

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTY-FIRST DAY

(Wednesday, April 5, 2023)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by President Pro Tempore Hancock.

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

Pastor Ben Johnson, River Valley Christian Fellowship, Bastrop, offered the invocation as follows:

Dear heavenly Father, I'm so grateful for the opportunity to be here this morning. I'm also grateful to be part of what You are doing in our state and in this country. I thank You for our government. I pray for the men and women gathered in this place today. I pray for all the people that they represent in their decision making. I pray for the leadership of the men and women in this room. I pray that You would give them wisdom and discernment to follow Your will. Give them grace and courage in their pursuit of righteousness. I specifically pray that You would guide them in the decisions that they're making today. It's in Jesus' name that I pray. Amen.

Senator Whitmire 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.

## GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate representatives of Baylor University Law School including Dean Stephen Rispoli, Director of Alumni Relations Jordan Hannah, Jessica Asbridge, and Joe B. Allen.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 5, 2023 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 49**

Klick

Relating to public access to certain hospital investigation information and materials.

**HB 140**

González, Mary

Relating to the provision of certain co-navigation services to individuals who are deaf-blind.

**HB 336**

Toth

Relating to notice regarding certain benefits for which a representative payee or fiduciary has been appointed for a child in the conservatorship of the Department of Family and Protective Services.

**HB 617**

Darby

Relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas.

**HB 1058**

Goldman

Relating to a franchise or insurance premium tax credit for certain housing developments.

**HB 1599**

Bucy

Relating to implementation of an express lane option for determining eligibility and enrolling certain individuals in Medicaid or the child health plan program.

**HB 1964**

Hernandez

Relating to the release of a motor vehicle accident report to an employee or authorized representative of a vehicle storage facility.

**HCR 101**

Smithee

In memory of Brendan Luis Torres of the Dalhart Volunteer Fire Department.

**HCR 102**

Smithee

In memory of Fire Chief Curtis Dewayne Brown of the Dalhart Fire Department.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**(President in Chair)**

**PHYSICIAN OF THE DAY**

Senator Middleton was recognized and presented Dr. Samuel Mathis of Galveston as the Physician of the Day.

The Senate welcomed Dr. Mathis, accompanied by Dr. Benjamin Pilgrim, and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**GUEST PRESENTED**

Senator Hall was recognized and introduced to the Senate Shelley Houston, the wife of fallen officer Richard Houston.

The Senate welcomed its guest, stood in honor of Richard Lee Houston II, and extended its sympathy.

**SENATE RESOLUTION 389**

Senator Campbell offered the following resolution:

**SR 389**, Recognizing April 5, 2023, as Alzheimer's Association State Advocacy Day.

CAMPBELL	LAMANTIA
ALVARADO	MIDDLETON
BIRDWELL	SCHWERTNER
CREIGHTON	SPARKS
HUGHES	WHITMIRE

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Campbell, joined by Senators Kolkhorst and Zaffirini, was recognized and introduced to the Senate an Alzheimer's Association State Advocacy Day delegation including Texas Public Policy Director Melissa Sanchez and Joe Arciniega, volunteer of the year.

The Senate welcomed its guests.

**SENATE RESOLUTION 390**

Senator Alvarado offered the following resolution:

WHEREAS, Jennifer Garner has worked tirelessly for 15 years to advance the important mission of Save the Children; and

WHEREAS, One of the nation's best-known actors, Ms. Garner first joined the organization as an artist ambassador; in 2014, she became a member of the board, and she serves on its Program Impact and Marketing Committees; and

WHEREAS, Save the Children was founded in 1919 to protect the right of children to grow up healthy, educated, and safe; today, the nonprofit is a global leader in protecting children, with a presence in more than 100 countries, among them Yemen, Syria, Venezuela, and Myanmar; it responds to both everyday needs and crisis

situations such as war and natural disasters; when major emergencies occur, it puts skilled health professionals in place to treat youngsters within 72 hours, anywhere in the world; it also focuses on education to restore stability to children's lives; and

WHEREAS, In 2021, Save the Children reached more than 183 million children, including 837,000 in the United States; the following year, in the wake of devastating floods, Ms. Garner traveled to Kentucky to fundraise, draw attention to suffering, and assist teachers in making classrooms ready again; she has promoted the organization's literacy efforts and heightened awareness of the challenges faced by youngsters, from Afghan refugees to children displaced by wildfires; a onetime resident of West Virginia, she persuaded then-governor Joe Manchin to bring Save the Children's early childhood education programs to the state, and she has advocated tirelessly on Capitol Hill and across the country, meeting with legislators on both sides of the aisle; and

WHEREAS, Ms. Garner enjoys a well-deserved reputation for versatility in her first profession, having played everything from a double agent in TV's hit sci-fi thriller series *Alias* to a mom in the family comedy *Yes Day*, which she produced; branching into another industry as well, she is a cofounder of Once Upon a Farm, a startup that sells organic baby food; at her urging, the company has coordinated with state governments in Texas, Florida, and elsewhere to align its products with requirements of the WIC program for low-income families; and

WHEREAS, Using her prominent platform to further the worthy goals of Save the Children, Jennifer Garner has helped to make a lasting, positive difference in countless lives, and in so doing, she has helped strengthen communities across the world; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby honor Jennifer Garner for her endeavors in behalf of Save the Children and extend to her sincere best wishes for continued success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Ms. Garner as an expression of high regard by the Texas Senate.

