

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 10, 2023)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Eighty-eighth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the 10th day of January, 2023, at 12:00 noon.

The Honorable Dan Patrick, Lieutenant Governor and President of the Senate, called the Senate to order.

Scot Wall, State Minister, Capitol Commission Texas, offered the invocation as follows:

Heavenly Father, as we begin the new year and a new session, we are grateful that Your mercies are new every morning, that Your love never ceases for us, and that You are ever faithful, even when we are not. We desire that Your will be done in this Chamber and the one across the rotunda. Help us to be quick to forgive others as You have forgiven us. Keep us from thoughts and actions that are from the evil one and not from You for You are the mighty one whose kingdom is forever. We commit this very important session and all of the decisions made here into Your hands. In Jesus' name I pray, Amen.

MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS

Secretary of State

I, JOHN B. SCOTT, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in district order, of the members of the Senate of the 88th Legislature, 2023, whose election on November 8, 2022, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 21st day of December, 2022.

(Seal)

/s/John B. Scott
Secretary of State

TEXAS SENATORS ELECTED NOVEMBER 8, 2022

State Senator, District 1	Bryan Hughes
State Senator, District 2	Bob Hall
State Senator, District 3	Robert Nichols
State Senator, District 4	Brandon Creighton
State Senator, District 5	Charles Schwertner
State Senator, District 6	Carol Alvarado
State Senator, District 7	Paul Bettencourt
State Senator, District 8	Angela Paxton
State Senator, District 9	Kelly Hancock
State Senator, District 10	Phil King
State Senator, District 11	Mayes Middleton
State Senator, District 12	Tan Parker
State Senator, District 13	Borris L. Miles
State Senator, District 14	Sarah Eckhardt
State Senator, District 15	John Whitmire
State Senator, District 16	Nathan Johnson
State Senator, District 17	Joan Huffman
State Senator, District 18	Lois W. Kolkhorst
State Senator, District 19	Roland Gutierrez
State Senator, District 20	Juan "Chuy" Hinojosa
State Senator, District 21	Judith Zaffirini
State Senator, District 22	Brian Birdwell
State Senator, District 23	Royce West
State Senator, District 24	Pete Flores
State Senator, District 25	Donna Campbell
State Senator, District 26	José Menéndez
State Senator, District 27	Morgan LaMantia
State Senator, District 28	Charles Perry
State Senator, District 29	César J. Blanco
State Senator, District 30	Drew Springer
State Senator, District 31	Kevin Sparks

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of newly elected Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names: 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, and Zaffirini

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Nathan L. Hecht administered the Constitutional Oath of Office to the Senators-elect as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of Senator of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

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

APPRECIATION EXTENDED

The President extended appreciation to Chief Justice Nathan L. Hecht for his assistance in the opening session of the 88th Legislature.

ACKNOWLEDGMENTS

The President acknowledged the presence of Mike Morath, Texas Commissioner of Education; Dawn Buckingham, Texas Land Commissioner; Glenn Hegar, Comptroller of Public Accounts; Supreme Court Justices Debra Lehrmann, Jeff Boyd, John Phillip Devine, Jimmy Blacklock, Brett Busby, Jane Bland, Rebeca Aizpuru Huddle, and Evan A. Young; and Court of Criminal Appeals Judges Sharon Keller, Barbara Hervey, Bert Richardson, Kevin Yeary, David Newell, Mary Lou Keel, Scott Walker, Michelle Slaughter, and Jesse F. McClure III.

The Senate welcomed its guests.

AT EASE

The President at 12:20 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:35 p.m. called the Senate to order as In Legislative Session.

ELECTION OF PRESIDENT PRO TEMPORE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

The President announced that the time had arrived for the election of President Pro Tempore of the 88th Legislature, Regular Session.

Senator Nichols placed in nomination the name of Senator Kelly Hancock for the office of President Pro Tempore of the 88th Legislature, Regular Session.

On motion of Senator Nichols, Senator Hancock was elected President Pro Tempore by acclamation.

The President declared that the Honorable Kelly Hancock had been duly elected President Pro Tempore of the 88th Legislature, Regular Session, by acclamation.

The President appointed the following committee to escort Senator Hancock and his party to the President's Rostrum: Senators Bettencourt, Birdwell, Campbell, Huffman, Nichols, Perry, Whitmire, and Zaffirini.

Senator Hancock and his party were then escorted to the President's Rostrum by the committee.

