

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Wednesday, June 7, 2023)

AFTER RECESS

The Senate met at 9:02 a.m. and was called to order by President Pro Tempore Schwertner.

LEAVE OF ABSENCE

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

INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED

President Pro Tempore 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 Pro Tempore at 9:07 a.m. announced the conclusion of morning call.

SENATE BILL 2 ON SECOND 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 second reading:

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 second time.

(President in Chair)

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, immediately following added Section 38.20(c), Penal Code (page 1, between lines 41 and 42), insert the following appropriately lettered subsection and reletter subsequent subsections and references to those subsections accordingly:

() It is a defense to prosecution under this section that the actor was coerced to commit the offense by a peace officer in violation of Section 39.08.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 39, Penal Code, is amended by adding Section 39.08 to read as follows:

Sec. 39.08. COERCION TO COMMIT IMPROPER ENTRY FROM FOREIGN NATION. (a) A person who is a peace officer commits an offense if the person knowingly coerces a person to engage in conduct constituting an offense under Section 38.20(b).

(b) An offense under this section is a Class A misdemeanor.

MENÉNDEZ	HINOJOSA
ALVARADO	JOHNSON
BLANCO	LAMANTIA
ECKHARDT	WHITMIRE
GUTIERREZ	ZAFFIRINI

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 12, Nays 17.

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

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

Absent-excused: Nichols, Paxton.

SB 2 was passed to engrossment 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.

SENATE BILL 8 ON SECOND 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 second reading:

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 second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 8** (senate committee report) as follows:

(1) In SECTION 1.02 of the bill, in the heading to added Section 411.0287, Government Code (page 2, line 65), between "TRAINING" and the underlined period, insert "REQUIRED".

(2) In SECTION 1.02 of the bill, immediately after added Section 411.0287, Government Code (page 3, between lines 5 and 6), insert the following:

(c) Any officer or employee who performs duties in connection with a border security operation of the border force shall complete a training on federal immigration law with respect to a person's right to seek asylum and appropriate procedures for affording a person that right.

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The amendment to **SB 8** was read and failed of adoption by the following vote: Yeas 12, Nays 17.

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

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

Absent-excused: Nichols, Paxton.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 8** (senate committee report) in SECTION 1.02 of the bill, immediately after added Section 411.0289, Government Code (page 3, between lines 14 and 15), by inserting the following:

Sec. 411.0290. INTERPRETER SERVICES REQUIRED FOR BORDER SECURITY OPERATIONS. The border force shall ensure that interpreter services are available to officers and employees of the border force during any border security operation, including during the apprehension of a person suspected of violating 8 U.S.C. Section 1325(a). The border force may employ interpreters or contract for interpreter services as necessary to ensure immediate availability of the services during a border security operation.

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The amendment to **SB 8** was read and failed of adoption by the following vote: Yeas 12, Nays 17.

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

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

Absent-excused: Nichols, Paxton.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 8** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . COMPLIANCE WITH FEDERAL IMMIGRATION LAW BY
LOCAL GOVERNMENT

SECTION ____ . Chapter 752, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. COMPLIANCE WITH FEDERAL IMMIGRATION LAW BY
LOCAL GOVERNMENT

Sec. 752.081. AUTHORITY TO COMPLY. (a) In this section, "local government" means a municipality, county, special purpose district, or any other political subdivision of this state.

(b) Notwithstanding any other law, a local government may comply with federal immigration law, regardless of whether a state officer is directing the local government to act otherwise.

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The amendment to **SB 8** was read and failed of adoption by the following vote: Yeas 12, Nays 17.

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

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

Absent-excused: Nichols, Paxton.

SB 8 was passed to engrossment 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.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate Bill McKinnon, accompanied by his wife, Deborah McKinnon; his son, William McKinnon; and his son's fiancée, Caitlyn, and presented him with a certificate and a Texas flag.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Alvarado was recognized and introduced to the Senate a delegation from The Sunshine Kids Foundation.

The Senate welcomed its guests.

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 SECOND READING

The President laid before the Senate **CSHB 2**, sponsored by Senator Flores, at this time on its second 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 second time and was passed to third reading 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.

CO-AUTHORS OF SENATE BILL 2

On motion of Senator Birdwell, Senators Bettencourt, Campbell, Creighton, Hall, King, Kolkhorst, Middleton, Parker, Sparks, and Springer will be shown as Co-authors of **SB 2**.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Flores, Senators Middleton and Sparks will be shown as Co-authors of **SB 5**.

CO-AUTHORS OF SENATE BILL 8

On motion of Senator Birdwell, Senators Bettencourt, Campbell, Creighton, Hall, King, Kolkhorst, Middleton, Parker, Sparks, and Springer will be shown as Co-authors of **SB 8**.

CO-SPONSORS OF HOUSE BILL 2

On motion of Senator Flores, Senators Bettencourt, Campbell, Creighton, Hall, King, Middleton, Parker, and Sparks will be shown as Co-sponsors of **HB 2**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 5 by Nichols, Recognizing the Ice House Museum and Cultural Center for its work.

SR 7 by LaMantia, Recognizing Christopher D. Gonzalez on the occasion of his retirement.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:41 a.m. adjourned, in memory of Colton Kaase, until 11:43 a.m. today.