

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — THIRD CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Monday, October 9, 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 9th day of October, 2023, at 1:00 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, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

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

Pastor Matthew Paul, Summit Worship Center, Austin, offered the invocation as follows:

O sovereign God, God most holy, the source of our strength. You call these leaders in this special session today to serve the public, promote justice, and establish peace in our land. I lift before You all who serve the State of Texas through this body, its Senators, and its staff represented here today. Give to those whom we entrust with authority, discernment and understanding, a spirit of knowledge and of resolve. As they gather today to make decisions that affect Your people, I pray You would give them ears to hear and a heart to understand the needs of those in which they serve. You remind us that a house which is divided cannot stand. So, I ask that You will give to them a spirit of unity to work together, to put differences aside, for the good of those You have entrusted them to govern. Grace them with Your presence, not only today but as long as they live. May what is done here today lay the foundation for a better future tomorrow. I pray this through Your holy name. Amen.

SENATE RULE 8.02 SUSPENDED (Referral to Committee)

On motion of Senator King and by unanimous consent, Senate Rule 8.02 was suspended to take up and consider **SR 2** immediately.

SENATE RESOLUTION 2

Senator King offered the following resolution:

WHEREAS, Hamas was founded with the stated goal of destroying the State of Israel and has been designated by the United States as a Foreign Terrorist Organization; and

WHEREAS, The Hamas terrorist organization launched a brutal, highly organized, and unprecedented attack upon Israel and its citizens in the early morning hours of October 7, 2023; and

WHEREAS, In its attack, Hamas has killed hundreds of innocent civilians and taken hundreds of Israeli children, women, elderly, and infirm civilians hostage; and

WHEREAS, In its attack, Hamas has fired thousands of rockets against Israeli population centers in an attempt to kill untold numbers of innocent civilians; and

WHEREAS, The level of logistical sophistication demonstrated in this Hamas terrorism operation indicates its receipt of support and funding from foreign state sponsors of terror, namely Iran; and

WHEREAS, The timing of this Hamas terrorism operation to coincide with the observance of the Jewish Sabbath and celebration of the Sukkoth holiday demonstrates the intent to maximize civilian casualties; and

WHEREAS, Hamas continues to brazenly locate elements of its terrorist infrastructure in civilian population centers using civilians as human shields; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature, 3rd Called Session, hereby

1. Reaffirm its support and unwavering commitment to the welfare, security, and survival of the State of Israel;

2. Recognize Israel's right to act decisively and unilaterally in self-defense to protect its citizens;

3. Express its support for Israel's right to pursue without interference or condemnation the elimination of Hamas until Hamas is permanently neutralized and public safety is assured;

4. Convey its most heartfelt condolences to all Israeli victims as well as their families and communities;

5. Call upon Texas law enforcement to remain vigilant in protecting Israeli Americans, Jewish Americans, and all supporters of Israel from acts of crime and unlawful discrimination that tend to manifest at such times;

6. Encourage all other American states to likewise condemn Hamas as well as any official body that refuses to recognize Israel's right to act decisively in self-defense to protect its citizens; and

7. Call upon the United States to provide all assistance as may be required to support Israel in its defense against Hamas and all other terrorist organizations.

KING	HANCOCK	PARKER
ALVARADO	HINOJOSA	PAXTON
BETTENCOURT	HUFFMAN	PERRY
BIRDWELL	HUGHES	SCHWERTNER
BLANCO	JOHNSON	SPARKS
CAMPBELL	KOLKHORST	SPRINGER

CREIGHTON	LAMANTIA	WEST
ECKHARDT	MENÉNDEZ	WHITMIRE
FLORES	MIDDLETON	ZAFFIRINI
GUTIERREZ	MILES	
HALL	NICHOLS	

SR 2 was read and was adopted by a rising vote of the Senate.

MOMENT OF SILENCE OBSERVED

At the request of Senator King, the Senate observed a moment of silence in honor of the victims and their families of the recent attacks on Israel.

RECESS

On motion of Senator Whitmire, the Senate at 1:19 p.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 3:40 p.m. and was called to order by the President.

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 #3 of the 88th Legislature, to convene in the City of Austin, commencing at 1 p.m. on Monday, October 9, 2023, for the following purposes:

To consider and act upon the following:

Legislation providing education savings accounts for all Texas schoolchildren.

Legislation to do more to reduce illegal immigration by creating a criminal offense for illegal entry into this state from a foreign nation and authorizing all licensed peace officers to remove illegal immigrants from Texas.

Legislation to impede illegal entry into Texas by increasing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.

Legislation to impede illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure.

