

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, May 30, 2023)

In obedience to the Proclamation of the Honorable Greg Abbott, Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the 30th day of May, 2023, at 12:12 p.m. and was called to order by the Honorable Dan Patrick, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

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

Absent-excused: Kolkhorst.

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

Senator Paxton offered the invocation as follows:

Father, we thank You for the opportunity to waken this morning with opportunity to serve You and serve each other. And as I was just reminded a few minutes ago about the way one of my favorite authors summarized Your teachings when You were here walking among us on the Earth, that we should talk to God about everything, that we should do nothing out of fear, and that we should love others deeply. Father, I ask that You would empower us with Your spirit today to do exactly that as we work with one another to serve the people of Texas. And it is in Your name who saved us, who keeps us saved, and who's coming again, that I pray. In the name of Jesus I pray. Amen.

PROCLAMATION BY THE GOVERNOR

The following Proclamation by the Governor was read and was filed with the Secretary of the Senate:

PROCLAMATION
BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Sections 5 and 40, and Article IV, Section 8 of the Texas Constitution, do hereby call extraordinary session #1 of the 88th Legislature, to convene in the City of Austin, commencing at 9:00 p.m. on Monday, May 29, 2023, for the following purposes:

To consider and act upon the following:

Legislation to cut property-tax rates solely by reducing the school district maximum compressed tax rate in order to provide lasting property-tax relief for Texas taxpayers.

Legislation solely for the purpose of increasing or enhancing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.

The Secretary of State will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of May, 2023.

(Seal)

/s/Greg Abbott
Governor

Attested by:

/s/Jane Nelson
Secretary of State

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Kolkhorst was granted leave of absence for today on account of important business.

RECESS

On motion of Senator Whitmire, the Senate at 12:18 p.m. recessed until 1:00 p.m. today.

AFTER RECESS

The Senate met at 1:24 p.m. and was called to order by the President.

SENATE BILL AND RESOLUTION ON FIRST READING

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

SB 1 by Bettencourt

Relating to providing property tax relief through the public school finance system.
To Committee on Finance.

SJR 1 by Bettencourt

Proposing a constitutional amendment to increase the amount of the exemption from ad valorem taxation by a school district applicable to residence homesteads, to adjust the amount of the limitation on school district ad valorem taxes imposed on the residence homesteads of the elderly or disabled to reflect increases in certain exemption amounts, and to except certain appropriations to pay for school district ad valorem tax relief from the constitutional limitation on the rate of growth of appropriations.

To Committee on Finance.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider the following bill and resolution at 1:30 p.m. today in the Betty King Committee Room, 2E.20: **SB 1, SJR 1**.

RECESS

On motion of Senator Whitmire, the Senate at 1:26 p.m. recessed until 1:45 p.m. today.

AFTER RECESS

The Senate met at 2:14 p.m. and was called to order by the President.

**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 session.

There was no objection.

**SENATE RULE 7.12(a) SUSPENDED
(Printing of Bills)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee reports were ordered not printed for the following bill and resolution: **SB 1, SJR 1**.

ORDERED NOT PRINTED

On motion of Senator Huffman and by unanimous consent, **SB 1** and **SJR 1** were ordered not printed in the *Senate Journal*.

CONCLUSION OF MORNING CALL

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

SENATE JOINT RESOLUTION 1 ON SECOND READING

The President laid before the Senate **SJR 1** by Senator Bettencourt at this time on its second reading:

SJR 1, Proposing a constitutional amendment to increase the amount of the exemption from ad valorem taxation by a school district applicable to residence homesteads, to adjust the amount of the limitation on school district ad valorem taxes imposed on the residence homesteads of the elderly or disabled to reflect increases in certain exemption amounts, and to except certain appropriations to pay for school district ad valorem tax relief from the constitutional limitation on the rate of growth of appropriations.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Kolkhorst.

SENATE JOINT RESOLUTION 1 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Kolkhorst.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Hughes and by unanimous consent, the parliamentary inquiry by Senator Middleton and the response by the President regarding **SJR 1** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Middleton: Mr. President, I do have a parliamentary inquiry.

President: State your inquiry.

Senator Middleton: I just want to confirm here that, you know, the Legislature is given, under long-standing precedent, broad authority to determine the means by which a call of the Legislature and that call is satisfied, in other words, through various legislation. So, I wanted to confirm that this legislation, SB 1 and SJR 1, according to the Chair and our Parliamentarian fits within that call. That call, this first special session and, obviously, in the past the Legislature's been given great latitude in meeting that subject matter, but I just want to make sure that I had that parliamentary inquiry answered.

President: Senator Middleton, we have done some research on that. It is well established in both Senate precedents and Texas case law that the Legislature is not held in strict interpretation of subjects submitted in the Governor's call, but that the Legislature has the authority to determine the specific details of legislation as long as they come generally within the call. Courts have held it is not proper for a Governor to restrict the Legislature to a particular bill or a plan of legislation. In the Chair's opinion, the subject matter of the call is to provide tax relief for Texans, and these

bills absolutely fall within the subject matter of the proclamation by providing an increase in the homestead exemption and a reduction in property tax rates. It is our view that these clearly fit within the call under the Texas Senate precedent and case law. Thank you.

SENATE BILL 1 ON SECOND READING

The President laid before the Senate **SB 1** by Senator Bettencourt at this time on its second reading:

SB 1, Relating to a reduction in the maximum compressed tax rate of a school district and additional state aid for certain school districts impacted by compression, an increase in the amount of certain exemptions from ad valorem taxation by a school district applicable to residence homesteads, an adjustment in the amount of the limitation on school district ad valorem taxes imposed on the residence homesteads of the elderly or disabled to reflect increases in the exemption amounts, and the protection of school districts against the resulting loss in local revenue.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Kolkhorst.

SENATE BILL 1 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

CO-AUTHORS OF SENATE BILL 1

On motion of Senator Bettencourt, Senators Alvarado, Birdwell, Blanco, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 1**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 1

On motion of Senator Bettencourt, Senators Alvarado, Birdwell, Blanco, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, and Zaffirini will be shown as Co-authors of **SJR 1**.

RECESS

On motion of Senator Whitmire, the Senate at 2:47 p.m. recessed until 10:00 a.m. Friday, June 2, 2023.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 30, 2023

FINANCE — **SB 1, SJR 1**

BILL AND RESOLUTION ENGROSSED

May 30, 2023

SB 1, SJR 1