OATH OF OFFICE ADMINISTERED

The President administered the Constitutional Oath of Office to Kelly Hancock as follows:

I, Kelly Hancock, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

ADDRESS BY PRESIDENT PRO TEMPORE

President Pro Tempore Hancock addressed the Senate as follows:

Yeah, thank you. Thank you all, thank you for those that have been here. I know it's been a long day. I want to specifically thank my Escort Committee. I know, Senator Birdwell, you were packing, so I felt safe on doing that. And the wonderful speeches, I think it does show what we have here in the Texas Senate, that you heard from a bipartisan group. And similar things could be said about every Member here. Every Member here is special in different ways. So, I'm very thankful for the speeches, but more importantly for the deep friendships that we hold as a Senate body. This is a very, very unique place, and I love its history and I love the future that we have for it. And I guess lastly, but really most of all, I want to thank my wife and my family. Those of us that serve know the sacrifices that take place. You see, my kids were young when I started. And Robin dealt with things while I was here, and yeah, I ran home, but a lot of times I ran home after things were taking place. She is my rock, next to God. It's close. And we do deeply love one another, we enjoy spending time together. And she literally has taken care of me. You see, I wasn't sure I would be here in this place, even last session. I suffered with kidney failure for 30 years as you heard. They didn't say 30 years, but yeah, 31 years. Ol' Chloe had just been born, a couple of months old, had a serious bout where I lost 50 percent very quickly. After several tests, biopsies and so forth, and they came back and said that I had a very, very rare disease that could take my kidneys in two days, two months, two years. God gave me 31. Several sessions ago I was told it would be one or two years before I was on dialysis. God gave me six. And then, literally, I wouldn't be here today if God hadn't given me a family that was willing to donate their kidney so that I may be here. And then God did another thing, He gave me a son-in-law that, no, I didn't test his blood type before I said yes, he could marry my daughter. But it turns out of even all of my siblings and all of my family, the doctor said he was a better match than anybody else. And he voluntarily gave up one of his so that I could have three. Now, two of them don't work, but I just needed one,

he just needs one. But more importantly, God gave me a son-in-law that believes and trusts in our Father and was willing to sacrifice and serve in a way that I will tell you during the interview, when we did an interview with the TV, he said, Well, I didn't do anything that he wouldn't do. We didn't talk about that. But, Whitmire, for you, you got it, baby. I mean, you can have the ones that don't work, just to be clear. But he embodied the type of service that we really talk about. And I was so disappointed as I was preparing to be here, and I know we all need to go, but as we look at service, which is why we all started down this path, it's said that service is intangible. And I look at this state, and I know personally as a recipient of someone else's organ, that they're wrong. Now, it doesn't surprise Lieutenant Governor Patrick that I would call somebody wrong that actually wrote dictionary definitions. But it is tangible and we see it in the State of Texas. We see that your service, our service, has made tangible changes in this state. But just as importantly, would you agree with me, colleagues, that it changes us? That they are tangible, we take away something every time we do good for others. So, it is tangible for certain. And where did this service start? Well, for me it started when Chloe was a baby. You see, in the State of Texas your street address decides where your kid is going to school. So, we had a baby at home and we were a young couple. Couldn't afford to move again. Couldn't afford private school. And so, I decided, I think it was Senator Whitmire or Senator Nichols that may have said it, I'm very much a forward thinker, and I'm like, alright, I got five years to make an impact here. Served on the school board 13 years. About the time I was deciding to get off, just felt like God was telling me somebody else needs to lead. You've led, you need to move on. Well, unfortunately, at that time we had an open seat, a seat that was going to come open in the Texas House. And I made the mistake of having lunch with a bunch of businessmen from our community who had asked me to run for the Texas House. Yeah, I had just started a business, certainly this is not what God had in mind. Came home after that lunch, Robin was in the kitchen and she asked what was it about. And I said, Well, they want me to run for the Texas House. Yeah, we weren't making money. Yeah, I left a nice job. And she said, Well, what's God say? You got to hate that when that happens, and you better have something. But you can't make it up. And so, God laid Ephesians 5:15 and 16 on my heart. Says, Be as the wise, not as the unwise, making the most of every opportunity for the days are evil. And we simply decided together that this was an opportunity that God had brought about and we need to be obedient. As stupid as it sounded for a young couple with a new business that was not making money, to run for public office and spend time away. But God blessed that time and I served in the House for six years. Then Governor Perry, in redistricting, had asked me to run for the Texas Senate. And I had the privilege to join this body and this place, which I love because it's different. And the history tells us it's different. See, I love Texas history, I love the fact that we can go back and see that this structure here was built in 1888, started in 1882. The first Pro Tem selected in 1846, right

