

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTIETH DAY

(Wednesday, March 15, 2023)

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

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, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Absent-excused: King.

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

Pastor Derek Rogers, Cowboy Church of Corsicana, offered the invocation as follows:

Heavenly Father, we come boldly before Your throne today. God, we ask You for wisdom and knowledge and understanding. Father, I thank You for these men and women who have been elected to serve the great State of Texas. I ask You today to give them courage and boldness to lead upon the principles of Your word that You may continue to bless our state and keep Your hand upon us. May they never turn away from You, Father, for direction in order to please men but always seek You for direction, seek to please You. Father, I pray that You will keep them and protect them and bless their families. And God, we ask all of these things today in Jesus' name. 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator King was granted leave of absence for today on account of an illness in the family.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

March 14, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas A&M University System Board of Regents for terms to expire February 1, 2029:

David C. Baggett, Jr.

Houston, Texas

(replacing Timothy A. "Tim" Leach of Midland whose term expired)

John W. Bellinger

San Antonio, Texas

(replacing Elaine M. Mendoza of San Antonio whose term expired)

R. Sam Torn

Houston, Texas

(replacing Clifton L. "Cliff" Tomas, Jr. of Victoria whose term expired)

Respectfully submitted,

/s/Greg Abbott

Governor

March 15, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 476th Judicial District Court, Hidalgo County, for a term until December 31, 2024 or until his successor shall be duly elected and qualified:

Ysmael D. Fonseca, Jr.

McAllen, Texas

(replacing Judge Horacio Peña, Jr. of Mission who resigned)

Respectfully submitted,

/s/Greg Abbott

Governor

March 15, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the One-Call Board of Texas for terms to expire August 31, 2025:

Joe L. Canales
Frisco, Texas
(Mr. Canales is being reappointed)

Roberto G. "Robert" De Leon
Corpus Christi, Texas
(Mr. De Leon is being reappointed)

Derek M. Delgado
Pasadena, Texas
(replacing Sockalingam "Sam" Kannappan of Houston whose term expired)

Senaida "Sandy" Galvan
San Antonio, Texas
(Ms. Galvan is being reappointed)

Respectfully submitted,

/s/Greg Abbott
Governor

PHYSICIAN OF THE DAY

Senator Schwertner was recognized and presented Dr. Lena Poole of Austin as the Physician of the Day.

The Senate welcomed Dr. Poole and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President 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 President 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 30, Nays 0.

Absent-excused: King.

Judge, 162nd Judicial District Court, Dallas County: Ashley Elizabeth Wysocki, Dallas County.

Judge, 470th Judicial District Court, Collin County: Anna Brook Fulks, Collin County.

Judge, 474th Judicial District Court, McLennan County: Edward Alan Bennett, McLennan County.

Judge, 475th Judicial District Court, Smith County: Taylor B. Heaton, Smith County.

Judge, 480th Judicial District Court, Williamson County: Scott King Field, Williamson County.

Judge, 483rd Judicial District Court, Hays County: Tanner M. Neidhardt, Hays County.

Presiding Judge, Eighth Administrative Judicial Region: David Lattimore Evans, Tarrant County.

Presiding Judge, Eleventh Administrative Judicial Region: Susan Baetz Brown, Harris County.

Presiding Judge, First Administrative Judicial Region: Raymond Glynn Wheless, Collin County.

Presiding Judge, Fourth Administrative Judicial Region: Sidney Lee Harle, Bexar County.

Presiding Judge, Second Administrative Judicial Region: Robert Hill Trapp, Montgomery County.

Presiding Judge, Tenth Administrative Judicial Region: Fredrick Charles, Gregg County.

Presiding Judge, Third Administrative Judicial Region: Dibrell Wayne Waldrip, Comal County.

Commissioner, Department of Family and Protective Services: Stephanie Barbara Muth, Travis County.

Justice, Court of Appeals, Fifth Court of Appeals District: Emily Ann Miskel, Collin County.

Justice, Court of Appeals, Sixth Court of Appeals District: Daymon J. Rambin, Rusk County.

Judge, Dallas County Criminal District Court No. 2: Justin Jay Koch, Dallas County.

Judge, Tarrant County Criminal District Court No. 3: Douglas Arthur Allen, Tarrant County.

Director, Office of Community-Based Care Transition: George Joseph Cannata, Tarrant County.

District Attorney, 110th Judicial District, Briscoe, Dickens, Floyd, and Motley Counties: Emily Shantel Teegardin, Briscoe County.

District Attorney, 34th Judicial District, Culberson, Hudspeth, and El Paso Counties: Bill D. Hicks, El Paso County.