ALVARADO  
CAMPBELL  
LAMANTIA  
PERRY  
WEST  
WHITMIRE

**SR 390** was read and was adopted by a rising vote of the Senate.

#### **GUEST PRESENTED**

Senator Alvarado was recognized and introduced to the Senate Jennifer Garner.

The Senate welcomed its guest.

**(Senator Birdwell in Chair)**

#### **GUESTS PRESENTED**

Senator Campbell was recognized and introduced to the Senate Alicia Bodony and Tina Lucas of Kyle ER & Hospital.

The Senate welcomed its guests.

**SENATE RULE 7.07(b) SUSPENDED**  
**(Permission to Introduce)**  
**(Motion In Writing)**

Senators Schwertner, West, and Springer submitted the following Motion In Writing:

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b) to permit the introduction of bills and resolutions as follows:

**SB 2589** by Schwertner, Relating to the prosecution and punishment of juveniles who commit certain felony offenses while committed to the custody of the Texas Juvenile Justice Department and the waiver of jurisdiction and discretionary transfer of a child from a juvenile court to a criminal court; changing eligibility for community supervision.

**SB 2590** by West, Relating to participation in a deferred retirement option plan by members of the retirement systems for police and fire fighters in certain municipalities.

**SB 2591** by West, Relating to the appointment of the Department of Family and Protective Services and a child's parent or legal guardian as joint managing conservators for the child.

**SB 2593** by Springer, Relating to a defense to prosecution for certain assaultive offenses involving the use or exhibition of a less-lethal projectile device by a peace officer.

The Motion In Writing was read and prevailed without objection.

**SENATE BILLS ON FIRST READING**

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

**SB 2431** by Bettencourt

Relating to the Harris County Flood Control District; providing for the appointment of the governing body.

To Committee on Local Government.

**SB 2583** by Creighton

Relating to the eminent domain authority of the Crosby Municipal Utility District.

To Committee on Local Government.

**SB 2584** by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 219; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

**SB 2585** by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 235; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

**SB 2586** by Paxton, Johnson, Perry, Schwertner, Springer

Relating to the San Jacinto River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

To Committee on Water, Agriculture, and Rural Affairs.

**SB 2587** by Huffman

Relating to the creation of Fort Bend County Municipal Utility District No. 252; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

**SB 2588** by Huffman

Relating to the creation of the Fort Bend County Municipal Utility District No. 264; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

**SB 2589** by Schwertner

Relating to the prosecution and punishment of juveniles who commit certain felony offenses while committed to the custody of the Texas Juvenile Justice Department and the waiver of jurisdiction and discretionary transfer of a child from a juvenile court to a criminal court; changing eligibility for community supervision.

To Committee on Criminal Justice.

**SB 2590** by West

Relating to participation in a deferred retirement option plan by members of the retirement systems for police and fire fighters in certain municipalities.

To Committee on Finance.

**SB 2591** by West

Relating to the appointment of the Department of Family and Protective Services and a child's parent or legal guardian as joint managing conservators for the child.

To Committee on Health and Human Services.

**SB 2592** by Paxton, Johnson, Perry, Schwertner, Springer

Relating to the Lavaca-Navidad River Authority, following the recommendations of the Sunset Advisory Commission; altering terms of the board of directors; specifying grounds for the removal of a member of the board of directors.

To Committee on Water, Agriculture, and Rural Affairs.

**SB 2593** by Springer

Relating to a defense to prosecution for certain assaultive offenses involving the use or exhibition of a less-lethal projectile device by a peace officer.

To Committee on Criminal Justice.

## HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

**HB 28** to Committee on Criminal Justice.

**HB 584** to Subcommittee on Higher Education.

**HB 624** to Committee on Health and Human Services.

## SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Campbell.

Senator Campbell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

## NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Judge, 476th Judicial District Court, Hidalgo County: Ysmael D. Fonseca, Hidalgo County.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Erin Elizabeth Lunceford, Harris County.

Member, Board for Lease of Texas Parks and Wildlife Lands: Clifton Earl Bickerstaff, Potter County.

Commissioner, Board of Pilot Commissioners for Galveston County Ports: James Perry Bryan, Galveston County.

Members, Board of Directors, Brazos River Authority: Cynthia A. Flores, Williamson County; Christine T. Giese, Washington County; Charles Richard Huber, Hood County; Helen Jimenez, Fort Bend County; John Henry Luton, Hood County; Anthony Mbroh, Dallas County; David Ruiz, Bell County; William W. Taylor, McLennan County.

Members, Board of Directors, Coastal Water Authority: Thomas Allan Reiser, Harris County; Jon M. Sjolander, Liberty County; Douglas E. Walker, Chambers County.

Member, Council on Cardiovascular Disease and Stroke: Lourdes Matiana Cuellar, Harris County.

Members, Credit Union Commission: John D. Bleazard, Fort Bend County; Julia Rebecca Stockstill Cobb, Harris County.

Member, Finance Commission of Texas: Alice Roselyn Everts Morris, Hays County.

Members, Governing Board, Texas Indigent Defense Commission: Valerie Covey, Williamson County; Richard Arlan Evans, Bandera County; Mary Koehler McDonald Medary, Nueces County.

Member, Governing Board, Texas School for the Deaf: Kathy Lynn Sellers, Limestone County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Robert Edgar Blaschke, Refugio County; James Patrick Cohoon, Kendall County; John Cyrier, Caldwell County; Emanuel Valdez, Comal County.

