

SENATE JOURNAL

EIGHTY-NINTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Wednesday, July 30, 2025)

The Senate met at 11:38 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, Cook, Creighton, Eckhardt, Flores, Gutierrez, Hall, A. Hinojosa, J. Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Zaffirini.

Absent-excused: Hagenbuch.

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

Senator Birdwell offered the invocation as follows:

Father, we come before Your throne asking for Your mercy, Your grace, Your discernment, and Your wisdom, Your spirit of peace upon us, Your hand of protection upon the state, our nation, our public servants, our law enforcement, and our military. In Christ's name we pray. Amen

Senator Zaffirini 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 Zaffirini, Senator Hagenbuch was granted leave of absence for today on account of an illness in the family.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

SENATE CONCURRENT RESOLUTION 1

The President 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 89th 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, July 30, 2025, and ending on Monday, August 4, 2025.

ZAFFIRINI

SCR 1 was read.

On motion of Senator Zaffirini and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Hagenbuch.

CONCLUSION OF MORNING CALL

The President at 11:42 a.m. announced the conclusion of morning call.

SENATE BILL 5 ON SECOND READING

The President laid before the Senate **SB 5** by Senator Perry at this time on its second reading:

SB 5, Relating to the regulation of certain products derived from hemp, including consumable hemp products and the hemp-derived cannabinoids contained in those products; requiring occupational licenses and registrations; imposing fees; creating criminal offenses; authorizing an administrative penalty.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 5** (senate committee report) in SECTION 19 of the bill, in added Section 443.256(a), Health and Safety Code (page 9, line 27), by striking "containing a hemp-derived cannabinoid" and substituting "that contains any amount of a cannabinoid other than cannabidiol or cannabigerol".

The amendment to **SB 5** was read and was adopted without objection.

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

Absent-excused: Hagenbuch.

SB 5 as amended was passed to engrossment by the following vote: Yeas 21, Nays 8.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, A. Hinojosa, J. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West.

Nays: Alvarado, Cook, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Zaffirini.

Absent-excused: Hagenbuch.

RECESS

On motion of Senator Zaffirini, the Senate at 1:49 p.m. recessed until 2:20 p.m. today.

AFTER RECESS

The Senate met at 3:37 p.m. and was called to order by Senator Birdwell.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Wednesday, July 30, 2025 - 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:

SCR 1

Zaffirini

Sponsor: Harris

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, July 30, 2025, and ending on Monday, August 4, 2025.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

COMMITTEE SUBSTITUTE**SENATE BILL 11 ON SECOND READING**

The Presiding Officer laid before the Senate **CSSB 11** by Senator Hughes at this time on its second reading:

CSSB 11, Relating to the duty of the attorney general to prosecute criminal offenses prescribed by the election laws of this state.

The bill was read second time.

POINT OF ORDER

Senator West raised a point of order that **CSSB 11** violates Senate Rule 7.12(b), Printing of Bills, because it requires an updated bill analysis required by Senate Rule 7.09.

(President in Chair)

POINT OF ORDER RULING

The President stated that the point of order was respectfully overruled.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks regarding his Point of Order on **CSSB 11** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Presiding Officer: Senator West, for what purpose?

Senator West: Raise a point of order.

Presiding Officer: State your point of order.

Senator West: Texas Rule 7.09 states, in part, it's the intent of this rule that all Members of the Senate be timely informed of the impact of proposed legislation on the state and other units. Senate Bill 11 fails to comport with this rule because the bill analysis for the Committee Substitute Senate Bill 11 includes a materially false statement. Senate Bill 11 would change this "may" to a "shall." It would give the Attorney General the power to prosecute election crimes if no proceeding has been done on those crimes after six months. That was in the original Senate Bill 11. In the committee substitute it includes no six-months provision and it's incumbent upon the author of the bill to make certain in the bill analysis that they explain any difference between the bill as filed and the substitute. I point Members to 7.12(b)(10), which states every committee report printing on a bill or resolution shall include a bill analysis including any updated analysis to reflect any change made by the amendment or substitute.

