

# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWELFTH DAY — MONDAY, MARCH 22, 2021

The house met at 4:02 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 41).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; 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.; 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; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Bell, C.; Toth.

Absent — Kacal.

The invocation was offered by Representative Crockett as follows:

Heavenly father God, thank you for blessing us all with good health to be here today, with the privilege to serve your children, our brothers and sisters, and for your divine plan that is greater than any one of us. I'm calling on you, Lord, to touch our hearts and minds and guide our steps as we each work in good faith and with full faith to improve our state, to improve the conditions for children and the elderly, for those born here and those who got here as soon as they could. Let us fight for those blessed in abundance and even more zealously for the poor.

Father, I'm praying for you to keep greed, hatred, intolerance, and corruption far from us that serve in this house. I'm praying for you, good Lord, to cover us in the blood with your divine guidance and your everlasting protection. Keep our steps ordered, Lord, as session begins to pick up and more is asked of

us as legislators. We know you will never put more on us than we can bear. Dear God, you anointed and appointed us to do your work. I ask that you grant us the strength to fulfill your divine purpose as we serve the good people of the State of Texas. Amen.

The chair recognized Representative Ellzey 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 a family matter:

C. Bell on motion of Metcalf.

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

Toth on motion of Patterson.

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative Guillen moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, March 25.

The motion prevailed.

### **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. 2.)

### **RECESS**

Representative Frank moved that the house recess until 10 a.m. tomorrow in memory of David Strickland of Wichita Falls.

The motion prevailed.

The house accordingly, at 4:23 p.m., recessed until 10 a.m. tomorrow.

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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. 2**

**HB 3701** (By Guerra), Relating to publication of national organ transplant waiting list information on the Department of State Health Services' Internet website and donors included in the anatomical gift registry.

To Public Health.

**HB 3702** (By Paddie), Relating to prohibiting the enactment of a law that imposes a tax on certain transactions that either convey a security or involve specified derivative contracts.

To Ways and Means.

**HB 3703** (By Hernandez), Relating to public school policy regarding the prevention of heat stress.

To Public Education.

**HB 3704** (By Hernandez), Relating to eligibility for unemployment compensation for employees who leave the workplace due to sexual harassment.

To Business and Industry.

**HB 3705** (By Krause), Relating to a child's eligibility for the Medicaid buy-in program for children.

To Human Services.

**HB 3706** (By K. King), Relating to the state historic sites and parks under the jurisdiction of the Texas Historical Commission.

To Culture, Recreation, and Tourism.

**HB 3707** (By Huberty), Relating to the creation of a commission to recommend improvements to funding for special education in public schools.

To Public Education.

**HB 3708** (By Neave), Relating to the establishment of the Small Business Disaster Recovery Grant Program.

To International Relations and Economic Development.

**HB 3709** (By Capriglione), Relating to curriculum requirements in American and Texas history at institutions of higher education.

To Higher Education.

**HB 3710** (By Ordaz Perez), Relating to a prohibition on public contact with certain animals; imposing a civil penalty; creating a criminal offense.

To Culture, Recreation, and Tourism.

**HB 3711** (By Bucy), Relating to establishing a registry of medically fragile individuals for wellness checks during certain emergencies.

To Public Health.

**HB 3712** (By E. Thompson), Relating to the training and hiring of peace officers.

To Homeland Security and Public Safety.

**HB 3713** (By Canales), Relating to the conveyance of certain real property by certain navigation districts.

To Transportation.

**HB 3714** (By Moody), Relating to the confinement of inmates who identify as transgender.

To Corrections.

**HB 3715** (By Noble), Relating to the acceptance of donations by a county commissioners court for the performance of certain functions.

To Elections.

**HB 3716** (By Toth), Relating to the regulation of bulk-power system equipment by the Public Utility Commission of Texas.

To State Affairs.

**HB 3717** (By Burns), Relating to the sale of a water or sewer utility system by a municipality without an election.

To Natural Resources.

**HB 3718** (By Parker), Relating to the requirement that certain entities post human trafficking signs; providing a civil penalty.

To Licensing and Administrative Procedures.

**HB 3719** (By Crockett), Relating to the elements of the offense of illegal voting and to procedures for a person voting a provisional ballot.

To Elections.

**HB 3720** (By Frank), Relating to interest lists and eligibility criteria for certain Medicaid waiver programs.

To Human Services.

**HB 3721** (By Ellzey), Relating to the inclusion of information for reporting suspicious activity to the Department of Public Safety on certain human trafficking signs or notices.

To Licensing and Administrative Procedures.

**HB 3722** (By Zwiener), Relating to training materials for contact tracers and case investigators for public health disasters and other public health emergencies.

