

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTEENTH DAY — WEDNESDAY, MARCH 31, 2021

The house met at 10:07 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 57).

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

The invocation was offered by Representative Ellzey as follows:

Heavenly Father, bless us this Passover, Lenten, and Easter season. And though we may not always agree here and speak in unison, at least let us for a few moments speak together the words you taught us, saying: Our Father, who art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For thine is the kingdom, the power, and the glory, forever and ever. Amen.

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

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).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 5).

HR 408 - NAMES ADDED

On motion of Representative Harless, the names of all the members of the house were added to **HR 408** as signers thereof.

SCR 37 - ADOPTED (Metcalf - House Sponsor)

The following resolution was laid before the house:

SCR 37, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 31, 2021, and ending on Tuesday, April 6, 2021.

SCR 37 was adopted by (Record 58): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 10 ON THIRD READING
(by Paddie, Hernandez, et al.)

HB 10, A bill to be entitled An Act relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region.

HB 10 was passed by (Record 59): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

HB 11 ON THIRD READING
(by Paddie, Hernandez, Allison, et al.)

HB 11, A bill to be entitled An Act relating to the preparedness for extreme weather emergencies of facilities that provide electricity service.

Amendment No. 1

Representative Paddie offered the following amendment to **HB 11**:

Amend **HB 11** on third reading by striking the SECTION of the bill added by Floor Amendment No. 13 by Toth on second reading and substituting the following appropriately numbered SECTION:

SECTION _____. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0023 to read as follows:

Sec. 35.0023. IDENTIFICATION OF CRITICAL CARE CUSTOMERS WITH BACKUP GENERATION. The commission shall coordinate with electric utilities to identify critical care customers who have backup generation and who are capable of being curtailed in the event of firm load shed.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Paddie offered the following amendment to **HB 11**:

Amend **HB 11** on third reading as amended by the amendment by P. King, adding a subsection to Section 38.074, Utilities Code, by striking the added "an extreme weather emergency or times of constraint in its service territory, in addition to and separate from any load management program operated as part of its portfolio of energy efficiency programs" and substituting "extreme weather where the independent organization certified under Section 39.151 for the ERCOT power region has declared an emergency".

Amendment No. 2 was adopted.

HB 11, as amended, was passed by (Record 60): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

HB 12 ON THIRD READING

(by Raymond, Paddie, Hernandez, Bonnen, Button, et al.)

HB 12, A bill to be entitled An Act relating to a study on a statewide disaster alert system and implementation of that system.

HB 12 was passed by (Record 61): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner;

Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; 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 — Canales; Gervin-Hawkins.

STATEMENTS OF VOTE

When Record No. 61 was taken, my vote failed to register. I would have voted yes.

Canales

When Record No. 61 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

HB 13 ON THIRD READING (by Paddie, et al.)

HB 13, A bill to be entitled An Act relating to the establishment of the Texas Energy Disaster Reliability Council.

HB 13 was passed by (Record 62): 149 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky;

Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

HB 16 ON THIRD READING

(by Hernandez, Paddie, Hunter, Morales Shaw, et al.)

HB 16, A bill to be entitled An Act relating to the sale of wholesale indexed products by retail electric providers.

HB 16 was passed by (Record 63): 116 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; King, K.; King, P.; King, T.; Klick; Kuempel; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Spiller; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Frullo; Gates; Hefner; Holland; Kacal; Krause; Lambert; Middleton; Parker; Patterson; Price; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smithee; Stucky; Tinderholt; Vasut; White.

Present, not voting — Mr. Speaker(C).

Absent — Button; Stephenson.

STATEMENTS OF VOTE

When Record No. 63 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 63 was taken, I was in the house but away from my desk. I would have voted yes.

Stephenson

When Record No. 63 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 63 was taken, I was shown voting yes. I intended to vote no.

Wilson

HB 17 ON THIRD READING
(by Deshotel, Paddie, Reynolds, Perez, Harris, et al.)

HB 17, A bill to be entitled An Act relating to a restriction on the regulation of utility services and infrastructure based on the energy source to be used or delivered.

