

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — FOURTH CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Thursday, November 9, 2023)

AFTER RECESS

The Senate met at 3:08 p.m. and was called to order by President Pro Tempore Schwertner.

LEAVE OF ABSENCE

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

SENATE RULES SUSPENDED

(Motion In Writing)

Senator Hughes offered the following Motion In Writing:

Mr. President:

I move to suspend Senate Rules 11.10, 11.18, 11.19 and all necessary rules to permit the consideration of the following bills at committee meetings held immediately upon recess today in the locations indicated, notwithstanding any requests for advance notice pursuant to the rules:

By the Committee on Education in the Senate Press Room (2E.9):

SB 1 by Creighton

By the Committee on Finance in the Senate Press Room (2E.9):

SB 2 by Creighton

SB 3 by Huffman

By the Committee on State Affairs in the Betty King Room (2E.20):

SB 4 by Perry

HUGHES

The Motion In Writing was read and prevailed 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.

RECESS

On motion of Senator Zaffirini, the Senate at 3:11 p.m. recessed until 3:30 p.m. today.

AFTER RECESS

The Senate met at 4:17 p.m. and was called to order by President Pro Tempore Schwertner.

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

On motion of Senator Hughes and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee reports for the following bills were ordered not printed: **SB 1, SB 2, SB 3, SB 4.**

SENATE RESOLUTION 4

Senator Hughes offered the following resolution:

SR 4, In memory of Barbara Jean York Hancock.

HUGHES	HALL	NICHOLS
ALVARADO	HINOJOSA	PARKER
BETTENCOURT	HUFFMAN	PAXTON
BIRDWELL	JOHNSON	PERRY
BLANCO	KING	SCHWERTNER
CAMPBELL	KOLKHORST	SPARKS
CREIGHTON	LAMANTIA	SPRINGER
ECKHARDT	MENÉNDEZ	WEST
FLORES	MIDDLETON	WHITMIRE
GUTIERREZ	MILES	ZAFFIRINI

The resolution was read.

On motion of Senator Hughes, **SR 4** was adopted by a rising vote of the Senate.

In honor of the memory of Barbara Jean York Hancock, the text of the resolution is printed at the end of today's *Senate Journal*.

ACKNOWLEDGMENT

Senator Hancock acknowledged Veterans Day and the veteran Members of the Texas Senate:

The Honorable Juan "Chuy" Hinojosa, United States Marines.

The Honorable Bob Hall, United States Air Force.

The Honorable Brian Birdwell, United States Army.

The Honorable César Blanco, United States Navy.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 4:45 p.m. announced the conclusion of morning call.

SENATE BILL 3 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 3** at this time on its second reading:

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 motion prevailed 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.

The bill was read second time.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 3** (introduced) in SECTION 1 of the bill, in Subsection (b) of that section (page 1, lines 21 and 22), by striking "to preserve public safety and security in the Colony Ridge development in Liberty County, Texas".

The amendment to **SB 3** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 3** in SECTION 2 of the bill, prohibiting certain uses of appropriated money, as follows:

(1) At the end of Subdivision (3) of the section strike "or".

(2) In Subdivision (4) of the section between "state" and the period, insert the following:

; or

(5) separate members of a family unit

MENÉNDEZ	HINOJOSA
ALVARADO	LAMANTIA
BLANCO	MILES
ECKHARDT	ZAFFIRINI
GUTIERREZ	

The amendment to **SB 3** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 3** (introduced version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. PHYSICAL BARRIER PROJECT REQUIREMENTS. Notwithstanding any other provision of this Act or House Bill No. 1, Acts of the 88th Legislature, Regular Session, 2023 (the General Appropriations Act), before an entity spends money appropriated by this Act to construct a physical barrier along the state's international border with Mexico, the entity shall:

- (1) have an environmental impact study conducted on the proposed physical barrier project; and
- (2) consult with indigenous tribes in the area and the Parks and Wildlife Department to determine whether the proposed physical barrier project impacts important habitat, wildlife, cultural artifacts, or dedicated lands.

ECKHARDT	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
GUTIERREZ	ZAFFIRINI
HINOJOSA	

The amendment to **SB 3** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 3** (introduced version) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Chapter 26, Subtitle D, Title 1, Tax Code is amended by adding Section 26.012(20) to read as follows:

(20) "Operation Loan Star Expenditures" means the funds expended to adjudicate, house, transport, or confine persons apprehended in conjunction with crossing the international boundary outside of an established checkpoint.