Member, Board of Directors, Gulf Coast Authority: Amber Marie Batson, Harris County.

Members, Board of Directors, Nueces River Authority: Elizabeth Perez Aliseda, Bee County; Allan Penny Bloxson, Uvalde County; Ross G. Cansino, Live Oak County.

Member, Public Safety Commission: Steven Patrick Mach, Harris County.

Members, Risk Management Board, State Office of Risk Management: William E. Brown, Bexar County; Gerald Fontaine Ladner, Travis County.

Member, Board of Directors, San Antonio River Authority: Derek Jon Gaudlitz, Wilson County.

Members, Board of Directors, San Jacinto River Authority: Ronald Wyatt Anderson, Chambers County; Billie Ruth Buick, Montgomery County; Stephanie A. Johnson, Montgomery County.

Member, State Board of Dental Examiners: Ricky Paul Garcia, Harris County.

Member, State Cemetery Committee: Thomas Neal Sellers, Travis County.

Member, Texas Board of Architectural Examiners: Robert Scott Wetmore, Travis County.

Members, Board, Texas Department of Housing and Community Affairs: Anna Maria Farias, Bexar County; Holland Robert Harper, Lamar County.

Members, Texas Forensic Science Commission: Jeffrey Joseph Barnard, Dallas County; Mark G. Daniel, Tarrant County; Sarah Kerrigan, Montgomery County; Jarvis Jermaine Parsons, Brazos County.

Member, Texas Funeral Service Commission: Eric Christopher Opiela, Travis County.

Members, Texas Industrialized Building Code Council: Suzanne Rebecca Arnold, Dallas County; Janet Murray Hoffman, Galveston County; Edwin O. Lofton, Llano County, John Dilworth Scholl, Armstrong County; William Fletcher Smith, Hays County.

Members, Texas Low-Level Radioactive Waste Disposal Compact Commission: Linda Lane Morris, McLennan County; Sumana Nayak, Andrews County.



Member, Board of Directors, Texas Public Finance Authority: Lance Stephens Etcheverry, Henderson County.

Members, Texas State Board of Pharmacy: Ian Nicholas Shaw, Dallas County; Rebecca Tijerina, Bexar County; Jennifer Downing Yoakum, Gregg County.

Member, Texas State Board of Public Accountancy: Himesh Mukund Gandhi, Fort Bend County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Robert J. Bridge, Bee County; Joe Louis Canales, Collin County; Roberto Gerardo De Leon, Nueces County; Derek Matthew Delgado, Harris County; Senaida Galvan, Bexar County; Richard Lane Gann, Fort Bend County; Marcela S. Navarrete, El Paso County; Manish Seth, Fort Bend County.

Member, Texas Veterans Commission: Kevin Barber, Harris County.

Member, Veterans' Land Board: Gerald Judson Scott, Travis County.

### **NOMINEE CONFIRMED**

The following nominee, as reported by the Committee on Nominations, was confirmed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Miles.

Member, Texas Commission on Environmental Quality: Jonathan Karl Niermann, Travis County.

### **(President in Chair)**

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Karnes County delegation including Judge Jennifer Dillingham and Deputy Sheriff Jimmy Loya.

The Senate welcomed its guests.

### **CONCLUSION OF MORNING CALL**

The President at 12:08 p.m. announced the conclusion of morning call.

### **SENATE BILL 386 ON SECOND READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 386** at this time on its second reading:

**SB 386**, Relating to the prosecution of a capital murder committed against a peace officer or fireman.

The motion prevailed.

Senator Eckhardt asked to be recorded as voting "Nay" on suspension of the regular order of business.

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 except as follows:

Nays: Eckhardt.

#### **SENATE BILL 386 ON THIRD READING**

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE SENATE BILL 23 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 23** at this time on its second reading:

**CSSB 23**, Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision and parole for certain felony offenses in which a firearm is used or exhibited and to certain consequences on conviction of certain offenses.

The motion prevailed.

Senator Eckhardt asked to be recorded as voting "Nay" on suspension of the regular order of business.

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 except as follows:

Nays: Eckhardt.

#### **COMMITTEE SUBSTITUTE SENATE BILL 23 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**(Senator Kolkhorst in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1017 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSSB 1017** at this time on its second reading:

**CSSB 1017**, Relating to the authority of a political subdivision to regulate an energy source or engine.

The motion prevailed.

Senators Eckhardt and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

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 except as follows:

Nays: Eckhardt, Zaffirini.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1017 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1017** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire.

Nays: Eckhardt, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**(President in Chair)**

**(Senator Blanco in Chair)**

**SENATE BILL 580 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 580** at this time on its second reading:

**SB 580**, Relating to the authority of certain counties to cancel platted subdivisions that have remained undeveloped.

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 580 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 580** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1207 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1207** at this time on its second reading:

**CSSB 1207**, Relating to the retirement system in certain municipalities for firefighters and police officers.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1207 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1207** 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 1563 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1563** at this time on its second reading:

**SB 1563**, Relating to the eligibility of Sam Houston State University to receive formula funding for the Sam Houston State University College of Osteopathic Medicine.

The bill was read second time and was passed to engrossment by a viva vice vote.

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

**SENATE BILL 1563 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 1563** be placed on its third reading and final passage.



