

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — FOURTH CALLED SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

## THIRD DAY

(Thursday, November 9, 2023)

The Senate met at 9:30 p.m. pursuant to adjournment and was called to order by President Pro Tempore Schwertner.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Zaffirini.

Absent-excused: Johnson, Nichols, Whitmire.

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

Senator Middleton offered the invocation as follows:

Heavenly Father, please be with the Hancock family in this great loss that they're experiencing. And please give us the discernment to see and to do Your will in every decision that we make in this Chamber and in this Legislature. And please help us remember that is by grace we have been saved through faith and this is not from ourselves. It is a gift of God and not by works so that no one can boast. And please place Your hedge of protection around our constituents, around our staff, and Members as we leave here tonight. In Jesus' name we pray. Amen.

Senator Zaffirini 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 Zaffirini, Senator Nichols was granted leave of absence for today on account of family business.

On motion of Senator Zaffirini, Senators Whitmire and Johnson were granted leave of absence for today on account of important business in the district.

## INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The 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 9:33 p.m. announced the conclusion of morning call.

### **SENATE BILL 3 ON THIRD READING**

The President Pro Tempore laid before the Senate **SB 3** by Senator Huffman at this time on its third reading and final passage:

**SB 3**, Relating to an appropriation to provide funding for the construction, operation, and maintenance of border barrier infrastructure and border security operations, including funding for additional overtime expenses and costs due to certain increased law enforcement presence.

The bill was read third time and was finally passed by the following vote: Yeas 18, Nays 10.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

### **STATEMENT REGARDING SENATE BILL 3**

Senator Creighton submitted the following statement regarding **SB 3**:

I fully endorse Texas' decisive action to fortify our southern border by supporting the construction of a border wall, and my vote today in favor of Senate Bill 3 reflects that commitment.

Yet, I hold reservations about the current restrictions on the use of eminent domain outlined in the bill. The vision of a seamless and comprehensive barrier along our southern border is unlikely to be realized through voluntary land agreements alone. It's clear that real border security demands the completion of the wall.

To address these concerns, I am actively advocating for my own legislation which will enable the Texas Facilities Commission to exercise eminent domain where necessary. This is a critical step to ensure the swift construction of the wall, which is essential for the security and sovereignty of Texas.

Rest assured, I am dedicated to the task of securing our border effectively and will continue to seek pragmatic solutions to achieve this goal.

CREIGHTON

### **SENATE BILL 1 ON THIRD READING**

The President Pro Tempore laid before the Senate **SB 1** by Senator Creighton at this time on its third reading and final passage:

**SB 1**, Relating to the establishment of an education savings account program.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 10.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

#### **SENATE BILL 4 ON THIRD READING**

The President Pro Tempore laid before the Senate **SB 4** by Senator Perry at this time on its third reading and final passage:

**SB 4**, Relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions, and authorizing or requiring under certain circumstances the removal of persons who violate those prohibitions; creating criminal offenses.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 11.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Birdwell and by unanimous consent, the remarks regarding **SB 4** on final passage were ordered reduced to writing and printed in the *Senate Journal*.

On motion of Senator Alvarado and by unanimous consent, the remarks regarding **SB 4** on third reading were ordered reduced to writing and printed in the *Senate Journal*.

The remarks will be printed in an addendum to this day's Journal.

#### **CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Creighton, Senators Birdwell, Bettencourt, Campbell, Paxton, Middleton, Schwertner, and Sparks will be shown as Co-authors of **SB 1**.

#### **CO-AUTHORS OF SENATE BILL 2**

On motion of Senator Creighton, Senators Bettencourt, Birdwell, Campbell, Flores, Hinojosa, Hughes, Kolkhorst, Middleton, Miles, Parker, Paxton, Perry, Schwertner, Sparks, West, and Zaffirini will be shown as Co-authors of **SB 2**.

**CO-AUTHORS OF SENATE BILL 3**

On motion of Senator Huffman, Senators Bettencourt, Birdwell, Campbell, Creighton, Hughes, Kolkhorst, Middleton, Paxton, Parker, Schwertner, and Sparks will be shown as Co-authors of **SB 3**.

**CO-AUTHORS OF SENATE BILL 4**

On motion of Senator Perry, Senators Bettencourt, Campbell, Creighton, Flores, Hughes, Kolkhorst, Middleton, Parker, Paxton, Schwertner, and Sparks will be shown as Co-authors of **SB 4**.

**RECESS**

On motion of Senator Zaffirini, the Senate at 10:16 p.m. recessed until 2:00 p.m. Monday, November 13, 2023.

---

**APPENDIX**

---

**COMMITTEE REPORTS**

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

November 9, 2023

FINANCE — **SB 2, SB 3**

EDUCATION — **SB 1**

STATE AFFAIRS — **SB 4**

**BILLS ENGROSSED**

November 9, 2023

**SB 1, SB 2, SB 3, SB 4**

**RESOLUTIONS ENROLLED**

November 9, 2023

**SR 4, SR 6, SR 7, SR 8, SR 9, SR 10, SR 11, SR 12, SR 13, SR 14, SR 15**