SECTION __. Chapter 26, Subtitle D, Title 1, Tax Code is amended by adding Section 26.0445 to read as follows:

NO-NEW-REVENUE TAX RATE TO PAY FOR OPERATION LONE STAR STATE MANDATES (a) The first time that a county adopts a tax rate after September 1, 2024, in which the state Operation Lone Star justice mandates apply in the county, the no-new-revenue maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(State Operation Lone Star Mandate) / (Current Total Value – New Property Value)

(b) In the second and subsequent years that a county adopts a tax rate, if the amount spent by the county for the Operation Lone Star mandate increased over the previous year, the no-new-revenue maintenance and operation rate for the county is increased by the rate calculated according to the following formula:

(This Year's Operation Lone Star Mandate – Previous Year's Operation Lone Star Mandate) / (Current Total Value – New Property Value)

(c) The county shall include a notice of the increase in the no-new-revenue maintenance and operation rate provided by this section, including a description and amount of the state Operation Lone Star mandate, in the information published under Section 26.04 (e) and, as applicable, in the notice prescribed by Section 26.06 or 26.061.

(d) In this section, "state Operation Lone Star mandate" means the amount spent by the county in the previous 12 months providing for the adjudication, housing, transportation, or confinement of individuals apprehended in conjunction with crossing an international boundary outside of an established checkpoint, minus the amount received from state revenue for reimbursement of such costs.

SECTION __. This Act takes effect on the 91st day after the last day of the legislative session.

ECKHARDT	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
GUTIERREZ	ZAFFIRINI
HINOJOSA	

The amendment to **SB 3** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

SB 3 was passed to engrossment 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 2 ON SECOND READING

The President Pro Tempore laid before the Senate **SB 2** by Senator Creighton at this time on its second reading:

SB 2, Relating to a local optional teacher designation system implemented 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.

The bill was read second time.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2** (introduced version) as follows:

(1) In Section 4 of the bill, in added Section 48.051(a)(1), Education Code (page 3, line 18), by striking "\$6,235" and adding "\$7,365".

(2) In Section 5 of the bill, in added Section 48.115(a), Education Code (page 5, line 10), by striking "\$6,235" and adding "\$7,365".

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

"SECTION _____. Effective September 1, 2026, Section 48.051, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), for the second year of each state fiscal biennium, the commissioner shall adjust the value of "B" under the subsection for the preceding state fiscal year by a factor equal to the average annual percentage increase, if any, in the Texas Consumer Price Index for the preceding 10 years."

ECKHARDT	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
GUTIERREZ	ZAFFIRINI
HINOJOSA	

The amendment to **SB 2** was read.

Senator Eckhardt offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Amendment No. 1 to **SB 2** (introduced version) by striking lines 10 through 17.

The amendment to Floor Amendment No. 1 to **SB 2** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Question recurring on the adoption of Floor Amendment No. 1 to **SB 2**, the amendment failed of adoption by the following vote: Yeas 10, Nays 18. (Same as previous roll call)

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 2** in SECTION 8 of the bill, amending Subchapter G, Chapter 48, Education Code, as follows:

(1) In the recital, strike "48.310 and 48.311" and substitute "48.304, 48.310, and 48.311".

(2) Immediately after the recital, insert the following:

Sec. 48.304. DAY PLACEMENT PROGRAM FUNDING. (a) For each qualifying day placement program that a regional education service center makes available in partnership with a school district, open-enrollment charter school, or shared services arrangement, the center is entitled to an allotment of:

(1) \$250,000 for the first year of the program's operation; and

(2) \$150,000 for each year of the program's operation after the first year.

(b) A day placement program qualifies for purposes of Subsection (a) if:

(1) the program complies with commissioner rules regarding contracts for the placement of students receiving special education services in a day placement program;

(2) the program offers services to students who are enrolled at any school district or open-enrollment charter school in the county in which the program is offered, unless the commissioner by rule waives or modifies the requirement under this subdivision for the program to serve all students in a county; and

(3) the agency has designated the program for service in the county in which the program is offered and determined that, at the time of designation, the program increases the availability of day placement services in the county.

The amendment to **SB 2** was read.

Senator Perry withdrew Floor Amendment No. 3.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 2** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 25.0344 (c), Education Code, ad added by Chapter 582 (H.B. 2892), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

(c) A transfer under this section must be to a [the] campus of school district, as applicable, selected by the servicemember making the request that has the enrollment capacity to accommodate the transfer of the student.

The amendment to **SB 2** was read.

Senator Perry withdrew Floor Amendment No. 4.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 2** as follows:

(1) Strike SECTION 15(b) of the bill, providing an effective date for certain provisions, and substitute the following:

(b) The following provisions take effect September 1, 2024:

(1) Section 29.014(d), Education Code, as amended by this Act;

(2) Section 48.102, Education Code, as amended by this Act;

(3) Sections 48.1021, 48.1022, and 48.1023, Education Code, as added by this Act;

(4) Section 48.103(c), Education Code, as amended by this Act;

(5) Sections 48.277(c-1), (d), and (e), Education Code, as amended by this Act; and

(6) Section 48.279(e), Education Code, as amended by this Act.