Respectfully,  
/s/Stephen Brown,  
Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 1287 ON THIRD READING**

Senator King moved to suspend the regular order of business to take up for consideration **CSSB 1287** at this time on its third reading and final passage:

**CSSB 1287**, Relating to the cost of interconnecting certain electric generation facilities with the ERCOT transmission system.

The motion 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.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 12 ON THIRD READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 12** at this time on its third reading and final passage:

**CSSB 12**, Relating to restricting certain sexually oriented performances on public property, on the premises of a commercial enterprise, or in the presence of a child; authorizing a civil penalty; creating a criminal offense.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**REMARKS ORDERED PRINTED**

On motion of Senator Middleton and by unanimous consent, the closing remarks by Senator Hughes regarding **CSSB 12** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President and Members. The bill we debated yesterday and had a lot of discussion about, I do want to clarify a couple of things that came up about whether the Penal Code already addresses this conduct. There was discussion about Section 43.24 and that section by definition does not cover performances of the kind we are dealing with. Section 43.24 protects minors from harmful material, and in the subchapter, Subchapter B that contains this materials defined by focus on tangible objects such as printed material. It does not speak to the actions of individuals or performances, in fact, the subchapter has a second definite section where they define performance, but it is not covered in that section of the Penal Code. So, to be clear, these kind of sexual performances in front of children are not currently covered by a law, and beyond that, we had a good discussion about vagueness about giving people notice. It is necessary for us to make sure the law is clear. And again, lest there be any confusion, this bill is about protecting minors. This bill says that minors should not be exposed to sexual performances. I hope we can all agree on that, and I move final passage.

### SENATE BILL 1601 ON THIRD READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 1601** at this time on its third reading and final passage:

**SB 1601**, Relating to prohibiting municipal libraries that host certain events from receiving state funding.

The motion prevailed by the following vote: Yeas 19, Nays 11, Present-not voting 1.

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, West, Whitmire, Zaffirini.

Present-not voting: Miles.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11, Present-not voting 2.

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, Johnson, LaMantia, Menéndez, West, Whitmire, Zaffirini.

Present-not voting: Miles, Nichols.

### REMARKS ORDERED PRINTED

On motion of Senator Hinojosa and by unanimous consent, the remarks by Senator Johnson regarding **CSSB 1601** on third reading were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President and Members. It's a statement on the bill but also on our votes. I want to be clear that a vote cast against this bill is not a vote cast for anything. We're not advocating for anything in any library or not in any library. Speaking personally, and probably for many of my colleagues, we're concerned about the drafting of the bill. It's overbroad and we think it may have consequences far beyond addressing the behavior and practices that it's intended to address. So, we are voting against it, and sadly, we tried to amend the bill yesterday with language taken directly from our closely related bill. The amendment was rejected. It would have strengthened the bill. It would have allowed it to achieve the purpose for which it was drafted initially without kind of leading to this expansive government, risky ambiguity that's presently in the bill. Senator Hughes, I wish you'd accepted the amendment, and then we all would have voted for this bill. Thank you, Mr. President.

### COMMITTEE SUBSTITUTE SENATE BILL 2015 ON THIRD READING

Senator King moved to suspend the regular order of business to take up for consideration **CSSB 2015** at this time on its third reading and final passage:

**CSSB 2015**, Relating to the legislature's goals for electric generation capacity in this state.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

### REMARKS ORDERED PRINTED

On motion of Senator Hinojosa and by unanimous consent, the remarks by Senators King and Hinojosa regarding **CSSB 2015** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Hinojosa.

**Senator Hinojosa:** Thank you, Mr. President. May I ask just some questions for legislative intent to Senator King?

**President:** Do you yield?

**Senator King:** Certainly.

**Senator Hinojosa:** Thank you, Senator King, for yielding. And I think we got the right bill this time.

**Senator King:** Yes, Sir.



**Senator Hinojosa:** Senate Bill 2015, as you know, we were having a discussion yesterday. Senator Blanco asked some questions for legislative intent, and I followed up with a project out of Corpus Christi, Port of Corpus Christi. And as you well know, hydrogen had become a great source of energy, not only in our state but throughout the United States. And hydrogen is both renewable and dispatchable, and my question is, under your definition in your bill, would hydrogen energy be considered dispatchable? This is one of those issues where this type of energy source can be both renewable and dispatchable.

**Senator King:** Certainly. Dispatchable refers to a continual heat source, or energy source that's not related to the weather, under this bill and under SB 3 from last session. And hydrogen, as I understand the technology, is one of those unique things that is both renewable and dispatchable. So, with regard to this bill, as I understand it, the hydrogen technology would absolutely be within the definition of dispatchable.

**Senator Hinojosa:** And it's safe to say that your bill, 2015, promotes and incentivizes investments in these renewable technologies, as it relates specifically to hydrogen energy because it's also dispatchable.

**Senator King:** Yes. The bill is technology neutral. It simply works toward that definition of dispatchable, and hydrogen certainly fits within that.

**Senator Hinojosa:** Thank you for answering my questions.

**Senator King:** Thank you, Senator.

**Senator Hinojosa:** And, Mr. President, I would move that the exchange between Senator King and myself be reduced to writing in the Journal.

### **COMMITTEE SUBSTITUTE SENATE BILL 20 ON THIRD READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 20** at this time on its third reading and final passage:

**CSSB 20**, Relating to the enforcement of criminal offenses by district attorneys, criminal district attorneys, and county attorneys.

The motion prevailed by the following vote: Yeas 20, Nays 11.