District Attorney, 1st Judicial District, Sabine and San Augustine Counties: Paul Allen Robbins, San Augustine County.

Commissioner, Division of Workers' Compensation, Texas Department of Insurance: Jeffrey Gordon Nelson, Travis County.

Commissioners, Board of Pilot Commissioners for Jefferson and Orange County: Christopher Stephen Guy, Jefferson County; Charles Edward Holder, Orange County; William Gates Jenkins, Jefferson County; Shawn Michael Sparrow, Jefferson County; Milton Bradley Taylor, Orange County.

Member, Judicial Districts Board: Thomas Royal Phillips, Travis County.

Public Counsel, Office of Injured Employee Counsel: Dirk Johnson, Travis County.

Counsellor, Office of Public Utility Counsel: Courtney Kristine Hjaltman, Travis County.

Secretary of State: Jane Nelson, Denton County.

Member, Public Safety Commission: Lawrence Bryan Long, Dallas County.

Member, Board of Directors, State Bar of Texas: Gregory Michael Fuller, Tarrant County.

Members, State Commission on Judicial Conduct: Clifford Taylor Harbin, Montgomery County; Andrew Michael Kahan, Harris County; Merrick Wayne Money, Hunt County; Gary L. Steel, Guadalupe County; Tano E. Tijerina, Webb County; Carey F. Walker, Tarrant County; Kathy Partridge Ward, Collin County; Kenneth Price Wise, Harris County.

Members, Statewide Health Coordinating Council: Carol Ann Miller Boswell, Andrews County; Kenneth Holland, Walker County; Emily Rose Hunt, Harris County; Quincy Charles Moore, Harris County; Tamara G. Rhodes, Randall County; Melinda A. Rodriguez, Bexar County; Cheletta LaShelle Watkins, Kaufman County; Yasser Fahmy Zeid, Smith County.

Commissioners, Texas Animal Health Commission: Alecysa Hiett Broyles, Parker County; Kenneth Gene Jordan, San Saba County; Coleman Hudgins Locke, Wharton County; Benjamin Lee Turner, Kleberg County.

Members, Texas Board of Professional Engineers and Land Surveyors: Albert Lee Cheng, Harris County; Karen Alison Friese, Travis County; Catherine H. Norwood, Midland County.

Members, Texas Commission on the Arts: Keenan Kathleen Fletcher, Llano County; Diane Milliken Garza, Cameron County; Marci Lenee Roberts, Brewster County.

Members, Board of Trustees, Texas County and District Retirement System: Charles Christopher Davis, Cherokee County; Samuel G. Farias, Bee County; Deborah M. Hunt, Williamson County.

Commissioner, Texas Department of Insurance: Cassandra Jeanette Brown, Gonzales County.

Members, Board of Directors, Texas Economic Development Corporation: Arun Agarwal, Dallas County; Adrian Scott Cannady, Bell County; Samuel D. Deanda, Hildago County; Kathryn Marie Farmer, Tarrant County; Lawrence Frederick Francis, El Paso County; Mauricio Gutierrez, Harris County; George Hall Henderson, Angelina County; Peter John Holt, Bexar County; Eduardo Wendorf Margain, Travis County.

Members, Board of Directors, Texas Health Services Authority: Paula Ellen Anthony-McMann, Smith County; Victoria Ai Linh Bryant, Harris County; Shannon Sowder Calhoun, Goliad County; Salil Vijay Deshpande, Harris County; Jonathan Sandstrom Hill, Travis County; Kenneth Scott James, Travis County; Jerome P. Lisk, Denton County; Leticia C. Rodriguez, Ward County; Siobhan Shahan, Lubbock County; Cynthia Ann Stinson, Hardin County; Carlos James Vital, Harris County.

Members, Texas Judicial Council: Zina Gelman Bash, Travis County; Jennifer Vosko Caughey, Harris County.

Member, Board of Directors, Texas Mutual Insurance Company: Kevin Mart Robnett, Tarrant County.

Members, Texas Water Development Board: George Bailey Peyton, Travis County; L'Oreal Stepney, Travis County.

Member, Texas Workforce Commission: Alberto Trevino, Cameron County.

Members, TexNet Technical Advisory Committee: Philip M. Boyd, Harris County; David Leonard Cannon, Midland County; Christopher Bentley Hillman, Dallas County; Scott Christian Mitchell, Montgomery County; Jeffrey Allen Nunn, Harris County; Kris Jacob Nygaard, Harris County; Brian William Stump, Collin County; Aaron Andrew Velasco, El Paso County.