after we joined the Union. There's significance to this place. There are times you stand in awe of just being here, if you just look around and appreciate it. And when you can't, it's time to go home. But I read about a man, George T. Ruby, Senator George T. Ruby, 1869. Senator West, Senator Miles, the very first African American ever elected to the Texas Senate. And not surprisingly, he was selected and everybody considered him an incredible radical. Senator Miles, I know you can't imagine that. But he came into the Senate and had a very successful legislative career. And what was written about him in history is that he was a man of diplomacy and a man of tact. Wouldn't you say that describes the Senate? On most days. A place of diplomacy and tact. And what's that diplomacy and tact got us? Success is what it's got us. As a start, and more importantly the hand of God has allowed Texas to be at this point in time when we serve, when we are starting a new session, to be in a position that we have one of the largest population growths in the State of Texas. We have more Fortune 500 companies headquartered here than any other state. We're the number one job creator in the State of Texas. Our oil and gas production is number one in the country. And our electric generation is number one in the country as well, generating more electricity both, than both California and New York combined. You see, those that came before us have done well. And now, it's our turn. And we have 140 days, which reminds me that we are to make the most of every opportunity. But one of the things in this verse that I'd always forget, I never understood how it ended in the days are evil. But then I've learned through studying this over and over, the days are evil when we don't take the most of every opportunity. And then scripture tells us how to do that, it tells us where to serve with, first, faithfulness. Faithfulness to God, trusting in him for the wisdom to do our jobs. Self-control, self-control for me is controlling my ego, my pride, my selfishness, allowing God to lead, and not moan. Patience, it doesn't always happen in a day. Legislation is a process. Balance billing, Senator Whitmire, 10 years. Spending cap, which we passed last session. Carried it in the House. Carried it here. It wasn't until the fourth session that we established a new spending cap with population and inflation, allowing us to give money back to those that gave it to the state if we have excess. Goodness, that the things we do should be out of the goodness of our heart, but we have no goodness in our heart apart from God and apart from our faith, which puts our reliance back on God himself. Gentleness, I am not known as a compassionate guy. I have to remember gentleness is important for us to work together, to do it in a gentle way. I forget that at times. Joy, this is a wonderful privilege, wonderful privilege to serve here. But sometimes we get caught up in the mess that we forget the joy of serving here. Yes, Senator Patrick, we had a great time last night. It was joyful, let that carry through this session. Let's find times of joyfulness. Kindness, many times it's difficult here to treat one another with kindness, but I believe success that we've achieved through diplomacy and tact, kindness is necessary and important. Peace, my kids had asked me how I slept last night. You see, I don't like this stuff. If you

heard a little bit, the background of what you heard is I like doing things and I like fixing things, and, yes, I consider myself a little bit of a workaholic, but I don't like necessarily being out front. Even when we were lining up behind the Escort Committee, I was lining up, like, behind the Escort Committee. But I slept well, I slept with peace. And that is because of my faith. Because I know I'm not in control, but my God is. And I rest peacefully in that. May you find your peace this session. They can be difficult, trust me. Trust in something that you can find peace in. And most importantly, and I thought it was interesting that Scot, who leads our Bible study, prayed about loving one another. Because the last that I will leave you with is the most important of all, that we love one another, that we love all Texans, not just our party. We can love the process. Because truly, as my parents have recently shown me, both parents in memory care with dementia, my mom's on hospice, my dad can't remember my mom's name, not sure if he knows that he's even married to her. But they will lay in bed, resting, holding hands. Cause, colleagues, at the end of the day what we do here, if we can't walk away loving one another and working together, at the end of the day it means nothing. So, as we start these 140 days, my friends may remember that, that we love one another as we accomplish and make the most of every opportunity that lies before us. Thank you all very much, I appreciate it. I'm very, very honored. I love this place, I love what we do here. Thank you.

ACKNOWLEDGMENT

The President acknowledged the presence of Cecilia Abbott, First Lady of the State of Texas.

The Senate welcomed its guest.

ADDRESS BY GOVERNOR

The President presented to the Senate the Honorable Greg Abbott, who addressed the Senate as follows:

Well thank you very much. Honor to be with y'all here today, and on such a very special occasion. I know that Cecilia joins me in the honor of getting to see you all on the very first day of the session. I'm also proud to have with me in general in our administration someone who cannot be here this very moment because she is in charge of proceedings on the other side of the Capitol, but I'm so happy to have as our new Secretary of State, Senator Jane Nelson. Senator Hancock, very profound words on your part. Good luck, congratulations to you. I know that there are a lot of things that led to your profound recovery. One of those things was the collective prayers of the people in this room who love and support you and will be by your side every step of the way. I join you today with a hoarse voice and with a sense of tiredness and sadness that's shared by none other than Senator Lois Kolkhorst. I was going to say very interestingly, Lois, I'm wearing purple today. I'm not, till I saw your shoes did I see it, but you're wearing black, hopefully that's not because of what happened last night.

