

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TENTH DAY

(Tuesday, February 14, 2023)

The Senate met at 11:05 a.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, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

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

Father Jakob Hurlimann, Saint Mary Cathedral, Austin, offered the invocation as follows:

Merciful Father, we thank You for the countless blessings that You have given to us already on this day, those we recognize and those we may never know. May the reminders we have of this day of the love we bear for one another, the love we receive from one another, bring us to have compassion for those who have no such persons in their lives to show them concern. Incline our hearts to You to hear Your voice at all times and to be a reflection of Your charity to those whom we serve. This I ask through Christ our Lord. 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.

PHYSICIAN OF THE DAY

Senator Eckhardt was recognized and presented Dr. Paraag Kumar of Austin as the Physician of the Day.

The Senate welcomed Dr. Kumar and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

(President Pro Tempore Hancock in Chair)

SENATE RESOLUTION 166

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the citizens of Jim Wells County and to join in celebrating Jim Wells County Day at the State Capitol on February 14, 2023; and

WHEREAS, The area known today as Jim Wells County became a part of Texas after Texas gained independence from Mexico in 1836, and by 1850, there were extensive landholdings in the area; railroads soon followed and led to the development of a town, which was named Alice in 1886 for the daughter of famed Texas rancher Richard King; Alice eventually became the county seat and the largest cattle-shipping point in the world; and

WHEREAS, Jim Wells County was created and organized by the Texas Legislature on March 11, 1911, and was named for politician and land developer James B. Wells Jr.; the county contributed significantly to the development of southwestern Texas, and since the mid-1800s, its cattle industry has played a key role in the area's economy; and

WHEREAS, The first significant oil activity in Jim Wells County began in 1936, and the first major oil producer was established northeast of Alice; the county's economy has benefited not only from the oil business, ranching, cattle shipping, and cotton and grain production, but also from a fine public school system, a modern hospital, and the health-services industry; and

WHEREAS, The history of Jim Wells County is carefully preserved at the South Texas Museum, which has been designated a Texas Historical Landmark; it is indeed fitting that the citizens of Jim Wells County take pride in their unique heritage as they celebrate their many contributions to the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby recognize February 14, 2023, as Jim Wells County Day at the State Capitol and extend to the county's visiting delegates best wishes for a memorable and productive day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

SR 166 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a delegation from Jim Wells County including County Judge Pete Trevino, Alice Mayor Cynthia Carrasco, County Attorney Michael Guerra, County Treasurer Mark Dominguez, Constable Albert Martinez, and students from Jim Wells County schools.

The Senate welcomed its guests.

SENATE RESOLUTION 165

Senator Springer offered the following resolution:

WHEREAS, Averie Bishop of The Colony was crowned Miss Texas 2022 at the Eisemann Center in Richardson on June 25, 2022; and

WHEREAS, Ms. Bishop competed in the statewide event as Miss Carrollton, and she is the first Asian American woman to win the title of Miss Texas; in December 2022, she advanced to the Miss America Competition and was named second runner-up, making her the highest-placing Miss Texas in 15 years; and

WHEREAS, In her role as Miss Texas, Ms. Bishop travels across the world for speaking engagements and appearances, where she addresses topics such as mental health and social media; by advocating through her social platforms and acting as an ambassador for the Texas Cares for Children program, she hopes to make every child feel at home; she is also the author of a children's book, *Miss Melody the Marigold*, and all proceeds go to her nonprofit, The Tulong Foundation; and

WHEREAS, Ms. Bishop is a first-generation law school graduate from the Southern Methodist University Dedman School of Law, and she also holds a certification in finance from Harvard Business School; furthermore, she is a small business owner and an international nonprofit CEO, and she is the youngest committee member of the anti-hate advisory council to Mayor Eric Johnson in Dallas; and

WHEREAS, Averie Bishop has proven herself to be a deserving recipient of the Miss Texas crown, and the hard work, determination, and perseverance that she has demonstrated in attaining this goal are certain to serve her well in her future endeavors; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby congratulate Averie Bishop on her selection as Miss Texas 2022 and extend to her sincere best wishes for continued success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Ms. Bishop as an expression of high regard by the Texas Senate.

SR 165 was read.

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

On motion of Senator Springer, the resolution was adopted without objection.

