

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TENTH DAY

(Tuesday, March 16, 2021)

The Senate met at 3:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Miles.

The President announced that a quorum of the Senate was present.

Senator Kolkhorst offered the invocation as follows:

O Father, we come to You today as every day is special from You, Lord. You give us so many gifts, and You've bestowed upon each one of us to represent the people of Texas. Give us strength, give us wisdom, give us clarity, and let us, each of us, seek You, every day, Father. During this Lenten season, help us to remember the sacrifices that Jesus Christ made on our behalf so that we await that beautiful Easter Sunday when He is risen, conquering death and our sins. So, Father, we ask You to bless all the people, and we ask a special blessing upon this wonderful state, the State of Texas. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

March 16, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Upper Guadalupe River Authority for terms to expire February 1, 2027:

Austin C. Dickson
Kerrville, Texas

Diane L. McMahon
Kerrville, Texas

Blake W. Smith
Hunt, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott
Governor

March 16, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Manufactured Housing Board for a term to expire January 31, 2027:

Jose B. "Joe" Gonzalez, Jr.
Round Rock, Texas

(replacing Sheila M. Valles-Pankratz of Mission whose term expired)

Respectfully submitted,

/s/Greg Abbott
Governor

March 16, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 437th, Judicial District Court, Bexar County, for a term until December 31, 2022 or until her successor shall be duly elected and qualified:

Melisa C. Reetz Skinner

San Antonio, Texas

(replacing Justice Lori I. Valenzuela of San Antonio who was appointed to the Fourth Court of Appeals)

Respectfully submitted,

/s/Greg Abbott

Governor

**NOMINATIONS RETURNED
(Motions In Writing)**

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Kaaren Cambio to the San Jacinto River Authority Board of Directors be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Shelly L. Botkin to the Public Utility Commission of Texas be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

Senator Buckingham submitted the following Motion In Writing:

Mr. President:

I move that the nomination of Darren G. Yancy, Sr. to the Brazos River Authority Board of Directors be withdrawn from the Committee on Nominations, and I further move that the nomination be returned to the Governor pursuant to his request.

BUCKINGHAM

The Motion In Writing was read and prevailed without objection.

SENATE RESOLUTION 142

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the state's food banks for their critical assistance to Texans in need during the COVID-19 pandemic and associated economic turmoil; and

WHEREAS, The State of Texas has 21 food banks serving all 254 counties in coordination with hundreds of charitable organizations and food pantries; and

WHEREAS, Food insecurity has nearly doubled during the pandemic, and approximately 1 in 4 Texans now lack reliable access to a sufficient quantity of affordable, nutritious food; and

WHEREAS, Food banks have been forced to reinvent their distribution models suddenly due to disruptions to volunteer bases and distribution partners; and

WHEREAS, Despite these challenges, Texas food banks have distributed approximately 75 million pounds of food per month to Texans in need; and

WHEREAS, Texas food banks have risen to the additional challenges posed by Hurricane Laura and Winter Storm Uri to pursue their collective mission of a hunger-free Texas; now, therefore be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby pay tribute to Texas food banks and extend to them sincerest gratitude for their resiliency, innovation, and dedication to providing Texas communities with critical support during the COVID-19 pandemic; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of their outstanding service.

SR 142 was read.

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

On motion of Senator Zaffirini, **SR 142** was adopted without objection.

(Senator Bettencourt in Chair)

(President in Chair)

GUESTS PRESENTED

Senator Zaffirini, joined by Senators Menéndez, Lucio, Perry, Nelson, Campbell, Alvarado, Whitmire, and West, was recognized and introduced to the Senate volunteers from Texas food banks including Alma Boubel, Executive Director, South Texas Food Bank; Derrick Chubbs, CEO, Central Texas Food Bank; and Jamie Olson, Director of Government Affairs, Feeding Texas.

The Senate welcomed its guests.

MOTION RECONSIDERED

On motion of Senator West and by unanimous consent, the motion by which the names of the Lieutenant Governor and Senators were added to **SR 142** was reconsidered.