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

### **REASON FOR VOTE ON COMMITTEE SUBSTITUTE SENATE BILL 20**

Senator Blanco submitted the following statement regarding **CSSB 20**:

"My vote for Senate Bill 20 was through the lens of a mass shooting that occurred in my community.

"As a legislator who represents a community that has been devastated by racist mass gun violence, I wholeheartedly believe it is our responsibility to take necessary measures to ensure the safety of our communities. Gun violence is the leading cause of death in kids, according to the CDC, and in a state with loose gun laws, we need enforcement. Just last year, a District Attorney in El Paso, who has since resigned, was failing to prosecute this atrocious racist mass shooting.

"I voted for SB 20 from this perspective.

"Since this vote, I have heard from a handful of allies and organizations who have expressed their concerns from a variety of perspectives including women's health, election cases, and first-time drug offenders.

"While my initial vote had good intentions for my community from the gun violence lens, these organizations have made me aware of the broader concerns and implications of SB 20. Taking their concerns into account, I will be switching my vote to Nay."

BLANCO

**COMMITTEE SUBSTITUTE  
SENATE BILL 21 ON THIRD READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 21** at this time on its third reading and final passage:

**CSSB 21**, Relating to the discipline of judges by the State Commission on Judicial Conduct and the legislature.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 821 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 821** at this time on its second reading:

**CSSB 821**, Relating to the review by the Sunset Advisory Commission of the sale of personal data by state agencies.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 821 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 821** 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 1216 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **SB 1216** at this time on its second reading:

**SB 1216**, Relating to the issuance of a license to carry a handgun to certain active and retired judicial officers.

The motion prevailed.

Senators Eckhardt and Johnson asked to be recorded as voting "Nay" on suspension of the regular order of business.

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 except as follows:

Nays: Eckhardt, Johnson.

**SENATE BILL 1216 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1216** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Johnson.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**SENATE BILL 959 ON THIRD READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 959** at this time on its third reading and final passage:

**SB 959**, Relating to certain prohibited transactions between an open-enrollment charter school and an abortion provider or affiliate of the provider.

The motion 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.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

### SENATE BILL 426 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **SB 426** at this time on its second reading:

**SB 426**, Relating to patient access to prescription drugs for off-label use for COVID-19 treatment.

The motion prevailed.

Senator Eckhardt asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 426** (senate committee printing) as follows:

(1) In SECTION 1 (b) (3) of the bill, in the nonamendatory language (page 1, line 29), strike ", administering, or dispensing".

(2) In SECTION 1 (b) (3) of the bill, in the nonamendatory language (page 1, line 33), strike ", administer, and dispense".

(3) In SECTION 2 of the bill, in added Section 490.002, Health and Safety Code (page 1, line 49), strike "administering, and dispensing".

(4) In SECTION 2 of the bill, in added Section 490.003, Health and Safety Code (page 1, line 55), strike "administering, or dispensing".

(5) In SECTION 2 of the bill, in added Section 490.005, Health and Safety Code (page 2, lines 8-9), strike "administering, or dispensing".

The amendment to **SB 426** 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.

**SB 426** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Eckhardt.

### SENATE BILL 426 ON THIRD READING

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 426** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**(President Pro Tempore Hancock in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 991 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 991** at this time on its second reading:

**CSSB 991**, Relating to the establishment of a crime laboratory portal by the Department of Public Safety of the State of Texas and to disciplinary proceedings applicable to a crime laboratory or license holder investigated by the Texas Forensic Science Commission.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 991** (senate committee printing) in SECTION 2 of the bill, immediately following added Section 411.163(a), Government Code (page 2, line 36), by inserting "The department by rule may exempt a crime laboratory from the requirements of this subsection if the department determines that the crime laboratory:

(1) is located outside of this state; and

(2) performs an insufficient number of forensic analyses in criminal actions in this state to warrant participation in the crime laboratory portal."

The amendment to **CSSB 991** 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.

**CSSB 991** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 991 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 991** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 602 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 602** at this time on its second reading:

**CSSB 602**, Relating to the law enforcement authority of federal border patrol agents.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 602** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Article 2.122(c-1), Code of Criminal Procedure (page 1, lines 22 through 32), and substitute the following:

(c-1) In addition to the power granted under Subsection (c), a Border Patrol Agent of the United States Customs and Border Protection has the powers of arrest and search and seizure as to any felony offense under the laws of this state if the arrest, search, or seizure:

(1) occurs on the premises of a port facility designated by the commissioner of the United States Customs and Border Protection as a port of entry or at a border patrol traffic checkpoint; and

(2) is incident to a detainment under federal law.

(2) In SECTION 2 of the bill, in the nonamendatory language (page 1, line 37), strike "counties in that sector in" and substitute "circumstances under".

The amendment to **CSSB 602** 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 Flores offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 602** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Article 2.122(c-1), Code of Criminal Procedure (page 1, line 24), between "Protection" and "has", insert "who completed the training program described by Section 411.02093, Government Code,".

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

SECTION \_\_\_\_\_. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.02093 to read as follows:

Sec. 411.02093. STATE CRIMINAL LAW TRAINING PROGRAM FOR BORDER PATROL AGENTS. (a) The department shall:

(1) develop a training program for Border Patrol Agents of the United States Customs and Border Protection on the criminal laws of this state, including laws relating to arrest, search, and seizure; and

(2) on request, provide the training program developed under Subdivision (1) to a Border Patrol Agent.