Always Bettencourt doing the math on it. Exactly, but so I'm sorry that I missed the wonderful event that y'all had last night, but it's great to see you all here today. And let me start by congratulating the new Members. I know that there are some new Members who are in the Senate for the first time who previously served in the House, but also some new Members who, this is the first time that they have served in the Texas Capitol. And it is so meaningful to you, but also so meaningful to the state for you to step up and offer yourself for service going through the crucible of an election process to reach this moment. But when you consider everything that you went through, through your campaign getting to this moment, maybe the most important thing to realize is you're just now at the starting line. This is the beginning of your service all the way through the next 140 days. And I think that you will feel the same way that your peers in this room feel and that is the next 140 days will be one of the most consequential times that you have spent in your life. And at the same time I want to congratulate those who have been re-elected. You know, the thing about this, the fact that you're back here in this Chamber is a reaffirmation of what you have been doing for your constituents. You should feel proud about that, knowing that you go to work every day whether it be here or back home serving the people who elected you. And now the people who have previously elected you returned you to continue to do the excellent job that you have been doing. And as we gather today, I'll be honest with you, of all the times I've been on this dais at the beginning of a session, I have never been as excited about a session as I am about this session. Can I, echoing a little bit about what President Pro Tem Hancock was talking about. Do we have an extraordinary opportunity to do more than just address the needs of our fellow Texans. We have a unique opportunity to advance the state and the lives of Texans, candidly, more than any other session ever. This is a once-in-a-generation opportunity to put the state on a course of unassailable excellence for literally generations to come. And we need to understand the context within which we operate, because not every state can say what we can say. Kelly was talking about our economy, and I'm sure that's been echoed many times in this Chamber already. But we need to understand the context of where we stand in the United States of America. As we sit here today with a budget surplus of 32.7 billion dollars, California has a budget deficit of more than 20 billion dollars. I heard a person with a New York public policy organization who is a former Democrat member of the legislature in New York on TV earlier today talking about how New York is going to be seeking money from the federal government for them to help meet their needs, and how the Governor of New York is saying that one issue they must address in New York are the consequences of population fleeing their state and what that means to their state and to their budget. We have none of those problems for several reasons. Most importantly, we need to understand that the real reason why we have such a budget surplus is because in Texas we have the hardest working men and women, workforce, in the United States of America. It's our fellow citizens, the working class

Texans, they're the ones who have contributed to ensuring that we have the surplus that exists today. Secondly, we do benefit economically by the remarkable population inflow that we have. It was just reported that once again, last year, Texas led the country in the most population inflow more than any other state. The same has been true for the past decade. Those people contribute to our economy also. But it would be wrong for us not to recognize another reason why we have the budget surplus that we do have is because the people in this room, the leaders in this room, have been good stewards with the taxpayers' money. Paths could have been taken that would have spent money or not made effective use of the resources like some other states have done and had we done that, perhaps we would be in a budget deficit as opposed to a budget surplus. But because of the policies that we have enacted, the policies that we've promoted, the freedom that we have allowed for entrepreneurs to operate in this state, those are contributing reasons why Texas does have this remarkable budget surplus that we're going to be able to use to change the state for the good. But I tell you one of the best parts of why I am excited about this session is because everything that I see coming from this Chamber, as well as the other Chamber, is that as we begin this session, there is already coalescence about how to resolve the big issues that we're facing. That should lead to an extraordinarily successful session that will ensure that when we gavel out of session, we will know we will have made the lives of our fellow Texans better, we will have made Texas better, and we will have continued our legacy of keeping Texas the best state in the greatest nation in the history of the world. God bless you all and God bless the great State of Texas.

GOVERNOR NOTIFIED

The President announced that the Senate was organized and ready to transact business.

AT EASE

The President at 1:35 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:45 p.m. called the Senate to order as In Legislative Session.

REMARKS ORDERED PRINTED

(Motion In Writing)

Senator Hall offered the following Motion In Writing:

Mr. President:

I move that all remarks made for the election of the President Pro Tempore be reduced to writing and placed in the journal.

HALL

The Motion In Writing was read and prevailed without objection.

President: The next order of business is the election of the President Pro Tem. The Chair recognizes Senator Nichols for the nomination.

