, what was different about this race? It is simply the manner in which these Texans chose to exercise their right. And for those leading this state government, the thought of more Texans exercising their right to vote is a threat. And rather than encouraging people, including those from their own party to vote, it is much easier to wield the power of the government to make it harder for other Texans to vote. It's un-American, it's contrary to the values of our nation, and it should be contrary to the values of this state.

As a state representative in El Paso, it's difficult to consider this anything other than a direct attack on my constituents. House District 76 has nearly twice the number of people considered low income compared to the state average. We are 92 percent non-Anglo. There are 61,000 people—or about a third of my constituency—that have recently moved, have a disability, or are active or retired military. All of these populations are being targeted by this legislation—making it more difficult to vote by mail, making it more difficult to prove residency, limiting what is considered a disability, cutting the hours the polls are open, and considering a requirement to be at work to not be an impediment to voting. For those leading this state government, the thought of more Texans exercising their right to vote is a threat. And rather than encouraging people—including those from their own party—to vote, it is much easier to wield the power of the government to make it harder for other Texans to vote. The nation—and the world—are watching, and I am truly ashamed of what they are seeing. It's un-American, it's contrary to the values of our nation, and it should be contrary to the values of this state.

Representative Ramos submitted the following reason for vote to be printed in the journal:

Today, on Lyndon B. Johnson's birthday, I am reminded that this was an individual that did not shy away from getting into "Good Trouble." He was not afraid of upsetting people when advocating for issues he was passionate about. In fact, President Johnson signed the Voting Rights Act in 1965 in order to protect our right to vote amidst pushback from the opposition. That is why I am in D.C., to protect Texans' right to vote and to continue fighting for a federal response to the restrictive and discriminatory **SB 1** voting bill.

This is not a bill created to protect Texans; it is a bill that harms them. **SB 1** instead hurts the everyday Texan by placing restrictions on early voting, creating a Class A misdemeanor offense toward election officers overseeing their community's polling place, and makes it harder to assist disabled voters at the polls or when filling out a mail ballot.

I do not support any bill that takes away the freedom to vote.

Representative Rodriguez submitted the following reason for vote to be printed in the journal:

I take my oath of office very seriously. The freedom to vote is central to why I proudly serve HD 51 and is the foundation of our republic. In my nearly 20 years of public service, no issue or fight is more important to me than the fundamental right to our voice in our democracy—our vote.

My colleagues and I started a campaign to preserve our freedom to vote at the end of the regular session, killing a voter suppression bill negotiated in the dark of night and meant to make it harder for all Texans to vote.

We continued this campaign when we broke quorum again and went to Washington, D.C., to do everything we could to push Congress to act. Our efforts were successful and the U.S. House returned early from recess and passed the John Lewis Act (H.R. 4) this week. Every senator and congressman we met with told us our presence in D.C. was critical and making a difference. Even the vice president commended us and implored us to stay the course. Legislators and faith leaders from across the country joined our campaign in Washington, D.C., to push Congress to act and implored us to hold the line.

My colleagues and I started a campaign to protect our freedom to vote and I intend to finish it. That is why I am not going to the house floor today to participate in the erosion of our democracy. Nor will I participate in the charade of republicans pushing through their voter suppression bill, taking no substantive amendments, and ignoring the testimony of hundreds of Texans against this harmful legislation.

### **REMARKS ORDERED PRINTED**

Representative Wu moved to print all remarks on **SB 1**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **SB 1**.]

### **SJR 2 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED**

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SJR 2** all co-authors for **HJR 2**.

The motion prevailed.

### **SB 8 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED**

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SB 8** all co-authors for **HB 4**.

The motion prevailed.

**SB 8 ON THIRD READING**  
**(Meyer - House Sponsor)**

**SB 8**, A bill to be entitled An Act relating to the authority of a person who acquires a residence homestead to receive an ad valorem tax exemption for the homestead in the year in which the property is acquired and to the protection of school districts against the resulting loss in revenue.

**SB 8** was passed by (Record 62): 121 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Coleman; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, M.; Goodwin; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 62 was taken, I was excused because of personal business. I would have voted yes.

Canales

When Record No. 62 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 62 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 62 was taken, I was absent. I would have voted yes.

Martinez Fischer

When Record No. 62 was taken, I was absent. I would have voted yes.

C. Morales

When Record No. 62 was taken, I was excused because of important business. I would have voted yes.

Morales Shaw

When Record No. 62 was taken, I was absent. I would have voted yes.

Rodriguez

**SB 12 - RULES SUSPENDED  
HOUSE SPONSOR AUTHORIZED**

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate as co-sponsors for **SB 12** all co-authors for **HB 11**.

The motion prevailed.

**SB 12 ON THIRD READING  
(Meyer - House Sponsor)**

**SB 12**, A bill to be entitled An Act relating to the reduction of the amount of a limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homestead of an individual who is elderly or disabled to reflect any reduction from the preceding tax year in the district's maximum compressed rate and to the protection of school districts against the resulting loss in local revenue.

**SB 12** was passed by (Record 63): 121 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Coleman; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, M.; Goodwin; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 63 was taken, I was excused because of personal business. I would have voted yes.

Canales

When Record No. 63 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 63 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 63 was taken, I was absent. I would have voted yes.

Martinez Fischer

When Record No. 63 was taken, I was absent. I would have voted yes.

C. Morales

When Record No. 63 was taken, I was excused because of important business. I would have voted yes.

Morales Shaw

When Record No. 63 was taken, I was absent. I would have voted yes.

Reynolds

When Record No. 63 was taken, I was absent. I would have voted yes.

Rodriguez

**SB 13 ON THIRD READING  
(Hunter - House Sponsor)**

**SB 13**, A bill to be entitled An Act relating to dates of certain elections to be held in 2022.

**SB 13** was passed by (Record 64): 96 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Fierro; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Moody; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Anchia; Bernal; Cole; Coleman; Dominguez; Dutton; González, M.; Goodwin; Hernandez; Howard; Israel; Lucio; Minjarez; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 64 was taken, I was excused because of personal business. I would have voted no.

Canales

When Record No. 64 was taken, I was absent. I would have voted no.

Crockett

When Record No. 64 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 64 was taken, I was absent. I would have voted no.

Martinez

When Record No. 64 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 64 was taken, I was absent. I would have voted no.

C. Morales

When Record No. 64 was taken, I was excused because of important business. I would have voted no.

Morales Shaw

When Record No. 64 was taken, I was absent. I would have voted no.

Reynolds

When Record No. 64 was taken, I was absent. I would have voted no.

Rodriguez

### REASONS FOR VOTE

Representative C. Morales submitted the following reason for vote to be printed in the journal:

I take my oath of office very seriously. We broke quorum this session because the republicans do not believe in our democracy and would not even entertain amendments addressing the legitimate concerns of our communities. With no negotiation, fair hearings, or opportunities to work on solutions, we were left with no choice. We left because it is all we could do to stop the detrimental harm to our communities. We left because we believe that voting is the foundation of our democracy.

I would have voted no on a majority of these bills because it was a partisan agenda that was not good for Texans. From the beginning, the final outcome had been determined. Millions of taxpayer dollars were spent on special sessions used to punish, harm, and instill fear in communities across our state. I would have voted no because this bill is bad for my community and erases years of progress that we have made as a state.

This is not the end. The COVID-19 pandemic is still ravaging our communities, Texans now cannot access crucial health care, and entire communities will face additional barriers to exercising their rights and participating in our democracy. There will be another special session for redistricting and any other partisan priority that the governor chooses to add to the call. They will not stop, but neither will we. We will continue to represent our constituents and stand up for our communities in whatever way we can. I am proud to represent HD 145.

Representative Rodriguez submitted the following reason for vote to be printed in the journal:

I take my oath of office very seriously. The freedom to vote is central to why I proudly serve HD 51 and is the foundation of our republic. In my nearly 20 years of public service, no issue or fight is more important to me than the fundamental right to our voice in our democracy—our vote.

My colleagues and I started a campaign to preserve our freedom to vote at the end of the regular session, killing a voter suppression bill negotiated in the dark of night and meant to make it harder for all Texans to vote.

We continued this campaign when we broke quorum again and went to Washington, D.C., to do everything we could to push Congress to act. Our efforts were successful and the U.S. House returned early from recess and passed the John Lewis Act (H.R. 4) this week. Every senator and congressman we met with told us our presence in D.C. was critical and making a difference. Even the vice president commended us and implored us to stay the course. Legislators and faith leaders from across the country joined our campaign in Washington, D.C., to push Congress to act and implored us to hold the line.

My colleagues and I started a campaign to protect our freedom to vote and I intend to finish it. That is why I am not going to the house floor today to participate in the erosion of our democracy. Nor will I participate in the charade of republicans pushing through their voter suppression bill, taking no substantive amendments, and ignoring the testimony of hundreds of Texans against this harmful legislation.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**SENATE JOINT RESOLUTIONS**  
**SECOND READING**

The following resolutions were laid before the house and read second time:

**SJR 3 ON SECOND READING**  
(Kacal, Smith, Cook, et al. - House Sponsors)

**SJR 3**, A joint resolution 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.

**Amendment No. 1**

Representative A. Johnson offered the following amendment to **SJR 3**:

Amend **SJR 3** (house committee printing) as follows:

(1) On page 1, strike line 22 at "committing" through the end of line 24 and substitute the following:

(1) murder, if the accused intentionally or knowingly caused the death of an individual;

(2) aggravated assault with a deadly weapon, if the assault was committed against a person the accused knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(3) aggravated sexual assault, if the accused used or exhibited a deadly weapon during the commission of the assault; or

(4) aggravated robbery, if the accused used or exhibited a firearm during the commission of the robbery."

(2) On page 2, strike Subsection (e).

Representative Kacal moved to postpone consideration of **SJR 3** until 3 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**HB 9 ON SECOND READING**  
(by Bonnen, E. Morales, Metcalf, et al.)

**HB 9**, A bill to be entitled An Act relating to making supplemental appropriations relating to border security and giving direction regarding those appropriations.

(Harris in the chair)

**Amendment No. 1**

Representative Moody offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) by striking the enacting clause (page 1, line 4).

A record vote was requested by Representative Moody.



Amendment No. 1 failed of adoption by (Record 65): 36 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; González, M.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

#### STATEMENTS OF VOTE

When Record No. 65 was taken, I was shown voting no. I intended to vote yes.

Allen

When Record No. 65 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 65 was taken, my vote failed to register. I would have voted yes.

M. González

When Record No. 65 was taken, I was absent. I would have voted yes.

Martinez

#### Amendment No. 2

Representative Bonnen offered the following amendment to **HB 9**:

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

(1) On page 1, between lines 18 and 19, insert the following:

(c) Out of money appropriated by Subsection (a) of this section, the Office of Court Administration, Texas Judicial Council shall transfer \$905,200 to the Comptroller's Department, Judiciary Section for the purpose of providing funding for visiting judges.

(2) On page 3, lines 23 through 24, strike "misdemeanor crimes for district and county attorneys" and substitute "misdemeanor and felony crimes for eligible prosecuting attorneys, as defined by Section 772.0071(a), Government Code,".

(3) Strike page 3, line 26, through page 4, line 4.

(4) On page 4, line 8, strike "two ambulances" and substitute "ambulance services".

(5) On page 4, line 12, strike "ambulances" and substitute "ambulance services".

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

SECTION \_\_\_\_\_. BORDER SECURITY REPORTING REQUIREMENT.

(a) In this section, "border security" means activities associated with deterring crimes and enforcing state laws related to offenses listed in Section 772.0071, Government Code, hunting and fishing laws related to poaching, laws for which this state receives federal grants intended to enhance law enforcement, or laws that relate to federal law enforcement operations, between designated entry and exit points in counties:

(1) adjacent to or a portion of which are located within 20 miles of an international border;

(2) adjacent to two counties located on an international border with a population of more than 5,000 and less than 7,500 according to the most recent federal decennial census;

(3) adjacent to the Gulf Intracoastal Waterway, as defined by Section 51.002, Transportation Code; or

(4) included in a disaster declaration relating to border security issued by the governor.

(b) The Department of Public Safety, Military Department, Trusteed Programs within the Office of the Governor, Department of Criminal Justice, Commission on Jail Standards, and Office of Court Administration, Texas Judicial Council, shall report all budgeted and expended amounts and performance indicator results for border security to the Legislative Budget Board.

(c) The entities described by Subsection (b) of this section shall provide the report required by that subsection on a quarterly basis and in the manner prescribed by the Legislative Budget Board. Each report must include, at a minimum:

(1) expended amounts and performance indicators for activities related to enforcing laws described by Subsection (a) of this section that occur:

(A) in each county described by Subsection (a) of this section as well as for statewide activities that support border security; or

(B) in any geographic region outside of the counties described by Subsection (a) of this section, as requested, such as areas identified as smuggling corridors;

- (2) the method of finance of budgeted and expended amounts;
- (3) the object of expense of budgeted and expended amounts;
- (4) regular and overtime pay;
- (5) the quarterly total number of border security-related apprehensions and arrests made by state law enforcement personnel deployed to geographic regions included in the areas described by Subsection (a) of this section, including the number of minors apprehended;
- (6) the total quarterly number of individuals undergoing magistration, prosecution, or conviction for state crimes related to border security;
- (7) the total quarterly number of individuals confined to state correctional facilities converted by the Department of Criminal Justice to confine those accused of state crimes related to border security;
- (8) the quarterly total length, expressed in miles, and type of temporary and permanent fencing, barrier, or wall erected along the international border with Mexico; and
- (9) the quarterly total number and amount of grants issued by the Trusteed Programs within the Office of the Governor to local jurisdictions and counties included in the area described by Subsection (a) of this section.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Fierro offered the following amendment to **HB 9**:

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

(1) On page 3, line 13, strike "\$1,020,290,860" and substitute "\$520,290,860".

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

SECTION \_\_\_\_\_. TEXAS WATER DEVELOPMENT BOARD. The amount of \$500,000,000 is appropriated from the General Revenue Fund to the Texas Water Development Board for the two-year period beginning on the effective date of this Act. Money appropriated under this section may be used by the board only for the purpose of ensuring border security by providing funding for grants to counties located on this state's international border with Mexico for flood mitigation projects and only to the extent authorized by law.