HB 17 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE C. TURNER: I'd like to ask you, if it's all right, a few questions for purposes of legislative intent on **HB 17**. So yesterday, you recall, I proposed an amendment on second reading that, as you and I discussed, was meant to clarify the intent of the bill. Is that right?

REPRESENTATIVE DESHOTEL: Yes, sir.

C. TURNER: And would you agree with me that the amendment as drafted was acceptable to you because you believed it did not fundamentally change the intent of the bill, right?

DESHOTEL: It was acceptable. Yes, sir.

C. TURNER: Right, because it was in keeping with your intent of the bill. And so you would agree that the amendment as drafted would have clarified that cities and other political subdivisions can continue to encourage, promote, or provide rebates for energy efficiency, energy storage, or renewable or clean energy through normal government functions such as ordinances, resolutions, regulations, codes, orders, policies, or other measures so long as it did not directly or indirectly ban, restrict, or prohibit the connection or reconnection of a utility service or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer?

DESHOTEL: I understood that to be the purpose of the amendment, yes.

C. TURNER: Thank you, and I apologize for the long question.

DESHOTEL: Oh, no problem.

C. TURNER: And the amendment is not on the bill today because we had a point of order on it. Is that right?

DESHOTEL: That's correct. It is not on the bill today.

C. TURNER: And on the point of order, the ruling of the chair, which was entered into the house journal yesterday, stated that the bill on its terms does not apply to a city's voluntary encouragement of energy efficiency, that the bill, as you intended it to be—with your intent as recognized by the chair—makes it clear that cities and other political subdivisions may continue to encourage, promote, or provide rebates for energy efficiency, storage, and clean energy, right?

DESHOTEL: That was my understanding of the ruling. Yes, sir.

C. TURNER: And it's your intent that if **HB 17** passes both the house and the senate and is signed into law in its present form, that cities and other political subdivisions may continue to adopt these types of ordinances, resolutions, codes, et cetera, to further energy efficiency and clean energy. Is that right?

DESHOTEL: Yes, I do not believe this bill changes that authority.

C. TURNER: I beg your pardon?

DESHOTEL: I do not think this bill changes that authority.

C. TURNER: Thank you, Chairman Deshotel, for helping me just clarify the intent of the bill. And I appreciate you talking with me about this.

REMARKS ORDERED PRINTED

Representative C. Turner moved to print remarks between Representative Deshotel and Representative C. Turner on **HB 17**.

The motion prevailed.

HB 17 was passed by (Record 64): 116 Yeas, 29 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Meza; Middleton; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Pacheco; Paddie; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Romero; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson.

Nays — Anchia; Bucy; Cole; Coleman; Collier; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Lopez; Martinez; Martinez Fischer; Minjarez; Moody; Ordaz Perez; Ortega; Ramos; Rodriguez; Rose; Sherman; Talarico; Turner, C.; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent — Crockett; Ellzey; Parker; Rosenthal.

STATEMENTS OF VOTE

When Record No. 64 was taken, my vote failed to register. I would have voted no.

Crockett

When Record No. 64 was taken, my vote failed to register. I would have voted yes.

Ellzey

When Record No. 64 was taken, I was shown voting yes. I intended to vote no.

Meza

When Record No. 64 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

When Record No. 64 was taken, I was shown voting no. I intended to vote yes.

Rose

When Record No. 64 was taken, my vote failed to register. I would have voted no.

Rosenthal

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 7 ON SECOND READING
(by Button, Metcalf, Rodriguez, Thierry, Landgraf, et al.)**

CSHB 7, A bill to be entitled An Act relating to the computation of the replenishment ratio used to determine an employer's unemployment compensation contribution tax rate.

CSHB 7 was passed to engrossment.

**CSHB 797 ON SECOND READING
(by Howard, Price, Jetton, Guerra, Klick, et al.)**

CSHB 797, A bill to be entitled An Act relating to the possession and administration of certain vaccines by a home and community support services agency or its employees.

CSHB 797 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OLIVERSON: Your legislation expands vaccines that a home health agency may store, transport, and administer to its patients to include any FDA-approved or authorized vaccine to treat or mitigate the spread of a communicable disease. You are not intending to limit any existing requirements or best practices for vaccine storage or handling. Is that correct?

