

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTEENTH DAY — TUESDAY, MARCH 30, 2021

The house met at 10:09 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 50).

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.; 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.

Absent, Excused — Kacal.

The invocation was offered by Representative Hull as follows:

Heavenly Father, we thank you for the gift of this day. We thank you for all of the blessings you have gifted us, even the ones we may not be able to see or appreciate. Lord, we thank you for the awesome responsibility you have given us as civil leaders. We pray for your wisdom in this body as we work to conduct the business of government on behalf of our constituents back home who have placed their trust in us. In your mercy, Lord, guide us. In Jesus' name we pray. Amen.

The chair recognized Representative A. Johnson 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).

FIVE-DAY POSTING RULE SUSPENDED

Representative S. Thompson moved to suspend the five-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HJR 143** at 10:30 a.m. or upon final adjournment or recess or bill referral, if permission is granted, tomorrow in JHR 120.

The motion prevailed.

Representative Coleman moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 2430** and **HB 3428** at 10:30 a.m. or upon final adjournment or recess or bill referral, if permission is granted, Thursday, April 1 in E2.014.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 10 ON SECOND READING
(by Paddie, Hernandez, et al.)**

CSHB 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.

Amendment No. 1

Representative P. King offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (house committee printing) as follows:

(1) On page 1, line 21, strike "Subsections (g) and (g-1)" and substitute "Subsection (g-1)".

(2) On page 1, line 22, strike "(g-3), (g-4), and (g-5)" and substitute "(g-3), and (g-4)".

(3) Strike page 1, line 23 through page 3, line 12.

(4) Strike page 3, line 16 through page 4, line 2 and substitute the following:

(g-2) A person may not serve as an unaffiliated member under Subsection (g)(7) if more than one of the following officials notifies the other members of the board that the official disapproves of the person's membership on the board:

(1) the governor;

(2) the lieutenant governor; or

(3) the speaker of the house of representatives.

(5) On page 4, line 4, strike "(g)(4), (5), (6), (7), (8), or (9)," and substitute "(g)(4), (5), (6), or (7),".

(6) Strike page 4, lines 9 through 12.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Vasut offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (house committee printing) as follows:

(1) On page 4, line 5, strike "of this state" and substitute "of the geographic area of the power region served by the independent organization".

(2) On page 4, line 8, strike "of this state" and substitute "of the geographic area of the power region served by the independent organization".

(3) On page 4, line 27, strike "of this state" and substitute "of the geographic area of the power region served by the independent organization".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Martinez Fischer offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (house committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 6-10), and substitute the following:

SECTION 1. (a) Section 12.052, Utilities Code, is amended to read as follows:

Sec. 12.052. PRESIDING OFFICER. The commissioners shall elect one commissioner ~~[(a) The governor shall designate a commissioner]~~ as the presiding officer.

~~[(b) The presiding officer serves in that capacity at the pleasure of the governor.]~~

(b) This section takes effect September 1, 2021.

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

SECTION _____. (a) The heading to Subchapter B, Chapter 12, Utilities Code, is amended to read as follows:

SUBCHAPTER B. COMMISSION ELECTION ~~[APPOINTMENT]~~ AND
FUNCTIONS

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.051, Utilities Code, is amended to read as follows:

Sec. 12.051. ELECTION ~~[APPOINTMENT]~~; TERM. (a) The commission is composed of five ~~[three]~~ commissioners elected to numbered positions at the general election for state officers ~~[appointed by the governor with the advice and consent of the senate]~~.

~~(b) [An appointment to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.]~~

~~[(c)]~~ Commissioners serve staggered, six-year terms.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.053, Utilities Code, is amended to read as follows:

Sec. 12.053. MEMBERSHIP QUALIFICATIONS. (a) To be eligible for election or appointment, a person ~~[commissioner]~~ must:

- (1) be a qualified voter; and
- (2) be a citizen of the United States;
- ~~[(3) be a competent and experienced administrator;~~
- ~~[(4) be well informed and qualified in the field of public utilities and utility regulation; and~~
- ~~[(5) have at least five years of experience in the administration of business or government or as a practicing attorney or certified public accountant].~~

(b) A person is not eligible for election or appointment to a commissioner's office ~~[as a commissioner]~~ if the person:

(1) at any time during the two years preceding the date of the person's election or the date of the person's appointment:

(A) personally served as an officer, director, owner, employee, partner, or legal representative of a public utility regulated by the commission or of an affiliate or direct competitor of a public utility regulated by the commission; or

(B) owned or controlled, directly or indirectly, more than a 10 percent interest in a public utility regulated by the commission or in an affiliate or direct competitor of a public utility regulated by the commission; or

(2) is not qualified to serve under Section 12.151, 12.152, or 12.153.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.054(a), Utilities Code, is amended to read as follows:

(a) It is a ground for removal from the commission if a commissioner:

(1) does not have at the time of election or appointment or does not maintain during service on the commission the qualifications required by Section 12.053;