To Public Health.

**HB 3723** (By Crockett), Relating to misconduct and standards of conduct applicable to certain persons licensed by the Texas Commission on Law Enforcement.

To Homeland Security and Public Safety.

**HB 3724** (By Ellzey), Relating to rate change proceedings for certain water and sewer utilities.

To Natural Resources.

**HB 3725** (By Gervin-Hawkins), Relating to the enforcement of the prohibition on passing a school bus using images from a school bus monitoring system.

To Transportation.

**HB 3726** (By Toth), Relating to immunization requirements for admission to public schools.

To Public Health.

**HB 3727** (By Middleton), Relating to the adoption of rules concerning certain on-site sewage disposal systems.

To Environmental Regulation.

**HB 3728** (By Button), Relating to a school psychologist licensed under the Occupations Code.

To Public Health.

**HB 3729** (By Middleton), Relating to the regulation of funeral service practitioners.

To Public Health.

**HB 3730** (By Howard), Relating to the establishment of a task force to study workforce shortages and care practices in assisted living facilities and nursing facilities.

To Human Services.

**HB 3731** (By Dutton), Relating to public school accountability ratings, including interventions and sanctions administered to a school district or campus assigned a needs improvement rating.

To Public Education.

**HB 3732** (By C. Bell), Relating to the release and inclusion of extraterritorial jurisdiction by a municipality involving certain areas.

To Land and Resource Management.

**HB 3733** (By C. Bell), Relating to the regulation of outdoor lighting in certain counties.

To County Affairs.

**HB 3734** (By Howard), Relating to the professional nursing programs that may receive grants under the professional nursing shortage reduction program.

To Higher Education.

**HB 3735** (By Howard), Relating to the procedure for certain complaints against health care practitioners.

To Public Health.

**HB 3736** (By Howard), Relating to the establishment of a task force on racial diversity in the nursing workforce.

To Public Health.

**HB 3737** (By Gervin-Hawkins), Relating to the composition of districts for the election of members of the State Board of Education.

To Redistricting.

**HB 3738** (By Howard), Relating to the establishment of a higher education plan for human papillomavirus education and prevention.

To Higher Education.

**HB 3739** (By Lucio), Relating to outreach campaigns conducted by the Department of State Health Services during certain public health disasters.

To Public Health.

**HB 3740** (By Guillen), Relating to the provision of home telemonitoring services under Medicaid.

To Public Health.

**HB 3741** (By Capriglione), Relating to the personal identifying information collected, processed, or maintained by certain businesses; imposing a civil penalty.

To Business and Industry.

**HB 3742** (By Capriglione), Relating to a prohibition on the use of genetic information gathered from direct-to-consumer genetic tests by a long-term care benefit plan issuer or a life insurance company.

To Insurance.

**HB 3743** (By Capriglione), Relating to cybersecurity and privacy regarding distance learning in public schools and prohibiting ransomware payments by certain governmental entities.

To State Affairs.

**HB 3744** (By Capriglione), Relating to the prohibited use or dissemination of certain private or false information; providing a civil penalty; creating a criminal offense; increasing a criminal penalty.

To Business and Industry.

**HB 3745** (By Capriglione), Relating to prohibitions in connection with event ticket sales or resales on an Internet website and with the online sale of goods.

To Business and Industry.

**HB 3746** (By Capriglione), Relating to certain notifications required following a breach of security of computerized data.

To Business and Industry.

**HB 3747** (By Smith), Relating to liability of health care providers for certain claims arising during a disaster or emergency.

To Judiciary and Civil Jurisprudence.

**HB 3748** (By Smith), Relating to liability of health care providers for certain claims arising during a pandemic.

To Judiciary and Civil Jurisprudence.

**HB 3749** (By Lucio), Relating to the provision of electric service during extreme weather conditions.

To State Affairs.

**HB 3750** (By Lucio and Guillen), Relating to financial assistance by the Texas Water Development Board for backup power generators in economically distressed areas for public water supply and sanitary sewer systems.

To Natural Resources.

**HB 3751** (By Button), Relating to lobbying by former members of the legislature; creating a criminal offense.

To State Affairs.

**HB 3752** (By Frank), Relating to the provision of health benefits coverage through the creation of the Texas Mutual Health Coverage Plan.

To Insurance.

**HB 3753** (By Lucio), Relating to a credit against required recapture payments for certain school districts with excess facilities costs under the public school finance system.

To Public Education.

**HB 3754** (By Oliverson), Relating to the regulation of the pledging or encumbering of domestic insurers' assets in accordance with marketplace practices.

To Insurance.

