

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SECOND DAY

(Wednesday, January 11, 2023)

The Senate met at 11:17 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.

Pastor John Stennfeld, Christ Lutheran Church, Austin, offered the invocation as follows:

Dear Father in heaven, I thank You that You have kept us this night from all harm and danger; and I pray that You would keep us this day also from sin and every evil, that all our doings in this life may please You. Use us, dear Father, as the instruments of Your grace. Give us the wisdom and the courage and the compassion to live our lives in such a way as to be both merciful and just. Help us in our dealings with each other to lead with love and to follow with forgiveness. As Your son Jesus prayed on the night before His death that all His followers might be one even as He and You are one, so I pray that You would make these men and women one also, one as a body of legislators, one as the people of this great state, one as the citizens of this blessed nation, and one in the fellowship of all humanity. Continue to pour out Your blessings upon us, both in our individual lives and upon us as a state and a nation, that we may continue to be a blessing to others. Lead us and guide us by Your Holy Spirit, that the evil foe may have no power over us. All this I pray in the name of Jesus. 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

Wednesday, January 11, 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:

**SCR 5**

Whitmire

Sponsor: Goldman

Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 12, 2023, and ending on Tuesday, January 17, 2023.

**SCR 6**

Hall

Sponsor: Metcalf

Providing for a joint session to canvass the votes for the governor and lieutenant governor and for a joint session for the inaugural ceremony.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**PHYSICIAN OF THE DAY**

Senator Eckhardt was recognized and presented Dr. Elliot Trester of Austin as the Physician of the Day.

The Senate welcomed Dr. Trester, accompanied by Farah Saleem, and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**SENATE RESOLUTION 2**

Senator Huffman offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the following rules of procedure shall be observed by the Senate for the consideration of redistricting during the 88th Legislature:

SECTION 1. REDISTRICTING COMMITTEE. (a) The Special Committee on Redistricting is composed of members appointed by the President. The President shall designate the chair and vice-chair from the total membership of the committee.

(b) Bills and resolutions relating to the composition of legislative, congressional, and State Board of Education districts shall be referred to the committee by the President. Senate rules governing a motion to refer or commit are applicable, except that the special committee takes precedence over a standing committee when several motions are made.

(c) The committee shall have the same authority and powers granted to standing committees by Senate rules and by applicable statutes. Where applicable, the rules governing standing committees of the Senate apply to the committee's proceedings. In case of any conflict, the procedures herein shall prevail over a conflicting Senate or committee rule.

#### SECTION 2. REGIONAL HEARINGS; VIDEOCONFERENCE TESTIMONY.

(a) The committee shall hold regional hearings to solicit public input on redistricting, including local communities of interest.

(b) The committee may meet to conduct a regional hearing in any location in this state that the chair determines appropriate to encourage participation from all areas of the state. The committee may allow the use of two-way videoconferencing to facilitate testimony from the general public during a regional hearing held in the Capitol.

(c) A witness testifying by videoconference must be clearly visible and audible to the committee members. A committee member questioning a witness by videoconference must be clearly visible and audible to the witness and the committee members.

(d) A witness testifying by videoconference must submit a witness affirmation form before testifying.

(e) The chair may provide procedures for the orderly participation of witnesses and may reasonably limit the time for registration of witnesses, the order of appearance, and the time allotted for each witness in order to provide all witnesses the opportunity to be heard in a timely manner.

(f) The committee may not consider or take formal action on a specific bill, resolution, or other nonprocedural matter during a regional hearing, except for the adoption of permanent rules at an initial meeting held in the Capitol.

SECTION 3. PUBLIC NOTICE OF MEETINGS. (a) The chair shall give public notice at least 72 hours in advance of a meeting for a regional hearing during the regular session or the interim between sessions and at least 48 hours in advance during a called session.

(b) The chair shall give public notice at least 48 hours in advance of a meeting for a public hearing on a bill or resolution.

(c) Public notice of the time and place of a meeting shall be posted in a public place in the manner required by Senate rules.

#### SECTION 4. CONSIDERATION OF REDISTRICTING BILLS BY SENATE.

(a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district in a legislative, congressional, or State Board of Education redistricting bill is eligible for consideration on second or third reading unless 35 copies of an amendment packet prepared by the Texas Legislative Council have been filed with the calendar clerk in accordance with this section.

(b) An amendment packet is not required to include a description of geography in the form of counties and census tracts, block groups, and blocks, but must include:

(1) a general written description of the proposed changes, including district numbers if the amendment does not propose a statewide substitute plan, the names of counties or a description of regions affected, and the plan number assigned by the redistricting computer system operated by the Texas Legislative Council;

(2) one or more maps prepared by the Texas Legislative Council indicating the changes made by the amendment; and

(3) standard reports prepared by the Texas Legislative Council that include population, voter data, and incumbent locations for the districts affected by the amendment.