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

SECTION ____ . Section 29.014(d), Education Code, is amended to read as follows:

(d) The basic allotment for a student enrolled in a district to which this section applies is adjusted by the tier of intensity of service defined in accordance with [weight for a homebound student under] Section 48.102 and designated by commissioner rule for use under this section [48.102(a)].

SECTION ____ . Section 48.102, Education Code, is amended to read as follows:

Sec. 48.102. SPECIAL EDUCATION. (a) For each student in average daily attendance in a special education program under Subchapter A, Chapter 29, ~~[in a mainstream instructional arrangement,~~ a school district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by a weight in an amount set by the legislature in the General Appropriations Act for the highest tier of intensity of service for which the student qualifies [4-15].

(a-1) Notwithstanding Subsection (a), for the 2024-2025 and 2025-2026 school years, the amount of an allotment under this section shall be determined in accordance with Section 48.1023. This subsection expires September 1, 2026. [For each full time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by a weight determined according to instructional arrangement as follows:

[Homebound	5.0
[Hospital class	3.0
[Speech therapy	5.0
[Resource room	3.0
[Self-contained, mild and moderate, regular campus	3.0
[Self-contained, severe, regular campus	3.0
[Off home campus	2.7
[Nonpublic day school	1.7
[Vocational adjustment class	2.3]

(b) The commissioner by rule shall define seven tiers of intensity of service for use in determining funding under this section. The commissioner must include one tier specifically addressing students receiving special education services in residential placement [A special instructional arrangement for students with disabilities residing in care and treatment facilities, other than state schools, whose parents or guardians do not reside in the district providing education services shall be established by commissioner rule. The funding weight for this arrangement shall be 4.0 for those students who receive their education service on a local school district campus. A special instructional arrangement for students with disabilities residing in state schools shall be established by commissioner rule with a funding weight of 2.8].

(c) [For funding purposes, the number of contact hours credited per day for each student in the off home campus instructional arrangement may not exceed the contact hours credited per day for the multidistrict class instructional arrangement in the 1992-1993 school year.

[(d) For funding purposes the contact hours credited per day for each student in the resource room; self contained, mild and moderate; and self contained, severe, instructional arrangements may not exceed the average of the statewide total contact hours credited per day for those three instructional arrangements in the 1992-1993 school year.

[(e) The commissioner by rule shall prescribe the qualifications an instructional arrangement must meet in order to be funded as a particular instructional arrangement under this section. In prescribing the qualifications that a mainstream instructional arrangement must meet, the commissioner shall establish requirements that students with disabilities and their teachers receive the direct, indirect, and support services that are necessary to enrich the regular classroom and enable student success.

[(f) In this section, "full-time equivalent student" means 30 hours of contact a week between a special education student and special education program personnel.

~~(e)~~ The commissioner shall adopt rules and procedures governing contracts for residential and day program placement of ~~[special education]~~ students receiving special education services.

~~(d)~~ ~~[The legislature shall provide by appropriation for the state's share of the costs of those placements.]~~

~~(h)~~ At least 55 percent of the funds allocated under this section must be used in the special education program under Subchapter A, Chapter 29.

~~(c)~~ ~~(+)~~ The agency shall ensure ~~[encourage]~~ the placement of students in special education programs, including students in residential placement ~~[instructional arrangements]~~, in the least restrictive environment appropriate for their educational needs.

~~(f)~~ ~~(+)~~ A school district that provides an extended year program required by federal law for special education students who may regress is entitled to receive funds in an amount equal to 75 percent, or a lesser percentage determined by the commissioner, of the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled for each ~~[full-time equivalent]~~ student in average daily attendance, multiplied by the amount designated for the highest tier of intensity of service for which the student qualifies [student's instructional arrangement] under this section, for each day the program is provided divided by the number of days in the minimum school year. The total amount of state funding for extended year services under this section may not exceed \$10 million per year. A school district may use funds received under this section only in providing an extended year program.

~~(g)~~ ~~(+)~~ From the total amount of funds appropriated for special education under this section, the commissioner shall withhold an amount specified in the General Appropriations Act, and distribute that amount to school districts for programs under Section 29.014. The program established under that section is required only in school districts in which the program is financed by funds distributed under this subsection and any other funds available for the program. After deducting the amount withheld under this subsection from the total amount appropriated for special education, the commissioner shall reduce each district's allotment proportionately and shall allocate funds to each district accordingly.

~~(h)~~ Not later than December 1 of each even-numbered year, the commissioner shall submit to the Legislative Budget Board, for purposes of the allotment under this section, proposed weights for the tiers of intensity of service for the next state fiscal biennium.

