

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTEENTH DAY

(Tuesday, March 7, 2023)

The Senate met at 11:00 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.

Chaplain James Campbell, Texas Army National Guard, Austin, offered the invocation as follows:

Heavenly Father, creator God, we come before You today giving You praise and honor, and we declare, as the writer of Psalm 118 once declared that, This is the day that the Lord has made, and we will rejoice and be glad in it. Father, we are thankful for the opportunity to gather together as fellow Texans in the greatest state in this nation to carry out the very important legislative work of Texas. I pray, Father, that You would bless each servant-leader assembled here today with an extra measure of Your wisdom and discernment. Give them a spirit of cooperation and teamwork as they robustly debate policies and issues for the betterment of Texas. Father, I ask for Your divine hand of protection upon those present here today, upon our law enforcement officials and EMS personnel, and upon our military serving on the Border and in foreign lands. I pray, Father, that You would keep their families strong, encouraged, and close to You. I ask these things through the name of Jesus Christ. 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.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Tuesday, March 7, 2023 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**HCR 72 Metcalf**

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 8, 2023, and ending on Monday, March 13, 2023.

Respectfully,
/s/Stephen Brown,
Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Flores was recognized and presented Dr. Traci French of Belton as the Physician of the Day.

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

SENATE RESOLUTION 268

Senator Perry offered the following resolution:

SR 268, Recognizing March 7, 2023, as Cotton Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry, joined by Senator Sparks, was recognized and introduced to the Senate a Cotton Day delegation including representatives of the Texas Cotton Association; Rolling Plains Cotton Growers, Incorporated; Quarterway Cotton Growers; Cotton and Grain Producers of the Lower Rio Grande Valley; Plains Cotton Growers; National Cotton Council; South Texas Cotton & Grain Association; Southern Rolling Plains Cotton Growers Association; Farmers Cooperative Compress; Floydada Coop Gins; Gulf Compress; Texas Agricultural Cooperative Council; and Texas Cotton Ginners' Association.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Springer was recognized and introduced to the Senate the Frisco Independent School District Superintendent's Student Advisory Council.

The Senate welcomed its guests.

SENATE RESOLUTION 275

Senator Middleton offered the following resolution:

SR 275, Recognizing March 7, 2023, as University of Houston-Clear Lake Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Middleton was recognized and introduced to the Senate a University of Houston-Clear Lake Day delegation including President Richard Walker, University Advancement Vice-president Joe Staley, Administration and Finance Vice-president Mark Denney, and Interim Vice-president for Strategic Enrollment Management Kara Hadley-Shakya.

The Senate welcomed its guests.

SENATE RESOLUTION 281

Senator Miles offered the following resolution:

SR 281, Recognizing March 7, 2023, as Alpha Kappa Alpha Day.

MILES
ALVARADO
PERRY
WEST

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles, joined by Senators West and Eckhardt, was recognized and introduced to the Senate an Alpha Kappa Alpha Sorority, Incorporated, delegation including former State Representative Wilhelmina Delco, South Central Regional Director Joya T. Hayes, International Connection and Social Action Committee Representative to the South Central Region DeMetris Sampson, South Central Region Texas Connection Social Action Committee Coordinator Kelly P. Hodges, AKA Day Co-Chair Darlene Breau, Carol West, Cydonni Fairfax Miles, and Diedra Fontaine.

The Senate welcomed its guests.

SENATE RESOLUTION 283

Senator Kolkhorst offered the following resolution:

SR 283, Recognizing March 7, 2023, as University of Houston-Victoria Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a University of Houston-Victoria Day delegation and a Victoria County delegation including University of Houston-Victoria President Robert Glen and Victoria Chamber of Commerce member James Martinez.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate Texas Association of Otolaryngology President John Edwards and Ky Camero.

The Senate welcomed its guests.

(Senator Flores in Chair)**SENATE RESOLUTION 270**

Senator Blanco offered the following resolution:

SR 270, Recognizing Texas Tech University Health Sciences Center El Paso on the occasion of its 10th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Blanco, joined by Senators Perry and Sparks, was recognized and introduced to the Senate a Texas Tech Health Sciences Center El Paso delegation including Texas Tech University System Chancellor Tedd Mitchell, Chancellor Emeritus Kent Hance, Dean of the School of Dental Medicine Richard Black, and Student Regent Hani Annabi.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Starr County delegation including Rio Grande City Mayor Joel Villareal, City of Roma Mayor Jaime Escobar, Rose Benavidez, Rio Grande City Commissioner Ben de Leon, Rio Grande City Grulla ISD Superintendent Adolfo Peña, and a Starr County Mariachis delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Menéndez, joined by Senator Gutierrez, was recognized and introduced to the Senate Eva's Heroes including Berkleigh Bowling.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Kaylee Self and Lisa Matthews.

The Senate welcomed its guests.

SENATE RESOLUTION 280

Senator Birdwell offered the following resolution:

SR 280, Recognizing the bicentennial of the Office of Constable.

