

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Tuesday, February 28, 2023)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Hancock.

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 Pro Tempore announced that a quorum of the Senate was present.

Pastor Ken Gurley, First Church, Pearland, offered the invocation as follows:

Father, we come to You today with thankful hearts. If there were ever a people who welcome You, if there were ever a place that requires You, if there were ever a time that demands You, we are the people, this is the place, and now is the time. As two columns graced the entrance to Solomon's temple, Jachin and Boaz, meaning direction and strength, so grant the same to each Senator, each official, and staff member today. May the wisdom from above, pure and peaceable, rest on them. May the joy of the Lord, our strength, be in their hearts. God bless this nation, the great Lone Star State, and the county where it all began. And for these things we give You praise. In Your name, I pray. 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.

SENATE RESOLUTION 227

Senator Perry offered the following resolution:

SR 227, Recognizing Midwestern State University on the occasion of its Centennial.

PERRY
SPRINGER

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Perry, joined by Senator Springer, was recognized and introduced to the Senate a Midwestern State University delegation including Interim President Keith Lamb, Student Government Association President Gabriella Pettijohn, Texas Tech University System Chancellor Tedd Mitchell, Chancellor Emeritus Bob Duncan, and Texas Tech University System Board of Regents member Ginger Kerrick Davis.

The Senate welcomed its guests.

SENATE RESOLUTION 186

Senator Middleton offered the following resolution:

SR 186, Recognizing February 28, 2023, as Brazoria County Day.

MIDDLETON
HUFFMAN

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Middleton, joined by Senator Eckhardt, was recognized and introduced to the Senate a Brazoria County Day delegation including Brazoria County Judge Matt Sebesta, Brazosport Area Chamber of Commerce President and CEO Sandra Shaw, and Brazoria County Day Co-chairs Trish Thompson and Darren Shelton.

The Senate welcomed its guests.

SENATE RESOLUTION 247

Senator Campbell offered the following resolution:

SR 247, Recognizing Camp Bullis Sentinel Landscape coalition for its support of Joint Base San Antonio-Camp Bullis.

CAMPBELL
GUTIERREZ
MENÉNDEZ
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Campbell, joined by Senators Zaffirini and Menéndez, was recognized and introduced to the Senate the Camp Bullis Sentinel Landscape partnership including Colonel Bryan Logan, Lori Stinson, Katherine Romans, Miguel Segura, Steve Bonner, Grant Hegner, Addie Stone, and Jim Cathey.

The Senate welcomed its guests.

SENATE RESOLUTION 236

Senator Perry offered the following resolution:

SR 236, Recognizing February 28, 2023, as Texas Juvenile Justice Professional 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 delegation representing Texas Juvenile Justice Professional Day.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Middleton was recognized and presented Dr. Mary Campbell-Fox of Manvel as the Physician of the Day.

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

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Lee County delegation including pitmaster Norma Frances "Tootsie" Tomanetz.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator Springer offered the following resolutions:

SR 231, Recognizing Cameron Roller for her achievements in international soccer competitions.

The resolution was read.

SR 230, Congratulating the Gunter High School football team for winning the 2022 UIL 3A Division 2 state championship.

The resolution was read.

SR 232, Congratulating the Gunter High School volleyball team for winning the 2022 UIL 3A state championship.

The resolution was read.

SR 231, **SR 230**, and **SR 232**, were adopted without objection.

GUESTS PRESENTED

Senator Springer was recognized and introduced to the Senate representatives of the Gunter High School football team including Trey Walton and Ashton Bennett, the Gunter High School volleyball team including Briley Singleton and Rayanna Mauldin, and Team USA World Cup U-17 member Cameron Roller.

The Senate welcomed its guests.

SENATE RESOLUTION 245

Senator Menéndez offered the following resolution:

SR 245, Recognizing February 28, 2023, as VIVA San Antonio Day.

MENÉNDEZ

CAMPBELL
GUTIERREZ
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Menéndez, joined by Senators Gutierrez, Zaffirini, Campbell, and Eckhardt, was recognized and introduced to the Senate a VIVA San Antonio Day delegation including Bexar County Judge Peter Sakai, Katie Harvey, Dave Peterson, Rudy Garza, and Marina Gonzales.

The Senate welcomed its guests.