Amendment No. 3 failed of adoption.

### **Amendment No. 4**

Representative Dominguez offered the following amendment to **HB 9**:

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

(1) On page 2, line 1, strike "\$133,506,725" and substitute "\$283,506,725".

(2) On page 3, line 13, strike "\$1,020,290,860" and substitute "\$870,290,860".

A record vote was requested by Representative M. González.

Amendment No. 4 failed of adoption by (Record 66): 38 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Coleman; Cortez; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Minjarez; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Geren; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 66 was taken, I was shown voting no. I intended to vote yes.

Cole

When Record No. 66 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 66 was taken, I was absent. I would have voted no.

Martinez

### HB 9 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **HB 9** under Rule 8, Section 10(b), of the House Rules.

(Speaker in the chair)

The point of order was overruled and the speaker submitted the following ruling:

**RULING BY THE SPEAKER**

on House Bill 9

Announced in the House on August 27, 2021

Representative Zwiener raises a point of order against further consideration of **HB 9** under Rule 8, Section 10(b), of the House Rules on the grounds that the bill is limited in application to one or more political subdivisions by means of artificial devices.

Ms. Zwiener argues that the provisions of the Bonnen Amendment, adopted by the house, cause the bill to be limited in application in violation of the rule. The Bonnen Amendment included a provision imposing a reporting requirement on specified state agencies. The reporting requirement specifies certain geographical regions for which information is required to be supplied to the Legislative Budget Board. The purpose of the cited section of the rules is to prevent house consideration of unconstitutional local bills. **HB 9** is an appropriations bill, and the complained-of section is a reporting requirement related to the use of state funds by state agencies. The language identified by Ms. Zwiener does not limit the application of the bill.

Accordingly, the point of order is respectfully overruled.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

Ramos on motion of Neave. (Middleton recorded voting no.)

**HB 9 - (consideration continued)****Amendment No. 5**

Representative Ortega offered the following amendment to **HB 9**:

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

(1) On page 1, strike lines 5 through 12 and substitute the following:

SECTION 1. OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL. (a) The amount of \$32,486,125 is appropriated from the General Revenue Fund to the Office of Court Administration, Texas Judicial Council for the two-year period beginning on the effective date of this Act for the purposes of:

(1) providing funding for indigent legal representation, foreign language interpreters for courts, increased staff functions, equipment purchases, and program administration costs; and

(2) collecting and making available upon request to a member of the public all open court records, including probable cause affidavits.

(2) On page 2, strike lines 21 through 25 and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. DEPARTMENT OF CRIMINAL JUSTICE. The amount of \$273,700,000 is appropriated from the general revenue fund to the Department of Criminal Justice for the two-year period beginning on the effective date of this Act for the purposes of:

- (1) providing funding for correctional security operations; and
- (2) making available upon request to a member of the public information concerning persons confined in the Dolph Briscoe Unit, including each person's name, the county where the person was arrested, the name of the law enforcement agency that arrested the person, the amount of the person's bond, and the name of the attorney who represented the person.

A record vote was requested by Representative M. González.

Amendment No. 5 failed of adoption by (Record 67): 39 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 67 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 67 was taken, I was absent. I would have voted yes.

Martinez

### Amendment No. 6

Representative J. Turner offered the following amendment to **HB 9**:

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

(1) On page 3, line 13, strike "\$1,020,290,860" and substitute "\$970,290,860".

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

SECTION \_\_\_\_\_. HEALTH AND HUMAN SERVICES COMMISSION. The amount of \$50,000,000 is appropriated from the General Revenue Fund to the Health and Human Services Commission for the two-year period beginning on the effective date of this Act for the purpose of providing grants as authorized by other law to non-profit organizations that provide assistance to migrants at the state's international border with Mexico.

A record vote was requested by Representative M. González.

Amendment No. 6 failed of adoption by (Record 68): 39 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 68 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 68 was taken, I was absent. I would have voted yes.

Martinez

**Amendment No. 7**

Representative A. Johnson offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 1, line 10, between "purchases," and "and", by inserting "the printing of magistrate forms in Spanish, Latin American Indigenous languages, and the languages of the top five countries of origin of those seeking asylum at this state's international border with Mexico,".

A record vote was requested by Representative M. González.

Amendment No. 7 failed of adoption by (Record 69): 39 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 69 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 69 was taken, I was absent. I would have voted yes.

Martinez

**Amendment No. 8**

Representative T. King offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 3, line 18, by inserting the following after the period:



A border security grant made with money appropriated by this subsection may be awarded to a local law enforcement agency to reimburse a landowner for damages caused to the landowner's property as a result of a car chase involving undocumented immigrants along this state's international border with Mexico.

A record vote was requested by Representative M. González.

Amendment No. 8 failed of adoption by (Record 70): 54 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Dominguez; Dutton; Fierro; Frullo; Geren; González, M.; Goodwin; Harless; Hernandez; Herrero; Holland; Howard; Huberty; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, T.; Kuempel; Lambert; Larson; Longoria; Lozano; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Paddie; Perez; Price; Raney; Rose; Rosenthal; Stucky; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Gates; Goldman; Harris; Hefner; Hull; Hunter; Jetton; King, P.; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Parker; Patterson; Paul; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Collier; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

#### STATEMENTS OF VOTE

When Record No. 70 was taken, I was shown voting no. I intended to vote yes.

Darby

When Record No. 70 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 70 was taken, I was absent. I would have voted yes.

Martinez

**Amendment No. 9**

Representatives T. King and E. Morales offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 3, between lines 18 and 19, by inserting the following appropriately designated subsection and relettering subsequent subsections appropriately:

( ) The money appropriated by Subsection (a) of this section may not be used to:

- (1) acquire property through the exercise of eminent domain; or
- (2) build a barrier along this state's international border with Mexico on property acquired through the exercise of eminent domain.

Amendment No. 9 was adopted.

**Amendment No. 10**

Representative Zwiener offered the following amendment to **HB 9**:

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

- (1) On page 2, line 21, between "JUSTICE." and "The", insert "(a)".
- (2) On page 2, between lines 25 and 26, insert the following appropriately lettered subsection:

( ) Money appropriated under this section may not be used to hold or detain individuals solely for the offense of criminal trespass under Section 30.05, Penal Code.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

Collier on motion of Neave. (Middleton recorded voting no.)

**HB 9 - (consideration continued)**

A record vote was requested by Representative M. González.

Amendment No. 10 failed of adoption by (Record 71): 39 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie;

Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Davis; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 71 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 71 was taken, I was absent. I would have voted yes.

Martinez

### Amendment No. 11

Representative Zwiener offered the following amendment to **HB 9**:

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

(1) On page 3, line 13, strike "\$1,020,290,860" and substitute "\$770,290,860".

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

SECTION \_\_\_\_\_. PUBLIC UTILITY COMMISSION OF TEXAS. The amount of \$250,000,000 is appropriated from the General Revenue Fund to the Public Utility Commission of Texas for the two-year period beginning on the effective date of this Act for the purpose of providing funding to improve the reliability of the electric power grid to ensure that border security operations are stable and reliable.

### Amendment No. 11 - Point of Order

Representative Slaton raised a point of order against further consideration of Amendment No. 11 under Rule 8, Section 4, of the House Rules on the grounds that the amendment changes general law through an appropriations bill.

(Harris in the chair)

The point of order was withdrawn.

### Amendment No. 11 - Point of Order

Representative Vasut raised a point of order against further consideration of Amendment No. 11 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

(Speaker in the chair)

The point of order was withdrawn.

A record vote was requested by Representative M. González.

Amendment No. 11 failed of adoption by (Record 72): 40 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Slawson; Thierry.

### STATEMENTS OF VOTE

When Record No. 72 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 72 was taken, I was absent. I would have voted yes.

Martinez

### HB 9 - POINT OF ORDER

Representative Ortega raised a point of order against further consideration of **HB 9** under Rule 4, Section 32, of the House Rules on the grounds that the bill analysis is materially misleading. The point of order was withdrawn.

#### Amendment No. 12

Representative C. Turner offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 3, between lines 18 and 19, by inserting the following appropriately designated subsection:

( ) Out of money appropriated by Subsection (a) of this section, the amount of \$200,000,000 may be used only to provide funding for grants for training law enforcement officers in counties adjacent to this state's international border with Mexico during the state fiscal biennium beginning September 1, 2021. Department officers must receive appropriate training, including academy and in-service training, in the following:

(1) immigration law related to protections for victims of crime or persecution;

(2) use of force and tactical withdrawal in reducing the need for lethal force;

(3) social and cultural sensitivity toward border communities and the impact of border operations on communities and residents;

(4) language and basic cultural awareness of major migrant-sending nations;

(5) best practices in community policing and civil and human rights;

(6) response to grievances and referral of complaints; and

(7) identification of and response to vulnerable populations, including persons expressing potential grounds for asylum, children, victims of crime and human trafficking, and individuals fleeing persecution or torture.

A record vote was requested by Representative M. González.

Amendment No. 12 failed of adoption by (Record 73): 40 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 73 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 73 was taken, I was absent. I would have voted yes.

Martinez

#### Amendment No. 13

Representative Goodwin offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 3, between lines 18 and 19, by inserting the following appropriately designated subsection:

( ) Out of money appropriated by Subsection (a) of this section, the amount of \$500,000 may be used only to provide funding for grants to counties adjacent to this state's international border with Mexico and municipalities within those counties to cover those counties' and municipalities' costs to house processed and quarantined COVID-positive asylum seekers during the state fiscal biennium beginning September 1, 2021.

A record vote was requested by Representative M. González.

Amendment No. 13 failed of adoption by (Record 74): 40 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 74 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 74 was taken, I was absent. I would have voted yes.

Martinez

**Amendment No. 14**

Representative Howard offered the following amendment to **HB 9**:

Amend **HB 9** on page 3, by striking lines 19-25 and substituting the following:

(b) The amount of \$3,765,000 is appropriated from the General Revenue Fund to the Trusteed Programs within the Office of the Governor for the purpose of providing funding for additional full-time equivalent (FTE) employees and for additional training regarding:

(1) the handling of misdemeanor crimes for district and county attorneys; and

(2) the handling of crimes of sexual violence and human trafficking for state and local law enforcement agencies operating at the border. The training shall be developed in accordance with evidence-based best practices; this can include best practices identified by the Sexual Assault Survivors' Task Force within the Office of the Governor. The training shall be developed and implemented by sexual assault nonprofit coalitions as defined by Section 420.003 (7-a) of the Texas Government Code. The Trusteed Programs within the Office of the Governor shall provide additional grant funding, as necessary, for the purposes of this section.

Amendment No. 14 was withdrawn.

**Amendment No. 15**

Representative E. Morales offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 3, between lines 25 and 26, by inserting the following appropriately designated subsection and re-designating accordingly any subsequent subsections of SECTION 6 of the bill:

( ) Out of money appropriated by Subsection (a) of this section, the amount of \$14,000,000 in each state fiscal year of the state fiscal biennium beginning September 1, 2021, may be used only to provide funding for grants to counties adjacent to this state's international border with Mexico to cover those counties' costs for court-appointed attorneys, court recordings, additional law enforcement personnel and equipment, overtime pay for law enforcement personnel, and other expenses related to non-citizens held in county jail facilities, and for non-citizen autopsies.

Amendment No. 15 was adopted.

**Amendment No. 16**

Representative Fierro offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) on page 3, between lines 25 and 26, by inserting the following appropriately designated subsection and re-designating accordingly any subsequent subsections of SECTION 6 of the bill:

( ) Out of money appropriated by Subsection (a) of this section, the amount of \$510,145,430 may be used only for the purpose of making grants to local law enforcement agencies for border security operations in the areas served by those agencies during the two-year period beginning on the effective date of this Act.

A record vote was requested by Representative M. González.

Amendment No. 16 failed of adoption by (Record 75): 38 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Darby; Deshotel; Dutton; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry; Wu.

**STATEMENTS OF VOTE**

When Record No. 75 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 75 was taken, I was absent. I would have voted yes.

Martinez



**Amendment No. 17**

Representative Minjarez offered the following amendment to **HB 9**:

Amend house committee report for **HB 9** by adding the following new SECTION and renumbering subsequent SECTIONS accordingly:

(1) SECTION 8. PROHIBITION ON EXPENDITURES. None of the funds appropriated by this Act may be expended to construct or renovate a physical barrier, wall, or other construction project creating a permanent barrier on public or private land bordering this state and Mexico.

A record vote was requested by Representative M. González.

Amendment No. 17 failed of adoption by (Record 76): 39 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; González, M.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 76 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 76 was taken, I was absent. I would have voted yes.

Martinez

**Amendment No. 18**

Representative Goodwin offered the following amendment to **HB 9**:

Amend **HB 9** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. BORDER WALL SPENDING REQUIREMENT. Notwithstanding any other provision of this Act or Chapter 1053 (**SB 1**), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), during the state fiscal biennium beginning September 1, 2021, a state agency may spend appropriated money to construct a wall, fence, or other barrier in the region of this state's international border only in an area for which the Texas Water Development Board and the Texas Commission on Environmental Quality have conducted a study on flooding and water quality.

A record vote was requested by Representative M. González.

Amendment No. 18 failed of adoption by (Record 77): 39 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Allen; Beckley; Bonnen; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; González, M.; Hinojosa; Holland; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 77 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 77 was taken, I was absent. I would have voted yes.

Martinez

### **HB 9 - POINT OF ORDER**

Representative Zwiener raised a point of order against further consideration of **HB 9** under Rule 8, Section 19, of the House Rules and under Article III, Section 39, of the Texas Constitution on the grounds that the bill has an improper effective date.

(Goldman in the chair)

The point of order was withdrawn.

#### **Amendment No. 19**

Representatives Howard, Button, and Neave offered the following amendment to **HB 9**:

Amend **HB 9** by striking page 3, lines 19-25, and substituting the following:

(b) The amount of \$3,765,000 is appropriated from the General Revenue Fund to the Trusteed Programs within the Office of the Governor for the purpose, during the two-year period beginning on the effective date of this Act, of providing funding for additional full-time equivalent (FTE) employees and for additional training regarding:

(1) the handling of misdemeanor and felony crimes eligible for prosecuting attorneys, as defined by Section 772.0071(a), Government Code; and

(2) the handling of crimes of sexual violence and human trafficking for state and local law enforcement agencies operating at the border.