(2) violates a prohibition provided by Section 12.053 or by Subchapter D;

(3) cannot discharge the commissioner's duties for a substantial part of the term for which the commissioner is elected or appointed because of illness or disability; or

(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.055, Utilities Code, is amended to read as follows:

Sec. 12.055. PROHIBITION ON SEEKING ANOTHER OFFICE. A person may not seek nomination or election to another civil office of this state or of the United States while serving as a commissioner. If a commissioner files for nomination or election to another civil office of this state or of the United States, the person's office as commissioner immediately becomes vacant, and the governor shall order a special election or appoint a successor as provided by Section 12.056.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.056, Utilities Code, is amended to read as follows:

Sec. 12.056. ~~[EFFECT OF]~~ VACANCY. (a) A vacancy or disqualification does not prevent a ~~[he]~~ remaining commissioner ~~[or commissioners]~~ from exercising the powers of the commission.

(b) If the office of a commissioner becomes vacant and more than one year remains in the term of the office vacated, the governor shall order a special election in which a successor shall be elected.

(c) If the office of a commissioner becomes vacant and less than one year remains in the term of the office vacated, the governor shall appoint a successor to serve for the unexpired term.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.059, Utilities Code, is amended to read as follows:

Sec. 12.059. TRAINING PROGRAM FOR COMMISSIONERS. (a) Before a commissioner may assume the commissioner's duties ~~[and before the commissioner may be confirmed by the senate]~~, the commissioner must complete at least one course of the training program established under this section.

(b) A training program established under this section shall provide information to the commissioner regarding:

(1) the enabling legislation that created the commission and its policymaking body to which the commissioner is elected or appointed to serve;

(2) the programs operated by the commission;

(3) the role and functions of the commission;

(4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the commission;

(6) the results of the most recent formal audit of the commission;

(7) the requirements of Chapters 551, 552, and 2001, Government Code;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person who is elected or appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 12.152, Utilities Code, is amended to read as follows:

Sec. 12.152. CONFLICT OF INTEREST. (a) A person is not eligible for election or appointment as a commissioner or executive director of the commission if:

(1) the person serves on the board of directors of a company that supplies fuel, utility-related services, or utility-related products to regulated or unregulated electric or telecommunications utilities; or

(2) the person or the person's spouse:

(A) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the commission;

(B) directly or indirectly owns or controls more than a 10 percent interest in:

(i) a business entity or other organization that is regulated by or receives funds from the commission; or

(ii) a utility competitor, utility supplier, or other entity affected by a commission decision in a manner other than by the setting of rates for that class of customer;

(C) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(D) notwithstanding Paragraph (B), has an interest in a mutual fund or retirement fund in which more than 10 percent of the fund's holdings at the time of election or appointment is in a single utility, utility competitor, or utility supplier in this state and the person does not disclose this information to the governor, senate, commission, or other entity, as appropriate.

(b) A person otherwise ineligible because of Subsection (a)(2)(B) may be elected or appointed to the commission and serve as a commissioner or may be employed as executive director if the person:

(1) notifies the attorney general and commission that the person is ineligible because of Subsection (a)(2)(B); and

(2) divests the person or the person's spouse of the ownership or control:

(A) before beginning service or employment; or

(B) if the person is already serving or employed, within a reasonable time.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 52.092(c), Election Code, is amended to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

(1) governor;

(2) lieutenant governor;

(3) attorney general;

(4) comptroller of public accounts;

(5) commissioner of the General Land Office;

(6) commissioner of agriculture;

(7) railroad commissioner;

(8) public utility commissioner;

(9) chief justice, supreme court;

(10) ~~(9)~~ justice, supreme court;

(11) ~~(10)~~ presiding judge, court of criminal appeals;

(12) ~~(11)~~ judge, court of criminal appeals.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) Section 504.401(d), Transportation Code, is amended to read as follows:

(d) In this section, "state official" means:

(1) a member of the legislature;

(2) the governor;

(3) the lieutenant governor;

(4) a justice of the supreme court;

(5) a judge of the court of criminal appeals;

(6) the attorney general;

(7) the commissioner of the General Land Office;

(8) the comptroller;

(9) a member of the Railroad Commission of Texas;

(10) the commissioner of agriculture;

(11) a commissioner of the Public Utility Commission of Texas;

(12) the secretary of state; or

(13) ~~(12)~~ a member of the State Board of Education.

(b) This section takes effect September 1, 2021.

SECTION _____. (a) The first election for commissioner, position number one, of the Public Utility Commission of Texas, for a six-year term beginning on January 1, 2023, shall be held on the date of the general election for state and county officers for the year 2022. The first election for commissioner, position numbers two and three, for six-year terms beginning on January 1, 2025, shall be held on the date of the general election for state and county officers for the year 2024. The first election for commissioner, position numbers four and five, for six-year terms beginning on January 1, 2027, shall be held on the date of the general election for state and county officers for the year 2026.