(b) The department may enter into a written agreement with the United States Customs and Border Protection for purposes of providing the training program developed under this section.

The amendment to **CSSB 602** 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.

**CSSB 602** as amended was passed to engrossment by a viva voce vote.

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

### COMMITTEE SUBSTITUTE SENATE BILL 602 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 602** 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 798 ON SECOND READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **SB 798** at this time on its second reading:

**SB 798**, Relating to the certification requirements for a public school counselor.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Alvarado, Blanco, Gutierrez, Menéndez, Miles, Whitmire, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

### SENATE BILL 798 ON THIRD READING

Senator Middleton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West.

Nays: Alvarado, Gutierrez, Menéndez, Miles, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Alvarado, Blanco, Gutierrez, Menéndez, Miles, Whitmire, Zaffirini.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1003 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1003** at this time on its second reading:

**CSSB 1003**, Relating to disclosure requirements for health care provider directories maintained by certain health benefit plan issuers.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1003 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1003** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1015 ON SECOND READING**

On motion of Senator King and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1015** at this time on its second reading:

**CSSB 1015**, Relating to periodic rate adjustments by electric utilities.

The bill was read second time.

**(President in Chair)**

Senator King offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1015** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike amended Section 36.210(a)(1), Utilities Code (page 1, lines 39 through 50), and substitute the following:

(1) be approved or denied in accordance with a an expedited procedure that[=



~~[(A) provides for appropriate updates of information;~~  
~~[(B)] allows for participation by the office and affected parties; [and~~  
~~[(C) extends for not less than 60 days;]~~

(2) take into account changes in the number of an electric utility's customers and the effects, on a weather-normalized basis, that energy consumption and energy demand have on the amount of revenue recovered through the electric utility's base rates;

(2) In SECTION 1 of the bill, in amended Section 36.210(a), Utilities Code:

(A) (page 1, line 51), strike "(2) [~~(2)~~]" and substitute "(3)";

(B) (page 1, line 59), strike "(3) [~~(4)~~]" and substitute "(4)";

(C) (page 2, line 5), strike "(4) [~~(5)~~]" and substitute "(5)"; and

(D) (page 2, line 7), strike "(5) [~~(6)~~]" and substitute "(6)".

(3) In SECTION 1 of the bill, in amended Section 36.210(f)(3), Utilities Code (page 2, line 25), strike "or".

(4) In SECTION 1 of the bill, strike amended Section 36.210(f)(4), Utilities Code (page 2, lines 26 through 40), and substitute the following:

(4) ~~[limit the jurisdiction of a municipality over the rates, operations, and services of an electric utility as provided by Section 33.001;~~

~~[(5)]~~ limit the ability of a municipality to obtain a reimbursement under Section 33.023 for the reasonable cost of services of a person engaged in an activity described by that section; or

(5) ~~[(6)]~~ prevent the commission from:

(A) reviewing the investment costs included in a periodic rate adjustment or in the following comprehensive base rate proceeding to determine whether the costs were prudent, reasonable, and necessary; or

(B) refunding to customers any amount improperly recovered through the periodic rate adjustments, with appropriate carrying costs.

(5) In SECTION 1 of the bill, at the end of added Section 36.210(i), Utilities Code (page 2, line 66), following the period, add "The commission may extend the deadline for not more than 15 days for good cause.".

The amendment to **CSSB 1015** 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.

**CSSB 1015** as amended was passed to engrossment by a viva voce vote.

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

### COMMITTEE SUBSTITUTE SENATE BILL 1015 ON THIRD READING

Senator King moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1015** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 7 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 7** at this time on its second reading:

**CSSB 7**, Relating to the reliability of the ERCOT power grid.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 7** (senate committee printing) in SECTION 1 of the bill by striking amended Section 39.159(b)(6)(C), Utilities Code (page 2, lines 12-15), and substituting the following:

(C) for each load serving entity, the difference between the mean of the highest quartile of total ERCOT load and the mean of total ERCOT load during the net load hours, multiplied by the load ratio share of each load serving entity during the net load hours.

JOHNSON  
MENÉNDEZ  
SCHWERTNER  
ZAFFIRINI

The amendment to **CSSB 7** 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 Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 7** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 33), strike "and (e)" and substitute "(e), and (f)".

(2) In SECTION 2 of the bill, in added Section 39.159(d)(2)(A), Utilities Code (page 2, line 36) strike "10 hours" and substitute "four hours".

(2) In SECTION 2 of the bill, immediately following added Section 39.159(e), Utilities Code (page 2, between lines 49 and 50), add the following new Subsection (f):

(f) Notwithstanding Subsection (d)(2)(A), the independent organization certified under Section 39.151 for the ERCOT power region may require a resource to be capable of running for more that 4 hours as the organization determines is needed.

ZAFFIRINI  
JOHNSON  
MENÉNDEZ  
SCHWERTNER

The amendment to **CSSB 7** 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 Menéndez offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 7** (senate committee printing) in SECTION 2 of the bill by striking added Section 39.159(e), Utilities Code (page 2, lines 45-49), and substituting the following:

(e) The commission may adopt additional programs under Subsection (b) at the same time as the program adopted under Subsection (d).

MENÉNDEZ  
JOHNSON  
SCHWERTNER  
ZAFFIRINI

The amendment to **CSSB 7** 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.