SENATE RESOLUTION 249

Senator Paxton offered the following resolution:

SR 249, Recognizing Tony Dungy on his achievements and contributions to the State of Texas.

PAXTON
CAMPBELL
HUGHES
PERRY

The resolution was read.

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

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

GUESTS PRESENTED

Senator Paxton, joined by Senators Zaffirini, Hall, Campbell, West, Miles, Hughes, Kolkhorst, and Bettencourt, was recognized and introduced to the Senate Anthony "Tony" Dungy and Mark Merrill.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Creighton, joined by Senator Nichols, was recognized and introduced to the Senate a Golden Triangle Days delegation from Orange and Jefferson counties.

The Senate welcomed its guests.

SENATE RESOLUTION 237

Senator Kolkhorst offered the following resolution:

SR 237, Recognizing February 28, 2023, as Nurse Day.

KOLKHORST
HUGHES

The resolution was read.

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

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

GUESTS PRESENTED

Senator Kolkhorst, joined by Senators Campbell, Hughes, and Hinojosa, was recognized and introduced to the Senate a Texas Nurses Association delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 244

Senator Flores offered the following resolution:

SR 244, Recognizing February 28, 2023, as Texas Republican County Chairmen's Association Legislative Day.

FLORES	HUFFMAN	PAXTON
BETTENCOURT	HUGHES	PERRY
BIRDWELL	KING	SCHWERTNER
CAMPBELL	KOLKHORST	SPARKS
CREIGHTON	MIDDLETON	SPRINGER
HALL	NICHOLS	
HANCOCK	PARKER	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Flores, joined by Senators Bettencourt and Campbell, was recognized and introduced to the Senate a Texas Republican County Chairmen's Association delegation including President David Covey, Vice-president David Stein, Education Director David Luther, Legislative Director Kara Chasteen, Secretary Will Orr, and Executive Director Dwayne Wright.

The Senate welcomed its guests.

SENATE RESOLUTION 250

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of the Coastal Bend and Texans across the state in celebrating February 28, 2023, as Texas A&M University–Corpus Christi Day at the Capitol; and

WHEREAS, Texas A&M University–Corpus Christi traces its beginnings to 1947, when the University of Corpus Christi was established; the institution became a part of The Texas A&M University System in 1989; and

WHEREAS, Today, the university serves more than 12,000 students; it offers bachelor's, master's, and doctoral degrees from the colleges of Business, Education and Human Development, Liberal Arts, Nursing and Health Sciences, and Science and Engineering, and from the University College; and

WHEREAS, The university continues to bring new programs and initiatives to the campus, including a bachelor's degree in media production, a bachelor of business administration degree at the RELLIS campus in Bryan, a master's degree in athletic training, and multiple certificate programs approved by the United States Department of Education; and

WHEREAS, Texas A&M University–Corpus Christi is home to world-class centers and institutes conducting autonomous geospatial and marine research focused on the Gulf of Mexico; and

WHEREAS, Texas A&M University–Corpus Christi is one of the foremost institutions of higher education in the state, and it is truly fitting that a day be set aside to recognize its many contributions to the growth and prosperity of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby commend the administration, faculty, and staff of Texas A&M University–Corpus Christi on their commitment to excellence in education and extend to all best wishes for an enjoyable Texas A&M University–Corpus Christi Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the university as an expression of esteem from the Texas Senate.

HINOJOSA
LAMANTIA

SR 250 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator LaMantia, was recognized and introduced to the Senate a Texas A&M University–Corpus Christi delegation including President Kelly Miller, Provost and Vice-president for Academic Affairs Clarenda Phillips, Adrian Rodriguez, Lisa Perez, and John C.B. LaRue.

The Senate welcomed its guests.

SENATE RESOLUTION 241

Senator Sparks offered the following resolution:

SR 241, Recognizing February 28, 2023, as Texas Rural Broadband Day.

SPARKS	PARKER
BIRDWELL	PERRY
BLANCO	SCHWERTNER
CREIGHTON	SPRINGER
FLORES	WEST
HUGHES	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Sparks, joined by Senators Springer and Perry, was recognized and introduced to the Senate a Texas Telephone Association delegation.

The Senate welcomed its guest.