(b) Notwithstanding any other law, the term of a commissioner of the Public Utility Commission of Texas who is serving on September 1, 2021, expires on that date, but a commissioner serving on that date may continue to serve in that office until a successor is appointed or elected and qualifies. As soon as practicable after September 1, 2021, the governor shall appoint a qualified individual to serve in each of the five numbered commissioner positions on the Public Utility Commission of Texas to staggered terms so that the commissioner in position number one serves until a successor elected in 2022 qualifies and takes office, the terms of the commissioners in position numbers two and three each serve until a successor elected in 2024 qualifies and takes office, and the terms of the commissioners in position numbers four and five each serve until a successor elected in 2026 qualifies and takes office.

Amendment No. 3 - Point of Order

Representative Lucio raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2, of the House Rules. The point of order was sustained and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Amendment No. 3 to House Bill 10

Announced in the House on March 30, 2021

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

The Martinez Fischer Amendment would significantly alter the composition of the Public Utility Commission and the selection of its members. Among other things, the amendment would increase the number of commissioners from three to five; require their election statewide; and repeal the governor's authority to appoint the commission chairman.

As introduced and reported from committee, **HB 10** contained the narrow subject of the qualifications of members of the governing board of ERCOT, including a requirement that the PUC chairman, who is a member of the board, be a resident of the state. The committee substitute made conforming changes that did not change this subject.

Mr. Martinez Fischer argues that the bill's residency requirement opens the bill to the subject of his amendment: addressing the qualifications and selection of public utility commissioners.

The amendment would add additional distinct propositions to a bill containing a single proposition. The amendment is not germane. 45 H. Jour. 617 (1937).

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

The ruling precluded further consideration of Amendment No. 3.

A record vote was requested by Representative Slaton.

CSHB 10 was passed to engrossment by (Record 51): 148 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.; 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, Excused — Kacal.

CSHB 11 ON SECOND READING
(by Paddie, Hernandez, Allison, et al.)

CSHB 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 **CSHB 11**:

Amend **CSHB 11** (house committee report) as follows:

(1) On page 1, between lines 16 and 17, insert the following and reletter subsequent subsections accordingly:

(b) This section applies only to a municipally owned utility, electric cooperative, power generation company, or exempt wholesale generator that sells electric energy at wholesale in the ERCOT power region.

(2) On page 1, lines 17 and 18, strike "provider of generation in the ERCOT power region" and substitute "entity described by Subsection (b)".

Amendment No. 1 was adopted.

Amendment No. 2

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

Amend **CSHB 11** (house committee report) as follows:

(1) On page 2, between lines 11 and 12, insert the following:

(d) The commission may impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section in the manner provided by Chapter 15.

(2) On page 3, between lines 9 and 10, insert the following:

(d) The commission may impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section in the manner provided by Chapter 15.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Zwiener offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee report) on page 1, between lines 21 and 22, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

() for a provider of generation that uses natural gas, coal, or nuclear power, demonstrate the ability to maintain consistent access to fuel supplies during an extreme weather emergency;

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Thierry offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) on page 2, between lines 11 and 12 by adding the following appropriately numbered subsection:

"() rural areas shall have the meaning assigned in Section 12.046 (a)(2), Agriculture Code."

Amend **CSHB 11** (house committee printing) on page 3, between lines 9 and 10 by adding the following appropriately numbered subsection:

"() rural areas shall have the meaning assigned in Section 12.046 (a)(2), Agriculture Code."

Amendment No. 4 was adopted.

Amendment No. 5

Representative Thierry offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) on page 2, between lines 11 and 12 by adding the following appropriately numbered subsection:

"() low-income area shall mean a neighborhood that has at least 52 percent of its households at or below 80 percent of Area Median Family Income (AMFI)."

Amend **CSHB 11** (house committee printing) on page 3, between lines 9 and 10 by adding the following appropriately numbered subsection:

"() low-income area shall mean a neighborhood that has at least 52 percent of its households at or below 80 percent of Area Median Family Income (AMFI)."

Amendment No. 5 was adopted.

Amendment No. 6

Representative Hinojosa offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) as follows:

(1) On page 2, between lines 11 and 12, insert the following:

(d) The rules must be based on information from the National Weather Service and the office of the state climatologist regarding:

(1) historic weather emergencies;

(2) climate variability; and

(3) projected changes in weather.

(e) Not later than the fifth anniversary of the date on which a rule adopted under this section takes effect and every five years after that date, the commission shall review and update the rule as necessary based on any change in the information described by Subsection (d).

(2) On page 3, between lines 9 and 10, insert the following:

(d) The rules must be based on information from the National Weather Service and the office of the state climatologist regarding:

- (1) historic weather emergencies;
- (2) climate variability; and
- (3) projected changes in weather.

(e) Not later than the fifth anniversary of the date on which a rule adopted under this section takes effect and every five years after that date, the commission shall review and update the rule as necessary based on any change in the information described by Subsection (d).