**CSSB 7** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 7 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 7** 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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 6 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 6** at this time on its second reading:

**CSSB 6**, Relating to the establishment of the Texas Energy Insurance Program and other funding mechanisms to support the construction and operation of electric generating facilities.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire.

Nays: Eckhardt, Gutierrez, LaMantia, Menéndez, Miles, Zaffirini.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 6** (senate committee report), in SECTION 2.01 of the bill, in added Section 34.0103(e)(1), Utilities Code (page 10, line 63), by striking "after" and substituting "before".

The amendment to **CSSB 6** 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.

**CSSB 6** as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

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

Nays: Alvarado, Eckhardt, Gutierrez, Hancock, Johnson, LaMantia, Menéndez, Miles, Zaffirini.

**COMMITTEE SUBSTITUTE  
SENATE BILL 6 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire.

Nays: Eckhardt, Gutierrez, LaMantia, Menéndez, Miles, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

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

Nays: Alvarado, Eckhardt, Gutierrez, Hancock, Johnson, LaMantia, Menéndez, Miles, Zaffirini.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, April 5, 2023 - 3

The Honorable President of the Senate  
Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 4** Capriglione

Relating to the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities; imposing a civil penalty.

**HB 456** Craddick

Relating to an exemption from ad valorem taxation of certain royalty interests owned by a charitable organization.

**HB 471** Patterson

Relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury.

**HB 729** Rose

Relating to the statewide intellectual and developmental disability coordinating council.

**HB 796** Button

Relating to the creation and maintenance by an appraisal district of a publicly available Internet database of information regarding protest hearings conducted by the appraisal review board established for the district.

**HB 1315** Herrero

Relating to the creation of the open burn pit registry fund and the issuance of specialty license plates to honor members of the United States armed forces exposed to open burn pits.

**HB 2468** Burrows

Relating to the entitlement of an injured employee to lifetime income benefits under the workers' compensation system.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 2012 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 2012** at this time on its second reading:

**CSSB 2012**, Relating to electricity services; increasing an administrative penalty.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Alvarado, Eckhardt, Gutierrez.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **CSSB 2012** (senate committee printing) in SECTION 3 of the bill by striking amended Section 39.159(b)(6)(C), Utilities Code (page 2, lines 39-42), and substituting the following:

(C) for each load serving entity, the difference between the mean of the highest quartile of total ERCOT load and the mean of total ERCOT load during the net load hours, multiplied by the load ratio share of each load serving entity during the net load hours.

JOHNSON  
MENÉNDEZ  
SCHWERTNER  
ZAFFIRINI

The amendment to **CSSB 2012** 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 Menéndez offered the following amendment to the bill:

### Floor Amendment No. 2

Amend **CSSB 2012** (senate committee report) as follows:

(1) Strike SECTION 6 of the bill (page 4, line 33, through page 5, line 14) and renumber subsequent SECTIONS accordingly.

(2) Strike SECTION 7(c) of the bill (page 5, lines 25 through 29).

MENÉNDEZ  
JOHNSON  
SCHWERTNER  
ZAFFIRINI

The amendment to **CSSB 2012** 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 Zaffirini offered the following amendment to the bill:

### Floor Amendment No. 3

Amend **CSSB 2012** (senate committee printing) in SECTION 4 of the bill, in added Section 39.1595, Utilities Code (page 3, between lines 43 and 44), by adding the following:

(e) Notwithstanding Subsection (a):

(1) the Grid Reliability Legislative Oversight Committee established under Section 39.1596 may recommend that the commission continue to implement a program described by Subsection (a) if not more than one requirement under the subdivisions of Subsection (a) is not met; and

(2) based on a recommendation made under Subdivision (1), the commission by rule may authorize the continuation of a program described by Subsection (a) if not more than one requirement under the subdivisions of Subsection (a) is not met.

ZAFFIRINI  
JOHNSON  
MENÉNDEZ  
SCHWERTNER

The amendment to **CSSB 2012** 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.

**CSSB 2012** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2012 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2012** 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.

**ACKNOWLEDGMENT**

The President acknowledged the presence of a Burton Adventist Academy delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1238 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1238** at this time on its second reading:

**CSSB 1238**, Relating to broadband development.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1238** (senate committee report) in SECTION 2 of the bill, amending Section 490I.0105(a)(1), Government Code (page 1, line 56), by striking "Subdivision (2)" and substituting "Section 490I.0101(a)".

The amendment to **CSSB 1238** 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.

**CSSB 1238** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1238 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1238** 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.

**REMARKS ORDERED PRINTED**

On motion of Senator Hinojosa and by unanimous consent, remarks by Senators Nichols and Hinojosa regarding **CSSB 1238** on suspension of the regular order of business were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Hinojosa:** I do want clarification that Senator Nichols made on Senate Bill 1238, that a community city who—

**Senator Nichols:** I can repeat it. If a commercial provider doesn't apply, a city non-commercial provider can apply.

**Senator Hinojosa:** So, then a city would qualify and be eligible for assistance if a commercial operator was not interested in coming in to assist and provide broadband.

**Senator Nichols:** Yes.

**Senator Hinojosa:** Okay. So then, so then a city who actually invested funds or incurred credit on their own because there was no commercial operator that wanted to come in and invest on broadband, they would qualify for assistance from the state or federal government on Senate Bill 1238.

**Senator Nichols:** That is my understanding.

**Senator Hinojosa:** Mr. President, I would ask that that last exchange between Senator Nichols and myself be put into writing and entered into the Journal.