Presiding Officer: Senator West, would you bring your point of order forward please.

(President in Chair)

President: Members, the point of order is respectfully overruled.

Senator West: Mr. President.

President: Yes, Sir.

Senator West: Parliamentary inquiry.

President: State your inquiry.

Senator West: Based on the conversation we had and the ruling by the Chair, am I to understand that when we have bill analyses that have internal conflict in the language, the resolution of that conflict would be based on what's specifically in the section-by-section analysis regardless of what the author's, sponsor's statement of intent is? Let me, let me back that up. Historically, when we have a bill analysis, there are always several different parts to the bill analysis. One section's always the author's and sponsor's statement of intent, another is rulemaking authority, the other is section-by-section analysis. I think it's a, let me, those are normally the sections in a bill analysis. If there's internal conflict amongst those three sections, then what I understood the Parliamentarian to say that the section-by-section analysis controls it. Is that my understanding?

President: Our response was that the section-by-section bill analysis was consistent with the bill, and this is standing on precedent from past decisions over a long period of time.

Senator West: So, if the section-by-section analysis is consistent but conflicts with other parts of the bill analysis, the section-by-section analysis controls.

President: Yeah, it's a, you know, you're taking me back to the days when I was on the floor as a Senator debating with you.

Senator West: Good, good, good, good, good.

President: This is a hypothetical situation you have proffered and the ruling of the Chair stands.

Senator West: Well, out all due respect it's not hypothetical because we have a real-life situation here where the section, statement of intent is inconsistent with the section-by-section analysis. So, it's not hypothetical. It's a real-life situation. And so, I'm just trying to get guidance from the Chair as to whether or not, in interpreting the rule, that internal inconsistencies, in real-life situations, section-by-section analysis will control over any other section within the bill analysis if the section-by-section analysis controls.

President: Senator West, with the greatest respect, which you know we have over 17 years for each other, the bill analysis complies with the rules.

POINT OF ORDER

Senator Johnson raised a point of order that **CSSB 11** violates Senate Rule 7.04, Filing Bills, because **CSSB 11** falls outside of the Governor's call and that prevents any further consideration of the bill.

POINT OF ORDER RULING

The President stated that the point of order was respectfully overruled.

(Senator Birdwell in Chair)

CSSB 11 was passed to engrossment by the following vote: Yeas 17, Nays 12.

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

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, Nichols, West, Zaffirini.

Absent-excused: Hagenbuch.

SENATE BILL 12 ON SECOND READING

The Presiding Officer laid before the Senate **SB 12** by Senator Middleton at this time on its second reading:

SB 12, Relating to the use by a political subdivision of public funds for lobbying activities.

The bill was read second time.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 12** (senate committee report) in SECTION 1 of the bill, in added Section 556.0056(b), Government Code (page 1, line 38), between "to" and "an", by inserting the following:

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(1) a political subdivision that engages in an activity prohibited by Subsection (a) to the extent the activity is related to emergency management, disaster response, or public health and safety; or

(2)

The amendment to **SB 12** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Absent-excused: Hagenbuch.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 12** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 556.0056(c)(3), Government Code (page 1, lines 52 and 53), strike "if those actions would not require a person to register as a lobbyist under Chapter 305".

(2) In added Section 556.0056(c)(5), Government Code (page 1, line 59), strike "a full-time" and substitute "an".

(3) In added Section 556.0056(c)(5)(B), Government Code (page 2, lines 4 and 5), strike "if the communication would not require a person to register as a lobbyist under Chapter 305" and substitute "about the impact of a pending matter on the budget, operation, jurisdiction, or taxpayers of the political subdivision".

The amendment to **SB 12** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Absent-excused: Hagenbuch.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 12** by striking subsections (d) and (e) of SECTION 1. Chapter 556, Government Code and adding the renumbered subsection below:

(d) If a political subdivision to which this section applies does not comply with the requirements of this section, a resident of the political subdivision may file a complaint with the Texas Ethics Commission against the political subdivision in accordance with Section 571.122, Government Code.