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Zwiener offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) on page 3 as follows:

- (1) On line 1, strike "and".
- (2) On line 6, strike the underlined period and substitute an underlined semicolon.
- (3) Between lines 6 and 7, insert the following:
 - (5) protect circuits containing critical infrastructure;
 - (6) implement reasonable measures to reduce demand during periods of peak demand and periods of projected inadequate power supply; and
 - (7) notify the following of a widespread power outage that is likely to last more than 24 hours:
 - (A) the Texas Division of Emergency Management;
 - (B) the commission;
 - (C) the independent organization certified under Section 39.151 for the ERCOT power region, if the utility's service area is in ERCOT; and
 - (D) retail electric customers served by the cooperative or utility.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Lucio offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 186, Utilities Code, is amended by adding Section 186.008 to read as follows:

Sec. 186.008. EMERGENCY OPERATIONS PLAN AUDITS. (a) The Public Utility Commission of Texas by rule shall develop a procedure for auditing emergency operations plans developed by:

- (1) electric utilities, as defined by Section 31.002;
- (2) power generation companies, as defined by Section 31.002;
- (3) municipally owned utilities, as defined by Section 11.003;
- (4) electric cooperatives;
- (5) retail electric providers, as defined by Section 31.002; and

(6) the independent organization certified under Section 39.151 for the ERCOT power region.

(b) The procedure for auditing emergency operations plans must require an entity described by Subsection (a) to file an updated emergency operations plan if the Public Utility Commission of Texas finds that the entity's emergency operations plan on file does not contain adequate information to determine whether the entity can provide adequate services during an emergency.

AMENDMENT NO. 8 - REMARKS

REPRESENTATIVE ZWIENER: Thank you so much for laying this amendment out, Representative Lucio. I am in full agreement that we need enforceable emergency preparedness plans for these extreme weather events. You and I were visiting about this off the mic, but I hope we can talk a little bit about the scope of these plans.

REPRESENTATIVE LUCIO: Please. Yes, ma'am.

ZWIENER: So my understanding is these plans will cover questions like fuel availability for our thermal generators?

LUCIO: Yes, ma'am. I remember reading the plan, the rule that is required of these plans, and actually I got a bunch of these plans in my office. I asked for this information following Chairman Hunter's lead on getting information and seeing it firsthand. But yes, those essential things are already required of these stakeholders to file with the PUC.

ZWIENER: So your intention with this amendment is that these would be broad plans that cover pretty much any issue that our electrical generators, our electrical providers could encounter.

LUCIO: Absolutely. Comprehensive plans, yes, ma'am. And I want to be clear through this dialogue that the PUC should take note. Take these plans seriously. Add additional things that may not exist in that rule and make these robust, thorough plans.

ZWIENER: I want to ask you about a couple more things, if they're covered. One conversation a lot of us have had is difficulty with communications from electrical providers. Is that something they would be required to plan for under this?

LUCIO: That I can verify is in the rule today. And that's what I was really disappointed in. What I did was I printed the press releases, the tweets, the Facebook posts, the Instagram posts, any social media that these different stakeholders had, including PUC, including ERCOT, power generators. And that was their communication. It wasn't part of a plan on file with the PUC. And it never said the absolute most important thing is these are no longer rolling blackouts. We've lost control. They're permanent. Go seek safety. That was to me the most disappointing aspect. They couldn't even tell Texans that they were in danger. Because there was an expectation in your district and in mine that the power was going to come on any minute, that we were all going to share in the

burden. But what we experienced was it wasn't that easy to turn the lights back on, and we never told them. So yes, there is an emergency communication piece in the current PUC emergency management plan.

ZWIENER: And your amendment would provide for more enforcement and oversight over that.

LUCIO: Absolutely. And, you know, frankly, we need to do more, but this is what we can do in this context, in this bill, as an amendment.

ZWIENER: One other area I know I've had conversations about is supply of electricity is only one side of the equation. The other is demand. Is it your hope that these emergency plans will also contain preparation for reducing demand in ways that don't affect critical infrastructure?

LUCIO: You know, I could tell you I've made contingency plans either for my business, my personal life, what have you. And I try to be as thorough as possible. I try to think of every possible scenario so that I'm not surprised when the event occurs. And hopefully it doesn't, right? But I will tell you this, it has snowed three times in Brownsville, Texas since 2004, where 100 years prior it hadn't snowed. So weather patterns are changing, and we need to be prepared. So yes, they should think of every possible scenario. Right now—and we're going to further address this—the emergency management plans are kind of stagnant. They file a plan. They do some audits of the infrastructure and the weatherization and things. But once a plan is filed, there isn't an amendment requirement every year. I have a separate bill that will go further than what this amendment does, but I need to make this amendment germane. I need to move the needle on this issue, and I think this amendment does that.

REPRESENTATIVE ANCHIA: The points you've been making are really well done and points that candidly the membership needs to hear because they weren't able to sit in on 30-plus hours' worth of hearings. But just to underscore the critical point you're making, communication was among the biggest challenges that people faced. People were unable to plan, is that not right?