The training under this subsection shall be developed in accordance with evidence-based best practices, which can include best practices identified by the Sexual Assault Survivors' Task Force within the Office of the Governor. The training shall be developed and implemented by sexual assault nonprofit coalitions as defined by Section 420.993 (7-a), Government Code. The Trusteed Programs within the Office of the Governor shall provide additional grant funding as necessary, for the purposes of this section.

A record vote was requested by Representative M. González.

Amendment No. 19 failed of adoption by (Record 78): 41 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Button; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Harless; Harris; Hefner; Holland; Huberty; Hull; Jetton; Kacal; King, K.; King, P.; Klick; Krause;

Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; González, M.; Hinojosa; Hunter; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 78 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 78 was taken, I was in the house but away from my desk. I would have voted yes.

M. González

When Record No. 78 was taken, I was absent. I would have voted yes.

Martinez

### Amendment No. 20

Representative Zwiener offered the following amendment to **HB 9**:

Amend **HB 9** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. PROHIBITION ON USE OF APPROPRIATED MONEY. An amount appropriated by this Act may not be used to effectuate a policy of separating family units consisting of persons who:

- (1) are not citizens or other nationals of the United States; and
- (2) are not lawfully authorized to be present in the United States under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) or other federal law.

A record vote was requested by Representative M. González.

Amendment No. 20 failed of adoption by (Record 79): 40 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Larson; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 79 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 79 was taken, I was absent. I would have voted yes.

Martinez

### HB 9 - REMARKS

REPRESENTATIVE M. GONZÁLEZ: It is difficult for me to stand up here and speak in opposition to my chairman's bill, but I do so because it is very critical that we understand the implications of what we're doing today. During the regular session, I think if you ask any one of us, one of the best moments of the 140 days we spent together was when we passed what I would think is the most beautiful budget we have passed in a long time. A piece of art of legislation, it really honored the needs of every constituent, and it was passed by this legislature unanimously. How do we get to that point? We listen to each other. We work together. We find ways to compromise.

In the first session, we spent \$1.1 billion, an increase of over \$300 million, on border security. Now, we're asking to spend \$1.7 billion. If you put together the other \$250 million already done through budget execution, we're spending over \$3 billion for border security. What could we do with \$3 billion? I can tell you. For a decade I have heard, as I've served in this legislature, how desperately our retired teachers need a cost of living adjustment. I'm sure you have heard the same stories about how over the years the prices of their taxes, the prices of their homes, the prices of their electricity bills have all increased. And yet they're still having to live within the same confines of their retirement.

The financial decisions we make as a body is a moral document. Members, I am from the area in which we are making these appropriations to. I am a very proud border member, and I'm not going to say there aren't things we should be

doing. But is this what we should be doing? Putting aside the needs of some of our most respected educators in our state over a political agenda? Should we be encouraging the weaponizing and the militarization of the border in order to make sure we have something to talk about during campaigns? Do we have a responsibility to ensure that we are not creating another immigration system outside of the federal one?

Members, this is more than an appropriations bill. This is creating border barriers, something that the federal government should be doing. This is creating a completely other judicial system—again, something the federal government should be doing. This is militarizing our border by deputizing our Texas military department, something that we shouldn't be doing. I understand we have been in a gridlock politically because of the moment in time that we're in. But at what point do we move beyond the partisan lines and say maybe there is a better answer to the humanitarian crisis that's on the border? There are multiple lives that we're dealing with in the passage of this legislation. These are kids' lives, women's lives, families' lives on both sides—Texans and people who are migrating here.

I hope that when we leave this body, we will look at and find a way to create public policy that is both compassionate and responsible. Because not only do the migrants that are escaping horrendous conditions deserve that but so do our fellow Texans and the next generation. I know that we're going to pass this piece of legislation, but I hope next legislative session we can come back and act responsibly when it comes to the border realities our state is facing. I urge you to vote no on this piece of legislation.

REPRESENTATIVE LOZANO: I didn't intend to speak on this legislation—I didn't intend to speak on any legislation, actually—but when there are certain things said, I just do need to correct the record. One of the things that's going on in this region of Texas which I grew up in and I currently live in—when we talk about the Brooks County sheriff testifying about what he needs to combat the border crisis, when Representative Donna Howard talks about the amount of women that have outcries about the sexual assault that's going on on the border on Texas soil, we must act. And that's what this legislation is doing.

The claims made that border walls do not work are patently false. The former chief of Border Patrol, Rodney Scott, said in an interview when asked if the border wall is significant—he said, "it's very, very significant." It works. "I would argue that the reason that [the Rio Grande Valley] has had the most apprehensions in the nation has been successes in building out [the] border wall." That's the chief of Border Patrol. Some of my best friends are Border Patrol agents, and they have said that they need this border wall because it helps buy them time to apprehend drug traffickers, coyotes, human smugglers, sex traffickers. This is happening every single day on Texas soil, and we cannot fall asleep at the wheel.

This problem was amplified during the presidential election. The president, President Biden, when he campaigned, he campaigned on easing protocols, including a moratorium on deportations, an end to Donald Trump's "wait in Mexico" policy, and halting construction on the border wall. President Biden

campaign on halting construction on the border wall. Reckless—reckless rhetoric like his policy on Afghanistan—because that platform gave migrants good reason to believe it would be easier to get into the United States. And so caravan upon caravan upon caravan set sail to the United States. And because they failed to act, there was a border crisis. How bad? So bad that the vice president of the United States in an interview said, while visiting with the president of Guatemala, to those of you who want to come to the United States, do not come. Do not come. Progressives were angry with her. But the executive branch was confused because their policy was failing. And so in that period of chaos, confusion, and failure, Governor Abbott, our legislature, and Chairman Bonnen have brought forth this legislation which will give the sheriffs which testified in those committee hearings—democrat sheriffs—the tools they need. And so I ask you to please support this bill.

### REMARKS ORDERED PRINTED

Representative Harris moved to print remarks by Representative Lozano on **HB 9**.

The motion prevailed.

A record vote was requested by Representative M. González.

**HB 9**, as amended, was passed to engrossment by (Record 80): 81 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; Longoria; Lucio; Minjarez; Moody; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Canales; Collier; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; King, T.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 80 was taken, I was absent. I would have voted no.

Beckley

When Record No. 80 was taken, I was excused because of personal business. I would have voted no.

Canales

When Record No. 80 was taken, I was absent. I would have voted no.

Crockett

When Record No. 80 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 80 was taken, I was absent. I would have voted no.

Martinez

When Record No. 80 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 80 was taken, I was excused because of important business. I would have voted no.

Morales Shaw

When Record No. 80 was taken, I was absent. I would have voted no.

Rodriguez

### REASON FOR VOTE

Representative Beckley submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocol or procedures to address the recent surge in the spread of COVID on the house floor and the Capitol buildings in general. Several members have tested positive and continue to put the rest of the legislative body at risk, whether they are voting from the speaker's chambers or directly from the house floor. Until the issue is addressed and safety measures are put in place to protect members of the Texas Legislature, I will not be present on the floor, but have included my statement on **HB 9**.

**HB 9** would direct almost \$2 billion more in general revenue to address a supposed public safety crisis—\$1 billion of that through a new grant program at the governor's office. **HB 9** would bring state funding on border security to \$2.9 billion, up from \$797 million in 2020-2021.

**HB 9** is a continuation of the governor's and the legislature's ineffective, often illegal, and wasteful border efforts. A staggering amount of state taxpayer funds is being allocated toward border operations that waste resources, threaten the rights of border residents, cruelly send migrants to jail, and unlawfully interfere with the federal immigration system. The governor's new system,



created under an abuse of his emergency disaster authority, of charging migrants, including asylum seekers, with criminal trespass and jailing them at a state prison in an effort to deter migration to Texas and interfere with the immigration process is both unlawful and completely unconscionable.

In the end, Texans in our border communities and people arriving in Texas seeking protection are hurt, and \$1.8 billion more of taxpayer money is dumped into a cruel project to win points with the governor's base—while we could use real leadership that is brave enough to address COVID-19 and fixing the state's damaged electrical grid.

Due to aforementioned reasons, I would have voted "no."

### **REMARKS ORDERED PRINTED**

Representative Zwiener moved to print remarks by Representative M. González on **HB 9**.

The motion prevailed.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

J. González on motion of Minjarez.

### **POSTPONED BUSINESS**

The following resolutions were laid before the house as postponed business:

#### **SJR 3 ON SECOND READING**

**(Kacal, Smith, Cook, et al. - House Sponsors)**

**SJR 3**, A joint resolution 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.

**SJR 3** was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

A record vote was requested by Representative A. Johnson.

Amendment No. 1 failed of adoption by (Record 81): 40 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Schaefer; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Harless; Harris; Hefner; Holland; Huberty; Hull; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano;

Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; Hinojosa; Hunter; Jetton; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 81 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 81 was taken, I was absent. I would have voted yes.

Martinez

### Amendment No. 2

Representative Dominguez offered the following amendment to **SJR 3**:

Amend **SJR 3** (house committee report) on page 2, line 11, immediately after the underlined period, by inserting the following:

The written order may not be disclosed to any person except the defendant, a district attorney, a criminal district attorney, a county attorney with criminal jurisdiction, or a subsequent court of record.

Amendment No. 2 was adopted.

**SJR 3**, as amended, was passed to third reading by (Record 82): 82 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Fierro; Frank; Frullo; Gates; Geren; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Biedermann; Bowers; Bucy; Cole; Coleman; Davis; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; Lucio; Minjarez; Moody; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Schaefer; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Cortez; Crockett; Deshotel; Dominguez; Gervin-Hawkins; González, M.; Hinojosa; Johnson, J.D.; King, T.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 82 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 82 was taken, I was absent. I would have voted no.

Martinez

When Record No. 82 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 82 was taken, I was absent. I would have voted no.

Rodriguez

### REASON FOR VOTE

Representative J. González submitted the following reason for vote to be printed in the journal:

This session, the house failed to pass meaningful criminal justice reform measures. **SJR 3** and **CSSB 6** reinforce Texas' cash bail system, which doubles down on a criminal justice system that penalizes the poor and affords a higher quality of justice for people that can afford to post bond. This legislation, and other pieces like it, will overcrowd Texas jails. The Texas Legislature should focus on equitable criminal justice reform that does not disproportionately and negatively impact Texas' black and Latino communities. Had I been present, I would have voted no.

### GENERAL STATE CALENDAR

(consideration continued)

#### HB 7 ON SECOND READING

(by Landgraf)

**HB 7**, A bill to be entitled An Act relating to the transportation, storage, or disposal of high-level radioactive waste.

#### HB 7 - REMARKS

REPRESENTATIVE LANDGRAF: Members, on September 13—this coming September 13—the Nuclear Regulatory Commission is poised to issue a license for the storage and disposal of high-level radioactive waste in Texas. That would make Texas unique among the 50 states and is a distinction that we probably don't want to have. So we are taking this opportunity through **HB 7** to formally

give our opposition as a state legislature to the plans that the NRC has. This is something that's quite important to my district because the site where this high-level radioactive waste would be stored would be at a facility that would be licensed in Andrews County, which is in District 81, which I'm very proud to serve. Before I get to any of the other details, I do have a perfecting amendment that I would like to lay out.

### **Amendment No. 1**

Representative Landgraf offered the following amendment to **HB 7**:

Amend **HB 7** (house committee report) as follows:

(1) On page 1, line 15, strike "located on university campuses" and substitute "operated by a university".

(2) On page 2, line 3, strike "Sections 401.072 and 401.073" and substitute "Section 401.072".

(3) On page 2, strike lines 5 through 8.

(4) On page 2, line 9, strike "401.073" and substitute "401.072".

(5) On page 2, lines 12 and 13, strike "located on university campuses" and substitute "operated by a university".

LANDGRAF: This amendment takes care of some issues that we wanted to avoid that could have created inadvertently some unintended consequences related to some of the test reactors and research reactors that we have at some of the research universities here in the State of Texas, both at The UT System and The A&M System and also at Abilene Christian University. And I want to thank Representative Lambert for making sure that this issue was brought to my attention so that we could avoid a situation that could potentially be harmful to some of our research institutions.

REPRESENTATIVE LAMBERT: Thank you for this bill. Thank you especially for this amendment. I just wanted to clarify. You and I have had discussions about the bill and one of the concerns that I've had regarding **HB 7**. I just wanted to ask: **HB 7** exempts out the current commercial nuclear reactors and the current university research reactors. Is that accurate?

LANDGRAF: That's accurate. Yes, sir.

LAMBERT: A research and testing university reactor has been proposed to be created at Abilene Christian University, which is in my district, with the support and the use by The University of Texas and Texas A&M University. Are you aware of that?

LANDGRAF: Yes, sir, I am.

LAMBERT: If that reactor will be permitted after the effective date of **HB 7**, assuming it passes, some have raised concerns that **HB 7** would prohibit that research reactor from being built. This amendment would not prohibit the research reactor from being built. Is that correct?

LANDGRAF: That's correct, and that's our specific intention, yes.

LAMBERT: And this bill will not prohibit advanced nuclear technology reactors from being built in Texas. Is that correct?

LANDGRAF: That's also correct. Yes, sir.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Craddick offered the following amendment to **HB 7**:

Amend **HB 7** (house committee report) as follows:

(1) On page 1, line 6, strike "Subdivision (12-b)" and substitute "Subdivisions (12-b), (20), and (25-a)".

(2) On page 1, line 8, immediately following "42 U.S.C. Section 10101(12)", add the following:

. A reference in this subdivision to the "U.S.C." means the United States Code as it existed on September 1, 2021.

(3) On page 1, lines 8 and 9, strike "and includes spent nuclear fuel as defined by 42 U.S.C. Section 10101(23).".