GUEST PRESENTED

Senator Springer, joined by Senators Paxton and Menéndez, was recognized and introduced to the Senate Averie Bishop, Miss Texas 2022.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Gutierrez was recognized and introduced to the Senate families from Uvalde and Santa Fe, Texas.

The Senate welcomed its guests.

SENATE RESOLUTION 168

Senator Creighton offered the following resolution:

WHEREAS, Residents and business leaders of Montgomery County are gathering in Austin on February 14, 2023, to celebrate Montgomery County Day at the State Capitol; and

WHEREAS, Situated at the southern edge of the Piney Woods of East Texas, Montgomery County is the 11th largest county in the State of Texas and was established by the Congress of the Republic of Texas in 1837; the county is officially

acknowledged as the Birthplace of the Lone Star Flag because the design attributed to resident Dr. Charles B. Stewart was adopted by the Texas Congress in 1839 and has remained the banner of the state since it joined the Union in 1845; and

WHEREAS, The arrival of the railroads in the 1870s and 1880s sparked a lumber boom that revived Montgomery County's agricultural economy after the Civil War; Houston lumberman Isaac Conroe established a sawmill in 1881, and the town of Conroe that grew up around the mill was named the county seat eight years later; in 1931, the discovery of oil triggered yet another financial upsurge in the area, and today, oil production, the lumber industry, and ranching further contribute to the area's prosperity; and

WHEREAS, Visitors from across the state are drawn to the region's vibrant historical and cultural establishments, and outdoor enthusiasts enjoy the recreational opportunities at Sam Houston National Forest, W. Goodrich Jones State Forest, and Lake Conroe Park; additionally, The Woodlands, a master-planned community, is home to the Cynthia Woods Mitchell Pavilion, a major concert venue as well as the summer residence of the Houston Symphony; and

WHEREAS, This visit to the State Capitol was organized by the chambers of commerce of Conroe and Lake Conroe, the Woodlands Area, Greater Magnolia Parkway, Greater East Montgomery County, the Montgomery Area, and by the Montgomery County Hispanic Chamber of Commerce; members of each association work to improve and strengthen economic development and the quality of life throughout Montgomery County, which is one of the fastest growing counties in the nation; and

WHEREAS, The people of this vibrant county take great pride in their rich history as they work to build an even brighter future, and it is indeed fitting to honor them and their unique contributions to the story of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby recognize February 14, 2023, as Montgomery County Day at the State Capitol and extend to the visiting delegation sincere best wishes for a meaningful and memorable stay in Austin; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

CREIGHTON
BETTENCOURT
KOLKHORST

SR 168 was read and was adopted without objection.

GUESTS PRESENTED

Senator Creighton, joined by Senators Kolkhorst, Whitmire, and Eckhardt, was recognized and introduced to the Senate a delegation from Montgomery County including Nick Davis, Conroe/Lake Conroe Chamber of Commerce; Sheri McBride, Montgomery Area Chamber of Commerce; Julio Resendez, Montgomery County Hispanic Chamber of Commerce; Kathy DeNoble, Greater Magnolia Parkway

Chamber of Commerce; County Judge Mark Keough; Mark Linabury, Greater East Montgomery County Chamber of Commerce; Ann Snyder and Brad Bailey, The Woodlands Township; and Margie Taylor.

The Senate welcomed its guests.

SENATE RESOLUTION 156

Senator Birdwell offered the following resolution:

WHEREAS, The Texas Rangers, the oldest state law enforcement agency in the United States, is hosting a kickoff event in commemoration of the legendary organization's bicentennial on January 13, 2023; and

WHEREAS, From the settlement of the Texas frontier to the struggle against lawlessness during the oil boom and the Prohibition era, the Texas Rangers have played a central role in the administration of justice throughout the history of the Lone Star State; the term "Rangers" was first applied to a group that was formed to protect colonists under Stephen F. Austin in 1823, and the establishment of the Texas Rangers was later formalized by his Permanent Council, which assigned to the unit the responsibility of guarding the frontier from Native American incursions until the end of the Texas Revolution; and

WHEREAS, After Texas won independence, the Texas Rangers were mobilized to a number of counties, and by the mid to late 1870s, their role resembled that of something between an army and a police force; they were typically called on to assist with cases that were considered beyond the means of local police, and by the turn of the 20th century, they had transitioned from their duties as a frontier militia to focus almost exclusively on law enforcement; the beginning of the century was rife with crime, and the Rangers spent several decades fending off raiders along the Mexican border, countering spies and saboteurs, and apprehending the various gamblers, horse thieves, cattle rustlers, smugglers, bootleggers, and other offenders that dominated West Texas at that time; and