Senator Gutierrez again moved that the names of the Lieutenant Governor and Senators be added to the resolution as signers thereof.

The motion prevailed without objection.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Buckingham submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Administrator, Texas Bullion Depository: Macy Douglas, Travis County.

Public Counsel, Office of Injured Employee Counsel: Jessica Corna Barta, Travis County.

Members, Real Estate Research Advisory Committee: Douglas Brian Foster, Caldwell County; Vicki Lynn Fullerton, Montgomery County; Warren Douglas Jennings, Tarrant County; Elizabeth Robison Martin, Kendall County; Walter Frederick Nelson, Montgomery County; Rebecca W. Vajdak, Bell County.

Members, Statewide Health Coordinating Council: Kimberly Nicole Haynes, Travis County; Doris Jean Jackson, Fort Bend County; Cheryl Denise Turner Sparks, Howard County; Bharath Thankavel, Dallas County.

Commissioner, Texas Animal Health Commission: Thomas Eugene Oates, Walker County.

Members, Texas Appraiser Licensing and Certification Board: Ray Bolton, Travis County; Rolando Flores Castro, Harris County; Paola Escalante-Castillo, Hidalgo County; Martha Gayle Reid Lynch, El Paso County; Sara Jones Oates, Travis County; Stephanie Robinson, Collin County; Lisa Huber Sprinkle, El Paso County.

Members, Texas Board of Professional Engineers and Land Surveyors: Coleen Marie Johnson, Travis County; Marguerite McClinton Stoglin, Tarrant County; Sina Kouchekali Nejad, Jefferson County.

Members, Texas Crime Stoppers Council: Lauren Hart Day, Travis County; Gregory F. New, Ellis County; Stephanie Louise Vanskike, Hardin County.

Members, State Board of Trustees, Texas Emergency Services Retirement System: Nathan Douglas, Harris County; Matthew Ray Glaves, Brazoria County; Jerry Romero, El Paso County.

Members, Board of Directors, Texas Health Services Authority: Paula Ellen Anthony-McMann, Smith County; Victoria Ai Linh Bryant, Harris County; Shannon Kay Sowder Calhoun, Goliad County; Lourdes Matiana Cuellar, Harris County; Salil Vijay Deshpande, Harris County; Emily Ann Francis Hartmann, El Paso County; Jonathan James Sandstrom Hill, Travis County; Kenneth Scott James, Travis County; Jerome P. Lisk, Smith County; Leticia C. Rodriguez, Ward County; Siobhan Anna Garcia Shahan, Lubbock County; Carlos James Vital, Harris County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Joe Louis Canales, Travis County; Joseph Wayne Costa, Dallas County; Roberto Gerardo De Leon, Nueces County; Senaida Galvan, Bexar County; William Ogden Geise, Travis County; Sockalingam Kannappan, Harris County; Christopher Scott Nowak, Harris County; George Spencer, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Buckingham gave notice that tomorrow she would submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by the Lieutenant Governor regarding **SB 2142** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, I have an announcement, if you would. So, while we were in session, I received a statement from the Speaker that they are not referring our bill and they will not take it up. In part, his statement reads that he believes the decision of ERCOT may have saved lives. Of course, all of us are focused on that 57 lives were lost, but we know on the day that Texas ratepayers were overcharged by \$4.2 billion that the, all residential were online. There was no outage unless it was a local outage. By their own press release, the system was in balance and they were no longer load shedding, but they continued to charge \$9,000 for the rest of that day. I'm sure they had noble intentions but by their own announcement, they didn't speak to that at ERCOT or PUC on Thursday. The second line is, in addition, testimony in the House today demonstrated the complexity of financial elements of the resettlement. We all know lots of things are complex, but we have to get things right. The third paragraph says, repricing based on disagreement with PUC and ERCOT's management decisions is an extraordinary government intervention of the free market. I would argue the extraordinary intervention of the free market was on February 15th, putting the price at 9,000 and then continuing that even though the IMM said they were wrong. The Speaker and the House are surely entitled to their opinion. In their testimony today, they never bothered to ask questions of the PUC Chair about his conflicting testimony with the Senate. It was more they waved the cape and let him through. But they surely listened to the testimony of a man from Chicago with offices in Atlanta and New York, but he was worried about his people in his market. In Texas and the Texas Senate we're worried about people in our market and, obviously, it was going to be complex. Obviously, it was going to be difficult. But I am so disappointed that something that 27 of you supported and all of you thought about, that is important to 26 million people on ERCOT, was dismissed without serious looking at the facts, as the statement shows. I wish the Speaker well this session. I wish the House well. We look forward to working with them. But there's a statement that's clear today. The Texas Senate stood for 26 million people on ERCOT, and we stood to have a mistake corrected. Would it have been difficult? Yes. Would it have been complex? Yes. It was a mistake. And all I know is by the House action that those who won, and we don't know who all the winners were, they won a lot on Monday, and they won a lot on Tuesday, and they won a lot on Wednesday, and they even won a lot on Thursday when they shouldn't have won as much. The Texas Senate stood for