REPRESENTATIVE HOWARD: Yes, absolutely. We are not diminishing the requirements or expectations for vaccine storage and handling. The bill's intention is to maintain the appropriate temperature ranges when storing, transporting, and administering a vaccine.

OLIVERSON: Thank you, Representative. I appreciate you bringing this bill forward.

REMARKS ORDERED PRINTED

Representative Oliverson moved to print remarks between Representative Howard and Representative Oliverson on **CSHB 797**.

The motion prevailed.

Amendment No. 1

Representative Howard offered the following amendment to **CSHB 797**:

Amend **CSHB 797** (house committee report) on page 1, line 18, between "approved" and "by", by inserting "authorized for emergency use, or otherwise permitted for use".

Amendment No. 1 was adopted.

CSHB 797, as amended, was passed to engrossment.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 1195 ON SECOND READING (by Geren, Goldman, Frullo, Meyer, Bonnen, et al.)

CSHB 1195, A bill to be entitled An Act relating to the franchise tax treatment of certain loans and grants made under the federal Coronavirus Aid, Relief, and Economic Security Act.

Amendment No. 1

Representative Geren offered the following amendment to **CSHB 1195**:

Amend **CSHB 1195** (house committee printing) in SECTION 1 of the bill by striking added Section 171.10131(a), Tax Code (page 1, lines 9 through 19), and substituting the following:

(a) In this section, "qualifying loan or grant proceeds" means the amount of money that:

(1) is received by a taxable entity in loans or grants:

(A) under the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. Section 9001 et seq.), as amended by the Paycheck Protection Program Flexibility Act of 2020 (Pub. L. No. 116-142) and the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260); or

(B) from the restaurant revitalization fund established under Section 5003 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2); and

(2) is not included in the taxable entity's gross income for purposes of federal income taxation under:

(A) Sections 276 and 278 of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260); or

(B) Section 9673 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).

Amendment No. 1 was adopted.

A record vote was requested by Representative Biedermann.

CSHB 1195, as amended, was passed to engrossment by (Record 65): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; 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 — Davis; Fierro; Johnson, A.; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 65 was taken, I was in the house but away from my desk. I would have voted yes.

Davis

When Record No. 65 was taken, I was in the house but away from my desk. I would have voted yes.

A. Johnson

CSHB 390 ON SECOND READING (by S. Thompson and Shine)

CSHB 390, A bill to be entitled An Act relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.

CSHB 390 - POINT OF ORDER

Representative Cain raised a point of order against further consideration of **CSHB 390** under Rule 4, Section 32(c), and Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill analysis is incorrect and the bill caption is inaccurate.

(Leman in the chair)

The point of order was withdrawn.

A record vote was requested by Representative Vasut.

CSHB 390 was passed to engrossment by (Record 66): 112 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Coleman; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smithee; Swanson; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Burns; Cain; Cason; Gates; Harless; Harris; Hefner; Holland; King, P.; Krause; Landgraf; Lozano; Middleton; Morrison; Murr; Patterson; Raney; Schaefer; Shaheen; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent — Cortez; Thierry.

STATEMENTS OF VOTE

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

Lozano

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

Paul

CSHB 365 ON SECOND READING
(by Murr, Slawson, Burns, Rogers, et al.)

CSHB 365, A bill to be entitled An Act relating to liability arising from farm animals.

Amendment No. 1

Representative Murr offered the following amendment to **CSHB 365**:

Amend **CSHB 365** (house committee printing) as follows:

(1) On page 2, line 2, between "agricultural," and "or aquacultural", insert "apicultural".

(2) On page 2, line 9, strike "or" and substitute "[~~or~~]".

(3) On page 2, line 10, between "fowl" and the period, insert the following:

; or

(G) a honeybee kept in a managed colony

Amendment No. 1 was adopted.

CSHB 365 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SLAWSON: Why do ranchers and livestock producers need the liability protections set forth in this bill?