BIRDWELL
HUGHES
KOLKHORST

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell, joined by Senators Kolikhorst, Eckhardt, and West, was recognized and introduced to the Senate members of the Justices of the Peace and Constables Association of Texas including Judge Sergio DeLeon, Georgia Estrada, and Constables Carlos Lopez, Sammy Knapp, Tonya Nixon, and Kenny Brown.

The Senate welcomed its guests.

SENATE RESOLUTION 279

Senator West offered the following resolution:

SR 279, Congratulating the South Oak Cliff High School football team for winning a state championship.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate members of the South Oak Cliff High School football state championship team, accompanied by Principal Wille F. Johnson, Athletic Coordinator James Mayes II, Head Football Coach Jason Todd, Executive Director of Athletics Silvia Salinas, and Most Valuable Player William Little.

The Senate welcomed its guests.

SENATE RESOLUTION 286

Senator Hinojosa offered the following resolution:

SR 286, Recognizing March 7, 2023, as Texas Bays and Estuaries Day.

HINOJOSA	HUFFMAN
ALVARADO	KOLKHORST
BETTENCOURT	LAMANTIA
CREIGHTON	WHITMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Texas Bays and Estuaries Day delegation including Kiersten Stanzel, Bryan Gulley, and Bob Stokes.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Refugio County delegation including County Judge Gigi Poynter.

The Senate welcomed its guests.

SENATE RESOLUTION 278

Senator Parker offered the following resolution:

SR 278, Recognizing March 7, 2023, as Wise County Day.

The resolution was read and was adopted without objection.

SENATE RESOLUTION 271

Senator Blanco offered the following resolution:

SR 271, Recognizing March 6, 2023, as For The Benefit of Earth Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Blanco was recognized and introduced to the Senate a Club for the Future delegation including Blue Origin Director of Launch Site One Bill Meadows, Executive Director of Club for the Future Gwen Griffith, and Director of Texas Government Relations Eduardo Seyffert.

The Senate welcomed its guests.

SENATE RESOLUTION 260

Senator Hall offered the following resolution:

SR 260, Recognizing the Texas chapters of Blue Star Mothers of America for their service.

The resolution was read.

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

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

GUESTS PRESENTED

Senator Hall, joined by Senators Birdwell, Paxton, Hinojosa, Springer, and Hancock, was recognized and introduced to the Senate a Blue Star Mothers of America delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 282

Senator Miles offered the following resolution:

SR 282, Recognizing March 7, 2023, as Texas Southern University Day.

MILES
ALVARADO
WEST

WHTIMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles, joined by Senators West, Whitmire, and Creighton, was recognized and introduced to the Senate a Texas Southern University Day delegation including President Lesia Crumpton-Young, Regents Mary Evans Sias, James Benham, and Brandon L. Simmons, and Senate staff members Sebastian Berry, Ranier Porter, and Camille Foster.

The Senate welcomed its guests.

SENATE RESOLUTION 243

Senator Birdwell offered the following resolution:

SR 243, Recognizing March 7, 2023, as Texas Energy Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Texas Energy Day delegation.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 72

The Presiding Officer 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, March 8, 2023, and ending on Monday, March 13, 2023.

WHITMIRE

HCR 72 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.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 11 by Nichols

Relating to measures for ensuring safety and security in public schools, including measures related to certain student records and truant conduct.

To Committee on Education.

SB 28 by Perry

Relating to financial assistance provided and programs administered by the Texas Water Development Board.

To Committee on Water, Agriculture, and Rural Affairs.

SJR 75 by Perry

Proposing a constitutional amendment creating the Texas water fund to assist in financing water projects in this state.

To Committee on Water, Agriculture, and Rural Affairs.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

March 2, 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 State Board for Educator Certification for terms to expire February 1, 2029:

Robert "Bob" Brescia, Ed.D.

Odessa, Texas

Courtney Boswell MacDonald

Kerrville, Texas

Scott R. Muri, Ed.D.

Odessa, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott

Governor

(President Pro Tempore Hancock in Chair)

RESOLUTION SIGNED

The President Pro Tempore announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 21.**

AUTHOR WITHDRAWN

The following letter was received by the Secretary of the Senate:

CHARLES PERRY

Texas State Senator

District 28

March 7, 2023

Mrs. Spaw:

My signature was added to Senate Bill 1445, the Texas Commission on Law Enforcement Sunset Bill in error.

I write to ask that my name be removed as one of the Joint Authors of this legislation.

Thank you,

/s/Senator Charles Perry

Senate District 28

CO-AUTHORS OF SENATE BILL 2

On motion of Senator Hughes, Senators Kolkhorst and Middleton will be shown as Co-authors of **SB 2**.

CO-AUTHOR OF SENATE BILL 33

On motion of Senator Zaffirini, Senator Blanco will be shown as Co-author of **SB 33**.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Johnson, Senator Miles will be shown as Co-author of **SB 88**.

CO-AUTHOR OF SENATE BILL 131

On motion of Senator Campbell, Senator Eckhardt will be shown as Co-author of **SB 131**.

CO-AUTHOR OF SENATE BILL 140

On motion of Senator West, Senator Miles will be shown as Co-author of **SB 140**.