SECTION _____. Subchapter C, Chapter 48, Education Code, is amended by adding Sections 48.1021, 48.1022, and 48.1023 to read as follows:

Sec. 48.1021. SPECIAL EDUCATION SERVICE GROUP ALLOTMENT. (a) For each six-week period in which a student in a special education program under Subchapter A, Chapter 29, receives eligible special education services, a school district is entitled to an allotment in an amount set by the legislature in the General Appropriations Act for the service group for which the student is eligible.

(a-1) Notwithstanding Subsection (a), for the 2024-2025 and 2025-2026 school years, the amount of an allotment under this section shall be determined in accordance with Section 48.1023. This subsection expires September 1, 2026.

(b) The commissioner by rule shall establish four service groups for use in determining funding under this section. In establishing the groups, the commissioner must consider the level of services, equipment, and technology required to meet the needs of students receiving special education services.

(c) A school district is entitled to receive an allotment under this section for each service group for which a student is eligible.

(d) A school district is entitled to the full amount of an allotment under this section for a student receiving eligible special education services during any part of a six-week period.

(e) At least 55 percent of the funds allocated under this section must be used for a special education program under Subchapter A, Chapter 29.

(f) Not later than December 1 of each even-numbered year, the commissioner shall submit to the Legislative Budget Board, for purposes of the allotment under this section, proposed amounts of funding for the service groups for the next state fiscal biennium.

Sec. 48.1022. SPECIAL EDUCATION FULL INDIVIDUAL AND INITIAL EVALUATION. For each student for whom a school district conducts a full individual and initial evaluation under Section 29.004 or 20 U.S.C. Section 1414(a)(1), the district is entitled to an allotment of \$500 or a greater amount provided by appropriation.

Sec. 48.1023. SPECIAL EDUCATION TRANSITION FUNDING. (a) For the 2024-2025 and 2025-2026 school years, the commissioner may adjust weights or amounts provided under Section 48.102 or 48.1021 as necessary to ensure compliance with requirements regarding maintenance of state financial support under 20 U.S.C. Section 1412(a)(18) and maintenance of local financial support under applicable federal law.

(b) For the 2024-2025 and 2025-2026 school years, the commissioner shall determine the formulas through which school districts receive funding under Sections 48.102 and 48.1021. In determining the formulas, the commissioner may combine the methods of funding under those sections with the method of funding provided by Section 48.102, as it existed on September 1, 2023.

(c) For the 2026-2027 school year, the commissioner may adjust the weights or amounts set by the legislature in the General Appropriations Act for purposes of Section 48.102 or 48.1021. Before making an adjustment under this subsection, the commissioner shall notify and must receive approval from the Legislative Budget Board.

(d) Notwithstanding any other provision of this section, the sum of funding provided under Sections 48.102 and 48.1021 for the 2024-2025 or for the 2025-2026 school year as adjusted under this section may not exceed the sum of:

(1) funding that would have been provided under Section 48.102, as it existed on September 1, 2023; and

(2) the amount set by the legislature in the General Appropriations Act.

(e) Each school district and open-enrollment charter school shall report to the agency information necessary to implement this section.

(f) The agency shall provide technical assistance to school districts and open-enrollment charter schools to ensure a successful transition in funding formulas for special education.

(g) This section expires September 1, 2028.

SECTION _____. Section 48.103(c), Education Code, is amended to read as follows:

(c) A school district may receive funding for a student under each provision of this section, ~~and~~ Section 48.102, and Section 48.1021 for which ~~the~~ the student qualifies ~~[satisfies the requirements of both sections].~~

SECTION _____. Section 48.279(e), Education Code, is amended to read as follows:

(e) After the commissioner has replaced any withheld federal funds as provided by Subsection (d), the commissioner shall distribute the remaining amount, if any, of funds described by Subsection (a) to proportionately increase funding for the special education allotment under Section 48.102 and the special education service group allotment under Section 48.1021.

MENÉNDEZ
ALVARADO
HINOJOSA
LAMANTIA
ZAFFIRINI

The amendment to **SB 2** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

SB 2 was passed to engrossment by the following vote: Yeas 27, Nays 1.

Nays: Gutierrez.

Absent-excused: Johnson, Nichols, Whitmire.

SENATE BILL 2 ON THIRD READING

Senator Creighton 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 27, Nays 1.

Nays: Gutierrez.