REPRESENTATIVE MURR: Cattle, horses, and other farm animals are inherently big and strong and can be unpredictable in their nature. They can sometimes move or react suddenly and they do cause injuries, which is why this body enacted legislation to counter that inherent unpredictability.

SLAWSON: So does some form of liability limitation already exist in statute?

MURR: Yes, the Texas Equine Act was passed in 1995 with the intent to protect horse owners from liability. It was amended in 2011 to expand the scope of the Act from just equine animals to all farm animals, becoming the Farm Animal Liability Act. That Act built upon terminology and language used in the former Texas Equine Act, including the terms such as "participant" and "farm animal activity." The intent was to protect farm animal owners from liability if another person was injured or killed in a farm animal activity and the injury or death was the result of an inherent risk of the farm animal activity. Many ranchers and ranching organizations assume they can rely upon the liability protections in this Act.

SLAWSON: So is your intent to protect livestock producers, ranchers, engaged in all production activities on their ranches and not just at events like a rodeo, livestock show, or horse show?

MURR: Yes, that protection is absolutely vital to safeguard our food and fiber industries.

SLAWSON: What was that Texas Supreme Court case you mentioned?

MURR: *Waak v. Rodriguez* was decided by the Texas Supreme Court in June of 2020. A ranch hand with more than eight years of experience was trampled to death by a bull while moving cattle from one pasture to another. His family sued

the rancher. The rancher raised the Farm Animal Liability Act as a defense, asserting that his liability from his farm animal was limited under state law. The court, however, ruled against the rancher because it narrowly construed the terms and the meaning of the Act and concluded that it simply doesn't apply to a rancher and a ranch hand. This bill makes the legislature's original intent clear that livestock producers are afforded liability protection originally intended in this Act.

SLAWSON: Who's protected under the new Act before us today?

MURR: The bill expands protection in several aspects and makes clear that the Act applies to ranchers and employee ranch hands. First, the Act expands the definition of "farm animal professional" to include persons providing nonmedical care or treatment to a farm animal including vaccination; assisting in providing animal health management activities including vaccination; providing care, feeding, and husbandry of farm animals; assisting or conducting customary tasks on a farm concerning farm animals; and transporting or moving livestock. Under the revised definition, all farmers and ranchers should be protected.

SLAWSON: So the intent of this Act is to provide liability protection for livestock owners and operators if an employee such as a ranch hand is injured by an animal?

MURR: That is correct, yes. The protection is intended to apply even if the ranch hand is part-time or employed full-time, provided that the injury is caused by the farm animal, even if they are an independent contractor.

SLAWSON: I'm in a rural district, Representative, and I have some ranchers in my district that certainly don't call themselves farmers. Are we certain this bill is going to cover them?

MURR: Yes. In fact, the definition of "farm" expressly includes the term "ranch." In short, the two words are interchangeable in the Act, so your farmers continue to farm and your ranchers can continue to ranch.

SLAWSON: What happens if we fail to take action today?

MURR: Ranching is a low-margin business and, to boot, livestock producers are generally price takers. The imposition of any additional cost or liabilities will have a negative impact on producers, and anyone that has dealt with livestock shows knows that animals can be unpredictable and that there is an inherent risk working and being around sheep, cattle, goats, and other animals. Without reasonable liability protections in place, a single injury could bankrupt a producer, cost him or her the family business, and put them out of business for good.

SLAWSON: Does liability protection still exist for the FFA and 4-H livestock shows that take place in my district?

MURR: Yes, the Act protects sponsors, volunteers, and those that work with livestock shows.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Slawson moved to print remarks between Representative Murr and Representative Slawson on **CSHB 365**.

The motion prevailed.

CSHB 365, as amended, was passed to engrossment.

HB 654 ON SECOND READING
(by Lucio and Allison)

HB 654, A bill to be entitled An Act relating to the rule against perpetuities.

A record vote was requested by Representative Leach.

HB 654 was passed to engrossment by (Record 67): 142 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Cole; Coleman; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lemay; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Clardy; Ramos; Schaefer; Stephenson; Turner, J.

Present, not voting — Mr. Speaker(C).

Absent — Cortez; Goodwin.

