

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — SECOND CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Continued)

(Wednesday, July 12, 2023)

AFTER RECESS

The Senate met at 10:04 a.m. and was called to order by the President.

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 bills immediately upon recess today in the Betty King Committee Room, 2E.20: **SB 2, SB 3**.

RECESS

On motion of Senator Zaffirini, the Senate at 10:05 a.m. recessed until 10:25 a.m. today.

AFTER RECESS

The Senate met at 11:28 a.m. and was called to order by the President.

ORDERED NOT PRINTED

On motion of Senator Huffman and by unanimous consent, the committee reports for **SB 2** and **SB 3** were ordered not printed, pursuant to Senate Rule 7.12(a).

SENATE BILL 2 ON SECOND READING

Senator Bettencourt moved that the Constitutional Three-day Rule be suspended and that **SB 2** be placed on its second reading:

SB 2, Relating to providing property tax relief through the public school finance system, exemptions, limitations on appraisals and taxes, and property tax administration; authorizing the imposition of a fee.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

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

(1) In SECTION 3.03 of the bill, in added Section 46.071(c-2), Education Code, strike "2022" and substitute "2023".

(2) Strike SECTION 6.01 of the bill adding Section 48.25551, Education Code, and renumber the subsequent SECTIONS of ARTICLE 6 and cross-references to those SECTIONS accordingly.

(3) In the recital to SECTION 6.06 of the bill amending Section 26.09, Tax Code, strike "Subsections (a-1), (a-2), and (c-1)" and substitute "Subsection (c-1)".

(4) In SECTION 6.06 of the bill, strike added Sections 26.09(a-1) and (a-2), Tax Code.

The amendment to **SB 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.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 2

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

(1) In SECTION 5.04 of the bill, strike added Section 6.032, Tax Code, and substitute the following:

Sec. 6.032. BALLOT PROCEDURES FOR ELECTED DIRECTORS; FILING FEE OR PETITION. (a) Except as provided by this section, Chapter 144, Election Code, applies to a candidate for an elective position on an appraisal district board of directors.

(b) An application for a place on the ballot must be filed with the county judge of the county in which the appraisal district is established and be accompanied by a filing fee prescribed by Subsection (c) of this section or a petition in lieu of the filing fee that satisfies the requirements prescribed by Section 141.062, Election Code, and Subsection (d) of this section.

(c) The filing fee for a place on the ballot is:

(1) \$400 for a county with a population of 200,000 or more; or

(2) \$200 for a county with a population of less than 200,000.

(d) The minimum number of signatures that must appear on the petition authorized by Subsection (b) is the lesser of:

(1) 500; or

(2) two percent of the total vote received in the county by all the candidates for governor in the most recent gubernatorial general election, unless that number is less than 50, in which case the required number of signatures is the lesser of:

(A) 50; or

(B) 20 percent of that total vote.

(e) A filing fee received under this section shall be deposited in the county treasury to the credit of the county general fund.

(f) The secretary of state shall adopt rules as necessary to implement this section.

(2) In SECTION 8.06(b) of the bill, providing for the effective date of Article 5 of the bill, strike "January 1, 2025" and substitute "July 1, 2024".

The amendment to **SB 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. 2.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 2** (senate committee report) in SECTION 3.03 of the bill, in added Section 46.071(c-2), Education Code, by striking "debt eligible under this chapter as of September 1, 2022" and substituting "debt eligible under this chapter as of September 1, 2023, or authorized by the voters but not yet issued as of September 1, 2023, that later becomes eligible under this chapter".

The amendment to **SB 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. 3.

SB 2 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 2 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 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 3 ON SECOND READING

Senator Bettencourt moved that the Constitutional Three-day Rule be suspended and that **SB 3** be placed on its second reading:

SB 3, Relating to the amount of the total revenue exemption for the franchise tax and the exclusion of certain taxable entities from the requirement to file a franchise tax report.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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.

SENATE BILL 3 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 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 31

Senator Menéndez offered the following resolution:

SR 31, In memory of Mario A. Martinez.

MENÉNDEZ	HINOJOSA	NICHOLS
ALVARADO	HUFFMAN	PARKER
BLANCO	HUGHES	PERRY
CREIGHTON	JOHNSON	SCHWERTNER
ECKHARDT	KING	SPARKS
FLORES	KOLKHORST	SPRINGER
GUTIERREZ	LAMANTIA	WEST
HANCOCK	MILES	ZAFFIRINI

The resolution was read.