SENATE RESOLUTION 187

Senator Kolkhorst, on behalf of Senator Huffman, offered the following resolution:

SR 187, Recognizing February 28, 2023, as Wharton County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Wharton County Day delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Parker was recognized and introduced to the Senate young cancer survivors, accompanied by their family members and physicians.

The Senate welcomed its guests.

SENATE RESOLUTION 238

Senator Kolkhorst offered the following resolution:

SR 238, Recognizing February 28, 2023, as Texas Food and Fuel Association Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Texas Food and Fuel Association delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 239

Senator Kolkhorst offered the following resolution:

SR 239, Recognizing February 28, 2023, as Texas Pharmacy Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst was again recognized and introduced to the Senate a Texas Pharmacy Association delegation.

The Senate welcomed its guests.

SENATE BILL ON FIRST READING

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

SB 711 by Perry

Relating to the purchase of or other acquisition of title to real property by prohibited foreign actors.

To Committee on State Affairs.

MESSAGES FROM THE GOVERNOR

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

February 23, 2023

Austin, Texas

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

On January 19, 2023, I submitted the name of Brandon A. Batch for appointment to the Texas Department of Housing and Community Affairs for a term to expire January 31, 2027.

Because he resigned, I hereby withdraw his and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

February 28, 2023

Austin, Texas

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

On January 19, 2023, I submitted the name of J. Calvin "Cal" Cooper, Ph.D. for appointment to the TexNet Technical Advisory Committee for a term to expire at the pleasure of the Governor.

Because he is deceased, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

February 28, 2023

Austin, Texas

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

On January 19, 2023, I submitted the name of Lawrence B. "Larry" Long for appointment to the Texas Facilities Commission for a term to expire January 31, 2027.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

SENATE CONCURRENT RESOLUTION 21

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, March 1, 2023, and ending on Monday, March 6, 2023.

WHITMIRE

SCR 21 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.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senator Kolkhorst regarding Gus F. Mutscher were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Dean. Today, I rise to recognize former Speaker of the House Gus Mutscher. Members, he passed away on Sunday at the age of 90. I will say that he was a dear friend and a mentor, not just to me but many in these buildings through the years. He left his tenure in the Texas House in 1972, after serving for Speaker from '69 to '72. It was nearly 20 years later that I was elected to become the first State Representative from my county. It was actually longer than that, it was nearly 30 years. He was a lifelong Democrat and I ran and won as a Republican, but I can tell you that he and I had the closest of relationships because we both loved our community. Oh, we would rib each other back and forth about being a Democrat or a Republican, but I can tell you what Gus Mutscher did, he loved Texas and he loved Washington County and the counties that he represented. He was the definition of old school because we always found a way to work together on many issues like our most fragile Texans and our State Supported Living Centers, our local community colleges. He loved junior colleges and what they meant to our state. He also secured the funding for Washington-on-the-Brazos. Before that there was nothing out there, and I think it's appropriate that as we come to March the 2nd that we remember that in, I believe it was 1969, 1970, when we finally dedicated that star on top of the Star Museum. He went on to serve Washington County as Judge from 1977 to 1990. And because of his years in public service, he stayed involved in the Texas Legislature, and we rise today to recognize his many years of service to our great state. He was a talented leader with a servant's heart. I will always cherish his sharp political observations and the wit and wisdom he brought to every conversation that he and I ever had. I remember once he said, Hmm, be careful, you're flying that flag a little too high. And then later on, he would say, Sometimes you got to raise that flag to see who

salutes and who shoots at it. And so, those wisdoms, those bits of wisdom that were passed on to me were such an honor. I remember during redistricting once he gave me some great lessons, and he said, Just stay on top of it, never turn your back. And one last thing, when we were struggling with the State Supported Living Centers, he told me, he said, You know I looked at the organization chart, and he said, Nobody is in charge of the State Supported Living Centers. He said, There's nothing on there, and he said, You need to create a position so that somebody is really overseeing what's going on there. Great advice and, I just, I'm going to miss him as a friend and iconic Texan and what he meant to our communities. So, to Gus, I know you are still looking down on this building and trying to give us advice, and it will long be remembered and long cherished. Thank you so much.

CO-AUTHOR OF SENATE BILL 156

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 156**.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Huffman, Senator King will be shown as Co-author of **SB 287**.

CO-AUTHOR OF SENATE BILL 318

On motion of Senator Hall, Senator Blanco will be shown as Co-author of **SB 318**.