Absent-excused: Johnson, Nichols, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

SENATE BILL 1 ON SECOND READING

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

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1** in SECTION 2 of the bill by striking added Section 29.356(b), Education Code, and substituting the following:

(b) On receipt of more acceptable applications during an application period for admission under this section than available positions in the program due to insufficient funding, a certified educational assistance organization shall, at the direction of the comptroller:

(1) subject to Subdivision (2), fill the available positions by lottery of applicants within each category as follows:

(A) for not more than 40 percent of available positions in the program, children described by Section 29.355(a)(2)(A) or (B) who are members of a household with a total annual income that is at or below 185 percent of the federal poverty guidelines;

(B) for not more than 30 percent of the available positions in the program, children described by Section 29.355(a)(2)(A) or (B) who are members of a household with a total annual income that is above 185 percent of the federal poverty guidelines and below 500 percent of the federal poverty guidelines;

(C) for not more than 20 percent of the available positions in the program, children with a disability described by Section 29.355(a)(2)(A) or (B) who are not accepted into the program under Paragraph (A) or (B) of this subdivision; and

(D) for any remaining available positions in the program, all eligible applicants who are not accepted into the program under Paragraph (A), (B), or (C) of this subdivision; and

(2) for at least 50 percent of the total available positions in the program within the groups described by Subdivisions (1)(A), (B), and (D), prioritize, to the extent possible, children who failed to perform satisfactorily for two or more consecutive years on:

(A) an assessment instrument administered under Section 39.023(a) in grades three through eight; or

(B) an end-of-course assessment instrument administered under Section 39.023(c).

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, LaMantia, Menéndez, Perry, West, Zaffirini.

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1** in SECTION 2 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.359(a)(5), Education Code, after the underlined semicolon, strike "and".

(2) In added Section 29.359(a)(6), Education Code, between "services" and the underlined period, insert the following:

; and

(7) fees for online or virtual education services, provided the fees do not exceed the greater of \$1,000 or 15 percent of the money received under the program unless:

(A) the services are approved by a committee convened on behalf of a participating child to develop the child's individualized education program in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); or

(B) the participating child:

(i) is a nontraditional student; or

(ii) has medical needs that require the services

The amendment to **SB 1** was read.

Senator Perry withdrew Floor Amendment No. 2.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 1** in SECTION 2 of the bill, in added Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.367(a)(1), Education Code, between "to" and "federal", insert "all".

(2) Immediately following added Section 29.367, Education Code, insert the following:

Sec. 29.3671. SPECIAL EDUCATION SERVICES. Notwithstanding any other provision of this subchapter, a private school in which a child with a disability who is a participating child enrolls using money distributed under the program must comply with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) with respect to the child.

MENÉNDEZ
ALVARADO
HINOJOSA
LAMANTIA
ZAFFIRINI

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 1** in SECTION 2 of the bill, in added Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.367(a)(1), Education Code, strike "is not" and substitute "that receives money distributed under the program is".

(2) Immediately following added Section 29.367, Education Code, insert the following:

Sec. 29.3671. SPECIAL EDUCATION SERVICES. Notwithstanding any other provision of this subchapter, a private school in which a child with a disability who is a participating child enrolls using money distributed under the program must comply with federal and state laws regarding the provision of educational services to a child with a disability with respect to the participating child, including:

(1) the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);

(2) Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); and

(3) Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.).

(3) Immediately following added Section 29.368, Education Code, insert the following:

Sec. 29.3681. PROTECTED CLASSES. (a) A private school to which a participating child applies or in which a participating child enrolls may not discriminate in determining whether to admit the child or in providing services to the child, as applicable, on the basis of the child's membership in any federally protected class.

(b) The comptroller shall revoke the approval of an education service provider or vendor of educational products to participate in the program under Section 29.358 if the comptroller determines that the provider or vendor has violated this section.

MENÉNDEZ
ALVARADO
HINOJOSA
LAMANTIA
ZAFFIRINI

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 1** in SECTION 2 of the bill, immediately following added Section 29.368, Education Code, by inserting the following:

Sec. 29.3685. PROVIDER OR VENDOR REQUIREMENTS RELATING TO STUDENT PROTECTIONS. Notwithstanding any other law, an education service provider or vendor of educational products that receives money distributed under the program is subject to:

(1) a prohibition, restriction, or other requirement related to the use of confinement, restraint, seclusion, or time-out under Section 37.0021; and

(2) any discrimination protection applicable to public schools under state or federal law, including a protection intended to:

(A) safeguard academic equity for each student; or

(B) protect against segregation or disproportionate discipline.

MENÉNDEZ	GUTIERREZ
ALVARADO	LAMANTIA
BLANCO	MILES
ECKHARDT	

The amendment to **SB 1** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator West offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 1** in SECTION 2 of the bill as follows:

(1) In added Section 29.371(a)(1), Education Code, strike "and wait-listed, disaggregated by age" and substitute "wait-listed, and rejected, disaggregated by the demographic information described by Section 29.3715(a), as applicable".

(2) In added Section 29.3715(a)(9), Education Code, strike "and".

(3) In added Section 29.3715(a)(10), Education Code, strike the underlined period and substitute "; and".

(4) Immediately following added Section 29.3715(a)(10), Education Code, insert the following:

(11) each private school to which the child applied while participating in the program and whether the child was admitted to or rejected from that school.

The amendment to **SB 1** was read.

Senator West withdrew Floor Amendment No. 6.