Senator Nichols: Thank you, Mr. President and Members. I rise to nominate Senator Kelly Hancock for the position of President Pro Tempore of the Texas Senate. As we all know, this position is more than just an honor, honorary position. Whoever holds this position is second in line to be the Governor of the State of Texas. And whenever the Lieutenant Governor and the Governor are out of the state, the President Pro Tempore is the Governor of the state. It is important that we select someone who has the qualifications that we would all like to see in that person. I've known Kelly Hancock ever since he came in the Texas House of Representatives in 2006, where he served three terms. I've had the honor to work and serve with him in the Texas Senate since 2013. I know him as a man of faith and family who works to make his community as well as this entire state a better place to raise a family and to build a business. He and his wife, Robin, have been married over 35 years. They raised three children together and now have three grandchildren I know they're very proud of. He knew the importance of education early on, and as they started raising their family he ran for the school board and served on it for 13 years before coming to the Legislature. To better understand his interest here at the Legislature, we only need to look at some of the issues that he's worked on over the years. As a man of faith, he has led us in prayer many times. He also authored a constitutional amendment to prohibit the government from closing churches during disasters such as the recent pandemic. As a fiscal conservative, he's authored legislation to, related to the spending cap, better transparency in medical billing, and lower taxes. As a pro-business advocate, he authored pandemic liability protections for employers, supported lower franchise taxes, ERCOT reform, and many more initiatives that help bring businesses to Texas. He is the owner of a chemical distribution business, and he never took a college course in chemistry. But he does know how to run a business. He knows how to, what is important to make a payroll and to work through all the government regulations the government puts in front of us. As a person who has vision to the future, he authored autonomous vehicle legislation not just because it opens the path for the future for our own state in advanced transportation but because he knew that the industry had to have certainty before investing hundreds of millions in our state. In addition to all the qualifications I've covered to show that he is, has a soft touch in his heart, he authored one of my favorite bills, we called it the "Fido bill" so that you could take your pet to an outside dining establishment. Members, for all those reasons and much more I didn't list, I again nominate Senator Kelly Hancock to be our President Pro Tempore.

President: Thank you, Senator Nichols. Chair recognizes Senator Zaffirini to second the nomination.

Senator Zaffirini: Thank you, Mr. President. Mr. President and Members, it is my privilege and honor and pleasure to rise to second the nomination of an esteemed colleague, Senator Kelly Hancock, to serve as our President Pro Tempore of the Texas Senate. Longfellow wrote so long ago: Be not like the stream that brawls loud with shallow waterfalls but in quiet self-control link together soul and soul. John Wayne expressed the same concept but in slightly plainer language. He said, A big mouth

don't make a big man. They could have been thinking of our friend, Senator Hancock, when they wrote those words because it, with its quiet determination, persuasion, and persistence that he has been able to do so much. He links together members of his family, friends, and Senators regardless of our party affiliation, political philosophy, or voting record. It is by passing important legislation that is usually controversial with overwhelming majorities in the Senate that he has been able to display the big stick diplomacy of President Theodore Roosevelt, Walk softly and carry a big stick. She who knows him best since kindergarten and loves him most since high school, says that the secret to his success is this, a unique blend of street smarts with problem solving skills with respect and with kindness. Would your spouse say something so nice about you? I would hope so. But, Kelly, what a compliment from your beloved wife, bravo. It is true that he has been able to work with all of us so remarkably, so respectfully, and passed what is usually controversial with these overwhelming votes. Issues such as COVID liability, balance billing, and, in effect, even ethics of tort reform. He has been an amazing leader in bringing us together. When Governor Abbott called him before this session and asked him plainly what fix-it and follow-up legislation do we need to pass this session for your autonomous vehicle bill, Kelly answered, Nothing, it's done. We did it right the first time and we did it right because of Kelly Hancock. Bravo, again, my friend. Some of you may have wondered why he has gained such expertise on metropolitan and rural issues, on business and agriculture issues. Perhaps you didn't know that he grew up an urban cowboy, living and studying at home and working weekends as a cowboy on his family's 1,000-acre ranch. Nobody ever accused him of being all hat and no cattle. He raised horses, he holler broke cows, he shipped cows all over the country and in addition to that he shipped the first Angus cattle to the Bahamas. And if you've ever wondered how he was able to preside so effectively over diverse committees such as Business and Commerce, and Veteran Affairs and Border Security, this is his secret. Wrangling horses and heifers is a lot more challenging than herding cats, or in our case, prima donnas. Kelly Hancock is a true man of faith. He not only practices what he preaches, he also teaches it and often by example. Did you know that he studies the Bible every day and even during session he teaches an online international Bible study class whose parent group reaches millions of people around the world in countries such as Australia and India and Puerto Rico? That is also amazing about this man. For 25 years he has taught Sunday school and organized prayer groups. And he has also hosted our weekly Bible study courses for 11 years. That's as long as he's been in the Senate. Now, I don't know this is true, but I heard that one day there were some Senators walking behind him down the hall and that a lady stopped and said, Are you all with him? Where you all going? And one of the Senators turned and said, Yes, we're going to his weekly Bible study class. And she shrieked and turned to her companion and said, Mom, I was right, it's Joel Osteen. And Robin would say my husband is better looking. And I would agree. Kelly and Robin have a movie star beautiful family and their outer beauty radiates their inner beauty and their spirituality. They attest to Kelly's belief that success at the expense of family is failure. Harrison remembers, for example, his daddy rushing home to watch the second half of his basketball game, and more important, gathering the children to ask for their blessing before he ran for office the first time, as he put it, even though we