(c) The calendar clerk shall as soon as practicable make filed amendment packets available to the members of the Senate. The calendar clerk shall also work with the Texas Legislative Council to provide hyperlinks from the bill webpage on the public legislative information website to the appropriate plan for each amendment in the public DistrictViewer application operated by the Texas Legislative Council.

(d) An amendment packet for each original amendment that will be offered during second reading consideration of a legislative, congressional, or State Board of Education redistricting bill must be filed with the calendar clerk by 9 a.m. on the third calendar day after the date the bill is reported favorably from a committee, excluding Sundays.

(e) A bill with filed amendments subject to Subsection (d) of this section is not eligible for consideration on second reading until amendment packets have been made available to members of the Senate for at least 24 hours.

(f) Subsections (d) and (e) of this section do not apply after the 122nd day of the regular session, nor to a bill that originates in the House of Representatives during a called session.

**SECTION 5. AUTHORITY; CONFLICT OF RULES.** The Senate adopts these redistricting rules and procedures under the authority of Section 11, Article III, Texas Constitution. All questions of procedure not provided for in this resolution shall be subject to the standing rules of the Senate. In case of any conflict, the procedures herein shall prevail over a conflicting Senate rule or procedure.

**SR 2** was read and was adopted by the following vote: Yeas 31, Nays 0.

### **SENATE RESOLUTION 8**

Senator Hughes offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Temporary Rules of the Senate of the 87th Legislature, as amended, are adopted as the Permanent Rules of the Senate of the 88th Legislature with the following modifications:

Amend Rule 11.02 to read as follows:

#### **LIST OF STANDING COMMITTEES AND SUBCOMMITTEES**

Rule 11.02. (a) At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

#### **STANDING COMMITTEES**

- (1) Committee on Administration (7 members)
- (2) Committee on Border Security (5 members)
- (3) Committee on Business and Commerce (11 members) [~~(9 members)~~]
- (4) [~~(3)~~] Committee on Criminal Justice (7 members)
- (5) [~~(4)~~] Committee on Education (13 members) [~~(11 members)~~]
- (6) [~~(5)~~] Committee on Finance (17 members) [~~(15 members)~~]
- (7) [~~(6)~~] Committee on Health and Human Services (9 members)
- [~~(7)~~] Committee on Higher Education (9 members)

- (8) Committee on Jurisprudence (5 members)
  - (9) Committee on Local Government (9 members)
  - (10) Committee on Natural Resources and Economic Development (9 members)
  - (11) Committee on Nominations (9 members)
  - (12) Committee on State Affairs (11 members) [~~(9 members)~~]
  - (13) Committee on Transportation (9 members)
  - (14) Committee on Veteran Affairs [~~and Border Security~~] (7 members)
  - (15) Committee on Water, Agriculture, and Rural Affairs (9 members).
- (b) From the members of the Committee on Education, the President shall appoint a Subcommittee on Higher Education consisting of 5 members.

**SR 8** was read and was adopted by the following vote: Yeas 31, Nays 0.

### SENATE RESOLUTION 9

Senator Whitmire offered the following resolution:

WHEREAS, Under the provisions of Article III, Section 3, of the Constitution of the State of Texas, the Senators elected after each apportionment shall be divided into two classes, the seats of the Senators of the first class to be vacated at the expiration of the first two years, and the seats of those of the second class to be vacated at the expiration of four years; now, therefore, be it

RESOLVED by the Senate of the 88th Texas Legislature, That the Senate shall draw lots as provided by this resolution; and, be it further

RESOLVED, That the drawing of lots shall be conducted as follows:

(1) The Lieutenant Governor shall appoint a committee of five Senators to supervise, direct, and verify all matters relating to the preparation of the slips and envelopes and the drawing of the envelopes as provided by this resolution;

(2) The Secretary of the Senate shall prepare 31 slips of paper of uniform size and appearance and number the slips of paper sequentially from 1 to 31;

(3) The Secretary of the Senate, under the supervision of the committee, shall place each of the slips of paper in a separate capsule, each of the capsules to be of uniform size and appearance, and shall then place each of the capsules in a separate envelope and seal the envelope, each of the envelopes to be of uniform size and appearance, and then place the 31 envelopes, each containing one of the capsules and slips of paper, in a suitable receptacle;

(4) At a time and on a day determined by the President in open session of the Senate, the drawing of the envelopes shall be conducted under the supervision of the committee in the following manner:

(A) The receptacle containing the sealed envelopes shall be placed on a suitable table or desk at the front of the Senate Chamber; and

(B) The Secretary of the Senate shall call the names of the Senators in alphabetical order, and as the name of each Senator is called, that Senator shall withdraw from the receptacle one envelope, which shall then be immediately opened and the number appearing on the slip of paper in the envelope recorded after that Senator's name on a suitable register prepared by the secretary;

(5) Any Senator who is unable to attend the drawing shall designate in writing another Senator to draw an envelope in the place of the absent Senator; in the event any Member of the Senate is absent and has failed to designate another Senator to act for the absent Senator in the drawing, the Secretary of the Senate shall draw an envelope for the absent Senator; and

(6) The 15 Senate districts for which slips with even numbers were drawn shall constitute the first class and the term of Senators representing those districts shall terminate at the expiration of two years; and the 16 Senate districts for which slips with odd numbers were drawn shall constitute the second class, and those terms of office shall terminate at the expiration of four years.