SB 1 was passed to engrossment 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 SECOND READING

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

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 second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 4** as follows:

(1) In SECTION 1 of the bill, strike added Article 5B.002, Code of Criminal Procedure, and substitute the following:

Art. 5B.002. ORDER TO RETURN TO FOREIGN NATION. (a) A magistrate during a person's appearance under Article 14.06 or 15.17 may, after making a determination that probable cause exists for arrest for an offense under Section 51.02 or 51.03, Penal Code, order the person released from custody and issue a written order in accordance with Subsection (c).

(b) The judge in a person's case at any time after the person's appearance before a magistrate under Article 14.06 or 15.17 may, in lieu of continuing the prosecution of or entering an adjudication regarding an offense under Section 51.02 or 51.03, Penal Code, dismiss the charge pending against the person and issue a written order in accordance with Subsection (c).

(c) A written order authorized by Subsection (a) or (b) must discharge the person and require the person to return to the foreign nation from which the person entered or attempted to enter, and may be issued only if:

(1) the person agrees to the order;

(2) the person has not previously been convicted of an offense under Chapter 51, Penal Code, or previously obtained a discharge under an order described by Subsection (a) or (b);

(3) the person is not charged with another offense that is punishable as a Class A misdemeanor or any higher category of offense; and

(4) before the issuance of the order, the arresting law enforcement agency:

(A) collects all available identifying information of the person, which must include taking fingerprints from the person and using other applicable photographic and biometric measures to identify the person; and

(B) cross-references the collected information with:

(i) all relevant local, state, and federal criminal databases; and

(ii) federal lists or classifications used to identify a person as a threat or potential threat to national security.

(d) On a person's conviction of an offense under Chapter 51, Penal Code, the judge shall enter in the judgment in the case an order requiring the person to return to the foreign nation from which the person entered or attempted to enter. An order issued under this subsection takes effect on completion of the term of confinement or imprisonment imposed by the judgment.

(e) An order issued under this article must include:

(1) the manner of transportation of the person to a port of entry, as defined by Section 51.01, Penal Code; and

(2) the law enforcement officer or state agency responsible for monitoring compliance with the order.

(f) An order issued under this article must be filed:

(1) with the county clerk of the county in which the person was arrested, for an order described by Subsection (a); or

(2) with the clerk of the court exercising jurisdiction in the case, for an order described by Subsection (b) or (d).

(g) Not later than the seventh day after the date an order is issued under this article, the law enforcement officer or state agency required to monitor compliance with the order shall report the issuance of the order to the Department of Public Safety for inclusion in the computerized criminal history system under Chapter 66.

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

SECTION ____ . Article 66.102, Code of Criminal Procedure, is amended by adding Subsection (i) to read as follows:

(i) In addition to the information described by this article, information in the computerized criminal history system must include any order issued under Article 5B.002.

The amendment to **SB 4** 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: Johnson, Nichols, Whitmire.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 4** in SECTION 1 of the bill, in added Article 5B.001, Code of Criminal Procedure, by adding the following appropriately numbered subdivision to the article and renumbering the subdivisions of the article accordingly:

() a child-care facility, as defined by Section 42.002, Human Resources

Code;

BLANCO	LAMANTIA
ALVARADO	MENÉNDEZ
ECKHARDT	MILES
GUTIERREZ	WEST
HINOJOSA	ZAFFIRINI

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 4** in SECTION 1 of the bill, in added Article 5B.001, Code of Criminal Procedure, by adding the following appropriately numbered subdivisions to the article and renumbering the subdivisions of the article accordingly:

() an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code;

() a sexual assault program, as defined by Section 420.003, Government

Code;

() a family violence center, as defined by Section 51.002, Human Resources Code;

HINOJOSA	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	ZAFFIRINI
ECKHARDT	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Hinojosa, on behalf of Senator LaMantia, offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 4** in SECTION 1 of the bill, between added Articles 5B.001 and 5B.002, Code of Criminal Procedure, by inserting the following:

Art. 5B.0015. PROHIBITED ENFORCEMENT BY CERTAIN OFFICERS. (a) This article applies only to a peace officer who is commissioned under Subchapter E, Chapter 51, Education Code, by a public or private institution of higher education any part of which is located in a county that is adjacent to an international border.

(b) Notwithstanding any other law, a peace officer to whom this article applies may not enforce any provision of Chapter 51, Penal Code, in a county that is adjacent to an international border.

LAMANTIA	HINOJOSA
ALVARADO	MENÉNDEZ
ECKHARDT	ZAFFIRINI
GUTIERREZ	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 4** in SECTION 1 of the bill, in added Chapter 5B, Code of Criminal Procedure, immediately after added Article 5B.003 of that code, by inserting the following:

Art. 5B.004. POLICY ON CERTAIN VEHICULAR PURSUITS. The Department of Public Safety shall adopt a policy governing the manner in which a peace officer of the department may operate a motor vehicle in pursuit of a person the officer has reasonable suspicion or probable cause to believe committed an offense under Chapter 51, Penal Code. The policy must be substantially similar to the United States Customs and Border Protection's directive number 4510-026A on emergency driving and vehicular pursuits that is effective May 2023.