STATEMENT OF VOTE

When Record No. 67 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

HB 531 ON SECOND READING
(by Walle and Morales Shaw)

HB 531, A bill to be entitled An Act relating to notice requirements for a leased dwelling located in a floodplain.

HB 531 was passed to engrossment.

CSHB 567 ON SECOND READING**(by Frank, Noble, Wu, et al.)**

CSHB 567, A bill to be entitled An Act relating to the procedures and grounds for terminating the parent-child relationship, for taking possession of a child, and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services.

CSHB 567 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MINJAREZ: Specifically in this bill, I know one of the most important aspects of the bill is you revised the definition of "neglect." Correct?

REPRESENTATIVE FRANK: Correct.

MINJAREZ: Can you tell the body about what you did with the revision of that term?

FRANK: Yes. We were, I would say, tightening it up and trying to make it more consistent. Again, part of the problem is the inconsistency in the application. So I think the biggest word in that is the "immediate danger"—that in order to be removed, the child should be considered to be at immediate danger from the parents, not simple neglect. Poverty is not a reason to lose your child in this state. Even some of the reasons that people are being removed—let's say the child has been exposed to marihuana smoke. While I may disagree with that, that is not a reason for removal and should not qualify under immediate danger.

MINJAREZ: Will that revised definition of neglect also apply to neglect in foster care facilities?

FRANK: Yes, it will. It will apply because they are covered under Section 261.

MINJAREZ: In your bill—I think it's page 2, subsection 4, line 24—you talk about blatant disregard. DFPS would have to define "blatant disregard." Can you talk about what that means?

FRANK: Well, it is a challenge sometimes of seeing how CPS defines things. And frankly, the way it gets defined and implemented across the state is often very inconsistent. I think what we're doing here is giving them much more consistent guidelines. So I think we're going to be providing more consistency, not less.

MINJAREZ: Great. And then my last question, Chair Frank, is, with families being able—hopefully, under this bill—to retain their children at home, is that going to prevent them from getting family prevention services or family-based services?

FRANK: No, nothing in this bill would. And, in fact, there are some other bills that will address that to make sure those services can be provided in the homes.

MINJAREZ: Thank you for all your hard work, Chair Frank. This is long overdue.

REMARKS ORDERED PRINTED

Representative Minjarez moved to print remarks between Representative Frank and Representative Minjarez on **CSHB 567**.

The motion prevailed.

Amendment No. 1

Representative Wu offered the following amendment to **CSHB 567**:

Amend **CSHB 567** (house committee printing) on page 10 by striking lines 9-16 and substituting the following:

(c) The court may extend the 90-day period under Subsection (a) for the period the court determines necessary if, after a hearing, the court finds good cause for the extension. If the court grants a good cause extension under this subsection, the court shall render a written order specifying:

- (1) the grounds on which the extension is granted; and
- (2) the length of the extension.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Cook offered the following amendment to **CSHB 567**:

Amend **CSHB 567** (house committee printing) on page 7, by striking lines 26 and 27 and substituting "possession of the child by that person unless the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that, specific to each person entitled to possession:".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Cook offered the following amendment to **CSHB 567**:

Amend **CSHB 567** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 107.003(b), Family Code, is amended to read as follows:

(b) In addition to the duties required by Subsection (a), an attorney ad litem appointed for a child in a proceeding under Chapter 262, ~~[or] 263, or 264~~ shall:

- (1) review the medical care provided to the child;
- (2) in a developmentally appropriate manner, seek to elicit the child's opinion on the medical care provided;
- (3) for a child at least 16 years of age:

(A) advise the child of the child's right to request the court to authorize the child to consent to the child's own medical care under Section 266.010; and

(B) ascertain whether the child has received the following documents:

- (i) a certified copy of the child's birth certificate;
- (ii) a social security card or a replacement social security card;

(iii) a driver's license or personal identification certificate under Chapter 521, Transportation Code; and

(iv) any other personal document the Department of Family and Protective Services determines appropriate; and

(4) seek to elicit in a developmentally appropriate manner the name of any adult, particularly an adult residing in the child's community, who could be a relative or designated caregiver for the child and immediately provide the names of those individuals to the Department of Family and Protective Services.