CO-AUTHOR OF SENATE BILL 157

On motion of Senator Perry, Senator Eckhardt will be shown as Co-author of **SB 157**.

CO-AUTHOR OF SENATE BILL 175

On motion of Senator Middleton, Senator Creighton will be shown as Co-author of **SB 175**.

CO-AUTHOR OF SENATE BILL 177

On motion of Senator Middleton, Senator Hall will be shown as Co-author of **SB 177**.

CO-AUTHOR OF SENATE BILL 223

On motion of Senator Campbell, Senator Eckhardt will be shown as Co-author of **SB 223**.

CO-AUTHORS OF SENATE BILL 224

On motion of Senator Alvarado, Senators Blanco, Eckhardt, and Johnson will be shown as Co-authors of **SB 224**.

CO-AUTHOR OF SENATE BILL 258

On motion of Senator Eckhardt, Senator Johnson will be shown as Co-author of **SB 258**.

CO-AUTHOR OF SENATE BILL 273

On motion of Senator Blanco, Senator Sparks will be shown as Co-author of **SB 273**.

CO-AUTHOR OF SENATE BILL 330

On motion of Senator Hall, Senator Miles will be shown as Co-author of **SB 330**.

CO-AUTHOR OF SENATE BILL 340

On motion of Senator Springer, Senator Miles will be shown as Co-author of **SB 340**.

CO-AUTHOR OF SENATE BILL 350

On motion of Senator Johnson, Senator Miles will be shown as Co-author of **SB 350**.

CO-AUTHOR OF SENATE BILL 505

On motion of Senator Nichols, Senator Miles will be shown as Co-author of **SB 505**.

CO-AUTHORS OF SENATE BILL 559

On motion of Senator Hughes, Senators Birdwell, Middleton, and Perry will be shown as Co-authors of **SB 559**.

CO-AUTHOR OF SENATE BILL 730

On motion of Senator Hinojosa, Senator LaMantia will be shown as Co-author of **SB 730**.

CO-AUTHOR OF SENATE BILL 837

On motion of Senator Perry, Senator Eckhardt will be shown as Co-author of **SB 837**.

CO-AUTHORS OF SENATE BILL 955

On motion of Senator Springer, Senators Eckhardt and Miles will be shown as Co-authors of **SB 955**.

CO-AUTHOR OF SENATE BILL 1017

On motion of Senator Birdwell, Senator Hall will be shown as Co-author of **SB 1017**.

CO-AUTHOR OF SENATE BILL 1070

On motion of Senator Hughes, Senator Middleton will be shown as Co-author of **SB 1070**.

CO-AUTHOR OF SENATE BILL 1149

On motion of Senator Menéndez, Senator Schwertner will be shown as Co-author of **SB 1149**.

CO-AUTHOR OF SENATE BILL 1183

On motion of Senator Eckhardt, Senator Johnson will be shown as Co-author of **SB 1183**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Johnson, Senator Miles will be shown as Co-author of **SJR 10**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 15

On motion of Senator Johnson, Senator Miles will be shown as Co-author of **SJR 15**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 272 by West, In memory of Kalon Todd Cohen.

SR 288 by Sparks, Campbell, Hancock, Hughes, LaMantia, and Perry, In memory of James Robert Evans.

Congratulatory Resolutions

SR 266 by West, Recognizing James Whitaker for 50 years of service to Kappa Alpha Psi Fraternity, Incorporated.

SR 267 by West, Recognizing Albert Brunson for 50 years of service to Kappa Alpha Psi Fraternity, Incorporated.

SR 269 by Blanco, Recognizing the El Paso County DWI Court Intervention and Treatment Program.

SR 274 by Flores, Recognizing M. Rex Emerson on the occasion of his retirement.

SR 276 by Middleton, Recognizing the National Aeronautics and Space Administration for the launch of Artemis I mission.

SR 277 by Springer and Paxton, Recognizing the Frisco Independent School District Superintendent's Student Advisory Council.

SR 284 by Parker, Recognizing Scouts BSA Troop No. 7 on the occasion of its 110th anniversary.

SR 285 by Blanco, Recognizing Hector Gutierrez Jr. for receiving a Distinguished Alumnus Award from Texas A&M University.

SR 290 by Zaffirini, Recognizing Starr County students who participated at the 2021 Mariachi Vargas Extravaganza.

SR 291 by Flores, Recognizing T. Beck Gipson for his service as Kerr County Commissioner.

SR 293 by Hancock, Recognizing the Center for Transforming Lives on the occasion of its 115th anniversary.

Official Designation Resolution

SR 289 by Zaffirini, Recognizing March 7, 2023, as Starr County Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:46 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

March 7, 2023

SR 243, SR 260, SR 266, SR 267, SR 268, SR 269, SR 270, SR 271, SR 272, SR 274, SR 275, SR 276, SR 277, SR 278, SR 279, SR 280, SR 281, SR 282, SR 283, SR 284, SR 285, SR 286, SR 288, SR 289, SR 290, SR 291, SR 293