CO-AUTHOR OF SENATE BILL 377

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 377**.

CO-AUTHOR OF SENATE BILL 417

On motion of Senator Paxton, Senator Middleton will be shown as Co-author of **SB 417**.

CO-AUTHOR OF SENATE BILL 531

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 531**.

CO-AUTHOR OF SENATE BILL 557

On motion of Senator West, Senator Menéndez will be shown as Co-author of **SB 557**.

CO-AUTHOR OF SENATE BILL 664

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 664**.

CO-AUTHOR OF SENATE BILL 669

On motion of Senator West, Senator Blanco will be shown as Co-author of **SB 669**.

CO-AUTHOR OF SENATE BILL 711

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 711**.

CO-AUTHOR OF SENATE BILL 727

On motion of Senator West, Senator Menéndez will be shown as Co-author of **SB 727**.

CO-AUTHOR OF SENATE BILL 728

On motion of Senator Huffman, Senator King will be shown as Co-author of **SB 728**.

CO-AUTHOR OF SENATE BILL 837

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

CO-AUTHOR OF SENATE BILL 841

On motion of Senator Hinojosa, Senator LaMantia will be shown as Co-author of **SB 841**.

CO-AUTHOR OF SENATE BILL 948

On motion of Senator West, Senator Blanco will be shown as Co-author of **SB 948**.

CO-AUTHORS OF SENATE BILL 1000

On motion of Senator West, Senators Blanco, Gutierrez, and Johnson will be shown as Co-authors of **SB 1000**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 27

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SJR 27**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 43

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SJR 43**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 190 by Eckhardt, In memory of Mary C. Nelson.

SR 217 by Blanco, In memory of Felipe Cordero.

SR 221 by LaMantia, In memory of María Teresa Ochoa.

Congratulatory Resolutions

SR 214 by Middleton, Recognizing the dedication of the San Leon Municipal Utility District water tower in memory of Joseph Lynn Manchaca.

SR 215 by Birdwell and Hughes, Recognizing Brad Toben for his service as dean of Baylor Law School.

SR 219 by Blanco, Recognizing Jo Anne Bernal for her service as El Paso County Attorney.

SR 220 by Middleton, Recognizing Texas First Bank on the occasion of its 50th anniversary.

SR 223 by Eckhardt, Recognizing former State Representative John Cyrier for his service.

SR 224 by Hughes, Recognizing Ray O. Brooks on the occasion of his 100th birthday.

SR 225 by Eckhardt, Recognizing the celebration of Black History Month at Texas School for the Deaf.

SR 226 by Eckhardt, Recognizing Paul Pape on the occasion of his retirement.

SR 228 by Schwertner, Recognizing Williamson County on the occasion of its 175th anniversary.

SR 233 by West, Recognizing John Drew Sheard for hosting the 2023 National Leadership Conference of the Church of God in Christ.

SR 235 by West, Recognizing Luther Vernon Francis on the occasion of his 100th birthday.

SR 240 by Nichols, Recognizing Laura Ryan for her service to the Texas Transportation Commission.

SR 248 by Campbell, Recognizing Carmen Liza Kinsman and Joshua Lee Kinsman on the occasion of their marriage.

SR 251 by West, Recognizing Patrick N. Jackson for 50 years of service to Omega Psi Phi Fraternity, Incorporated.

Official Designation Resolutions

SR 218 by Blanco, Recognizing February 21, 2023, as Texas Physician Assistant Day.

SR 222 by Nichols and Creighton, Recognizing February 27 and 28, 2023, as Golden Triangle Days.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:58 p.m. adjourned, in memory of former Speaker Gus F. Mutscher, until 11:00 a.m. tomorrow.

APPENDIX

SENT TO SECRETARY OF STATE

February 28, 2023

SCR 20

RESOLUTIONS ENROLLED

February 28, 2023

**SR 186, SR 187, SR 190, SR 214, SR 215, SR 217, SR 218, SR 219, SR 220,
SR 221, SR 222, SR 223, SR 224, SR 225, SR 226, SR 227, SR 228, SR 230,
SR 231, SR 232, SR 233, SR 235, SR 236, SR 237, SR 238, SR 239, SR 240,
SR 241, SR 244, SR 245, SR 247, SR 248, SR 249, SR 250, SR 251**