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 73, HCR 84.**



**GUEST PRESENTED**

Senator King was recognized and introduced to the Senate Leah Vukmir.

The Senate welcomed its guest.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Border Security might meet upon recess today in the Press Room, 2E.9.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet upon recess today in the Press Room, 2E.9.

**CO-AUTHOR OF SENATE BILL 6**

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 6**.

**CO-AUTHOR OF SENATE BILL 12**

On motion of Senator Hughes, Senator Springer will be shown as Co-author of **SB 12**.

**CO-AUTHOR OF SENATE BILL 20**

On motion of Senator Huffman, Senator Hughes will be shown as Co-author of **SB 20**.

**CO-AUTHOR OF SENATE BILL 130**

On motion of Senator Campbell, Senator Sparks will be shown as Co-author of **SB 130**.

**CO-AUTHOR OF SENATE BILL 260**

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 260**.

**CO-AUTHORS OF SENATE BILL 386**

On motion of Senator Hall, Senators Creighton and Whitmire will be shown as Co-authors of **SB 386**.

**CO-AUTHOR OF SENATE BILL 614**

On motion of Senator Perry, Senator Sparks will be shown as Co-author of **SB 614**.

**CO-AUTHOR OF SENATE BILL 667**

On motion of Senator West, Senator Miles will be shown as Co-author of **SB 667**.

**CO-AUTHOR OF SENATE BILL 821**

On motion of Senator West, Senator Nichols will be shown as Co-author of **SB 821**.

**CO-AUTHOR OF SENATE BILL 1070**

On motion of Senator Hughes, Senator Hall will be shown as Co-author of **SB 1070**.

**CO-AUTHORS OF SENATE BILL 1238**

On motion of Senator Nichols, Senators West and Whitmire will be shown as Co-authors of **SB 1238**.

**CO-AUTHOR OF SENATE BILL 1601**

On motion of Senator Springer, Senator Hughes will be shown as Co-author of **SB 1601**.

**CO-AUTHOR OF SENATE BILL 1803**

On motion of Senator Springer, Senator West will be shown as Co-author of **SB 1803**.

**CO-AUTHORS OF SENATE BILL 1849**

On motion of Senator Kolkhorst, Senators Hall and Miles will be shown as Co-authors of **SB 1849**.

**CO-AUTHOR OF SENATE BILL 1854**

On motion of Senator Paxton, Senator West will be shown as Co-author of **SB 1854**.

**CO-AUTHOR OF SENATE BILL 1907**

On motion of Senator Bettencourt, Senator Parker will be shown as Co-author of **SB 1907**.

**CO-AUTHOR OF SENATE BILL 1938**

On motion of Senator Bettencourt, Senator Parker will be shown as Co-author of **SB 1938**.

**CO-AUTHOR OF SENATE BILL 1950**

On motion of Senator Bettencourt, Senator Parker will be shown as Co-author of **SB 1950**.

**CO-AUTHOR OF SENATE BILL 2109**

On motion of Senator Johnson, Senator Blanco will be shown as Co-author of **SB 2109**.

**CO-AUTHOR OF SENATE BILL 2289**

On motion of Senator Huffman, Senator Whitmire will be shown as Co-author of **SB 2289**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 13**

On motion of Senator West, Senator Miles will be shown as Co-author of **SCR 13**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 87**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SJR 87**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**HCR 95** (King and Springer), In memory of Patricia "Pat" Martin of Parker County.

**Congratulatory Resolutions**

**SR 386** by Birdwell, Congratulating the La Vega High School girls' basketball team for winning a state championship.

**HCR 92** (King and Springer), Congratulating the Parker County Sheriff's Posse on its 75th anniversary.

**Official Designation Resolution**

**SR 391** by Zaffirini, Recognizing April 5, 2023, as Karnes County Day.

**RECESS**

On motion of Senator Whitmire, the Senate at 3:52 p.m. recessed until 8:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

April 5, 2023

JURISPRUDENCE — **CSSB 590**

VETERAN AFFAIRS — **SB 1376, SB 1859, CSSB 422**

FINANCE — **CSSB 1614**

STATE AFFAIRS — **CSSB 1705, CSSB 1060, CSSB 1820, CSSB 477, CSSB 1911, CSSB 924, CSSB 1039, CSSB 1807**

TRANSPORTATION — **SB 702, SB 790, SB 1182, SB 1364, SB 1524, SB 1663, SB 1869, SB 1914**

**BUSINESS AND COMMERCE — SB 1568, SB 1835, SB 1083, SB 1464, SB 1076, SB 761**

**CRIMINAL JUSTICE — SB 533, SB 1361, SB 1562, CSSB 1325**

**BUSINESS AND COMMERCE — CSSB 1751, CSSB 1929, CSSB 1699, CSSB 1425, CSSB 1117, CSSB 853**

**BILLS ENGROSSED**

April 5, 2023

**SB 6, SB 7, SB 12, SB 20, SB 21, SB 23, SB 386, SB 426, SB 580, SB 602, SB 798, SB 821, SB 959, SB 991, SB 1003, SB 1015, SB 1017, SB 1207, SB 1216, SB 1238, SB 1287, SB 1563, SB 1601, SB 1831, SB 2012, SB 2015**

**RESOLUTIONS ENROLLED**

April 5, 2023

**SR 386, SR 389, SR 390, SR 391**