LUCIO: Absolutely.

ANCHIA: They were unable to go out and buy supplies, is that right?

LUCIO: Yes, sir.

ANCHIA: They didn't know that they were in this thing for the long haul because the expectation was that there would just be short-term rolling blackouts, right?

LUCIO: Chairman, you actually drew my attention that they weren't rolling. I saw your social media posts, and then I started to take action and tell my constituents to seek shelter.

ANCHIA: And you and I had to sort of read between the lines as to what was happening in the market. We were getting information that the general public was not privy to from market participants because there was A, no emergency plan

that was executed on, and then B, the communication was very spotty, inconsistent. Some of it was joking in nature which lightened sort of the seriousness of the event. Isn't that what we heard in committee?

LUCIO: Absolutely. I wish I had those tweets in front of me because they could really hit it home. I think one of them from an agency of the State of Texas said: No need to use those fancy appliances that you bought during COVID right now; save energy. It didn't say: Things are really critical. We do not know if we can restore heat to your home; seek shelter. So if I read that, I'm thinking, well, it must not be that serious because we're cracking jokes.

ANCHIA: Right, and I think that's an important thing for the membership to understand that there was a widespread communication failure. Your amendment here seeks to get at the emergency action plan. I'll have an amendment a little bit later on about different modes of communication and the adoption of rules. But thank you for underscoring this for the membership.

LUCIO: Thank you, Mr. Chairman. And let me say, members, that was the most upsetting. All of us thought: Well, were they prepared for this? Did they have to prepare this? Do they have to have a plan ready? And the answer is yes. By PUC rule, they had to have a plan. And then when you look at that PUC rule, it's pretty good language. It's actually a great rule that if enforced, if taken seriously, we would not have experienced what we experienced during this storm.

REMARKS ORDERED PRINTED

Representative Meza moved to print remarks between Representative Lucio, Representative Anchia, and Representative Zwiener on Amendment No. 8 on **CSHB 11**.

The motion prevailed.

Amendment No. 9

Representative Martinez Fischer offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 by Lucio to **CSHB 11** on page 1 by striking lines 19-24 and substituting the following:

(b) The procedure for auditing emergency operations plans must:

(1) require an entity described by Subsection (a) to file an updated emergency operations plan if the Public Utility Commission of Texas finds that the entity's emergency operations plan on file does not contain adequate information to determinate whether the entity can provide adequate services during an emergency; and

(2) ensure that the plans will allow each generation facility in the plan to meet minimum reliability standards or guidelines adopted by the North American Electric Reliability Corporation in or before 2021.

Amendment No. 9 was adopted.

Amendment No. 8, as amended, was adopted.

Amendment No. 10

Representative Anchia offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 17, Utilities Code, is amended by adding Section 17.011 to read as follows:

Sec. 17.011. CHARGES FOR POWER OUTAGES. (a) A billing utility may not include on a customer's telephone or retail electric bill a fee for any amount directly or indirectly related to a power outage due to a mechanical failure of equipment used by the utility.

(b) A billing utility that charges a customer a fee directly or indirectly related to a power outage shall include, on the first page of the customer's telephone or retail electric bill for that billing cycle, in a manner that is conspicuous and set apart from surrounding written material, the amount of the fee accompanied by the words "blackout fees" set in 10-point font or larger and using letters that are boldfaced, capitalized, and underlined.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Anchia offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.918 to read as follows:

Sec. 39.918. COMMUNICATION DURING EXTREME WEATHER EMERGENCY. The commission by rule shall establish best practices for the commission, the independent organization certified under Section 39.151 for the ERCOT power region, and market participants to use when communicating with the public during an extreme weather emergency, as defined by Section 35.0021. The best practices must include practices for communicating in multiple languages and with multiple methods.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Rosenthal offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0022 to read as follows:

Sec. 35.0022. COMPREHENSIVE EMERGENCY OPERATIONS AND WEATHERIZATION PLAN. (a) Not later than January 1 of each year, the independent organization certified under Section 39.151 for the ERCOT power region shall prepare and deliver to the commission a comprehensive emergency operations and weatherization plan that includes:

- (1) emergency operations plans currently on file with the organization;
- (2) declarations of completion of weatherization preparations from all electric generation entities in the ERCOT power region; and
- (3) relevant seasonal assessments of resource adequacy, including projected resource capabilities, peak demand forecasts, and expected unit outage forecasts.

(b) The commission shall analyze each emergency operations plan developed by the independent organization certified under Section 39.151 for the ERCOT power region and prepare a report on emergency operations and weatherization preparedness in this state that includes recommendations for improving the emergency operations plan, if any.

(c) The commission shall submit the report described by Subsection (b) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 1 of each year.

(d) Emergency operations plans described by Subsection (a)(1) are public information except for the portions of the plans considered confidential under Chapter 552, Government Code, or other state or federal law.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Toth offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee printing) by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0022 to read as follows:

Sec. 35.0022. IDENTIFICATION OF ENTITIES WITH BACKUP GENERATION. The independent organization certified under Section 39.151 for the ERCOT power region shall coordinate with power generation providers to identify essential infrastructure entities with backup generation capable of being rolled in the event of rolling blackouts.