were little kids. Skylar remembers fondly her father leaving his presiding duties in the Texas Senate in order to FaceTime her after her baby was born. That is the epitome of sweetness. And Chloe, like them, cannot believe that this no-nonsense, all-business, self-described workaholic father acts and drops to an incredible low level of goofiness when it comes to his three grandchildren, soon to be four. They tell me that he makes silly faces, that he mimics their unacceptable behavior and rude noises, and that he is just a joy to watch because he is so full of love and truly will do anything to make them smile. Now, I can't tell you what he does but allow me to share two jokes that he just added to his repertoire. Why was the little shoe sad? Because his mother was a sneaker and his father was a loafer. Why did the roast beef blush? Because she saw the salad dressing. Kelly, I would love to see you in action. This family is so full of joy and so full of love. Never was their love for each other more evident than recently when, unbeknownst to us, Kelly was suffering from a life-threatening condition. His kidney was troublesome, and he never told us. He stoically endured pain and stress and inconvenience and never said a word. Why? Because he wanted to lead a normal life. Because he didn't want sympathy. Didn't want special treatment. And he didn't want a reduced workload. Incredibly and impressively, Members, eight members of his family volunteered to give him a kidney. And they were tested, but the one who proved most compatible was related not by consanguinity but by affinity. His son-in-law, Greg. And Greg willingly and lovingly gave him a kidney and saved his father-in-law. Greg, would you please stand and be recognized and thanked by the Texas Senate? What a hero. And now, Kelly really understands fully the literal meaning of Ralph Waldo Emerson's words, The greatest gift is a portion of thyself. And he can honestly and sincerely and with great affection tell his loved ones, especially Robin and Greg, I love you with all my kidney. Today we honor a man who is a paragon of success and a model of family values and that is to be applauded. And yet, regardless of his accomplishments, he says, so modestly, I only want to do what I'm supposed to do. I only aspire to be what I'm supposed to be. And then he says, unknowingly I'm sure, quoting that great American philosopher, Popeye, I am what I am and that's all that I am. And that is Kelly Hancock. Ladies and gentlemen of the Senate, we are blessed by this leader among us, who is so gifted and so inspired, and he performs really according to the words of Longfellow, In quiet self-control he links together soul and soul. Mr. President and Members, it is my pleasure to second the nomination of our friend, Kelly Hancock, to serve as our President Pro Tempore. Thank you.

President: Thank you, Senator. And I worked for Joel Osteen, so I know that you're absolutely right, and I know it on good authority that people come up to him at church and say, Aren't you Senator Kelly Hancock?

President: Senator Perry to second the nomination.

Senator Perry: Thank you, Mr. President and Members. Kelly asked me to speak, and I said, You know it'll be short, and he said, Thank you, that's why you're getting it. It wasn't because my orator skills, and following Senator Zaffirini is never fair, but I want to talk a little bit about the faith aspect in a couple of different ways, ones that you may not have realized, Kelly, that you're even part of. But you know faith is the assurance of things hoped for with the convictions of things not seen. And your recent