WHEREAS, The Texas Rangers subsequently began operating under the administration of the Department of Public Safety, which was created by the Texas Legislature on August 10, 1935; only 36 personnel were initially assigned to the agency, but their newfound access to the department's resources, including a state-of-the-art crime laboratory, greatly enhanced the Rangers' investigative capabilities; newer and more advanced technologies would further facilitate their development into a fully modernized police force, and from 1935 to 1955, their annual workload increased from approximately 255 cases to more than 16,700; today, in addition to investigating high-profile crimes, the Rangers contribute to border security, tactical operations, and crisis negotiation and provide key support and intelligence to ensure that our state is protected at every level; and

WHEREAS, Over the course of two centuries, the Texas Rangers have cemented an international reputation that has grown with their depiction in multitudes of books, movies, television and radio shows, and pulp novels; the Rangers are inextricably linked to the history and mythology of the Old West, where they brought such notorious outlaws to justice as serial murderer John Wesley Hardin and train robber Sam Bass; their ranks have included a number of lawmen who achieved renown for their crime-fighting feats, among them Frank H. Hamer, John S. Ford, John Coffee

Hays, and Captain W. J. McDonald, who is credited with the phrase that became the Rangers' creed: "No man in the wrong can stand up against a fellow that's in the right and keeps on a-comin'"; and

WHEREAS, The Texas Rangers of today are continuing a proud and storied tradition of service through their efforts to keep the peace and enforce the rule of law, and it is a pleasure to join in celebrating this significant milestone in the history of one of the most iconic institutions of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby commemorate the bicentennial of the Texas Rangers and commend its members, past and present, for their steadfast courage and dedication to duty; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Rangers as an expression of high regard from the Texas Senate.

BIRDWELL
HUGHES
MIDDLETON
SPARKS

SR 156 was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell, joined by Senators Flores, Springer, and Kolkhorst, was recognized and introduced to the Senate a Texas Ranger delegation including Lieutenant Colonel Freeman Martin, Chief Jason Taylor, Assistant Chief Corey Lain, Captain Wende Wakeman, and Ranger Bradley Freeman.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eckhardt, joined by Senators Menéndez and Whitmire, was recognized and introduced to the Senate members of the LGBT Chambers of Commerce from Austin, San Antonio, Houston, and North Texas, including Justin Muñoz and MarkAnthony Ball.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Parker, joined by Senators Zaffirini, Menéndez, Middleton, and Paxton, was recognized and introduced to the Senate a Code @ the Capitol delegation including the following students: Desmond Roth and Matias Bonilla Argueta from Collins Elementary; Rumi Mohammed, Omar Gutierrez, Axel Prado, and Will Rodriguez from Ojeda Middle School; Juan Poveda Barbosa, Melyna Rivera, Sophia Tolly, Phoebe Ayala, and Alejandro Gorzgez-Marten from CAST Tech High School; and Caleb Lightfoot, Zaid Albustami, David Corvaglia, Janice Thomas, Mariam Aziz, and Zara Siddiqi from Clear Springs High School.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator LaMantia was recognized and introduced to the Senate a delegation from the City of Port Isabel including Heather Scott, President, Point Isabel Independent School District Board; Mayor Martin Cantu Jr.; City Manager Jared Hockema; and Theresa Ann Capistran, Superintendent, Point Isabel Independent School District.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate members of Leadership Jacksonville.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President Pro Tempore announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 14**.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SJR 50 by Hall

Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.

To Committee on Administration.

MESSAGES FROM THE GOVERNOR

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

February 13, 2023

Austin, Texas

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

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

To be the presiding officer of the Sulphur River Regional Mobility Authority for a term to expire February 1, 2025:

Jay W. Hodge

Paris, Texas

(Mr. Hodge is being reappointed)

Respectfully submitted,

/s/Greg Abbott

Governor

February 13, 2023
Austin, Texas

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

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

To be members of the Texas Military Preparedness Commission for terms to expire February 1, 2029:

Thomas C. "Tom" Duncavage
League City, Texas

Benjamin "Ben" Miranda, Jr.
El Paso, Texas

Annette L. "Annie" Sobel, M.D.
Lubbock, Texas

Michael Bob Starr
Abilene, Texas

Timothy W. "Tim" Strawther
Fredericksburg, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott
Governor

February 13, 2023
Austin, Texas

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

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

To be the presiding officer of the Camino Real Regional Mobility Authority for a term to expire February 1, 2025:

Joyce A. Wilson
El Paso, Texas
(Ms. Wilson is being reappointed)

Respectfully submitted,

/s/Greg Abbott
Governor

SENATE CONCURRENT RESOLUTION 18

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 88th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 15, 2023, and ending on Tuesday, February 21, 2023.