individuals, and I'm proud of you. The House stood for big business. This is a serious time for our state. We need total reform at the PUC where the Chair can't even testify in either house on the record reflecting the same testimony. The Governor has yet to weigh in on what his opinion was. He said he left it to the Legislature. Well, Mr. Governor, the Texas Senate has spoken. You still have not weighed in, and we believe you still have time to correct it. Members, thank you for your care about this issue. I know the vote wasn't easy for some of you, and those who voted against it, I respect your vote against it. But if we in the Legislature can't correct an error that the bureaucracy makes that cost Texas ratepayers 4.2 billion, or whatever the final number is, that's a bad day for the Texas Legislature. It's a bad day for the middle office. So, thank you, Senators. You did the right thing. We will move forward, we will work with the Governor, we will work with the House. There are many issues to come, but we will always go to first principles and do the right thing no matter the cost, no matter the cost.

CO-AUTHOR OF SENATE BILL 32

On motion of Senator Zaffirini, Senator Powell will be shown as Co-author of **SB 32**.

CO-AUTHOR OF SENATE BILL 410

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 410**.

CO-AUTHOR OF SENATE BILL 472

On motion of Senator Kolkhorst, Senator Springer will be shown as Co-author of **SB 472**.

CO-AUTHORS OF SENATE BILL 780

On motion of Senator Hinojosa, Senators Buckingham, Eckhardt, Hughes, Nelson, Perry, and Springer will be shown as Co-authors of **SB 780**.

CO-AUTHOR OF SENATE BILL 820

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 820**.

CO-AUTHOR OF SENATE BILL 994

On motion of Senator Powell, Senator Gutierrez will be shown as Co-author of **SB 994**.

CO-AUTHOR OF SENATE BILL 995

On motion of Senator Powell, Senator Gutierrez will be shown as Co-author of **SB 995**.

CO-AUTHOR OF SENATE BILL 1025

On motion of Senator Birdwell, Senator Hughes will be shown as Co-author of **SB 1025**.

CO-AUTHOR OF SENATE BILL 1047

On motion of Senator Seliger, Senator Huffman will be shown as Co-author of **SB 1047**.

CO-AUTHOR OF SENATE BILL 1234

On motion of Senator Hughes, Senator Creighton will be shown as Co-author of **SB 1234**.

CO-AUTHOR OF SENATE BILL 1235

On motion of Senator Hughes, Senator Springer will be shown as Co-author of **SB 1235**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 4

On motion of Senator Powell, Senators Paxton and Seliger will be shown as Co-authors of **SCR 4**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 28

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SJR 28**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 49

On motion of Senator Alvarado, Senator Hinojosa will be shown as Co-author of **SJR 49**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 144 by Kolkhorst, In memory of Rawley Glenn McCoy.

Congratulatory Resolution

SR 143 by Whitmire, Recognizing Rachel and Will Racz on the birth of their daughter, Davy Ruthless Racz.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:45 p.m. adjourned until 1:00 p.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

March 16, 2021

SR 142, SR 143, SR 144