(4) On page 1, between lines 9 and 10, insert the following:

(20) "Reactor-related greater than Class C waste" means greater than Class C low-level radioactive waste originating from a civilian nuclear power reactor that exceeds the concentration limits of radionuclides established for Class C waste in 10 C.F.R. Section 61.55. A reference in this subdivision to the "C.F.R." means the Code of Federal Regulations as it existed on September 1, 2021.

(25-a) "Spent nuclear fuel" has the meaning assigned by 42 U.S.C. Section 10101(23). A reference in this subdivision to the "U.S.C." means the United States Code as it existed on September 1, 2021.

(5) On page 1, line 23, between "waste" and "by", insert ", spent nuclear fuel, or reactor-related greater than Class C waste".

(6) On page 2, line 6, between "WASTE" and the underlined period, insert ", SPENT NUCLEAR FUEL, AND REACTOR-RELATED GREATER THAN CLASS C WASTE".

(7) On page 2, line 7, between "waste" and "on", insert ", spent nuclear fuel, or reactor-related greater than Class C waste".

(8) On page 2, line 10, between "WASTE" and the underlined period, insert ", SPENT NUCLEAR FUEL, AND REACTOR-RELATED GREATER THAN CLASS C WASTE".

(9) On page 2, line 15, between "waste" and "in", insert ", spent nuclear fuel, or reactor-related greater than Class C waste".

### **Amendment No. 2 - Point of Order**

Representative Landgraf raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was sustained and the speaker submitted the following ruling:

**RULING BY THE SPEAKER**

on Amendment No. 2 to House Bill 7

Announced in the House on August 27, 2021

(Goldman in the chair)

Representative Landgraf raises a point of order against further consideration of the Craddick Amendment under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

The subject of the bill, as reflected by the bill's caption, is the transportation, storage, or disposal of high-level radioactive waste. The bill as introduced regulated a single class of waste. The amendment would expand the bill by applying the bill's provisions to certain greater than Class C low-level radioactive waste. The class of waste included in the amendment is different from the class of waste included in the bill. See 10 C.F.R. § 61.2. For this reason, the amendment is not germane. 87 H. Jour. 2181 (2021).

Accordingly, the point of order is well-taken and sustained.

The ruling precluded further consideration of Amendment No. 2.

LANDGRAF: We are on the clock in advance of this September 13 license issuance date. And that's the reason why we have this sense of urgency, and that's why I have such an intense desire to keep this bill clean so that we can accomplish that objective. I want to be very clear that through this bill, we are restricting high-level radioactive waste from being stored or disposed of within the boundaries of Texas. Now, I'm not opposed to restricting greater than Class C waste, but I don't want to jeopardize our crucial effort to ban high-level radioactive waste in Texas prior to this impending September 13 deadline.

Greater than Class C waste deserves to have its own conversation. It deserves to have an interim charge so that we can study this issue thoroughly, and if there are additional special sessions, perhaps a greater than Class C call would be appropriate for that. I also think it's going to be important for us to have further discussions in communities like Andrews, Texas, where these types of policies are going to have the biggest impact but other communities and other regions of the state as well that will be impacted. But the business that is directly before us is to ban a new stream of high-level radioactive waste, including spent nuclear fuel, from coming to Texas because it's about to be forced down our throats on September 13 if we don't take this action. So your vote will help to protect Texas from that deluge of high-level radioactive waste.

**HB 7**, as amended, was passed to engrossment.

**CSHB 20 ON SECOND READING****(by Cain, White, Burrows, Metcalf, Shaheen, et al.)**

**CSHB 20**, A bill to be entitled An Act relating to censorship of or certain other interference with digital expression, including expression on social media platforms or through electronic mail messages.

(Harris in the chair)

**Amendment No. 1**

Representative Cain offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) as follows:

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

SECTION \_\_\_\_\_. Section 321.001, Business & Commerce Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Malicious computer code" means an unwanted computer program or other set of instructions inserted into a computer's memory, operating system, or program that:

(A) is specifically constructed with the ability to replicate itself or to affect the other programs or files in the computer by attaching a copy of the unwanted program or other set of instructions to one or more computer programs or files; or

(B) is intended to perform an unauthorized process that will adversely impact the confidentiality of information contained in or the integrity or availability of the computer's memory, operating system, or program.

(2) On page 9, strike lines 2 through 13 and substitute "PROHIBITED. An electronic mail service provider may not".

(3) On page 9, line 20, strike "a computer virus," and substitute "malicious computer code,".

(4) On page 10, line 15, strike "The".

(5) On page 10, strike lines 16 through 18.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Biedermann offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) as follows:

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

(2) On page 12, line 7, between "state" and the underlined period, insert the following:

; or

(4) is a current or former president of the United States

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representative Howard offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) as follows:

(1) On page 13, line 6, after the underlined semicolon, strike "or".

(2) On page 13, line 7, between "(4)" and "is", insert the following: directly or indirectly promotes or supports vaccine misinformation; or

(5)

A record vote was requested by Representative C. Turner.

Amendment No. 3 failed of adoption by (Record 83): 43 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Ashby; Bernal; Bowers; Bucy; Capriglione; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frullo; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Biedermann; Campos; Crockett; Deshotel; Frank; Gates; Gervin-Hawkins; Hinojosa; Johnson, J.D.; King, K.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

#### STATEMENTS OF VOTE

When Record No. 83 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 83 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 83 was taken, I was absent. I would have voted yes.

Martinez

#### Amendment No. 4

Representative Rosenthal offered the following amendment to **CSHB 20**:

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

(1) In SECTION 6 of the bill (page 13, after line 2), by adding "(3) includes the denial of the Holocaust;" and renumber subsequent SECTIONS accordingly.

A record vote was requested by Representative Rosenthal.

Amendment No. 4 failed of adoption by (Record 84): 48 Yeas, 68 Nays, 2 Present, not voting.



Yeas — Allen; Anchia; Bailes; Bernal; Bowers; Bucy; Capriglione; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Geren; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, T.; Larson; Longoria; Lucio; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Paddie; Perez; Price; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Parker; Paul; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; Hinojosa; Johnson, J.D.; Leach; Lopez; Martinez; Martinez Fischer; Meza; Minjarez; Morales, C.; Muñoz; Oliverson; Patterson; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 84 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 84 was taken, I was absent. I would have voted yes.

Martinez

### Amendment No. 5

Representative Rosenthal offered the following amendment to **CSHB 20**:

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

(1) In SECTION 6 of the bill (page 13, after line 2), by adding "(3) directly or indirectly promotes or supports any international or domestic terrorist group or any international or domestic terrorist acts;" and renumber subsequent SECTIONS accordingly.

A record vote was requested by Representative Rosenthal.

Amendment No. 5 failed of adoption by (Record 85): 49 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Ashby; Bailes; Bernal; Bowers; Bucy; Capriglione; Cole; Coleman; Cortez; Davis; Dominguez; Fierro; Frullo; Geren; González, M.; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.;

Kacal; King, T.; Kuempel; Larson; Longoria; Lucio; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Paddie; Perez; Price; Rose; Rosenthal; Stucky; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Gates; Goldman; Harless; Hefner; Holland; Hull; Hunter; Jetton; King, P.; Klick; Krause; Lambert; Landgraf; Leach; Lemar; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Parker; Patterson; Paul; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Dutton; Gervin-Hawkins; Hinojosa; Huberty; Johnson, J.D.; King, K.; Lopez; Martinez; Martinez Fischer; Meza; Minjarez; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

#### STATEMENTS OF VOTE

When Record No. 85 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 85 was taken, I was absent. I would have voted yes.

Martinez

#### Amendment No. 6

Representative Dominguez offered the following amendment to **CSHB 20**:

Amend **CSHB 20** (house committee report) by striking page 1, line 19, through page 16, line 21, and substituting the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter B, Chapter 405, Government Code, is amended by adding Section 405.024 to read as follows:

Sec. 405.024. PUBLIC FORUM TEXAS. (a) In this section, "social media platform" means an Internet website or application that is open to the public, allows a user to create an account, and enables users to communicate with other users for the primary purpose of posting information, comments, messages, or images.

(b) The secretary of state shall establish and maintain the Public Forum Texas social media platform that consists of the "Publicforum.Texas.gov" Internet website and a corresponding mobile application to be known as "Public Forum Texas App".

Amendment No. 6 failed of adoption.

A record vote was requested by Representative C. Turner.

**CSHB 20**, as amended, was passed to engrossment by (Record 86): 76 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Goldman; Harless; Hefner; Holland; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Capriglione; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Geren; González, M.; Goodwin; Hernandez; Herrero; Howard; Huberty; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

#### STATEMENTS OF VOTE

When Record No. 86 was taken, I was absent. I would have voted no.

Beckley

When Record No. 86 was taken, I was excused because of personal business. I would have voted no.

Canales

When Record No. 86 was taken, I was absent. I would have voted no.

Crockett

When Record No. 86 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 86 was taken, I was absent. I would have voted no.

Martinez

When Record No. 86 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 86 was taken, I was excused because of important business. I would have voted no.

Morales Shaw

When Record No. 86 was taken, I was absent. I would have voted no.

Rodriguez

### REASON FOR VOTE

Representative Beckley submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocol or procedures to address the recent surge in the spread of COVID on the house floor and the Capitol buildings in general. Several members have tested positive and continue to put the rest of the legislative body at risk, whether they are voting from the speaker's chamber or the house floor. Until the issue is addressed and safety measures are put in place to protect members of the Texas Legislature, I will not be present on the floor, but have included my statement on **CSHB 20**.

Under **CSHB 20**, social media platforms and companies would not be able to remove any content without being subject to legal claims of bias and exposing themselves to liability. This bill will force companies to do one of two things: either stop monitoring content at all, allowing harmful, false, misleading, and even illegal content on their sites—or move away from being neutral platforms, creating an even more politically polarized social media landscape.

**CSHB 20** could also be negative for business in the state by dissuading technology companies to relocate to Texas because of policies that would unconstitutionally prohibit a social media platform, which is a private entity, from removing content based on the "viewpoint" of the user—even if the post is against the platform's community standards.

**CSHB 20** runs counter to private speech on social media platforms. It would subject social media companies to burdensome regulation and expose them to expensive litigation in state courts, leaving Texas taxpayers with the bill.

Due to aforementioned reasons, I would have voted "no."

### GENERAL STATE CALENDAR SENATE BILLS SECOND READING

The following bills were laid before the house and read second time:

#### CSB 6 ON SECOND READING (Smith, Cook, Harless, Kacal, et al. - House Sponsors)

**CSB 6**, A bill to be entitled An Act relating to 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, and to the reporting of information pertaining to bail bonds.

Representative Smith moved to postpone consideration of **CSSB 6** until 8:30 p.m. today.

The motion prevailed.

#### **REMARKS ORDERED PRINTED**

Representative Wu moved to print all remarks on **CSHB 20**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **CSHB 20**.]

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **REMARKS ORDERED PRINTED**

Representative Zwiener moved to print all remarks on **HB 7**.

The motion prevailed.

#### **SB 15 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED**

Representative Lozano moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 15** all joint authors and co-authors for **HB 30** who sign on to **HB 30** before **SB 15** passes the house on third reading.

The motion prevailed.

#### **SB 15 ON SECOND READING (K. Bell - House Sponsor)**

**SB 15**, A bill to be entitled An Act relating to virtual and off-campus electronic instruction at a public school, the satisfaction of teacher certification requirements through an internship teaching certain virtual courses, and the allotment for certain special-purpose school districts under the Foundation School Program.

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

Representative K. Bell offered the following amendment to **SB 15**:

Amend **SB 15** (house committee printing) as follows:

- (1) On page 3, line 15, strike "and".
- (2) On page 3, line 19, between "Subsection (d)" and the underlined period, insert the following:  
; and

(3) may not count a student for purposes of calculating the district's or school's average daily attendance if the student has 10 or more unexcused absences in a six-month period

(3) On page 5, line 8, after the underlined period, add the following:  
The commissioner may waive the requirements of this subsection for courses included in the enrichment curriculum under Section 28.002.

(4) On page 5, line 15, strike "A" and substitute "Except as otherwise provided under Subsection (e)(3), a".

(5) On page 6, strike lines 1 through 9.

(6) On page 6, line 10, strike "(r)" and substitute "(q)".

(7) On page 6, between lines 17 and 18, add the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) In calculating under Subsection (q) the number of students that may be enrolled in a local remote learning program, a school district or open-enrollment charter school shall count students who spent at least half of the student's instructional time during the 2021-2022 school year enrolled in virtual courses or receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network under Chapter 30A, including students who were enrolled in virtual courses or received remote instruction during the 2021-2022 school year because the student was:

(1) medically fragile;

(2) placed in a virtual setting by an admission, review, and dismissal committee; or

(3) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(8) On page 6, line 20, strike "Subsection (c-1)" and substitute "Subsections (c-1) and (c-2)".

(9) On page 6, strike lines 24 through 26, and substitute the following: at least half of the students' instructional time:

(1) in virtual courses offered under a local remote learning program under Section 29.9091; or

(2) receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Section 29.9091 and including students receiving remote instruction who are:

(A) medically fragile;

(B) placed in a virtual setting by an admission, review, and dismissal committee; or

(C) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(c-2) Subsection (c-1) and this subsection expire September 1, 2023.

(10) On page 7, strike line 1, and substitute "adding Subsections (h-1), (m-1), and (m-2) to".

(11) On page 7, strike lines 3 through 17, and substitute the following:

(h-1) Subject to rules adopted by the commissioner under Section 48.007(b), time that a student participates in a course or program provided under Section 48.007(c) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance for purposes of this section. This subsection expires September 1, 2023.

(m-1) Except for students enrolled in programs or courses offered under Chapter 30A or Section 48.053, a school district or open-enrollment charter school may not count for purposes of calculating the district's or school's average daily attendance a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year if the student:

(1) did not achieve satisfactory performance or higher or the equivalent in the preceding school year on:

(A) each assessment instrument administered to the student under Section 39.023 or 39.025; or

(B) if the student was not administered an assessment instrument described by Paragraph (A) during the preceding school year, an assessment instrument designed to show grade-level proficiency in the essential knowledge and skills identified under Section 28.002 by the State Board of Education for the student's grade level;

(2) had a number of unexcused absences that exceeds 10 percent of the number of instructional days in the preceding school year; or

(3) did not earn a grade of C or higher or the equivalent in each of the foundation curriculum courses taken virtually or remotely in the preceding school year.