episode, where God had a plan all along and had an answer for you. We were talking one day, I remember, but I think it was on the COVID vaccines or something, you mentioned you were vaccinated and you didn't have but one kidney, basically. First time I'd heard that. I know that most Members when they saw on the news story break were kind of shocked, I guess, because you never indicated you were, but you weren't worried because you had a man of faith. You knew no matter what the outcome of that was going to be, you were already okay. And I think it's that aspect and few people, I can count myself in that group, and there's some people on this floor that get to realize their mortality and the fragility of life on the physical side, on heaven's side. Right? This side, so when you're faced with those conversations and realities it will either redefine you or reveal who you are. It was clearly a reveal of who you were and who you are and why you had a countenance of half full. You were always positive thinking. You were always engaged. You were always looking forward. And it was always for the betterment of whoever was in your circle of influence, including the 30 million people in this state. And I think it's that lesson that we got to see, and I think so many times we look at people of faith and say, Man, isn't that, isn't that strong, or we don't even get the option to see faith in action. But when you were presented with the opportunity to show faith in action, you didn't run from it. You gave God the glory for it. And it teaches people like us, those mustard seed people. Right? Just have a little mustard seed you can move mountains is what Christ tells us. It gives us that perspective that someone that is faced with real issues, that has the faith to depend on their creator God and Christ, to get them through it and the family associated with that, the belief system that's, no doubt, because of your leadership that it reminds us of the hope that we all should be having in times of stress. But if it wasn't for your courage, your, it's just, in your DNA to be that guy, we would have missed an opportunity to see God. And I want to take that away from Kelly Hancock whenever the voters decide or whatever I do, it has been a privilege to see faith in action on a daily basis. We'll have a Bible study cranking up. I asked him, I said, When are we going to start? Probably February. It's not attended by a lot of folks because of schedule conflicts and stuff, but you're always welcome and we'll be a part of that. It is the character, your willingness to share your faith in a very bold, convicted, but public way, especially in times when there's a lot of uncertainty, and never once complaining about your plight for those days, that you are an excellent candidate to run this state in the event that my Lite Gov and Governor are not here. And it's that that gives me all the confidence that you're the right guy and I'm privileged to know you as a Senator. I'm privileged to know you as a friend coming over from the House. You were a mentor over there. I said, Who's the people that can get things done and know what they're doing? You were in that top three every time, always moving around in that. So, I, just so you know, your witness, your countenance, your demeanor, and your stand for Christ when it matters most, when can see it in action, is the reason you're the right guy for the job. So, with that I stand here proudly to nominate my colleague, friend, and brother in Christ, Kelly Hancock.

President: Thank you, Senator. Chair recognizes Senator Whitmire to second the nomination.

Senator Whitmire: Thank you, Mr. President and Members. I rise to second the nomination of not a Senate colleague but a close friend, a very special friend. In fact, Kelly and I checked on each other during the interim and I'm, once again, would like to recognize Greg Cox and his courage and faith that would allow So, Kelly to be here a healthy Senator, so thank you, Greg. I had the honor of working with Kelly as a member of Business and Commerce. He chairs that, has distinguished himself. Last session, we solved a major problem for all Texans, surprise emergency billing. You're taken to the emergency room, your insurance covers a certain amount, but you get home and it's two or three times that, a major issue for all Texans. But working across the aisle, as we do, we solved that. In fact, it became a national model. Kelly, I know why you and I are here today. We're here for public service. We come from different parts of the state, different parties, but we know we're public servants when we come to the State Senate. I actually think our relationship could be a model for this entire body. And I hope the Senators will see how working across the aisle, while disagreeing on maybe partisan issues, which often are few but major, we can accomplish matters. And Senator Perry brought up the faith. You cannot think of Kelly Hancock without recognizing his faith in God. Brings up how he and I bonded. Eight years ago, we were at a conference in East Texas, I did not know him, he'd been in the Senate two years, two months. Members, this is how you know you bond with someone. We had breakfast the next morning in our cabin. Larry Taylor was a witness, and we got to talking about our most recent elections. And I was using some rather foul language to describe my opponent. But after Kelly and Larry went on about their business, I called my daughter about a scheduling event and I said, I just met and really got to know a neat person, a new Senator, Kelly Hancock. She said, Well, you know, he's a very religious, very faithful. Of course, I am, too. I said, How do you know that? She said, Oh, he and his wife are always, Robin, they're on social media with their Sunday school. And I said, Oh no, I probably offended him. So, I found him at the breakfast, went up to him, and I said, Kelly, I'm sorry if my language offended you, but I was pretty excited about a pretty mean campaign. And I apologize if my, if my barnyard talk offended you, I did grow up in Whitney, Texas, you know, so it was, I've come a long ways. Kelly looks at me, without hesitating, he said, Senator, don't worry about that, I'm not the one that's going to judge you some day. Absolutely became a dear and trusted friend. And he was not going to judge me for some behavior that I'd just exhibited. But that is Kelly Hancock. And he is a Senator's Senator, we look to him for leadership. I think he has the best is yet to come with his grasp of our issues and I could go the rest of the day, Members, talking about his family, his values, his district, how the difference he makes to the people of Texas. But I'm so excited about him becoming our President Pro Tem and then that Governor for the Day where he will be presiding over this state as our acting Governor. I'm not going to waste any more time. I, Mr. President, would like to second that nomination of an outstanding Senator, a friend to all of us. And, Kelly, wherever life takes us, you and I are going to be brothers and look out for each other down the road. Robin, thank you for your friendship and thank you for allowing me to pray last night. I just, I think I made a difference, quite frankly. Mr. President, I second the nomination of Kelly Hancock as President Pro Tempore.