**SR 9** was read and was adopted by the following vote: Yeas 31, Nays 0.

### **COMMITTEE APPOINTED FOR DRAWING FOR TERMS OF OFFICE**

The President appointed the following committee to supervise and direct the preparation of the slips, capsules, and envelopes for the drawing for terms of office: Senators Whitmire, Chair; Bettencourt, Hinojosa, Huffman, and Nichols.

### **AT EASE**

The President at 11:45 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

### **IN LEGISLATIVE SESSION**

The President at 12:10 p.m. called the Senate to order as In Legislative Session.

### **DRAWING FOR TERMS OF OFFICE**

The President at 12:10 p.m. announced that the time had arrived for the drawing for terms of office by the Senators, pursuant to the provisions of **SR 9**.

Senator Whitmire reported that the slips, capsules, and envelopes had been prepared by the Secretary of the Senate as directed.

The roll was called and the Members drew for terms of office with the results announced as follows:

Alvarado, District 6, drew No. 12, two-year term.  
 Bettencourt, District 7, drew No. 4, two-year term.  
 Birdwell, District 22, drew No. 3, four-year term.  
 Blanco, District 29, drew No. 26, two-year term.  
 Campbell, District 25, drew No. 24, two-year term.  
 Creighton, District 4, drew No. 15, four-year term.  
 Eckhardt, District 14, drew No. 8, two-year term.  
 Flores, District 24, drew No. 17, four-year term.  
 Gutierrez, District 19, drew No. 23, four-year term.  
 Hall, District 2, drew No. 13, four-year term.  
 Hancock, District 9, drew No. 9, four-year term.  
 Hinojosa, District 20, drew No. 14, two-year term.  
 Huffman, District 17, drew No. 16, two-year term.  
 Hughes, District 1, drew No. 21, four-year term.

Johnson, District 16, drew No. 2, two-year term.  
King, District 10, drew No. 6, two-year term.  
Kolkhorst, District 18, drew No. 31, four-year term.  
LaMantia, District 27, drew No. 22, two-year term.  
Menéndez, District 26, drew No. 7, four-year term.  
Middleton, District 11, drew No. 29, four-year term.  
Miles, District 13, drew No. 11, four-year term.  
Nichols, District 3, drew No. 27, four-year term.  
Parker, District 12, drew No. 10, two-year term.  
Paxton, District 8, drew No. 28, two-year term.  
Perry, District 28, drew No. 25, four-year term.  
Schwertner, District 5, drew No. 5, four-year term.  
Sparks, District 31, drew No. 1, four-year term.  
Springer, District 30, drew No. 30, two-year term.  
West, District 23, drew No. 18, two-year term.  
Whitmire, District 15, drew No. 20, two-year term.  
Zaffirini, District 21, drew No. 19, four-year term.

### SENATE BILL ON FIRST READING

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

#### **SB 375** by Huffman

Relating to the composition of districts for the election of members of the Texas Senate.

To Committee on Redistricting.

### SPECIAL COMMITTEE APPOINTED

The President announced the appointment of the following committee for the 88th Legislature:

#### REDISTRICTING

Huffman, Chair; Hinojosa, Vice-chair; Alvarado, Birdwell, Creighton, Hancock, Nichols, Perry, Springer, West, Zaffirini.

### CANVASS AND INAUGURAL COMMITTEES APPOINTED

In accordance with the provisions of **SCR 6**, the President announced the appointment of the following as a Committee to Canvass the Votes: Senators Flores, Chair; King, LaMantia, Middleton, Parker, and Sparks, and the following as an Inaugural Committee: Senators Creighton, Chair; Bettencourt, Hughes, Kolkhorst, and Zaffirini.

### RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:40 p.m. agreed to recess until 11:00 a.m. tomorrow for the Joint Session to Canvass the Votes and to recess at the conclusion of that Joint Session until 11:00 a.m. Tuesday, January 17, 2023, for the Joint Session to Inaugurate the Governor and Lieutenant Governor.

The Senate further agreed to adjourn at the conclusion of Tuesday's Joint Session until 10:00 a.m. Wednesday, January 18, 2023.

**Congratulatory Resolution**

**SR 7** by West, Recognizing members of the DeSoto Independent School District for their service.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

January 11, 2023

**SCR 5, SCR 6, SR 2, SR 8, SR 9**