**HB 3755** (By Minjarez), Relating to limitations on cost-sharing requirements for certain physical therapy services.

To Human Services.

**HB 3756** (By Goldman), Relating to airport police forces, including the authority to commission peace officers and the rights, privileges, and duties of those officers.

To Transportation.

**HB 3757** (By Lozano), Relating to a recommendation by the COVID-19 Expert Vaccine Allocation Panel to prioritize public school employees in vaccine allocation and distribution.

To Public Health.

**HB 3758** (By Goldman), Relating to the exemption of certain vehicles from vehicle towing regulations.

To Licensing and Administrative Procedures.

**HB 3759** (By Guillen), Relating to requiring each state agency to post on the agency's Internet website information on suicide prevention.

To State Affairs.

**HB 3760** (By Oliverson), 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 criminal offenses.

To Public Health.

**HB 3761** (By Guillen), Relating to the continuation of medical assistance for certain individuals.

To Human Services.

**HB 3762** (By Dominguez), Relating to the closing of beaches for space flight activities in certain counties.

To County Affairs.

**HB 3763** (By Guillen), Relating to a prohibition on certain employer requirements relating to employee jury duty compensation.

To International Relations and Economic Development.

**HB 3764** (By Guillen), Relating to the authority of a college to adopt a sexual harassment policy.

To Higher Education.

**HB 3765** (By Campos), Relating to remedial plans issued by the State Board of Dental Examiners to address complaints against dentists and dental hygienists.

To Public Health.

**HB 3766** (By Dominguez), Relating to donations to local charities ordered to be paid as a condition of community supervision.

To Corrections.

**HB 3767** (By Murphy), Relating to measures to support workforce development in the state, including the establishment of the Tri-Agency Workforce Initiative and additional employer workforce data reporting.

To International Relations and Economic Development.

**HB 3768** (By Meyer), Relating to an exemption for certain cemeteries from cemetery location restrictions.

To Land and Resource Management.

**HB 3769** (By Smithee), Relating to required disclosures for certain occupational insurance policies.

To Insurance.

**HB 3770** (By White), Relating to the repeal of or limitations on certain state and local taxes, including ad valorem taxes, the enactment of state and local value added taxes, and related school finance and administration reform; imposing taxes.

To Ways and Means.

**HB 3771** (By Sherman), Relating to certain personnel policies of the Texas Department of Criminal Justice and to certain related duties of the Texas Board of Criminal Justice.

To Corrections.

**HB 3772** (By White), Relating to the criminal and licensing consequences of certain criminal offenses involving the possession or delivery of marihuana and cannabis concentrate or possession of drug paraphernalia; imposing a fee; authorizing a fine.

To Criminal Jurisprudence.

**HB 3773** (By Lopez), Relating to designating September 21 as Alzheimer's Awareness Day.

To Public Health.

**HB 3774** (By Leach), Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.

To Judiciary and Civil Jurisprudence.



**HB 3775** (By Leach), Relating to severance pay for political subdivision employees and independent contractors.

To County Affairs.

**HB 3776** (By Price), Relating to criminal background checks for certain persons employed by certain public school contractors.

To Public Education.

**HB 3777** (By Noble), Relating to eligible costs and expenses for purposes of the franchise tax credit for the certified rehabilitation of certified historic structures.

To Ways and Means.

**HB 3778** (By Holland), Relating to a border operations training program for peace officers employed by local law enforcement agencies.

To Homeland Security and Public Safety.

**HB 3779** (By Holland), Relating to an exemption from sales and use taxes for firearms and hunting supplies for a limited period.

To Ways and Means.

**HB 3780** (By Tinderholt), Relating to renewal of a state of disaster declared to address a communicable disease.

To State Affairs.

**HB 3781** (By Tinderholt), Relating to a prohibition on executive orders issued during a declared state of disaster that prohibit a business or category of businesses from operating.

To State Affairs.

**HB 3782** (By Tinderholt), Relating to governmental authority to close private and public schools.

To State Affairs.

**HB 3783** (By Tinderholt), Relating to the penalty for violating certain executive orders, proclamations, or regulations issued by the governor.

To State Affairs.

**HB 3784** (By Tinderholt), Relating to the penalty for a violation of an emergency management plan.

To State Affairs.

**HB 3785** (By Tinderholt), Relating to the governor's authority to suspend regulatory statutes, orders, and rules during a declared state of disaster.

To State Affairs.

**HB 3786** (By Holland), Relating to the authority of the comptroller to send, or to require the submission to the comptroller of, certain ad valorem tax-related items electronically.

To Ways and Means.

**HB 3787** (By Dean), Relating to the loss of benefits by and the payment of certain employer contributions for certain retirees of the Teacher Retirement System of Texas who resume service.