(12) Strike page 7, line 20 through page 9, line 5.

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0549 to read as follows:

Sec. 39.0549. EVALUATING VIRTUAL AND LOCAL REMOTE PROGRAMS. (a) In evaluating under Section 39.054 the performance of a school district or open-enrollment charter school that operates a full-time local remote learning program, the commissioner shall assign the program separate overall and domain performance ratings as if the program were a campus of the district or school. For purposes of assigning performance ratings under this subsection, students who spend at least half of the students' instructional time receiving virtual or remote instruction are considered enrolled in the program, including students:

(1) enrolled in virtual courses offered under a local remote learning program under Section 29.9091; or

(2) receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Section 29.9091 and including students receiving remote instruction who are:

(A) medically fragile;

(B) placed in a virtual setting by an admission, review, and dismissal committee; or

(C) receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(b) A performance rating under this section is not subject to Section 39.054(a-3) or 39.0546.

(c) A performance rating assigned under this section may not be used for purposes of Section 39.0544 or for determining whether to impose any intervention or sanction authorized by Chapter 39A.

(d) This section expires September 1, 2023.

SECTION \_\_\_\_\_. Subchapter A, Chapter 48, Education Code, is amended by adding Section 48.0071 to read as follows:

Sec. 48.0071. OFF-CAMPUS COURSES OR PROGRAMS COUNTED FOR PURPOSES OF AVERAGE DAILY ATTENDANCE. (a) The commissioner may approve off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction in the same manner that the commissioner approves instructional programs under Section 48.007(a).

(b) The commissioner shall adopt by rule verification and reporting procedures to report student participation in courses or programs provided under Subsection (c).

(c) A school district or open-enrollment charter school may provide one or more off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction to students enrolled in the district or school who have reasonable access to in-person services at a district or school facility. Off-campus electronic instruction for a course or program provided under this subsection may be provided synchronously or asynchronously. A student enrolled in a course or program provided under this subsection shall be counted toward the district's or school's average daily attendance in the same manner as other district or school students. In adopting rules under Subsection (b), the commissioner shall provide for a method of taking attendance, once each school day, for students enrolled in a course or program provided under this subsection.

(d) A school district or open-enrollment charter school that operated during the 2020-2021 school year a full-time virtual program outside the state virtual network under Chapter 30A with at least 10 percent of the enrollment for the program including students who resided outside the geographic area served by the district or school may:

(1) continue to operate the virtual program on a full-time basis;

(2) apply the same enrollment and transfer criteria used during the 2020-2021 school year; and

(3) offer the program to students in any grade level or combination of grade levels from kindergarten through grade 12 as long as the program includes at least one grade level for which an assessment instrument is administered under Section 39.023.

(e) This section expires September 1, 2023.

SECTION \_\_\_\_\_. A school district or open-enrollment charter school that operates a full-time local remote learning program during the 2021-2022 school year that meets the requirements of Section 29.9091, Education Code, as added by this Act, is entitled to funding in the manner prescribed by this Act regardless of whether the district or school began operating the program before, on, or after the effective date of this Act.



**Amendment No. 2**

Representative K. Bell offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by K. Bell to **SB 15** as follows:

- (1) On page 1, line 8, between "absences" and "in", insert "in the program".
- (2) On page 1, line 23, strike "spent" and substitute "spend".
- (3) On page 1, line 24, between "year" and "enrolled", insert "or 2022-2023 school year, as applicable,".
- (4) On page 1, line 27, strike "who were".
- (5) On page 1, line 29, between "year" and "because", insert "or 2022-2023 school year, as applicable,".
- (6) On page 3, line 16, strike "described by Paragraph (A)" and substitute "that was required to be administered to the student under Section 39.023 or 39.025".
- (7) Strike page 4, line 31, through page 5, line 5, substitute "PURPOSES OF AVERAGE DAILY ATTENDANCE", and reletter subsections of that section and cross-references to those subsections accordingly.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**Amendment No. 3**

Representative M. González offered the following amendment to **SB 15**:

Amend **SB 15** (senate committee printing) as follows:

- (1) In SECTION 3 of the bill, in added Section 29.9091(b)(1), Education Code (page 1, line 59), strike "or".
- (2) In SECTION 3 of the bill, in added Section 29.9091(b)(1), Education Code (page 2, line 2), strike "and" and substitute the following:  
or

(C) any bilingual education program, including a program using a dual language immersion program model, offered by the district or school;

- (3) In SECTION 3 of the bill, in added Section 29.9091(b)(2), Education Code (page 2, line 5), between "student" and the underlined period, insert the following:

; and

(3) offer the option for a student's parent or person standing in parental relation to the student to complete digital literacy training at the district or school, including an option for non-English speaking persons

- (4) In SECTION 3 of the bill, in added Section 29.9091, Education Code (page 2, between lines 59 and 60), insert the following appropriately lettered subsection and reletter subsequent subsections of the section accordingly:

( ) If a school district or open-enrollment charter school that is required to offer a bilingual education and special language program under Section 29.053 offers virtual courses under a local remote learning program, the district or school must make available to emergent bilingual students who are eligible to

enroll in a virtual course under Subsection (d) virtual courses for the bilingual education and special language program. A virtual course for a bilingual education and special language program offered under this subsection must:

(1) meet the content and instruction standards for bilingual education and special language programs under Section 29.055; and

(2) be taught by a teacher who holds the appropriate certification for assignment to a bilingual education and special language program under Section 29.061.

Amendment No. 3 failed of adoption.

#### **Amendment No. 4**

Representative M. González offered the following amendment to **SB 15**:

Amend **SB 15** (house committee printing) as follows:

(1) On page 2, line 25, strike ", asynchronous instruction,".

(2) On page 8, lines 12 through 13, strike "may be provided synchronously or asynchronously." and substitute "must be provided in a manner consistent with Section 29.9091."

(3) On page 8, lines 13 through 14, strike "provided under" and substitute "described by".

Amendment No. 4 failed of adoption.

#### **Amendment No. 5**

On behalf of Representative J. Turner, Representative M. González offered the following amendment to **SB 15**:

Amend **SB 15** (house committee report) by striking page 4, lines 14 through 21, and substituting the following:

(i) If a school district or open-enrollment charter school offers virtual courses under a local remote learning program, the district or school must ensure the accessibility of online technology, including compatibility with assistive technology for any participating student receiving special education services. The courses must meet the needs of a participating student in a manner consistent with Subchapter A of this chapter and with federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

A record vote was requested by Representative Zwiener.

Amendment No. 5 failed of adoption by (Record 87): 40 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Hernandez; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Leach; Longoria; Lozano; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Lemman; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Coleman; Crockett; Deshotel; Gervin-Hawkins; Herrero; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 87 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 87 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 87 was taken, I was absent. I would have voted yes.

Martinez

### Amendment No. 6

Representatives Huberty and K. Bell offered the following amendment to **SB 15**:

Amend **SB 15** (house committee report) by striking page 4, line 26, to page 5, line 5, and substituting the following:

(k) A district or school may not directly or indirectly coerce any teacher to agree to an assignment to teach a full-time local remote learning program.

Amendment No. 6 was adopted.

A record vote was requested by Representative M. González.

**SB 15**, as amended, was passed to third reading by (Record 88): 115 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Frank; Frullo; Gates; Geren; Goldman; Goodwin; Harless; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Hunter;

Israel; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Fierro; González, M.; Johnson, A.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Coleman; Crockett; Deshotel; Gervin-Hawkins; Herrero; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

#### STATEMENTS OF VOTE

When Record No. 88 was taken, I was excused because of personal business. I would have voted yes.

Canales

When Record No. 88 was taken, I was shown voting no. I intended to vote yes.

Fierro

When Record No. 88 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 88 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 88 was taken, I was shown voting no. I intended to vote yes.

A. Johnson

When Record No. 88 was taken, I was absent. I would have voted yes.

Martinez

#### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**CSSB 6 ON SECOND READING**  
**(Smith, Cook, Harless, Kacal, et al. - House Sponsors)**

**CSSB 6**, A bill to be entitled An Act relating to 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, and to the reporting of information pertaining to bail bonds.

**CSSB 6** was read second time earlier today and was postponed until this time.

(Speaker in the chair)

**Amendment No. 1**

Representative Smith offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee printing) as follows:

(1) On page 5, line 1, between "birth" and the underlined comma, insert "or, if impracticable, other identifying information".

(2) On page 6, lines 12-14, strike "regarding the number of defendants for whom bail was set during the preceding state fiscal year" and substitute "from the preceding state fiscal year regarding the number of defendants for whom bail was set after arrest".

(3) On page 6, between lines 23 and 24, insert the following appropriately lettered subsection:

( ) The Department of Public Safety shall assist the office in implementing the public safety report system established under this article and shall provide criminal history record information to the office in the electronic form necessary for the office to implement this article.

(4) On page 7, line 14, strike "section" and substitute "article".

(5) On page 7, strike lines 25 through 27 and substitute the following:

(e) In the manner described by this article, a magistrate may, but is not required to, order, prepare, or consider a public safety report in setting bail for a defendant charged only with a misdemeanor punishable by fine only or a defendant who receives a citation under Article 14.06(c). If ordered, the report shall be prepared for the time and place for an appearance as indicated in the citation.

(f) A magistrate may set bail for a defendant charged only with an offense punishable as a misdemeanor without ordering, preparing, or considering a public safety report if the public safety report system is unavailable for longer than 12 hours due to a technical failure at the Office of Court Administration of the Texas Judicial System.

(6) On page 8, strike lines 6 through 8 and substitute the following:

(b) Notwithstanding any other law, a defendant to whom this article applies may be released on bail only by a magistrate who is:

(1) any of the following:

(A) a resident of this state;

(B) a justice of the peace serving under Section 27.054 or 27.055,

Government Code; or

(C) a judge or justice serving under Chapter 74, Government Code;  
and

(2) in compliance with the training requirements of Article 17.024.

(7) On page 9, line 27, immediately following "WITH", insert "FELONY".

(8) On page 10, strike lines 3 through 8 and substitute the following:

(1) if a defendant is charged with committing an offense punishable as a felony while released on bail in a pending case for another offense punishable as a felony and the subsequent offense was committed in the same county as the previous offense, the defendant may be released on bail only by:

(A) the court before whom the case for the previous offense is pending; or

(B) another court designated in writing by the court described by Paragraph (A); and

(9) On page 10, strike line 10 and substitute the following:  
offense punishable as a felony while released on bail for another pending offense punishable as a felony and the

(10) On page 11, line 3, strike "monetary" and substitute "cash or surety".

(11) On page 13, line 2, strike "hearing before" and substitute "review by".

(12) On page 13, line 3, strike "hearing may be held before" and substitute "review may be conducted by".

(13) On page 13, line 5, strike "held for that purpose".

(14) On page 13, lines 5 through 8, strike "The defendant must be given the opportunity to present evidence and respond to evidence presented by the attorney representing the state."

(15) On page 13, line 17, strike "hearing" and substitute "review".

(16) On page 13, lines 18 and 19, strike "and must provide to the office the reason for the delay".

(17) On page 13, line 19, strike "hearing" and substitute "review".

(18) On page 14, line 11, between "only" and "without", insert "or a defendant who receives a citation under Article 14.06(c)".

(19) On page 21, line 26, between "SECTION 9." and "Article", insert "(a)".

(20) On page 22, line 3, between "case" and "are", insert "in which the defendant has been arrested".

(21) On page 23, between lines 5 and 6, insert the following:

(a-1) Notwithstanding any other law, the duties imposed by Subsection (a)(6) with respect to obtaining and considering information through the public safety report system do not apply until April 1, 2022. This subsection expires June 1, 2022.

(22) On page 23, between lines 11 and 12, insert the following:

(b) Article 17.15(a), Code of Criminal Procedure, as amended by this Act, and Article 17.15(c), as added by this Act, take effect immediately 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. If this Act does not

receive the vote necessary for immediate effect, Article 17.15(a), Code of Criminal Procedure, as amended by this Act, and Article 17.15(c), as added by this Act, take effect on the 91st day after the last day of the legislative session.

(23) On page 23, between lines 25 and 26, insert the following appropriately lettered subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

( ) Notwithstanding Subsection (b), a sheriff, peace officer, or jailer may make a bail decision regarding a defendant who is charged only with a misdemeanor punishable by fine only or a defendant who receives a citation under Article 14.06(c) without considering the factor required by Article 17.15(a)(6).

(24) On page 28, line 17, between "set" and the underlined comma, insert "after arrest".

(25) On page 30, line 15, between "publish" and "each", insert "the information from".

(26) On page 30, line 17, following the underlined period, insert the following:

Any identifying information or sensitive data, as defined by Rule 21c, Texas Rules of Civil Procedure, regarding the victim of an offense may not be published under this subsection.

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

SECTION \_\_\_\_\_. (a) Section 411.083(c), Government Code, is amended to read as follows:

(c) The department may disseminate criminal history record information under Subsection (b)(1) only for a criminal justice purpose. The department may disseminate criminal history record information under Subsection (b)(2) only for a purpose specified in the statute or order. The department may disseminate criminal history record information under Subsection (b)(4), (5), or (6) only for a purpose approved by the department and only under rules adopted by the department. The department may disseminate criminal history record information under Subsection (b)(7) only to the extent necessary for a county or district clerk to perform a duty imposed by law to collect and report criminal court disposition information. Criminal history record information disseminated to a clerk under Subsection (b)(7) may be used by the clerk only to ensure that information reported by the clerk to the department is accurate and complete. The dissemination of information to a clerk under Subsection (b)(7) does not affect the authority of the clerk to disclose or use information submitted by the clerk to the department. The department may disseminate criminal history record information under Subsection (b)(8) only to the extent necessary for the office of court administration to perform a duty imposed by law, including the development and maintenance of the public safety report system as required by Article 17.021, Code of Criminal Procedure, or to compile court statistics or prepare reports. The office of court administration may disclose criminal history record information obtained from the department under Subsection (b)(8):

(1) in a public safety report prepared under Article 17.022, Code of Criminal Procedure; or

(2) in a statistic compiled by the office or a report prepared by the office, but only in a manner that does not identify the person who is the subject of the information.