Amendment No. 13 was adopted.

Amendment No. 14

Representative P. King offered the following amendment to **CSHB 11**:

Amend **CSHB 11** (house committee report) on page 3, between lines 9 and 10, by inserting the following appropriately lettered subsection:

(_____) Notwithstanding any other provision of this subtitle, the commission shall allow a transmission and distribution utility to design and operate a load management program for non-residential customers to be used during 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. A transmission and distribution utility implementing a load management program under this subsection shall be permitted to recover the reasonable and necessary costs of the load management program under Chapter 36. A load management program operated under this subsection is not considered a competitive service.

Amendment No. 14 was adopted.

A record vote was requested by Representative Slaton.

CSHB 11, as amended, was passed to engrossment by (Record 52): 143 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; 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, 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 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; Smith; 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, Excused — Kacal.

Absent — Ellzey; Johnson, A.; Morales, E.; Slawson; Smithee.

STATEMENTS OF VOTE

When Record No. 52 was taken, I was in the house but away from my desk. I would have voted yes.

Ellzey

When Record No. 52 was taken, I was in the house but away from my desk. I would have voted yes.

A. Johnson

When Record No. 52 was taken, my vote failed to register. I would have voted yes.

E. Morales

When Record No. 52 was taken, my vote failed to register. I would have voted yes.

Slawson

CSHB 12 ON SECOND READING

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

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

Amendment No. 1

Representative Thierry offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) on page 2, line 26, after the word entities by adding the following:

" and make recommendations on methods to improve communication and coordination between local governmental entities, the ERCOT organization, the commission, and public utilities that serve the jurisdictions of the local governmental entities, if necessary".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 3, line 15, strike "may" and substitute "shall".

(2) On page 3, strike lines 18 through 25 and substitute the following:

(a-1) An alert system developed under this subchapter must be based on the findings of the study conducted under Section 418.3015. This subsection expires September 1, 2027.

(3) On page 3, lines 26 and 27, strike "that chooses to participate in an alert system implemented under this subchapter".

(4) On page 4, line 1, strike "that purpose" and substitute "the purpose of participating in an alert system implemented under this subchapter".

(5) On page 4, line 5, strike "public utility" and substitute "local governmental entity and public utility in this state".

(6) On page 4, line 7, strike "may" and substitute "shall".

(7) On page 4, line 19, strike "may" and substitute "shall".

(8) On page 4, line 21, strike "participating".

(9) On page 4, line 21, strike "may" and substitute "shall".

(10) On page 4, line 26, strike "may" and substitute "shall".

(11) On page 5, line 1, strike "entities".

(12) On page 5, line 4, strike "and".

(13) On page 5, line 6, strike the underlined period and substitute "; and".

(14) On page 5, between lines 6 and 7, insert the following:

(4) customers served by the public utility.

(15) On page 5, line 9, strike "may" and substitute "shall".

(16) On page 5, line 24, strike "may" and substitute "shall".

(17) On page 6, line 7, strike "if applicable,".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Wu offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 5, line 9, between "subchapter" and "may", insert the following:

⋮

(1) must be issued in English, Spanish, and any other language that the division considers necessary; and

(2)

(2) On page 5, line 10, strike "(1)" and substitute "(A)".

(3) On page 5, line 12, strike "(2)" and substitute "(B)".

Amendment No. 3 was adopted.

Amendment No. 4

Representative C. Bell offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 6, line 2, between "2." and "As", insert "(a)".

(2) On page 6, between lines 10 and 11, insert the following:

(b) In the period beginning on the effective date of this Act and ending on the date that the Texas Division of Emergency Management implements an alert system under Subchapter J, Chapter 418, Government Code, as added by this Act, until the division implements that alert system, the division shall provide notices, through delivery methods and means commonly employed to ensure delivery during a hurricane, tornado, or other severe weather event, to individuals in this state located in areas that are likely to be impacted by severe weather emergencies. A notice must include information necessary to assist an individual with making informed decisions regarding the individual's safety.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Beckley offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) as follows:

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

SECTION _____. Subchapter A, Chapter 31, Utilities Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006. NOTICE TO ELECTED OFFICIALS REQUIRED. As soon as practicable after an electric utility, municipally owned utility, or electric cooperative experiences a widespread power outage or a widespread electric service emergency, the utility or cooperative shall notify by telephone and e-mail each:

(1) United States senator who represents this state;

(2) member of the United States House of Representatives who represents a district affected by the disruption or emergency;

(3) statewide elected official;

(4) member of the legislature who represents a district affected by the disruption or emergency;

(5) elected official of a county government who represents an area affected by the disruption or emergency; and

(6) elected official of a municipal government who represents an area affected by the disruption or emergency.