SECTION _____. Sections 107.004(d), (d-2), (d-3), and (e), Family Code, are amended to read as follows:

(d) Except as provided by Subsection (e), an attorney ad litem appointed for a child in a proceeding under Chapter 262, ~~[or]~~ 263, or 264 shall:

(1) meet before each court hearing with:

(A) the child, if the child is at least four years of age; or

(B) the individual with whom the child ordinarily resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age; and

(2) if the child or individual is not present at the court hearing, file a written statement with the court indicating that the attorney ad litem complied with Subdivision (1).

(d-2) An attorney ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services or a child who is the subject of a proceeding under Chapter 264 shall, before each scheduled hearing under Chapter 263 or 264, determine whether the child's educational needs and goals have been identified and addressed.

(d-3) An attorney ad litem appointed to represent a child in the managing conservatorship of the Department of Family and Protective Services or a child who is the subject of a proceeding under Chapter 264 shall periodically continue to review the child's safety and well-being, including any effects of trauma to the child, and take appropriate action, including requesting a review hearing when necessary to address an issue of concern.

(e) An attorney ad litem appointed for a child in a proceeding under Chapter 262, ~~[or]~~ 263, or 264 is not required to comply with Subsection (d) before a hearing if the court finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance with that subsection is not feasible or in the best interest of the child. Additionally, a court may, on a showing of good cause, authorize an attorney ad litem to comply with Subsection (d) by conferring with the child or other individual, as appropriate, by telephone or video conference.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Wu offered the following amendment to **CSHB 567**:

Amend **CSHB 567** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 263.401, Family Code, is amended by adding Subsection (b-3) to read as follows:

(b-3) A court shall find under Subsection (b) that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the department if:

(1) a parent of a child has made a good faith effort to successfully complete the service plan but needs additional time; and

(2) on completion of the service plan the court intends to order the child returned to the parent.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Slaton offered the following amendment to **CSHB 567**:

Amend **CSHB 567** (house committee printing) on page 2, by striking lines 20 and 21 and substituting the following appropriately numbered SECTION:

SECTION _____. Section 261.001, Family Code, is amended by amending Subdivisions (1) and (4) and adding Subdivisions (3-a) and (3-b) to read as follows:

(1) "Abuse":

(A) includes the following acts or omissions by a person:

(i) [~~A~~] mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(ii) [~~B~~] causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(iii) [~~C~~] physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(iv) [~~D~~] failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(v) [~~E~~] sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(vi) [~~F~~] failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(vii) [~~(G)~~] compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(viii) [~~(H)~~] causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(ix) [~~(I)~~] the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(x) [~~(J)~~] causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(xi) [~~(K)~~] causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(xii) [~~(L)~~] knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(xiii) [~~(M)~~] forcing or coercing a child to enter into a marriage; (B) subject to Paragraph (C), includes the following acts by a medical professional or mental health professional for the purpose of attempting to change or affirm a child's perception of the child's sex, if that perception is inconsistent with the child's biological sex as determined by the child's sex organs, chromosomes, and endogenous hormone profiles:

(i) performing a surgery that sterilizes the child, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty;

(ii) performing a mastectomy;

(iii) administering or supplying any of the following medications that induce transient or permanent infertility:

(a) puberty-blocking medication to stop or delay normal puberty;

(b) supraphysiologic doses of testosterone to females; or

(c) supraphysiologic doses of estrogen to males; or

(iv) removing any otherwise healthy or non-diseased body part or tissue; and

(C) does not include an act described by Paragraph (B) performed on a child born with a medically verifiable genetic disorder of sex development, including:

(i) a child with external biological sex characteristics that are irresolvably ambiguous, including a child born having:

- (a) 46, XX chromosomes with virilization;
- (b) 46, XY chromosomes with undervirilization; or
- (c) both ovarian and testicular tissue; or

(ii) a child who does not have the normal sex chromosome structure for a male or female as determined by a physician through genetic testing.