(b) This section takes effect on the 91st day after the last day of the legislative session.

### **Amendment No. 2**

Representative Moody offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Smith to **CSSB 6** on page 5, by striking line 11 and substituting the following:  
offense and any person's address or contact information shall be redacted and may not be published under this subsection.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

### **Amendment No. 3**

Representative Smith offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee report) on page 6, between lines 23 and 24, by inserting the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

( ) Any contract for goods or services between the office and a vendor that may be necessary or appropriate to develop the public safety report system is exempt from the requirements of Subtitle D, Title 10, Government Code. This subsection expires September 1, 2022.

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Smith offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee printing) as follows:

(1) On page 15, line 19, strike "Notwithstanding any other law" and substitute "Except as provided by Articles 15.21, 17.033, and 17.151".

(2) On page 19, line 8, strike "Notwithstanding any other law" and substitute "Except as provided by Articles 15.21, 17.033, and 17.151".

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative A. Johnson offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee report) as follows:

(1) On page 15, line 19, between the underlined comma and "a defendant", insert "except on a showing of good cause of extraordinary circumstances and with agreement of the state,".



(2) On page 19, line 8, between the underlined comma and "a defendant", insert "except on a showing of good cause of extraordinary circumstances and with agreement of the state,".

#### AMENDMENT NO. 5 - REMARKS

REPRESENTATIVE A. JOHNSON: The purpose of this amendment is—if you notice within this bill, it takes away the concept of judicial discretion. It says that you cannot give a PR bond on a felony certain limitation of offenses and obligates that the judge push that population back into the cash bail industry. This amendment says—because there is some concern that I have heard with some of the judges elected in some counties saying we want to take away what they can do—so this exception is that "except on a showing of good cause of extraordinary circumstances and with agreement of the state." So this would allow, in an extenuating circumstance where only a PR bond can help and the state agrees, that the judge and the state by agreement can implement a PR bond to a defendant.

REPRESENTATIVE MOODY: The amendment that you have before the body today is a discretionary piece where the prosecutor has said in this instance we will permit it. So they're essentially serving a gatekeeper function in this amendment?

A. JOHNSON: Exactly.

MOODY: Okay. And are there other examples in the law where we essentially put those—I mean, prosecutors in their role on a daily basis are gatekeepers, right? They get cases presented to them all the time. It doesn't necessarily mean they're going to prosecute them. Correct?

A. JOHNSON: Correct. Not only that, they get to decide whether or not they want to make requests for high bond and whether or not they want to make requests for no bond. So they are a gatekeeper function in which the state and the judge and the defense can make an objection. This bill would take away that give and take and that discretionary battle that might happen among those three parties. This would just give the opportunity to give it back but, so that it's not *carte blanche*, upon "good cause of extraordinary circumstances."

MOODY: So you're putting a high bar there and creating a gatekeeper function. But this is the meat of the bill. We're talking about the PR bond limitation. I mean, there are certainly other parts of the bill that deserve our attention, but this is really the crux of the bill. Isn't that correct?

A. JOHNSON: It's the crux of the bill in saying that you get to decide. This is one of the things we talked about the other day. You elect your judges. If you don't like what the judges are doing, you can unelect them. But tell me the last time you looked at the people that were making a profit off the bail bond industry and decided that they wanted to post a bond for somebody who's a violent offender because they could skim off the top 10 percent. You don't get to unelect

the cash bond bail industry. They don't have ethical obligations. And so this bill pushes the discretion away from the judge and says if a bail bondsman wants to give them money, they can do it.

The important thing about this bill is I have seen it in effect. You can't always know what's happening with a defendant. And every once in a while you need a tool like, you know what, that person needs to go to a shelter or that person needs to go to treatment. And the judge can say, I've got a deal for you: You can choose jail or drug treatment. And a lot of times they'll go, all right, I'm ready—drug treatment. And when the judge does it on a PR bond, if they leave that treatment facility within 24 hours, they can report it to the judge. The judge can issue a warrant and bring them back. On the flip side, if a for-profit industry posts their cash bond, you can't revoke it until they skip bond. This is taking away the judge's ability to help those unique circumstances of funneling people to proper services.

MOODY: But with the amendment, if the amendment goes on, that situation in the real world would look like: Judge is looking at the case. You've got a prosecutor sitting there giving him a rough schedule of the case. The defense attorney's obviously going to be asking for whatever he thinks is reasonable under the circumstances. Today, in a lot of cases, you'll see the prosecutor—I know I've done it as a prosecutor and as a defense attorney—where you go, can we just agree? Here's the person's history. Here's what we have going on. Here's the situation. I know that it says injury to an elder, but this is a 50-year-old that got into a scuffle with a 70-year-old. Yes, I know that the offense sounds bad, but this needs to go to PR. Let's get them out on PR rather than keep them in the jail awaiting a trial. I think the examples are multiple. But can you think of a good example for the folks here to understand that while something on paper—and by the way, it's still an accusation, right? We're not talking about anyone that's been convicted of any of these crimes, right? This is someone that's been accused of this crime.

A. JOHNSON: Correct.

MOODY: Can you give a good example from your experience where one of these things that does sound heinous by the name of the offense but it's a case where we need a PR bond so let's get something a little more creative involved?

A. JOHNSON: So let's take an example in human trafficking cases. Often, a pimp will have a stable of girls, and those girls may get charged as a party in an aggravated robbery. Think of it this way. That individual female is like a shrimp on the line and the pimp will set up the john that comes to pay for sex and rob him at the end. Every once in a while, these guys will call up and say, hey, I paid to have sex with somebody and then these two dudes jumped in, beat me up, and stole all my stuff. And that's a perfect circumstance where it may not fit our perfect picture of what we think between victimization and offender.

And it's usually—think about it. You don't usually get it the first time. It's usually when you've come in and out of jail a couple of times and you finally go, ugh, I've had it. Fine, I'm done. This takes away the discretion—the bill—from

having the judge step in when that person's in a moment of saying, I am ready for forgiveness. I am ready for a different path. I am ready for that shelter or rehab facility. And the judge has the power to let them choose a better path.

If you don't accept this amendment, you give all that discretion back to the for-profit bail bond industry so that they can make a cut. I don't think that's where we want to go in all the discussions of criminal justice reform that have come out of this body. And I'm giving you a chance to bake this back into this bill with this amendment.

MOODY: You made reference to a broader criminal justice reform movement, and there has been a slow erosion of the one-size-fits-all approach. And that is a good thing because we need creativity in this process because for too long we have taken certain conduct—where there's substance abuse disorder, homelessness, other issues—and we've essentially said we don't want to deal with those difficult societal issues like mental health crises and we're just going to jam people into the criminal justice system. We have done an enormous amount of work to get away from overcriminalization in a lot of circumstances. We have a lot of work to go, don't get me wrong, but we have started down a road to start to peel some of that back, and we have great tools available in counties throughout the state. We have allowed for a lot of creativity in our laboratories across the state.

But when we do this and we put back a one-size-fits-all approach because that code section sounds very egregious, we're essentially taking a giant step backward in this arena. I appreciate you bringing forth this amendment. We don't need a one-size-fits-all approach. This would be a step backward. And I think your amendment to allow—this isn't a free pass. This is allowing for a prosecutor in a case to work with the judge in a particular matter to address that particular situation because it may not need a no bond or no PR bond. And then honestly, you're just pushing people who have and have not in different directions based solely on their ability to pay. And I think that's really what we need to get away from in this system.

A. JOHNSON: Not only that, it's not their ability to pay. Consider that it's the ability of the person to pay who wants to control them. So when we talk about victims who are part of organized crime of either drugs, human trafficking, or anything else, if that person is worried, all they've got to do is go post their bond and get them out of town. And so again, this allows the judge the ability to implement discretion with the approval of the state. I ask for your adoption of this amendment.

REPRESENTATIVE SMITH: I've just got to tell you how much I really enjoy working with Representative A. Johnson. I think she's smart, she's tough, and she is experienced. But I've got to respectfully decline to support this amendment and ask that you would join me with it. First of all, this bill is not about the bail bond industry. It's about public safety. It's about getting folks out of jail that don't need to be in jail, period. This particular amendment—first of all, this is a highly

negotiated, sensitive bill. I think there's been a ton of folks that have worked together on it. This makes complicated what does not need to be complicated, and I would ask that you would support me in opposing this amendment.

A. JOHNSON: This amendment is the right thing to do, and I would ask that you consider giving back the discretion. And if you're mad at Harris County, think about Judge Westfall from Tarrant County who came up and equally suggested that taking away judicial discretion is not a good thing. It's the job you hire them for. It's the ethics that they are there for. And in this case, you're taking it away from a judge and you are literally giving it back to a for-profit company to determine what's best for public safety. This gives you back a little bit of safety and judicial discretion.

Amendment No. 5 failed of adoption.

### **Amendment No. 6**

Representative A. Johnson offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee printing) by striking page 17, line 18, and substituting the following:

"Prostitution), if the defendant is not alleged to have engaged in conduct constituting an offense under Section 43.02(a);"

Amendment No. 6 was adopted.

### **Amendment No. 7**

Representative Moody offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee report) as follows:

(1) On page 5, strike lines 15 and 16, and substitute

"(i) offenses described by Article 17.03(b-2)".

(2) Strike page 14, line 13, through page 21, line 16, and substitute the following:

SECTION 6. Article 17.03, Code of Criminal Procedure, as effective September 1, 2021, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

(b) Only the court before whom the case is pending may release on personal bond a defendant who:

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

(A) [~~Section 19.03 (Capital Murder)~~];

[~~(B)~~] Section 20.04 (Aggravated Kidnapping);

(B) [~~(C)~~] Section 22.021 (Aggravated Sexual Assault);

[~~(D)~~] Section 22.03 (Deadly Assault on Law Enforcement or Corrections Officer, Member or Employee of Board of Pardons and Paroles, or Court Participant);

[~~(E)~~] Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual);

(C) [~~(F)~~] Section 29.03 (Aggravated Robbery);

(D) [~~(G)~~] Section 30.02 (Burglary); or

(E) [(H)] Section 71.02 (Engaging in Organized Criminal Activity);

[(I) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual); or

[(J) Section 20A.03 (Continuous Trafficking of Persons);]

(2) is charged with a felony under Chapter 481, Health and Safety Code, or Section 485.033, Health and Safety Code, punishable by imprisonment for a minimum term or by a maximum fine that is more than a minimum term or maximum fine for a first degree felony; or

(3) does not submit to testing for the presence of a controlled substance in the defendant's body as requested by the court or magistrate under Subsection (c) of this article or submits to testing and the test shows evidence of the presence of a controlled substance in the defendant's body.

(b-2) Notwithstanding any other law, a defendant may not be released on personal bond if the defendant is charged with an offense under the following provisions of the Penal Code:

(1) Section 19.02 (Murder);

(2) Section 19.03 (Capital Murder);

(3) Section 20A.02 (Trafficking of Persons);

(4) Section 20A.03 (Continuous Trafficking of Persons);

(5) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(6) Section 21.11 (Indecency with a Child);

(7) Section 22.021 (Aggravated Sexual Assault);

(8) Section 43.04 (Aggravated Promotion of Prostitution), if the defendant is not alleged to have engaged in conduct constituting an offense under Section 43.02(a);

(9) Section 43.05 (Compelling Prostitution); or

(10) Section 43.25 (Sexual Performance by a Child).

(3) On page 22, strike lines 15 and 16, and substitute the following:

(A) is an offense described by Article 17.03(b-2); or

(4) On page 23, line 27, through page 24, line 1, strike "involving violence as defined by Article 17.03" and substitute "described by Article 17.03(b-2)".

(5) On page 24, lines 23 and 24, strike "involving violence as defined by Article 17.03" and substitute "described by Article 17.03(b-2)".

(6) On page 33, line 22, between "as added by this Act," and "and Sections", insert "Article 17.03, Code of Criminal Procedure, as amended by this Act,".

(7) Renumber the remaining SECTIONS of the bill accordingly.

#### AMENDMENT NO. 7 - REMARKS

REPRESENTATIVE MOODY: I ask for your attention just for a bit. I'd like to claim a lot of credit for this amendment, but the credit belongs to y'all. This is the operative provision about PR bond limitations that this body voted for this year when it was called **HB 20**. You wrote this. I didn't write this. The Texas House wrote this. I'm asking you to write it again, and I'll tell you why. We talk a lot about rights and responsibilities on this floor. So let's get down to what this bill is

about. This bill is about accusations and what happens to your physical person when you're facing an accusation. Are we detaining you waiting for trial or are we going to allow you free movement? Does your ability to pay, should it bear on that result?

When we talk about systemic problems, this is what we're talking about. The example of someone who is working two jobs to get by and gets arrested for one of these deals and can't get a PR bond and has to then sit in jail—they've got family issues, they've got job issues, they've got transportation issues, they're going to have housing issues. Guess what? That person's going to plead guilty to that charge every single time, not because they are or not but because of the pressures that have been put on them because they can't pay to get out. A person that has means? They can fight and try their case at their leisure. Why do those two people get different results? We're talking about your actual liberty. There's very few things the government can do more than this. The government can take your life under the death penalty in this state, and they can deprive you of your liberty by locking you up.

I just want to hit on this again. These are accusations. You know, I've presented bills in committees before that talk about protective orders. Part of what can happen in a protective order hearing is a firearm can be restricted from that person's possession. And I have had people send death threats to my office and tell me: How dare you—in an ex parte hearing where they've had no due process, you're going to say that person is going to lose their Second Amendment right? And I hear that over and over again when I look at that. Yet when we talk about accusation and depriving you of your liberty—you know, this is also depriving you of your opportunity to have a firearm. You know why? It's separating you physically and throwing you in jail. So if we have to put it in those terms, I'll put it in those terms. But we are literally talking about confining you on an accusation.