To Pensions, Investments, and Financial Services.

**HB 3788** (By Holland), Relating to the training and education of appraisal review board members.

To Ways and Means.

**HB 3789** (By Guillen), Relating to the statute of limitations for tampering with certain physical evidence.

To Criminal Jurisprudence.

**HB 3790** (By Shaheen), Relating to the authority of a municipality to regulate statewide commerce.

To State Affairs.

**HB 3791** (By Parker), Relating to the powers and duties of the Texas Electric Grid Security and Emergency Preparedness Advisory Council.

To State Affairs.

**HB 3792** (By Shaheen), Relating to protecting the population of Texas, its environment, and its most vulnerable communities, promoting the resilience of the electric grid and certain municipalities.

To State Affairs.

**HB 3793** (By Shaheen), Relating to remote meetings under the open meetings law.

To State Affairs.

**HB 3794** (By Geren), Relating to oil and gas liens.

To Energy Resources.

**HB 3795** (By Button and Guillen), Relating to the exemption from ad valorem taxation for certain solar or wind-powered energy devices.

To Ways and Means.

**HB 3796** (By Morales Shaw), Relating to the prohibition of employment discrimination based on sexual orientation or gender identity or expression.

To International Relations and Economic Development.

**HB 3797** (By Israel), Relating to imposing an additional fee for the registration of electric and hybrid vehicles.

To Transportation.

**HB 3798** (By Minjarez), Relating to county and municipal housing authority pet policies.

To County Affairs.

**HB 3799** (By Metcalf), Relating to the exemption from sales and use taxes for items sold by a nonprofit organization at a county fair.

To Ways and Means.

**HB 3800** (By Darby), Relating to the release of a reversionary interest in certain real property by the Health and Human Services Commission and conditions related to that release.

To Land and Resource Management.

**HR 403** (By J. Turner), In memory of David Wilson Gray of Dallas.

To Resolutions Calendars.

**HR 404** (By J. Turner), In memory of Curtis James Smith of Dallas.

To Resolutions Calendars.

**HR 405** (By J. Turner), In memory of country music star Charley Pride.

To Resolutions Calendars.

**HR 406** (By Martinez), Recognizing the Los Cuñados BBQ Cookoff in Weslaco.

To Resolutions Calendars.

**HR 407** (By Meza), Commending the women of the Texas Department of Public Safety and Texas National Guard who have helped protect the Texas Capitol in 2020 and 2021.

To Resolutions Calendars.

**HR 408** (By Harless), Commemorating the 25th anniversary of the Fight Crime: Invest in Kids organization.

To Resolutions Calendars.

**HR 409** (By Bonnen), In memory of Alfred Nicholas "Nick" Harmon of League City.

To Resolutions Calendars.

**HR 410** (By J. González), Commending the Grand Prairie Fire Department for administering COVID-19 vaccinations in the community.

To Resolutions Calendars.

**HR 411** (By White), Congratulating the Hardin-Jefferson High School girls' basketball team on advancing to the 2021 UIL 4A state championship game.

To Resolutions Calendars.

**HR 412** (By Cole), In memory of Bertha Sadler Means of Austin.

To Resolutions Calendars.

**HR 413** (By Fierro), Commending Estela Casas for her exceptional contributions to the University Medical Center Foundation and El Paso Children's Hospital Foundation.

To Resolutions Calendars.

**HR 414** (By Fierro), Commending Dr. Jose Espinoza for his service as superintendent of Socorro ISD.

To Resolutions Calendars.

**HR 415** (By Buckley), In memory of Catherine Lea "Caety" Edwards of Lampasas.

To Resolutions Calendars.

**HR 416** (By Buckley), Honoring Harker Heights Assistant City Manager Jerry Bark on receiving the 2021 Dan Whitworth Fellow Award from the Texas Recreation and Park Society.

To Resolutions Calendars.

**HR 417** (By Goldman), Recognizing March 24, 2021, as Texas Energy Day at the State Capitol.

To Resolutions Calendars.

**HR 418** (By Martinez), Commending truckers for their service during Winter Storm Uri.

To Resolutions Calendars.

**HR 419** (By Kuempel), In memory of Mark Andrew "Big" Smith of Dallas.

To Resolutions Calendars.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**March 18**

Agriculture and Livestock - **HB 1070**

Business and Industry - **HB 455, HB 876**

Culture, Recreation, and Tourism - **HB 1472**

Juvenile Justice and Family Issues - **HB 686**

**March 19**

Business and Industry - **HB 390**

Juvenile Justice and Family Issues - **HB 567**

Public Health - **HB 119**