BLANCO	LAMANTIA
ALVARADO	MENÉNDEZ
ECKHARDT	MILES
GUTIERREZ	WEST
HINOJOSA	ZAFFIRINI

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 4** in SECTION 1 of the bill, in added Chapter 5B, Code of Criminal Procedure, immediately after added Article 5B.003 of that chapter, by inserting the following:

Art. 5B.004. INTERPRETER REQUIRED FOR ARREST OR DETENTION OF CERTAIN PERSONS ILLEGALLY ENTERING THIS STATE. If a person being arrested or detained under Chapter 51, Penal Code, does not speak and understand the English language or is deaf, the peace officer shall provide the person with an interpreter to inform the person of the person's rights, including the person's rights under federal immigration law.

MENÉNDEZ	HINOJOSA
ALVARADO	LAMANTIA
BLANCO	MILES
ECKHARDT	ZAFFIRINI
GUTIERREZ	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 7

Amend **SB 4** in SECTION 2 of the bill as follows:

(1) Immediately following added Section 51.02(d), Penal Code, insert the following:

(e) A peace officer enforcing this section may not:

(1) push a person into water;

(2) deny a person access to drinking water; or

(3) deny a person urgent medical care.

(2) Immediately following added Section 51.03(c), Penal Code, insert the following:

(d) A peace officer enforcing this section may not:

(1) push a person into water;

(2) deny a person access to drinking water; or

(3) deny a person urgent medical care.

ZAFFIRINI
ALVARADO
BLANCO
ECKHARDT
GUTIERREZ

HINOJOSA
LAMANTIA
MENÉNDEZ
MILES

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 8

Amend **SB 4** in SECTION 2 of the bill, immediately following added Section 51.02(d), Penal Code, by inserting the following:

(e) A peace officer may not arrest or detain a person for an offense under this section if the person came into contact with the officer:

(1) as a victim of or witness to an offense; or

(2) for the purpose of reporting an offense.

HINOJOSA
ALVARADO
BLANCO
ECKHARDT

LAMANTIA
MENÉNDEZ
ZAFFIRINI

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 9

Amend **SB 4** in SECTION 2 of the bill, immediately following added Section 51.04, Penal Code, by inserting the following:

Sec. 51.05. PROHIBITION ON SEPARATION OF FAMILY. A peace officer may not separate two or more individuals who are arrested under this chapter if the officer knows or should reasonably know that the individuals are related by consanguinity or affinity.

MENÉNDEZ	HINOJOSA
ALVARADO	LAMANTIA
BLANCO	MILES
ECKHARDT	ZAFFIRINI
GUTIERREZ	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 10

Amend **SB 4** in SECTION 2 of the bill, immediately following added Section 51.04, Penal Code, by inserting the following:

Sec. 51.05. LIMITATION ON ARREST. A peace officer may not arrest a person for an offense under this chapter unless the officer visually observes the person engaging in the conduct constituting the offense.

ZAFFIRINI	HINOJOSA
ALVARADO	LAMANTIA
BLANCO	MENÉNDEZ
ECKHARDT	MILES
GUTIERREZ	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 11

Amend **SB 4** (introduced version) in SECTION 3 of the bill, in added Section 117.002, Civil Practice and Remedies Code, as follows:

(1) In Subsection (b) (page 7, line 14), strike "a local government" and substitute "the state".

(2) In Subsection (b), between "contractor of" and "local" (page 7, line 15), strike "the" and substitute "a".

(3) In Subsection (b), between "behalf of" and "local" (page 7, line 21), strike "the" and substitute "a".

(4) Strike Subsection (c) (page 7, lines 22-27) and substitute the following:

(b) Notwithstanding any other law, indemnification under Subsection (b) is not subject to any indemnification limits under state law.

(5) In Subsection (e) (page 8, line 5), strike "A local government" and substitute "The state".

(6) In Subsection (e), between "contractor of" and "local" (page 8, line 6), strike "the" and substitute "a".

ECKHARDT	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
GUTIERREZ	ZAFFIRINI
HINOJOSA	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 12

Amend **SB 4** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

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.

MENÉNDEZ	HINOJOSA
ALVARADO	LAMANTIA
BLANCO	MILES
ECKHARDT	ZAFFIRINI
GUTIERREZ	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 13

Amend **SB 4** (introduced version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 104, Code of Criminal Procedure, is amended by adding Article 104.005 to read as follows:

Art. 104.005. COMPENSATION TO COUNTY FOR PERSONS CONFINED IN COUNTY JAIL FOR IMPROPER ENTRY FROM FOREIGN NATION. If a person arrested for or convicted of an offense under Section 38.20, Penal Code, is confined in a county jail and not in a facility established under Operation Lone Star or a similar border security operation of this state, the state shall reimburse the county at a rate of \$102 for each day the person is confined in the county jail.