So if we care about liberty and we care about these things and we care about the Constitution, and I know you do, then all I'm asking you to do is to go back to what this body already wrote. We did this, bipartisan, all of us. I wish I could claim credit for it but I can't. This limits a very broad section of the bill to make sure we are talking about certain conduct only, and the accusation piece of this is what I want you to focus on because these are not folks that have been convicted of anything. I'm not asking you to do anything you haven't done before. Y'all have already voted for this overwhelmingly. So that's all I'm asking you to do is to do it again. Allow this conversation to continue. I don't know that this will be the end of the discussion. What I'm asking for is an opportunity—an opportunity to discuss better policy. Because when we lock people up on accusations and they're not able to get out because of their inability to pay, we are creating a very dangerous system.

REPRESENTATIVE SCHAEFER: Representative Moody, do you know what question I get back from my judges when I talk to them about this bill?

MOODY: I don't, but I'd be interested to know.

SCHAEFER: They ask me why we would take away their discretion.

MOODY: I think it's a great question to ask. And when y'all go back home and you're going to have more crowding in your jails and you're depriving your judges of this decision making, you're going to look back on an opportunity where we could have done a little bit better on policy. So let's start that discussion here. Nothing says this is the beginning or the end or the middle, but if we change this section, it is going to amplify this discussion in a very meaningful way. It doesn't mean we're going to end with this, but it means at least we're going to have the opportunity to talk about one of the most important things that we discuss on this floor and that is our physical liberty.

REPRESENTATIVE SMITH: I really appreciate Mr. Moody's comments. I appreciate his perspective. I appreciate him working with me in many areas of this bill. But I would tell you that first of all, this amendment will conflict with my perfecting amendment that has already been put on in several different ways. So it would be very, very disastrous. The other part of this is that over the special sessions, we have worked hard on this particular element of the bill. It has several concessions in it, some of which I made to Mr. Moody. So now, then, to come back later on, respectfully, and try and change all that—we just can't. It just is not going to let the bill work like it should. We have an emergency in some areas of the state. We may have an emergency in all areas of the state we've got to deal with. I think this is a judicious way to do it. It does not overly limit judicial discretion. So I ask that you respectfully oppose this amendment.

MOODY: I appreciate the dialogue that Mr. Smith and I have had on this for quite some time now because it takes someone that's going to earnestly look at a very complex issue to be able to help try and draft good policy, and I know that's what he's after, too. We do have a difference of opinion here, and that's okay. We talked about it in committee. We talked about it during session. We're talking about it now. That's okay. What I'm saying is, give us the opportunity to continue that discussion. If we make this change, that's going to allow us to do that as a house. This is language you all have written and voted on before, and so I ask you to do it one more time.

A record vote was requested by Representative Moody.

Amendment No. 7 failed of adoption by (Record 89): 42 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Krause; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Sanford; Schaefer; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf;

Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, M.; Hinojosa; Johnson, J.D.; King, P.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 89 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 89 was taken, I was absent. I would have voted yes.

Martinez

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Anchia on motion of C. Turner.

### CSSB 6 - (consideration continued)

#### Amendment No. 8

Representative Clardy offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.071 to read as follows:

Art. 17.071. CHARITABLE BAIL ORGANIZATIONS. (a) In this article, "charitable bail organization" means a person who accepts and uses donations from the public to deposit money with a court in the amount of a defendant's bail bond. The term does not include:

(1) a person accepting donations with respect to a defendant who is a member of the person's family, as determined under Section 71.003, Family Code; or

(2) a nonprofit corporation organized for the purpose of religious worship.

(b) This article does not apply to a charitable bail organization that pays a bail bond for not more than three defendants in any 180-day period.

(c) A person may not act as a charitable bail organization for the purpose of paying a defendant's bail bond in a county unless the person:



(1) is a nonprofit organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code; and

(2) has been issued a certificate under Subsection (d) with respect to that county.

(d) A county clerk shall issue to a charitable bail organization a certificate authorizing the organization to pay bail bonds in the county if the clerk determines the organization is:

(1) a nonprofit organization described by Subsection (c)(1); and

(2) current on all filings required by the Internal Revenue Code.

(e) A charitable bail organization shall file in the office of the county clerk of each county where the organization intends to pay bail bonds an affidavit designating the individuals authorized to pay bonds on behalf of the organization.

(f) Not later than the 10th day of each month, a charitable bail organization shall submit, to the sheriff of each county in which the organization files an affidavit under Subsection (e), a report that includes the following information for each defendant for whom the organization paid a bail bond in the preceding calendar month:

(1) the name of the defendant;

(2) the cause number of the case;

(3) the county in which the applicable charge is pending, if different from the county in which the bond was paid; and

(4) any dates on which the defendant has failed to appear in court as required for the charge for which the bond was paid.

(f-1) A sheriff who receives a report under Subsection (f) shall provide a copy of the report to the Office of Court Administration of the Texas Judicial System.

(g) A charitable bail organization may not pay a bail bond for a defendant at any time the organization is considered to be out of compliance with the reporting requirements of this article.

(h) The sheriff of a county may suspend a charitable bail organization from paying bail bonds in the county for a period not to exceed one year if the sheriff determines the organization has paid one or more bonds in violation of this article and the organization has received a warning from the sheriff in the preceding 12-month period for another payment of bond made in violation of this article. The sheriff shall report the suspension to the Office of Court Administration of the Texas Judicial System.

(i) Chapter 22 applies to a bail bond paid by a charitable bail organization.

(j) A charitable bail organization may not accept a premium or compensation for paying a bail bond for a defendant.

(k) Not later than December 1 of each year, the Office of Court Administration of the Texas Judicial System shall prepare and submit, to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the standing committees of each house of the legislature with

primary jurisdiction over the judiciary, a report regarding the information submitted to the office under Subsections (f-1) and (h) for the preceding state fiscal year.

### AMENDMENT NO. 8 - REMARKS

REPRESENTATIVE CLARDY: Let me explain to the members if I could—I'm sure you all have some questions—this amendment. Much like what Representative Moody said a moment ago, this really isn't my amendment. What this amendment is is a lot of hard work from several members. And I will say this is an issue that greatly concerned me in the committee that we served on, the select committee, that we heard, and it was a concern I heard voiced not only by myself but by Ms. Thompson and also by Charlie Geren concerning the charitable bail organizations.

A little bit of history, members: The original bill as it came over was essentially going to outlaw and not allow charitable bail organizations to participate in the bail process. It was going to make it illegal for them to issue a bond. We had a long, healthy, and, I think, robust discussion, and several of us expressed an opinion—Ms. Thompson, if I may quote you—"green is green." All money is green. And there was a push by many of us asking, so why are we going to discriminate against charitable bail organizations when the only two things that matter is what is the bond that the judge has set—a magistrate has properly set the bond—and whether someone, whether it be a family member, a church, a friend, a bail bondsman, or a charitable bail organization if they can afford it, if they put the money up, cash on the barrelhead, that person is released pursuant to the law?

We learned a lot about why this was there, but the most important thing is we stood up as colleagues of yours in the Texas House and made it very clear to the other side of the building that this would not stand, that we would not have this prohibition to charitable bail organizations doing what otherwise everyone else is allowed to do. There's equal protection arguments, there's all sorts of things, but fundamentally, we have judges to trust to set the bails and then we have a process by which people can attain their freedom. And we want to make sure everyone has that right.

This amendment does several simple things. First off, what it does do is it is going to allow charitable bail organizations to do their work and get people out as they see fit. This amendment does not apply to family members. These requirements are not required by family members. It's not required by churches or other nonprofit religious organizations. And if you're a small charitable bail organization being defined as one who does less than three bonds in a period of 180 days, you don't have to do these disclosure requirements. Fundamentally, what this amendment does is it requires there to be some reasonable and limited disclosure requirements—what are you doing? First, to qualify as a charitable bail organization, you have to be operating as a 501(a) or a 501(c)(3) on the Internal Revenue Code and also have been issued a certificate. There's several safety procedures in this amendment that are important. First is for the charitable bail organization to be able to issue these bonds, they have to receive a county certification. That comes from the office of the county clerk. They authorize them

if they determine that they are a nonprofit organization and they are current on all their IRS filings. Once that happens, there's a second step where they have to file with the sheriff of each county information as follows: the name of the defendant for whom bail bonds have been issued—again, more than three in a 180-day period—the cause number of the case, the county in which the charge is pending, and the dates on which the defendant has failed to appear in a court as required for the charge on which the bond was paid. Then the sheriff, in turn, will provide this information to the OCA, Office of Court Administration—which I think both the bill author and Chairman Moody have both talked about how that works—and they will develop other protocols to make sure these rules are followed.

The last check and balance in the amendment says that that sheriff may suspend a charitable bail organization from paying these bonds if they get a warning—if they are not following the rules, haven't filed the paperwork. There's no intention to get them on a technical gotcha, but if they determine they fail to do those and follow the rules and file the appropriate disclosures, they can be suspended from a bail organization bond. Otherwise, the OCA will work with the legislature and the leaders of our government to come up with the reports and the forms that are necessary to do this. But what this does, again, I think importantly it allows these organizations who serve constituents who serve them, and it certainly doesn't stand in the place of family or church, but it does give them an option to bail bondsmen as a way to make their way out of jail. I think it accommodates people. But I think it's a reasonable expectation from the state that if you're going to get into a regulated business, which the bail bond business is, that you should have to perform some modicum of disclosure, something where we know who you are and that your organization can follow these rules.

REPRESENTATIVE S. THOMPSON: Mr. Clardy, if a church charitable organization didn't make any more than three bail bonds a year, would they be required to report to the sheriff?

CLARDY: Well, first off, if they're doing the bonding through the church—through the actual Baptist church, Methodist church, whatever the church is—they're not covered by this amendment at all. They have no disclosure requirements. So a traditional church, if they decide to have a potluck dinner and bake sale to raise money to bond out one of their parishioners, they've got no duties under this amendment. But if it's a charitable bail organization and they do more than three in a 180-day period, they do have the disclosure requirements.

S. THOMPSON: But if they did a potluck dinner like the religious organization did and they did no more than three, they would not be required to report?

CLARDY: If there's no more than three for a charitable organization, they do not have to report.

S. THOMPSON: And if the church did more than 3,000, they would never have to report to the sheriff, right?

CLARDY: That is correct.

S. THOMPSON: Even if that person failed to appear in court.

CLARDY: No, there's no obligation based upon the performance of the accused to appear in court. I would like to say one thing, Ms. Thompson, just while it's on my mind. I think this is important to know that historically if you compare the failure to appear records of those who are bonded out by charitable bail organizations versus traditional bondsmen, the actual appearance rate is higher. We have fewer people fail to appear when they are bonded out by charitable bail organizations.

S. THOMPSON: What about when they pay the full bail like the bail bondsman company? What about that failure rate?

CLARDY: If I understand your question, if they fail to appear, the bail bondsman puts up the money—

S. THOMPSON: No, I'm talking about the percentage. You knew the percentage on those other two. What about the percentage of those who use a bail bondsman to bail out and fail to appear?

CLARDY: Oh, what I understand is that there are more people that appear—there's a higher percentage that appear—when they've been bonded out by a charitable bail organization than those who are bonded out by a bail bondsman. That's my understanding.

S. THOMPSON: So what you're saying is if you're not a religious organization that does this but you're a charitable organization and you do more than three bail bonds a year, then you're required to make a report to the sheriff and give them certain data that is located in your amendment, right?

CLARDY: First thing that you have to do is be eligible—

S. THOMPSON: Why the distinction?

CLARDY: Distinction between?

S. THOMPSON: Why are you distinguishing what a charitable organization will have to do as opposed to what the religious charitable organization does?

CLARDY: That's a fair question.

S. THOMPSON: Thank you.

CLARDY: Let me explain it this way. If we're dealing with, again, as defined here, a "nonprofit corporation organized for the purpose of religious worship," I think all of us in this chamber are loath to—and, in fact, I think would resist mightily—any infringement upon the freedom of religion, the freedom to worship. So the imposition of any kind of requirement on churches and their mission work and how they do things—they may view getting their parishioners out as part of their mission, and that would very well be so. These are charitable organizations organized under the federal tax code as 501(a) or 501(c)(3). They're nonprofit organizations. They're fundamentally set up differently. If I could, one is a religious organization protected under our Constitution and the First Amendment. The others are secular organizations. They may be charitable organizations, but they're secular and they're organized under sections of the tax code. And with that comes certain responsibilities, which is why the two things

are they have to be eligible, be a qualifying nonprofit, and secondly, they have to get a certificate from the county. The county clerk's not going to exercise any discretion like I don't like the way this form looks. They have to get a certification saying they will do these things; then, you go to the sheriff and you provide those more detailed reports of the bonds that are issued; and that, in turn, goes to the OCA and those records are kept.

S. THOMPSON: So in other words, if you are cloaked under religion, then you get a lot more freedom than if you would be a regular charitable organization. Is that what you're telling me?

CLARDY: What I'm telling you is that's the distinction I'm making in my mind.

S. THOMPSON: And I appreciate that.

CLARDY: But the churches—and it was important to all of us. You and I are on the same page on this. I do not want our churches to be impaired or limited in any way in what they choose to do to help their parishioners. But these organizations are nonprofit entities. They exist exclusively under the federal tax code. That's a different animal, literally, than historical bodies of worship. And as you recall, Ms. Thompson, we argued about this—me and you together with Chairman Geren and others—that we don't want to see the charitable bail organizations excluded from participating in the bail process. And I was adamant on that, and I know you were. We were adamant on that, and we were very forceful, and the stakeholders that have come together on this, and the people that have talked about this, and have been clear that any onerous restriction on them, any burden unnecessarily placed on them, we were not about that.

S. THOMPSON: In other words, you're hiding behind the tax code to say that the charitable organizations—because they happen to fall under the tax code and they may have certain restrictions because of the way that they were incorporated—that's different and distinct from how we should allow the religious charitable organizations to operate. Is that what you're telling me?

CLARDY: Ms. Thompson, I'm too big to hide. I'm not hiding behind anything.

S. THOMPSON: All I'm asking you to tell me is—

CLARDY: If you're going to be a nonprofit organization under the federal tax code, you're already filing paperwork. You're in the business of taking care of business—filing your tax reports, your tax returns. You've got to comply with those regulations. So to ask you to file simple forms, who did you bond out—again, I'll go back to it. This is on page 2 of the amendment.