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

On motion of Senator Menéndez, **SR 31** was adopted by a rising vote of the Senate.

In honor of the memory of Mario A. Martinez, the text of the resolution is printed at the end of today's *Senate Journal*.

PRESENTATION OF GAVEL

The President presented an honorary gavel to Senator Nichols for serving as President Pro Tempore Ad Interim of the Eighty-fifth Legislature.

CO-AUTHORS OF SENATE BILL 2

On motion of Senator Bettencourt, Senators Alvarado, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 2**.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Bettencourt, Senators Alvarado, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, and Zaffirini will be shown as Co-authors of **SB 3**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 34 by Hughes, In memory of the life of Betty Sue McCaslin Rinehart.

Congratulatory Resolutions

SR 30 by Hancock, Recognizing G. K. Maenius on the occasion of his retirement.

SR 32 by Hinojosa, Recognizing Leonel Rodriguez for his 45 years of service as a State Farm agent.

SR 33 by Hinojosa, Recognizing Rio Grande Valley Linking Economic and Academic Development on the occasion of its 30th anniversary.

SR 35 by Hughes, Recognizing Melba Mebane on the occasion of her retirement.

RECESS

On motion of Senator Whitmire, the Senate at 12:20 p.m. recessed until 2:00 p.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

July 12, 2023

FINANCE — SB 2, SB 3

BILLS ENGROSSED

July 12, 2023

SB 2, SB 3

RESOLUTIONS ENROLLED

July 12, 2023

SR 30, SR 31, SR 32, SR 33, SR 34, SR 35

**In Memory
of
Mario A. Martinez
Senate Resolution 31**

WHEREAS, The death of Mario A. Martinez on June 28, 2023, at the age of 69, has profoundly saddened the many people whose lives he touched over the course of a noteworthy career spanning nearly five decades in the legislative community; and

WHEREAS, The son of Charlie Martinez Jr. and Mary Louise Martinez, Mario Martinez was born in Bay City on June 2, 1954; he grew up with three siblings, Cecilia, Julia, and Charlie; after graduating from Southwest Texas State University with a bachelor's degree in criminal justice, he began working as a legislative aide to State Representative Tom Uher and rose to become chief of staff; he went on to serve as governmental affairs director for the Texas State Troopers Association for more than a decade; and

WHEREAS, Mr. Martinez married the love of his life, Louann, in 1994, and they became the parents of two treasured daughters, Avery and McKenna; the couple founded the consulting firm Martinez & Associates in 1996, and until his passing, Mr. Martinez represented major industries and law enforcement entities, providing expertise regarding a number of challenging issues; a loyal and diligent advocate for his clients, he distinguished himself through his integrity, professionalism, and deep expertise in the inner workings of government; his big heart, engaging personality, and wonderful sense of humor brought him numerous close friendships, and he was a kind mentor to many; and

WHEREAS, Above all, Mr. Martinez was dedicated to his family; he encouraged his daughters to follow their dreams while instilling the importance of education, a strong work ethic, and good character; in addition, he shared with them his love of hunting, fishing, and adopting stray animals; he also enjoyed spending time in Rockport on his boat; and

WHEREAS, Deeply caring, Mario Martinez sought to use his skill and influence not only for the benefit of his clients, but also for the betterment of Texas, and he will be greatly missed by all who were privileged to share in the richness of his life; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature, 2nd Called Session, hereby pay tribute to the memory of Mario A. Martinez and extend sincere condolences to the members of his family: to his wife, Louann Martinez; to his daughters, Avery Martinez and her fiancé, Ryan Harrington, and McKenna Martinez; to his honorary daughter, Meg Green; to his sisters, Cecilia Martinez and Julia Ebanks and her husband, Ernie; to his brother, Charlie Martinez III, and his wife, Theresa; to his nephew, Charles Martinez,

and his partner, Trevor Kent; to his nieces, Nicole Martinez, Mallory Dracket and her husband, Demiko, and Annemarie Ebanks; to his great-nieces, Clarice and Addison Warnock; and to his other relatives and host of friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Mario Martinez.

MENÉNDEZ	HINOJOSA	NICHOLS
ALVARADO	HUFFMAN	PARKER
BLANCO	HUGHES	PERRY
CREIGHTON	JOHNSON	SCHWERTNER
ECKHARDT	KING	SPARKS
FLORES	KOLKHORST	SPRINGER
GUTIERREZ	LAMANTIA	WEST
HANCOCK	MILES	ZAFFIRINI

