

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIFTH DAY

(Thursday, April 13, 2023)

The Senate met at 2:13 p.m. pursuant to adjournment and was called to order by Senator Birdwell.

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, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Absent-excused: King.

The Presiding Officer announced that a quorum of the Senate was present.

Senator Perry offered the invocation as follows:

Heavenly Father, we thank You for the God that You are. We thank You for loving us in spite of ourselves. We just ask, as we kind of hit down the stretch here, the last part of the session that we'll be slow to speak, quick to listen, and always keep Your will and ways in our paths so that we're walking Your way. I just ask that You be with us as we travel safely to and from. Be with those that are, Senator King and his family matter, as they go through surgery, that you lift each and every one of us up. We just thank You for the God that You are, the promises You keep through Your son Jesus Christ. In Jesus' name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator King was granted leave of absence for today on account of an illness in the family.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 2:15 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 13 ON THIRD READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 13** at this time on its third reading and final passage:

CSSB 13, Relating to a school district's library materials and catalog, the creation of local school library advisory councils, and parental rights regarding public school library catalogs and access by the parent's child to library materials.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1039 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1039** at this time on its third reading and final passage:

CSSB 1039, Relating to processes to address election irregularities; providing a civil penalty.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 853 ON THIRD READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 853** at this time on its third reading and final passage:

CSSB 853, Relating to electricity service provided by certain municipally owned utilities.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1911 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1911** at this time on its third reading and final passage:

CSSB 1911, Relating to election supplies and the conduct of elections; creating criminal offenses; increasing criminal penalties.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1933 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1933** at this time on its third reading and final passage:

CSSB 1933, Relating to certain oversight procedures of the state over county elections.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 2424 ON THIRD READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSSB 2424** at this time on its third reading and final passage:

CSSB 2424, Relating to the creation of the criminal offense of improper entry from a foreign nation.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read third time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 2424** on third reading in SECTION 1 of the bill, in added Section 38.20, Penal Code, as follows:

(1) In added Subsection (d)(1)(B), immediately following the underlined semicolon, strike "or".

(2) In added Subsection (d)(2), between "1325(a)" and the underlined period, insert the following:

; or

(3) the actor was approved for benefits under the federal Deferred Action for Childhood Arrivals program between June 15, 2012, and July 16, 2021

(3) In added Subsection (e)(1), immediately following the underlined semicolon, insert "and".

(4) Strike added Subsections (e)(2) and (3) and substitute the following:

(2) any program not enacted by the United States Congress that is a successor to or materially similar to the program described by Subdivision (1) or Subsection (d)(3).

The amendment to **CSSB 2424** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading except as follows:

Absent-excused: King.

CSSB 2424 as amended was finally passed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

SENATE BILL 260 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **SB 260** at this time on its second reading:

SB 260, Relating to confirmation of a voter's residence by a voter registrar.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

The bill was read second time and was passed to engrossment by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

(Senator Flores in Chair)

SENATE RULE 7.07(b) SUSPENDED

(Permission to Introduce)

(Motion In Writing)

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b) to permit the introduction of bills and resolutions as follows:

On motion of Senator Hinojosa, Senate Rule 7.07(b) was suspended for **SB 2601**.

On motion of Senator Hinojosa, Senate Rule 7.07(b) was suspended for **SCR 42**.

The Motions In Writing were read and prevailed without objection.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 2601 by Hinojosa

Relating to payment of costs related to the relocation of certain utility facilities for state highway projects.

To Committee on Transportation.

SB 2604 by Miles

Relating to the creation of the Harris County Municipal Utility District No. 589; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2605 by Flores

Relating to the creation of the Knob Creek Municipal Utility District of Bell County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2606 by Creighton

Relating to the creation and operation of a development zone by and the tax revenue received by The Woodlands Township; providing authority to issue bonds; providing authority to impose assessments and taxes.

To Committee on Local Government.

SCR 42 by Hinojosa

Designating December 8 as Special Hearts Day for a 10-year period beginning in 2023.

To Committee on Administration.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 90 to Committee on Finance.

HB 165 to Committee on Criminal Justice.

HB 242 to Committee on State Affairs.

HB 492 to Committee on Health and Human Services.

HB 793 to Committee on Health and Human Services.

HB 914 to Committee on Criminal Justice.

HB 1088 to Committee on Criminal Justice.

HB 1337 to Committee on Health and Human Services.

HB 1748 to Committee on Business and Commerce.

HB 2970 to Committee on Local Government.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 13, 2023 - 2

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:

HB 180 Moody

Relating to the withdrawal of an execution date on the motion of the attorney representing the state.

HB 659 Cook

Relating to specialty license plates issued for recipients of the Commendation Medal.

HB 697 Holland

Relating to seller's disclosures for the sale of residential real property.

HB 767 Harless

Relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond for stalking offenses.

HB 866 Oliverson

Relating to approval of certain land development applications by a municipality or county.

HB 1263 Thompson, Senfronia

Relating to the ability of a local authority to designate school crossing zones and school crosswalks at high school campuses located in certain municipalities.

HB 1590 Burns

Relating to the establishment of the Texas Leadership Scholars Program.

HB 1615 Button

Relating to strategies to increase the availability of child-care and prekindergarten programs.

HB 1635 Burrows

Relating to the operation of political parties.

HB 1730 Schaefer

Relating to the punishment for the offense of indecent exposure; increasing a criminal penalty.

HB 2015 Leach

Relating to the exemption from jury service for persons over a certain age.

HB 2138 Kacal

Relating to the sale of charitable raffle tickets by certain nonprofit wildlife conservation associations.

HB 2314 Canales

Relating to filing death benefits claims under the workers' compensation system.

Respectfully,

/s/Stephen Brown,
Chief Clerk

House of Representatives

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet upon adjournment today at his desk.

ADJOURNMENT

On motion of Senator Zaffirini, the Senate at 2:43 p.m. adjourned until 11:00 a.m. Monday, April 17, 2023.