President: Thank you, Senator Whitmire. The Chair recognizes Senator Nichols for a motion.

Senator Nichols: Mr. President, I move that we elect Senator Kelly Hancock as our next President Pro Tempore of the Texas Senate, State of Texas.

SENATE RESOLUTION 1

(Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 30 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 88th Legislature are:

- (1) Secretary of the Senate–Patsy Spaw;
- (2) Calendar Clerk–Tracy Ortiz;
- (3) Doorkeeper–Matthew Peabody;
- (4) Enrolling Clerk–Patience Worrel;
- (5) Journal Clerk–Lourdes Litchfield; and
- (6) Sergeant-at-arms–Austin Osborn.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN AND ASSISTANT PARLIAMENTARIAN.

The parliamentarian, Karina Davis, and the assistant parliamentarian, Colby Beuck, are named by the lieutenant governor and serve at the will of the lieutenant governor. They are senate officers.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chair of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 24th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$60,000 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

(c) An unexpended amount remaining at the end of the fiscal year, not to exceed \$12,000, may be carried forward to the next fiscal year. The total balance of unexpended funds accumulated may not exceed \$12,000 at the end of any fiscal biennium.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM.

(a) The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

(b) The per diem rate to be paid to each senator for the 88th Legislature is \$221.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 88th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants in the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 250 copies of the daily journal. Of that number:

(1) 140 shall be furnished to the house of representatives;

(2) four shall be furnished to the Texas State Library and Archives Commission;

(3) four shall be furnished to the Legislative Reference Library; and

(4) the remainder shall be apportioned among the senators and the lieutenant governor.

SR 1 was read and was adopted by the following vote: Yeas 31, Nays 0.

OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

SENATE CONCURRENT RESOLUTION 6

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 88th Legislature, That a joint committee, composed of six members of the senate appointed by the lieutenant governor and six members of the house of representatives appointed by the speaker of the house, arrange for the canvass of the votes cast for governor and lieutenant governor at the general election held on November 8, 2022, and that a joint session of the senate and house be held in the hall of the house of representatives at 11 a.m. on Thursday, January 12, 2023, for the purpose of counting the votes, receiving the report, and hearing the declaration of the results of the canvass; and, be it further

RESOLVED, That the senate and house of representatives sit in joint session at 11 a.m. on Tuesday, January 17, 2023, for the inauguration of the governor-elect and lieutenant governor-elect of Texas as determined by the canvass of the votes; and, be it further

RESOLVED, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house of representatives appointed by the speaker of the house, make arrangements for the joint session and oath-taking ceremony on January 17, 2023; and, be it further

RESOLVED, That the Department of Public Safety of the State of Texas is instructed to close all vehicle entrances to the Capitol grounds beginning at 5 p.m. on Monday, January 16, 2023, and ending at 11:59 p.m. on Tuesday, January 17, 2023, except for those vehicles approved by the inaugural committee as necessary for use in connection with the joint session and oath-taking ceremony and the program following.

HALL

SCR 6 was read.

On motion of Senator Hall and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 5

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED, by the 88th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, January 12, 2023, and ending on Tuesday, January 17, 2023.

WHITMIRE

SCR 5 was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

MOTION IN WRITING

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five Members to notify the House of Representatives that the Senate is organized and ready to transact business.

WHITMIRE

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the House of Representatives: Senators King, LaMantia, Middleton, Parker, and Sparks.

MOMENT OF SILENCE OBSERVED

At the request of the President, the Senate observed a moment of silence in honor of Damar Hamlin and President Pro Tempore Hancock and wished both a speedy recovery.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 3 by Hughes, In memory of Sid Stafford.

SR 4 by Hughes, In memory of Willie Jean Birmingham.

SR 6 by Hughes, In memory of Erby Glenn Eikner.

Congratulatory Resolution

SR 5 by Hughes, Recognizing Shelly Smith for being selected as a member of Leadership Longview.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:00 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

January 10, 2023

SR 1, SR 3, SR 4, SR 5, SR 6