(3-a) "Medical professional" means a physician, physician assistant, or advanced practice registered nurse licensed to practice in this state.

(3-b) "Mental health professional" means a person who is licensed to practice in this state as a psychologist, psychiatrist, social worker, marriage and family therapist, mental health counselor, or educational psychologist or any other person designated or licensed under state law as a mental health or behavioral science professional.

Amendment No. 5 - Point of Order

Representative Neave raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2, and Rule 11, Section 3, of the House Rules and under Article III, Section 35(a), of the Texas Constitution on the grounds that the amendment is not germane to the bill and changes the original purpose of the bill.

The points of order raised by Representative Neave under Rule 11, Section 3, of the House Rules and Article III, Section 35(a), of the Texas Constitution were withdrawn. The point of order raised under Rule 11, Section 2, of the House Rules was sustained and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Amendment No. 5 to House Bill 567

Announced in the House on March 31, 2021

Representative Neave raises a point of order against further consideration of the Slaton Amendment to **CSHB 567** under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

The Slaton Amendment would amend the current law definition of "abuse" to include acts by medical or mental health professionals who prescribe or perform certain medical procedures on a child.

The subject of the bill is ensuring that children are not unnecessarily removed from their homes in suits affecting the parent-child relationship. The subject of the amendment is the practice of medicine and allied health services. The amendment is not on the same subject as the bill. 75 H. Jour. 3788 (1997).

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

The ruling precluded further consideration of Amendment No. 5.

A record vote was requested by Representative Biedermann.

CSHB 567, as amended, was passed to engrossment by (Record 68): 143 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Dominguez; Hinojosa; Israel; Ramos.

Present, not voting — Mr. Speaker(C).

Absent — Crockett; Morales Shaw.

STATEMENTS OF VOTE

When Record No. 68 was taken, I was in the house but away from my desk. I would have voted yes.

Crockett

When Record No. 68 was taken, I was in the house but away from my desk. I would have voted yes.

Morales Shaw

HB 33 ON SECOND READING

(by Dominguez, Tinderholt, E. Morales, Ellzey, and Cortez)

HB 33, A bill to be entitled An Act relating to measures to facilitate the award of postsecondary course credit leading to workforce credentialing based on military experience, education, and training.

Amendment No. 1

Representative Dominguez offered the following amendment to **HB 33**:

Amend **HB 33** (house committee printing) on page 2, line 5, by striking "board" and substituting "commission".

Amendment No. 1 was adopted.

HB 33, as amended, was passed to engrossment.

CSHB 139 ON SECOND READING
(by Buckley, Wilson, Slawson, and Bowers)

CSHB 139, A bill to be entitled An Act relating to state occupational licensing of certain military veterans and military spouses.

Amendment No. 1

Representative Buckley offered the following amendment to **CSHB 139**:

Amend **CSHB 139** (house committee report) as follows:

(1) Strike page 1, lines 10 and 11, and substitute the following:

Subsection (a)(3) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate

(2) On page 2, line 26, strike "adding Subsections (a-1) and" and substitute "amending Subsection (c) and adding Subsection".

(3) Strike page 2, line 27, through page 3, line 4, and substitute the following:

(c) In addition to the rules adopted under Subsection (a), a state agency that issues a license may adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license, including receiving appropriate credit for training, education, and clinical and professional experience.

(4) Strike page 3, lines 26 and 27, and renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSHB 139, as amended, was passed to engrossment.

HB 1227 ON SECOND READING
(by Leman, J.D. Johnson, Klick, Frank, and Neave)

HB 1227, A bill to be entitled An Act relating to certain procedures regarding court-ordered financial support for a child in the conservatorship of the Department of Family and Protective Services.

HB 1227 was passed to engrossment.

HB 2625 ON SECOND READING
(by Noble and Guillen)

HB 2625, A bill to be entitled An Act relating to excluding the furnishing of an academic transcript from the definition of "information service" for purposes of sales and use taxes.

HB 2625 was passed to engrossment.

CSHB 1401 ON SECOND READING
(by A. Johnson, White, Wu, and Guillen)

CSHB 1401, A bill to be entitled An Act relating to methods to send applications and orders for sealing juvenile records.