The amendment to **SB 12** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Absent-excused: Hagenbuch.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 12** (senate committee report) in SECTION 1 of the bill, by adding subsection (f) to read as follows:

(f) In this section, a "political subdivision" includes an open-enrollment charter school.

The amendment to **SB 12** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Absent-excused: Hagenbuch.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 12** by adding the following appropriately numbered subsection (f) to SECTION 1. Chapter 556, Government Code:

(f) This section does not apply to a political subdivision that takes a public vote at a public meeting to contract or hire an individual required to register as a lobbyist under Chapter 305 for the purpose of lobbying a member of the legislature or votes to approve payment to a nonprofit association or organization that hires or contracts with an individual required to register as a lobbyist under Chapter 305.

The amendment to **SB 12** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Absent-excused: Hagenbuch.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 6

Amending **SB 12** by striking the following in SECTION 3. Section 556.0056, Government Code:

~~A contract term providing for an expenditure or payment prohibited by section 556.0056, Government Code, as added by this Act, is void on the effective date of this Act.~~

The amendment to **SB 12** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Nays: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks.

Absent-excused: Hagenbuch.

(President in Chair)

SB 12 was passed to engrossment by the following vote: Yeas 17, Nays 11, Present-not voting 1.

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

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Present-not voting: Nichols.

Absent-excused: Hagenbuch.

SENATE BILLS ON FIRST READING

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

SB 9 by Bettencourt, Birdwell, Campbell, Creighton, Hagenbuch, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Schwertner, Sparks

Relating to the calculation of the voter-approval tax rate for certain taxing units.
To Committee on Local Government.

SB 42 by J. Hinojosa

Relating to consent towing fees charged during a declared disaster.
To Committee on Disaster Preparedness and Flooding.

SENATE BILL 15 REREFERRED
(Motion In Writing)

Senator West submitted a Motion In Writing requesting that **SB 15** be withdrawn from the Committee on Finance and rereferred to the Committee on Business and Commerce.

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED
(Motion In Writing)
(Consideration of Bills in Committees)
(Posting Rules)
(Tag Rule)

Senator Bettencourt submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rules 11.10, 11.18 and 11.19 to permit the Local Government Committee to meet and consider the following bill in Room E1.028, at 9:00 a.m. Friday, August 1, notwithstanding any requests for advance written notice pursuant to Senate Rule 11.19.

SB 9 by Bettencourt, Relating to the calculation of the voter-approval tax rate for certain taxing units.

BETTENCOURT

The Motion In Writing was read and prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, A. Hinojosa, J. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Zaffirini.

Nays: Alvarado, Cook, Eckhardt, Gutierrez, Johnson, Menéndez, West.

Absent-excused: Hagenbuch.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator King and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Select Committee on Congressional Redistricting might meet at 6:50 p.m. today in the Betty King Committee Room, 2E.20.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Perry, Senators Bettencourt, Campbell, Flores, Hall, A. Hinojosa, King, Middleton, Parker, Paxton, and Sparks will be shown as Co-authors of **SB 5**.

CO-AUTHORS OF SENATE BILL 11

On motion of Senator Hughes, Senators Campbell, Hall, A. Hinojosa, King, Kolkhorst, Middleton, Parker, Schwertner, and Sparks will be shown as Co-authors of **SB 11**.

CO-AUTHORS OF SENATE BILL 12

On motion of Senator Middleton, Senators Campbell, Parker, and Schwertner will be shown as Co-authors of **SB 12**.

CO-AUTHOR OF SENATE BILL 15

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

ADJOURNMENT

On motion of Senator Zaffirini, the Senate at 6:41 p.m. adjourned until 11:00 a.m. Friday, August 1, 2025.

APPENDIX

RESOLUTION ENROLLED

July 30, 2025

SCR 1