WHITMIRE

SCR 18 was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

CO-AUTHOR OF SENATE BILL 56

On motion of Senator Zaffirini, Senator Eckhardt will be shown as Co-author of **SB 56**.

CO-AUTHOR OF SENATE BILL 86

On motion of Senator Hall, Senator Eckhardt will be shown as Co-author of **SB 86**.

CO-AUTHOR OF SENATE BILL 147

On motion of Senator Kolkhorst, Senator Middleton will be shown as Co-author of **SB 147**.

CO-AUTHOR OF SENATE BILL 207

On motion of Senator Eckhardt, Senator Hughes will be shown as Co-author of **SB 207**.

CO-AUTHOR OF SENATE BILL 234

On motion of Senator Hinojosa, Senator Eckhardt will be shown as Co-author of **SB 234**.

CO-AUTHOR OF SENATE BILL 245

On motion of Senator Perry, Senator Middleton will be shown as Co-author of **SB 245**.

CO-AUTHOR OF SENATE BILL 263

On motion of Senator Johnson, Senator LaMantia will be shown as Co-author of **SB 263**.

CO-AUTHORS OF SENATE BILL 330

On motion of Senator Hall, Senators Creighton and Menéndez will be shown as Co-authors of **SB 330**.

CO-AUTHOR OF SENATE BILL 379

On motion of Senator Huffman, Senator Springer will be shown as Co-author of **SB 379**.

CO-AUTHOR OF SENATE BILL 472

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

CO-AUTHOR OF SENATE BILL 474

On motion of Senator Springer, Senator Flores will be shown as Co-author of **SB 474**.

CO-AUTHOR OF SENATE BILL 499

On motion of Senator Zaffirini, Senator Hughes will be shown as Co-author of **SB 499**.

CO-AUTHORS OF SENATE BILL 554

On motion of Senator Hughes, Senators Blanco and Flores will be shown as Co-authors of **SB 554**.

CO-AUTHOR OF SENATE BILL 570

On motion of Senator West, Senator Blanco will be shown as Co-author of **SB 570**.

CO-AUTHOR OF SENATE BILL 649

On motion of Senator Middleton, Senator Creighton will be shown as Co-author of **SB 649**.

CO-AUTHOR OF SENATE BILL 695

On motion of Senator Hughes, Senator Nichols will be shown as Co-author of **SB 695**.

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Paxton, Senator Huffman will be shown as Co-author of **SB 807**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 9

On motion of Senator Zaffirini, Senator Johnson will be shown as Co-author of **SJR 9**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 150 by Schwertner, In memory of Tammy Ruth Armbruster.

SR 157 by Hughes, In memory of Dee Lois Judy of Longview.

SR 158 by Hughes, In memory of Jerry Wade Garrison of Paris, Texas.

SR 164 by LaMantia, In memory of Terence James Fitzwater.

Congratulatory Resolutions

SR 152 by Schwertner, Recognizing Jennifer Jones on the occasion of her retirement.

SR 159 by Springer, Congratulating the Jacksboro High School cheerleading team on winning the 3A Division 2 title at the 2023 UIL Spirit State Championships and finishing third at the 2023 National Cheerleaders Association High School National Championship.

SR 162 by Perry, Recognizing Dave Erickson on the occasion of his retirement.

Official Designation Resolutions

SR 151 by Schwertner, Recognizing February 16, 2023, as San Jacinto County Day.

SR 153 by Schwertner, Recognizing February 22, 2023, as Bastrop County Day.

SR 155 by Nichols, Recognizing February 13, 2023, as Hardin County Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:30 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

SENT TO SECRETARY OF STATE

February 14, 2023

SCR 14

RESOLUTIONS ENROLLED

February 14, 2023

SR 150, SR 151, SR 152, SR 153, SR 155, SR 156, SR 157, SR 158, SR 159, SR 162, SR 164, SR 165, SR 166, SR 168