SECTION _____. Subchapter A, Chapter 104, Utilities Code, is amended by adding Section 104.009 to read as follows:

Sec. 104.009. NOTICE TO ELECTED OFFICIALS REQUIRED. As soon as practicable after a gas utility, municipally owned utility, or electric cooperative experiences a widespread natural gas shortage or a widespread natural gas service emergency, the utility or cooperative shall notify by telephone and e-mail each:

(1) United States senator who represents this state;

(2) member of the United States House of Representatives who represents a district affected by the disruption or emergency;

(3) statewide elected official;

(4) member of the legislature who represents a district affected by the disruption or emergency;

(5) elected official of a county government who represents an area affected by the disruption or emergency; and

(6) elected official of a municipal government who represents an area affected by the disruption or emergency.

SECTION _____. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.1397 to read as follows:

Sec. 13.1397. NOTICE TO ELECTED OFFICIALS REQUIRED. As soon as practicable after a retail public utility experiences a widespread water service outage or a widespread water service emergency, the utility shall notify by telephone and e-mail each:

(1) United States senator who represents this state;

(2) member of the United States House of Representatives who represents a district affected by the disruption or emergency;

(3) statewide elected official;

(4) member of the legislature who represents a district affected by the disruption or emergency;

(5) elected official of a county government who represents an area affected by the disruption or emergency; and

(6) elected official of a municipal government who represents an area affected by the disruption or emergency.

Amendment No. 5 was adopted.

A record vote was requested by Representative Slaton.

CSHB 12, as amended, was passed to engrossment by (Record 53): 148 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.; 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, Excused — Kacal.

CSHB 13 ON SECOND READING

(by Paddie, et al.)

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

Amendment No. 1

Representative Paddie offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

- (1) On page 1, line 20, strike "or".
- (2) On page 1, line 21, strike the period and substitute "; or".
- (3) On page 1, between lines 21 and 22, insert the following:

(C) an entity that produces, processes, or transports natural gas in this state or otherwise participates in the natural gas supply chain in this state.

(4) On page 3, line 25, between "information" and "requested", insert "related to a disaster".

(5) On page 3, line 25, after the period, add "Information obtained by the council under this subsection is confidential and not subject to disclosure by the council if the information is critical energy infrastructure information as defined by the independent organization certified under Section 39.151 for the ERCOT power region or federal law."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Paddie offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) On page 2, line 8, between "extended" and "power outages" insert "natural gas supply failures".

(2) On page 2, line 14, between "fuel to" and "providers" insert "serve human needs natural gas customers and".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Martinez Fischer offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee report) as follows:

(1) On page 3, between lines 20 and 21, insert the following:

(6) local governmental officials, including mayors, county judges, and emergency management officials;

(2) On page 3, line 21, strike "(6)" and substitute "(7)".

(3) On page 3, line 22, strike "(7)" and substitute "(8)".

(4) On page 3, line 23, strike "(8)" and substitute "(9)".

Amendment No. 3 was adopted.

(Speaker pro tempore in the chair)

Amendment No. 4

Representative Zwiener offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) On page 3, line 26, strike "The" and substitute "Except as provided by Subsection (g-1), the".

(2) On page 4, between lines 1 and 2, insert the following:

(g-1) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008, Government Code, in the same manner as public information.

Amendment No. 4 was adopted.

CSHB 13 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HUNTER: Chairman Paddie, for the record, I'd like to put some legislative intent in connection with this particular bill, which I think is very good. Some of the members have visited with you and me, and we want to make sure that the individual rate payer, the consumer, the taxpayer, you know, is protected and made aware. So for this particular bill, we want to create legislative intent that—bill passage, council meets—we want the intent in this record that this council at least twice a year does a general report of activities, education to the public. And I want to put it in the record that the public is absolutely brought

into the process, and that when this council meets when the bill passes, that they hear us strongly that twice a year they are absolutely informing the public of activities, meeting times, and actions.

REPRESENTATIVE PADDIE: That is correct, Mr. Hunter. Again, they are meeting semiannually, and they are also providing that biannual report on reliability and stability of the electric supply chain and also making recommendations to strengthen it. That is correct.

A record vote was requested by Representative Slaton.

CSHB 13, as amended, was passed to engrossment by (Record 54): 146 Yeas, 0 Nays, 2 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; 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; 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; Moody(C).

Absent, Excused — Kacal.

Absent — Clardy.

STATEMENT OF VOTE

When Record No. 54 was taken, I was in the house but away from my desk. I would have voted yes.

Clardy

REMARKS ORDERED PRINTED

Representative Slaton moved to print remarks between Representative Paddie and Representative Hunter on **CSHB 13**.

The motion prevailed.

CSHB 16 ON SECOND READING**(by Hernandez, Paddie, et al.)**

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

A record vote was requested by Representative Slaton.

CSHB 16 was passed to engrossment by (Record 55): 111 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Bowers; Buckley; Bucy; Burns; Burrows; Campos; Canales; Cole; Coleman; Collier; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Gates; Geren; Gervin-Hawkins; 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; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Paul; Perez; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Dean; Frank; Frullo; Goldman; Hefner; Holland; Krause; Leach; Middleton; Parker; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Kacal.

