

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRD DAY

(Wednesday, June 7, 2023)

The Senate met at 11:44 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, Parker, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Absent-excused: Nichols, Paxton.

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

Senator Middleton offered the invocation as follows:

This is the day that the Lord has made. We will rejoice and be glad. And heavenly Father, we pray for our state and our nation and that we do Your will for every decision that we make in this Chamber. Help us remember it is by grace we have been saved through faith. And this is not from ourselves, it is a gift from God and not by works so that no one may boast. Help us also remember that our freedoms come from You, our creator. And give us the willingness and the strength to lead with boldness and conviction of our faith to protect those freedoms. And also please help us remember that everything we do in government is built on Your foundation of in God we trust. In Jesus' name we 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.

LEAVES OF ABSENCE

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

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

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.

CONCLUSION OF MORNING CALL

The President at 11:47 a.m. announced the conclusion of morning call.

SENATE BILL 2 ON THIRD READING

Senator Birdwell moved to suspend the regular order of business and Senate Rule 7.12(a) to take up for consideration **SB 2** at this time on its third reading and final passage:

SB 2, Relating to the creation of the criminal offense of improper entry from a foreign nation.

The motion prevailed by the following vote: Yeas 17, Nays 12.

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

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

Absent-excused: Nichols, Paxton.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 12. (Same as previous roll call)

SENATE BILL 8 ON THIRD READING

Senator Birdwell moved to suspend the regular order of business and Senate Rule 7.12(a) to take up for consideration **SB 8** at this time on its third reading and final passage:

SB 8, Relating to measures to address public safety threats in this state presented by transnational criminal activity, including by establishing a Texas Border Force and making funds available to certain governmental entities.

The motion prevailed by the following vote: Yeas 17, Nays 12.

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

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

Absent-excused: Nichols, Paxton.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 12. (Same as previous roll call)

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

Senator Flores moved to suspend Senate Rule 7.12(a) to order the committee report for **CSHB 2** not printed.

The motion prevailed by the following vote: Yeas 17, Nays 12.

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

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

Absent-excused: Nichols, Paxton.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2 ON THIRD READING**

The President laid before the Senate **CSHB 2**, sponsored by Senator Flores, at this time on its third reading:

CSHB 2, Relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

The bill was read third time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSHB 2** (senate committee report) on third reading as follows:

(1) On page 3, line 8, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) On page 3, line 11, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(3) On page 3, between lines 56 and 57, insert the following:

(b-2) At the punishment stage of a trial of an offense under this section, other than an offense punishable under Subsection (b)(1)(A), (C), or (D) or (b)(2), the actor may raise the issue as to whether the actor is related to the smuggled individual in the third degree of consanguinity or, at the time of the offense, in the third degree of affinity. If the actor proves the issue in the affirmative by a preponderance of the evidence, the offense is a felony of the third degree with a minimum term of imprisonment of five years.

The amendment to **CSHB 2** 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 except as follows:

Absent-excused: Nichols, Paxton.

CSHB 2 as amended was finally passed by the following vote: Yeas 27, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Parker, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez.

Absent-excused: Nichols, Paxton.

RECESS

On motion of Senator Whitmire, the Senate at 12:11 p.m. recessed until 12:30 p.m. today.

AFTER RECESS

The Senate met at 1:04 p.m. and was called to order by the President.

SENATE RESOLUTION 6

On motion of Senator Whitmire and by unanimous consent, Senate Rule 8.02 and Senate Rule 22.01 were suspended to take up **SR 6** for consideration at this time.

The President laid before the Senate the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Permanent Rules of the Senate, 88th Legislature, be amended by amending Rule 1.04 to read as follows:

Rule 1.04. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant at Arms, Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate and shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate. Such officers may not be related to any current member of the Texas Legislature nor may any employee of the Senate be related to any current member of the Texas Legislature, unless such employee has held a position in the Senate for at least 12 months immediately prior to the election of the member of the legislature. The Secretary of the Senate shall, in addition to other duties, be responsible for the coordination of the other offices and divisions of the Senate.

SR 6 was read and adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Nichols, Paxton.

RECESS

On motion of Senator Whitmire, the Senate at 1:08 p.m. recessed until 10:00 a.m. tomorrow.

APPENDIX

BILLS ENGROSSED

June 7, 2023

SB 2, SB 8

RESOLUTIONS ENROLLED

June 7, 2023

SR 5, SR 6, SR 7