CSHB 1401 was passed to engrossment.

HB 1729 ON SECOND READING**(by Harris)**

HB 1729, A bill to be entitled An Act relating to the sale of alcoholic beverages in areas annexed by certain municipalities.

HB 1729 was passed to engrossment. (White recorded voting no.)

HB 725 ON SECOND READING**(by Patterson, M. González, Dominguez, Allison, Cook, et al.)**

HB 725, A bill to be entitled An Act relating to the eligibility of certain children who are or were in foster care for free prekindergarten programs in public schools.

Amendment No. 1

Representative Patterson offered the following amendment to **HB 725**:

Amend **HB 725** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. This Act may be cited as Jace's Law.

Amendment No. 1 was adopted.

HB 725, as amended, was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services which is scheduled to reconvene upon adjournment will meet in Room E2.030. This is a location change due to technical difficulties.

ADJOURNMENT

Representative E. Morales moved that the house adjourn until 10 a.m. tomorrow in memory of Michael Leonard Schulze of El Capitan.

The motion prevailed.

The house accordingly, at 12:43 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 5

HCR 68, HCR 69

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

Wednesday, March 31, 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 PASSED THE FOLLOWING MEASURES:

SB 8 Hughes
Relating to abortion, including abortions after detection of an unborn child's heartbeat; authorizing a private civil right of action.

SB 9 Paxton
Relating to prohibition of abortion; providing a civil penalty; creating a criminal offense.

SB 196 Zaffirini
Relating to prohibited relationships between holders of certain alcoholic beverage licenses and permits.

SB 343 Kolkhorst
Relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond imposed in criminal cases involving family violence.

SB 394 Lucio
Relating to abortion complication reporting and the regulation of drug-induced abortion procedures, providers, and facilities; creating a criminal offense.

SB 601 Perry
Relating to the creation and activities of the Texas Produced Water Consortium.

SB 802 Paxton
Relating to a required resource access assistance offer before an abortion is performed or induced.

SB 863 Blanco
Relating to the temporary relocation of a residential child-care facility during a declared state of disaster.

SB 872 Hancock
Relating to the expiration of the dry cleaner environmental response program.

SB 873 Hancock
Relating to disclosure by the comptroller to the purchaser of a business of the amount of tax due.

SB 941 Buckingham
Relating to the adoption of a state scenic byways program.

SB 1173 Hancock

Relating to the regulation of abortion, including information regarding perinatal palliative care and prohibiting discriminatory abortions; authorizing disciplinary action; providing a civil remedy; creating a criminal offense.

SB 1647

Perry

Relating to information regarding perinatal palliative care, regulation of abortion, and the availability of certain defenses to prosecution for homicide and assault offenses; providing an administrative penalty; creating a criminal offense.

SCR 37

Whitmire

SPONSOR: Metcalf

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 31, 2021, and ending on Tuesday, April 6, 2021.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 30

Corrections - **HB 408, HB 460, HB 719, HB 787, HB 930**

County Affairs - **HB 2073**

Defense and Veterans' Affairs - **HB 626, HB 1060, HB 1589, HB 2431, HB 2678, HCR 25, HCR 51**

Environmental Regulation - **HB 960, HB 963, HB 1680**

Homeland Security and Public Safety - **HB 8, HB 530, HB 788, HB 2343, HB 2462, HB 2677, HB 2733**

Judiciary and Civil Jurisprudence - **HB 167, HB 1071, HB 1296, HB 1297, HB 1675, HB 1831**

Juvenile Justice and Family Issues - **HB 488, HB 1012, HB 1193, HB 1709, HB 2039**

Licensing and Administrative Procedures - **HB 735, HB 1650, HB 1755**

Pensions, Investments, and Financial Services - **HB 917**

Transportation - **HB 156, HB 523, HB 1122, HB 1158, HB 1257**

Urban Affairs - **HB 503, HB 824, HB 871, HB 1554**

Ways and Means - **HB 533, HB 1197, HB 2404, HB 2429, HB 2510**

ENROLLED

March 30 - HCR 68, HCR 69