Legislation concerning public safety, security, environmental quality, and property ownership in areas like the Colony Ridge development in Liberty County, Texas.

Legislation prohibiting COVID-19 vaccine mandates by private employers.

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 5th day of October, 2023.

(Seal)

/s/Greg Abbott
Governor

Attested by:

/s/Jane Nelson
Secretary of State

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2 by Creighton, Huffman

Relating to a local optional teacher designation system implemented by a school district, a security officer employed by a school district, the basic allotment and guaranteed yield under the public school finance system, and certain allotments under the Foundation School Program; making an appropriation.

To Committee on Finance.

SB 4 by Flores

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

To Committee on Border Security.

SB 7 by Middleton

Relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

To Committee on Health and Human Services.

SB 11 by Birdwell

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

To Committee on Border Security.

SENATE RULES SUSPENDED (Public Hearings and Privileged Notice of Hearing) (Motion In Writing)

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rules 11.18 and 11.19 to permit the consideration of the following bills at public hearings held during the Third Called Session of the 88th Legislature, notwithstanding any requests for advance notice pursuant to the rule:

By the Committee on Border Security:

SB 4 Flores

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

SB 11 Birdwell

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

By the Committee on Finance:

SB 2 Creighton, Huffman

Relating to a local optional teacher designation system implemented by a school district, a security officer employed by a school district, the basic allotment and guaranteed yield under the public school finance system, and certain allotments under the Foundation School Program; making an appropriation.

By the Committee on Health and Human Services:

SB 7 Middleton

Relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

HALL

The Motion In Writing was read and prevailed by the following vote: Yeas 19, Nays 12.

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

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

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)**

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet while the Senate is meeting today.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

AT EASE

The President at 3:45 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 7:11 p.m. called the Senate to order as In Legislative Session.

SENATE BILL ON FIRST READING

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

SB 1 by Creighton

Relating to the establishment of an education savings account program.
To Committee on Education.

SENATE RULES SUSPENDED

**(Public Hearings and Privileged Notice of Hearing)
(Motion In Writing)**

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rules 11.18 and 11.19 to permit the consideration of the following bill at a public hearing to be held as follows, notwithstanding any requests for advance notice pursuant to the rule:

COMMITTEE: Education

TIME & DATE: 9:30 AM, Tuesday, October 10, 2023

PLACE: E1.028 (Hearing Room)

SB 1 Creighton

Relating to the establishment of an education savings account program.

HALL

The Motion In Writing was read and prevailed by the following vote: Yeas 19, Nays 12.

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

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

CO-AUTHORS OF SENATE BILL 2

On motion of Senator Creighton, Senators Bettencourt and Kolkhorst will be shown as Co-authors of **SB 2**.

CO-AUTHORS OF SENATE BILL 4

On motion of Senator Flores, Senators Hall and King will be shown as Co-authors of **SB 4**.

CO-AUTHORS OF SENATE BILL 7

On motion of Senator Middleton, Senators Bettencourt, Flores, Hall, King, and Paxton will be shown as Co-authors of **SB 7**.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Birdwell, Senator King will be shown as Co-author of **SB 11**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 4 by Springer, In memory of Ellen Grace Fuhrman.

SR 6 by Springer, In memory of John Curtis Dillard II.

SR 7 by Springer and Parker, In memory of former State Representative Mary Craver Denny.

Congratulatory Resolutions

SR 1 by Creighton, Recognizing Bobby and Lindsey Kasprzak for their contributions to Montgomery County.

SR 3 by Middleton, Recognizing Odyssey Academy on the occasion of its 25th anniversary.

SR 5 by Springer, Recognizing Gregory R. Anderson for his contributions to the University of North Texas System.

SR 8 by Johnson, Parker, and West, Recognizing the Community Council of Greater Dallas on the occasion of its 80th anniversary.

SR 9 by West, Recognizing DeMarcus Ware for his induction into the Dallas Cowboys Ring of Honor.

MOTION TO ADJOURN

On motion of Senator Sparks and by unanimous consent, the Senate at 7:13 p.m. agreed to adjourn, in memory of the victims of recent attacks on Israel, pending the receipt of committee reports, until 9:00 a.m. tomorrow.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:00 a.m. Tuesday, October 10, 2023, adjourned, in memory of the victims of recent attacks on Israel, until 9:00 a.m. today.

APPENDIX

COMMITTEE REPORTS

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

October 10, 2023

FINANCE — **SB 2**

RESOLUTIONS ENROLLED

October 9, 2023

SR 1, SR 2, SR 3, SR 4, SR 5, SR 6, SR 7, SR 8, SR 9