ECKHARDT	LAMANTIA
ALVARADO	MENÉNDEZ
BLANCO	MILES
GUTIERREZ	ZAFFIRINI
HINOJOSA	

The amendment to **SB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 18.

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

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

Absent-excused: Johnson, Nichols, Whitmire.

SB 4 as amended was passed to engrossment 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 Alvarado and by unanimous consent, the remarks regarding **SB 4** on second 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.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 14 by West, In memory of Adrian DeJuan Smith.

Congratulatory Resolutions

SR 6 by Hinojosa and LaMantia, Recognizing Elizabeth Suarez for her induction into the Texas Women's Hall of Fame.

SR 7 by Hinojosa and LaMantia, Recognizing Val LaMantia for her induction into the Texas Women's Hall of Fame.

SR 8 by Flores, Recognizing Carter Bostic for winning first place at the National FFA Convention and Expo.

SR 9 by Flores, Recognizing Jackson Drozd for winning second place at the National FFA Convention and Expo.

SR 10 by Flores, Recognizing Enrique Montalvo for winning fourth place at the National FFA Convention and Expo.

SR 11 by Flores, Recognizing Cayden Beatty for winning sixth place at the National FFA Convention and Expo.

SR 12 by Flores, Recognizing the Burnet High School FFA team for winning a national championship.

SR 13 by Sparks, Recognizing Vega Junior High School for receiving a National Blue Ribbon School award.

SR 15 by West, Recognizing James Baylor for his service with the United States Army.

ADJOURNMENT

On motion of Senator Zaffirini, the Senate at 9:29 p.m. adjourned, in memory of Barbara Jean York Hancock, until 9:30 p.m. today.

In Memory
of
Barbara Jean York Hancock
Senate Resolution 4

WHEREAS, Family and friends will long cherish their memories of Barbara Jean York Hancock, who passed away on October 20, 2023, at the age of 88; and

WHEREAS, The only child of Eugene and Elfin "Dolly" York, the former Barbara York was born on July 15, 1935, and she grew up in Henderson, where she met the love of her life and future husband, Dean Hancock; they both attended Kilgore Junior College, and she became a member of the Rangerettes; and

WHEREAS, The couple married in 1955 and went on to settle in Fort Worth; in addition to supporting the family business, Mrs. Hancock was a devoted mother to her three children, Cary, Kelly, and Pattilinn, and with the passing years, her cherished family grew to include eight grandchildren and nine great-grandchildren; and

WHEREAS, Sustained by a deep faith, Mrs. Hancock was an active member of her church and served in the youth ministry and adult choir; moreover, she and her husband were heavily involved with Charles Stanley's In Touch Ministries and often participated in the cruises, ran the bookstore, and served as advisors to the Stanley family; engaged in her community, Mrs. Hancock also gave generously of her time and talents to a number of worthy causes and cultivated many lasting friendships through her work with the Woman's Club of Fort Worth; in her leisure time, she enjoyed travel and such adventurous pursuits as hiking, snow skiing, and motorcycle riding in New Mexico; in addition, she was an excellent decorator and a gracious hostess, and she and her husband held many gatherings in their home and at their Decatur ranch; and

WHEREAS, Those fortunate enough to have known Barbara Hancock will remember the way she touched their lives with her warmth, her kindness, and her cheerful personality, and she will forever hold a treasured place in their hearts; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature, 3rd Called Session, hereby pay tribute to the memory of Barbara Jean York Hancock and extend sincere condolences to the members of her family: to her husband, Lester Dean Hancock; to her children, Cary Hancock, Kelly Hancock and his wife, Robin, and Patti Priest and her husband, Cory; to her grandchildren, Layne Hancock, Chloe Hancock Cox, Skylar Hancock Frederick, Laramie

Priest, C. J. Hancock Thornton, Harrison Hancock, Dakota Priest, and Steelie Priest Allison; to her great-grandchildren; and to her other relatives and many friends; and, be it further

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

HUGHES	HALL	NICHOLS
ALVARADO	HINOJOSA	PARKER
BETTENCOURT	HUFFMAN	PAXTON
BIRDWELL	JOHNSON	PERRY
BLANCO	KING	SCHWERTNER
CAMPBELL	KOLKHORST	SPARKS
CREIGHTON	LAMANTIA	SPRINGER
ECKHARDT	MENÉNDEZ	WEST
FLORES	MIDDLETON	WHITMIRE
GUTIERREZ	MILES	ZAFFIRINI