Absent — Ramos.

STATEMENTS OF VOTE

When Record No. 55 was taken, I was shown voting no. I intended to vote yes.

Bonnen

When Record No. 55 was taken, I was shown voting no. I intended to vote yes.

Button

When Record No. 55 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 55 was taken, I was shown voting no. I intended to vote yes.

Goldman

When Record No. 55 was taken, I was shown voting yes. I intended to vote no.

Lambert

When Record No. 55 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

When Record No. 55 was taken, I was shown voting no. I intended to vote yes.

Schofield

When Record No. 55 was taken, I was shown voting yes. I intended to vote no.

Stucky

CSHB 17 ON SECOND READING

(by Deshotel, Paddie, Reynolds, Perez, Harris, et al.)

CSHB 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.

(Speaker in the chair)

Amendment No. 1

Representative C. Turner offered the following amendment to **CSHB 17**:

Amend **CSHB 17** (house committee printing) on page 2 by striking lines 11-14 and substituting the following:

(d) This section does not limit the ability of a regulatory authority or political subdivision to:

(1) choose utility services for properties owned by the regulatory authority or political subdivision; or

(2) encourage, promote, or provide rebates for energy efficiency, energy storage, or renewable or clean energy through ordinances, resolutions, regulations, codes, orders, policies, or other measures if they do 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.

Amendment No. 1 - Point of Order

Representative Cain raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2, of the House Rules.

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. 2).

CSHB 17 - (consideration continued)**Amendment No. 1 - Point of Order Disposition**

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

RULING BY THE SPEAKER

on Amendment No. 1 to House Bill 17

Announced in the House on March 30, 2021

Representative Cain raises a point of order against further consideration of the Turner of Tarrant Amendment to **HB 17** under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane.

The Turner of Tarrant Amendment would add language to the bill to authorize regulatory authorities and political subdivisions to offer certain energy efficiency rebates.

As introduced and reported from committee, **HB 17** would enact a prohibition on regulatory authorities and political subdivisions from taking actions that directly or indirectly discourage utility connections based on the type or source of energy, such as prohibiting subdivisions that use natural gas as an energy source.

Mr. Turner of Tarrant argues that his amendment merely adds an exception to the bill's general prohibitions and notes that the bill already contains an exception to its application. He argues that the authorization for rebates is necessary because of the scope of the bill's prohibition.

HB 17 applies to cities that want to prohibit certain utility services. The bill on its terms does not apply to a city's voluntary encouragement of energy efficiency. The burden of proof of the germaneness of an amendment rests upon its proponents. 8 Cannon § 2995; Deschler ch. 28, §§ 35.31, 41.8; 121 Cong. Rec. 19967 (1975); 146 Cong. Rec. 13607 (2000). Here, the burden of proof was not met.

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

The ruling precluded further consideration of Amendment No. 1.

CSHB 17 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **CSHB 17** under Rule 4, Section 32, of the House Rules on the grounds that the bill analysis is substantively misleading.

(Harris in the chair)

The point of order was withdrawn.

(Speaker in the chair)

A record vote was requested by Representative Slaton.

CSHB 17 was passed to engrossment by (Record 56): 113 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Coleman; Cook; Cortez; Craddock; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, J.D.; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Pacheco; Paddie; Parker; 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; White; Wilson.

Nays — Anchia; Bernal; Bucy; Cole; Collier; Crockett; Dominguez; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Lopez; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Ordaz Perez; Ortega; Ramos; Rodriguez; Rosenthal; Sherman; Talarico; Turner, C.; Vo; Walle; Wu; Zwiener.

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

Absent, Excused — Kacal.

STATEMENTS OF VOTE

When Record No. 56 was taken, I was shown voting no. I intended to vote yes.

Dominguez

When Record No. 56 was taken, I was shown voting yes. I intended to vote no.

Fierro

When Record No. 56 was taken, I was shown voting present, not voting. I intended to vote yes.

Rose

ADJOURNMENT

Representative Rogers moved that the house adjourn until 10 a.m. tomorrow in memory of Richard Ball of Mineral Wells.

The motion prevailed.

The house accordingly, at 2:35 p.m., adjourned until 10 a.m. tomorrow.

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:

HCR 68 Canales SPONSOR: Hinojosa
Commending former Hidalgo County Judge Ramon Garcia for his service.

HCR 70 Craddick SPONSOR: Nelson
Congratulating Southwest Airlines on its 50th anniversary.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 29

Agriculture and Livestock - **HB 1480**

Insurance - **HB 113**

International Relations and Economic Development - **HB 1791, HB 1799**

Land and Resource Management - **HB 738, HB 1471, HB 1571, HB 2005**

Public Education - **HB 699**

Public Health - **HB 723, HB 1386**

State Affairs - **HB 315, HB 587, HB 1082, HB 1118, HB 1322**