S. THOMPSON: All I'm asking you to tell me is which color lipstick Monique is wearing today. That's all I'm asking. Which color lipstick is Monique wearing today? Is she wearing the lipstick color under religion? Or is she wearing the one under the tax code? And I'm asking you to make a distinction.

CLARDY: I don't know. I'd like to meet Monique.

S. THOMPSON: What is the rationale of putting this back into this bill?

CLARDY: Again, we did not put back into the original bill that you and I saw, nor would we have, nor would I have ever agreed to put that back in. I found it to be discriminatory on its face. I thought it was an unequal application of the equal protection clause. And again, these were your words, not mine, but when you said them, I wish that I had—that when it comes to posting bond, the only color that matters is green. The judge sets it; somebody pays it.

S. THOMPSON: But you're actually treating these two charitable organizations differently, one because they're under religion and the other because we say they're under the tax code.

CLARDY: But we hold different institutions and different organizations to different standards in any number of areas. But in this sense, they are engaging in a practice, posting bond, again, through a legal process. It goes through a magistrate. But what they have done is they have chosen to do this under the tax code. What we did not want to do, and I think you may remember this, was there was some push in committee and in maybe one of the drafts—I don't remember exactly where in the process—to make charitable bond organizations subject to the exact same laws and regulations that the bail bondsmen are under. That's excessive. That is onerous. That was burdensome. And I couldn't support that either. We've already boiled this down to a very simple and easy to follow set of disclosures. It's not tied to penalties. It's not tied to anything other than you just need to report to the county clerk, get your certification, and file your report with the sheriff. And they can do that. If they can file their tax returns, they can certainly file this.

S. THOMPSON: So what you're saying is if you are a charitable organization, nonreligious, and you make over three bonds, then you have to report to the sheriff. And if you want to avoid that, you need to become a religious organization so you don't have to do that, and you can make as many bonds as you want to.

CLARDY: You make a very good distinction.

S. THOMPSON: Isn't that what you just told us?

CLARDY: So yes, there are churches and then there are nonprofit organizations under the tax code, the charitable bail organizations. Now, those charitable bail organizations, their charitable relation may be to a church. But again, that's not uncommon to have related entities. Put it in our world of politics. You can have a political action committee that does certain things and that's in that category, but then you have a corporation that does things here, and then you have some other entity that does charitable work. So what this is saying is, it's not saying that these charitable bail organizations cannot be related to a church or have the majority of its members form a church or have cross-directors or elders or leadership. It's just saying that if you're going to engage in issuing bonds, you're going to have to meet some reasonable and limited and not onerous reporting requirements. You get certified by the county clerk, you get your certification, and then you file the reports if you are doing more than three. So if it's done very irregularly, you're fine.

Amendment No. 8 was adopted.

**Amendment No. 9**

Representative C. Turner offered the following amendment to **CSSB 6**:

Amend **CSSB 6** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 26.044, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding any other provision of this section, the term "state criminal justice mandate" includes the amount spent by the county in the previous 12 months to comply with the requirements of law pertaining to the public safety report system developed under Article 17.021, Code of Criminal Procedure. This subsection expires December 31, 2025.

SECTION \_\_\_\_\_. Section 26.044(e), Tax Code, as added by this Act, applies only to a tax year that begins on or after January 1, 2022.

(Harris in the chair)

A record vote was requested by Representative C. Turner.

Amendment No. 9 failed of adoption by (Record 90): 37 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Neave; Ordaz Perez; Ortega; Perez; Rose; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Anchia; Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gates; Gervin-Hawkins; González, M.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sherman; Thierry.

**STATEMENTS OF VOTE**

When Record No. 90 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 90 was taken, I was absent. I would have voted yes.

Martinez

(Speaker in the chair)

A record vote was requested by Representative C. Turner.

**CSSB 6**, as amended, was passed to third reading by (Record 91): 82 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Goodwin; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Canales; Collier; González, J.; Guerra; Guillen; Morales Shaw; Ramos.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, M.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Muñoz; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

### STATEMENTS OF VOTE

When Record No. 91 was taken, I was absent. I would have voted no.

Beckley

When Record No. 91 was taken, I was absent. I would have voted no.

Crockett

When Record No. 91 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 89 was taken, I was absent. I would have voted no.

Martinez

When Record No. 91 was taken, I was absent. I would have voted no.

Martinez Fischer



When Record No. 91 was taken, I was absent. I would have voted no.

Rodriguez

### REASONS FOR VOTE

Representative Beckley submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocol or procedures to address the recent surge in the spread of COVID on the house floor and the Capitol buildings in general. Several members have tested positive and continue to put the rest of the legislative body at risk, whether voting from the speaker's chamber or the house floor. Until the issue is addressed and safety measures are put in place to protect members of the Texas Legislature, I will not be present on the floor, but have included my statement on **CSSB 6**.

While there are some reasonable provisions in **CSSB 6** and the intent of reforming the bail system is good, Texas should be reforming the criminal justice system so that less people are put in jail and those who are not guilty can be released in the most expedient way, instead of setting up a system that treats defendants unequally based on wealth.

**CSSB 6** will negatively affect low-income Texans by channeling them into the money bail system and keeping low-risk defendants in jail pretrial because they are unable to raise bail money, while allowing others who are a risk to the public to go free simply because they have the resources to do so.

**CSSB 6** will effectively force accused Texans to choose private bail bonds, a for-profit industry, by restricting access to charitable bail funds for people in jail awaiting trial, as well as hiking bail rates for those accused of certain violent crimes or repeated nonviolent offenses.

Several provisions in **CSSB 6** remove judicial discretion, could delay bail decisions, and lead to an increase in administrative burdens on the courts, overcrowding in jails, and higher costs to counties.

Increasing reliance on the money bail system could have a disproportionate impact on communities of color and could exacerbate racial or gender inequities tied to the criminal justice system and to economic factors that relate to an individual's ability to pay bail.

Due to aforementioned reasons, I would have voted "no."

Representative J. González submitted the following reason for vote to be printed in the journal:

This session, the house failed to pass meaningful criminal justice reform measures. **SJR 3** and **CSSB 6** reinforce Texas' cash bail system, which doubles down on a criminal justice system that penalizes the poor and affords a higher quality of justice for people that can afford to post bond. This legislation, and other pieces like it, will overcrowd Texas jails. The Texas Legislature should focus on equitable criminal justice reform that does not disproportionately and negatively impact Texas' black and Latino communities. Had I been present, I would have voted no.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**SB 7 - RULES SUSPENDED**  
**HOUSE SPONSOR AUTHORIZED**

Representative Bonnen moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 7** all joint authors and co-authors for **HB 8**.

The motion prevailed.

Representative Bonnen moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representative Canales as a house sponsor to **SB 7**.

The motion prevailed.

**SB 7 ON SECOND READING**  
**(Rogers - House Sponsor)**

**SB 7**, A bill to be entitled An Act relating to a one-time supplemental payment of benefits under the Teacher Retirement System of Texas.

**Amendment No. 1**

On behalf of Representative Allen, Representative Bowers offered the following amendment to **SB 7**:

Amend **SB 7** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter H, Chapter 824, Government Code, is amended by adding Sections 824.7015 and 824.703 to read as follows:

Sec. 824.7015. ADJUSTMENT TO BENEFITS. (a) Subject to Section 821.006 and notwithstanding Section 824.702, the amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter is increased to include a 10 percent adjustment in accordance with this section.

(b) The board of trustees shall recompute the amount of a benefit paid monthly under this chapter by applying the 10 percent adjustment to the monthly amount otherwise required to be paid as determined in accordance with the other applicable provisions of this chapter and other law.

Sec. 824.703. ANNUAL ADJUSTMENT FOR COST OF LIVING. (a) Subject to Section 821.006 and notwithstanding Section 824.702, the amount of a monthly service retirement benefit, disability retirement benefit, or death benefit paid under this chapter is increased to include a four percent annual cost-of-living adjustment in accordance with this section.

(b) The board of trustees shall recompute the amount of a benefit paid monthly under this chapter by applying the four percent adjustment to the monthly amount otherwise required to be paid as determined in accordance with the other applicable provisions of this chapter.

(b) Sections 824.7015 and 824.703, Government Code, as added by this section, apply only to a monthly benefit payment made by the Teacher Retirement System of Texas on or after February 1, 2022.

**Amendment No. 1 - Point of Order**

Representative Vasut raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.

Amendment No. 1 was withdrawn.

**SB 7** was passed to third reading.

**REMARKS ORDERED PRINTED**

Representative Moody moved to print all remarks on Amendment No. 5, Amendment No. 7, and Amendment No. 8 on **CSSB 6**.

The motion prevailed.

**SB 1 - REQUEST OF SENATE GRANTED**

On motion of Representative Murr, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1**.

**SB 1 - CONFERENCE COMMITTEE INSTRUCTED**

Representative Murr moved to instruct the Conference Committee on **SB 1** to limit the deliberations to resolving differences on Amendment No. 58 by Cain.

The motion to instruct conferees prevailed.

**SB 1 - CONFERENCE COMMITTEE APPOINTED**

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1**: Murr, chair; Burrows, Coleman, Lozano, and J. Turner.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**ADJOURNMENT**

Representative Metcalf moved that the house adjourn until 2 p.m. Monday, August 30.

The motion prevailed.

The house accordingly, at 10:25 p.m., adjourned until 2 p.m. Monday, August 30.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 183** (By Swanson), Relating to a pilot program for recording activity at a ballot counting station.

To Select Constitutional Rights and Remedies.

**HB 185** (By Hefner), Relating to requirements for a voting system to be used in an election in this state.

To Select Constitutional Rights and Remedies.

**HB 186** (By Howard), Relating to voter registration application forms in high schools.

To Select Constitutional Rights and Remedies.

**HB 188** (By Jetton), Relating to the enforcement by the secretary of state of certain voter roll maintenance provisions; providing a civil penalty.

To Select Constitutional Rights and Remedies.

**HB 200** (By Landgraf), Relating to the prohibition on the transportation, storage, and disposal of high-level radioactive waste in certain areas.

To Environmental Regulation.

**HB 203** (By Dominguez), Relating to requiring public schools to offer a virtual learning option during a disaster.

To Public Education.

**HB 205** (By Muñoz), Relating to a cost-of-living adjustment applicable to certain benefits paid by the Teacher Retirement System of Texas, including a related study.

To Appropriations.

**HB 206** (By Muñoz), Relating to a one-time supplemental payment of benefits under the Teacher Retirement System of Texas.

To Appropriations.

**HB 208** (By Oliverson), Relating to a vacancy in the office of senator or representative due to unexcused absence.

To State Affairs.

**HB 210** (By C. Bell, Oliverson, Metcalf, Patterson, and Wilson), Relating to the allocation and deposit of certain surplus state revenue to the property tax relief fund for use in reducing school district maintenance and operations ad valorem taxes.

To Appropriations.

**HB 212** (By Bucy), Relating to electronic voter registration.

To Select Constitutional Rights and Remedies.

**HB 213** (By Bucy), Relating to acceptable forms of identification for voting.

To Select Constitutional Rights and Remedies.

**HB 214** (By Bucy), Relating to the days and hours during which the polls are open for early voting by personal appearance.

To Select Constitutional Rights and Remedies.

**HB 215** (By Bucy), Relating to early voting by mail by any qualified voter.

To Select Constitutional Rights and Remedies.

**HB 216** (By Bucy), Relating to the procedures for voting after changing residence to another county.

To Select Constitutional Rights and Remedies.

**HB 218** (By Bucy), Relating to notifications given to a person convicted of a felony concerning the person's eligibility to vote.

To Select Constitutional Rights and Remedies.

**HB 219** (By Bucy), Relating to the registration of voters at a polling place and related procedures.

To Select Constitutional Rights and Remedies.

**HB 220** (By Bucy), Relating to the electronic transmission of a ballot to a voter voting early by mail on the ground of absence from the county of residence.

To Select Constitutional Rights and Remedies.

**HB 221** (By Bucy), Relating to accommodating voters with a disability.

To Select Constitutional Rights and Remedies.

**HB 223** (By Capriglione), Relating to a cost-of-living adjustment applicable to certain benefits paid by the Teacher Retirement System of Texas.

To Appropriations.

**HB 227** (By Anchia and Howard), Relating to a policy requiring the use of face masks, face shields, or other face coverings and providing notice to a parent or guardian regarding a positive coronavirus disease (COVID-19) test for a person assigned to a student's classroom in public schools.

To Public Education.

**HB 236** (By Landgraf), Relating to the prohibition on the transportation, storage, and disposal of high-level radioactive waste in certain areas.

To Environmental Regulation.

**HB 237** (By Zwiener), Relating to the governor's issuance of executive orders, proclamations, and regulations under the Texas Disaster Act of 1975 regarding the wearing of face masks or coverings in certain schools.

To Public Education.

**HB 238** (By Landgraf), Relating to the storage of radioactive waste or elemental mercury for any period exceeding one year; authorizing a fee.

To Environmental Regulation.

**HJR 26** (By Howard), 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.

To Ways and Means.

**HR 97** (By Cain), In memory of H Scott Apley of Dickinson.

To Resolutions Calendars.

**HR 98** (By Price), In memory of Peggy Ferguson of Dumas.

To Resolutions Calendars.

**HR 99** (By Price), Commemorating the 70th anniversary of the Amarillo Wesley Community Center.

To Resolutions Calendars.

**HR 100** (By Price), Commemorating the 70th anniversary of Wonderland Amusement Park in Amarillo.

To Resolutions Calendars.

**HR 101** (By Price), Congratulating Michael Maples on his retirement as deputy executive commissioner for the Health and Specialty Care System at the Texas Health and Human Services Commission.

To Resolutions Calendars.

**HR 102** (By Tinderholt), Congratulating Mission Arlington on its 35th anniversary.

To Resolutions Calendars.

**HR 103** (By Meyer), In memory of Jeffrey Sean Barry of Dallas.

To Resolutions Calendars.

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, August 27, 2021

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 1**

Senate Conferees: Hughes - Chair/Bettencourt/Buckingham/Creighton/Lucio

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**August 26**State Affairs - **SB 14**