GUEST PRESENTED

Senator Campbell was recognized and introduced to the Senate Secretary of State Jane Nelson.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate students representing Classical Conversations, a Dripping Springs challenge group.

The Senate welcomed its guests.

SENATE RESOLUTION 306

Senator Gutierrez offered the following resolution:

SR 306, Recognizing March 1, 2023, as Uvalde County Day.

The resolution was read.

On motion of Senator Bettencourt and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Gutierrez, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Gutierrez was recognized and introduced to the Senate a Uvalde County Day delegation including Uvalde Mayor Don McLaughlin, Uvalde Area Chamber of Commerce Executive Director John Yeackle, Southwest Texas Junior College President Hector Gonzalez, Uvalde Consolidated Independent School District Board President Luis Fernandez, and Community Health Development, Incorporated, CEO Mayela Castanon.

The Senate welcomed its guests.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks regarding **SR 306** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Gutierrez: Thank you, Mr. President. Thank you so much. Thank you for giving me this time today, Mr. President. I know that our time is valuable. But today, I want to recognize some of the leaders from the County of Uvalde. Some very good friends of mine. Normally, when we have a county day, we're talking about the things that make our counties precious. We talk about their histories. We talk about—

President: Excuse me. Members, can we have some order on the floor for this resolution? Thank you.

Senator Gutierrez: Thank you, Mr. President. I appreciate that. We talk about, you know, for instance John Nance Garner, the Vice President under FDR was from Uvalde, Texas. Our beloved Governor, Dolph Briscoe, was from Uvalde. They may have, make some great pecans in Uvalde. They grow some great pecans, Mr. President, in Uvalde, former hunting capital of Texas, great hunting and recreation. Unfortunately, May 24th has now caused it, us to remember Uvalde in a different way. And so, because of that, and I think that we'll have plenty of time to debate all of the issues that arose because of that. We'll do that some other day, but I do want to recognize the people that are here, Mr. President, and thank you for allowing me to do that. I want to acknowledge the day that they had to live that day, and in many instances the first time I got to know them. When you represent a city, a Senate district that's larger than Rhode Island, you don't get to be everywhere. You try as best you can, you know a few people, I knew County Judge Bill Mitchell from before, he's up in the gallery. And the Judge that day, on May 24th, I called him very early on. We had a few calls during that day. I made my way out there that evening. He exhausted himself living through that horror. In many instances, watching these young parents that he knew as children go through the horror of losing their little children, of not being able to identify them, and having to wait hours for that identification process to happen. As I arrived that night at what was generally called the civic center, that night called the reunification center, Bill Mitchell's staff had told

me the Judge had just, he had to go. And it was late by the time I got there, it was about 9:30. And he had been working all day long as was my good friend, now, the Mayor, Don McLaughlin. The Mayor, McLaughlin, he and I probably wouldn't agree on much before this day, but we agree on a whole hell of a lot now. And I've gotten to call him a dear friend of mine and a supporter and just a really, really good fine person. He has done so much for his constituency by way of demanding transparency, giving them as many answers as he can and he wants to give them more. And he, too, watched friends and some instances relatives of his own employees pass on. The next day, on May 25th, I went to the Community Health Development, Inc., and I met a woman, name's Mayela Castanon. Mayela runs the therapy clinic, that is the *clinica*, the clinic for the community. Uvalde is a county of about 18,000. About 11,000 people are served by her clinic, and we tried to get some funding for her, and we have been able to get some private funding. And she has done an incredible job. Mayela, too, had a father who worked for her who lost his little girl. She had five other employees, four other employees, I think, that lost relatives of theirs, cousins and nieces and nephews. That's the nature of what happened on that day. It was so close. It wasn't a situation where you didn't know someone that lost a child or lost a teacher. Third or fourth day I met Hector Gonzalez, who I now, I call a dear friend as well. Hector runs as our President, college president at Southwest Texas Junior College, which does a tremendous amount of great work in that part of the country, of our state, Mr. President, on trades, making sure we're training people to do the jobs in the oil field and such. Hector opened the college doors to us so much so that we moved our office, our western office, from Eagle Pass and hired Carlos Lopez, who was the Democratic Party Chair, to run that office for us. And we now have an office at the community college because it was important, as you would know. You and I talked in those first few days, Governor, about making sure that the community had the resources that it needed, and so, we were trying to be a liaison between different state agencies. And that was important to us. Luis Fernandez is with the Uvalde ISD, board president. Luis, too, has had to deal with a tremendous amount of just all of that, all of that drama, all of that heartache, all of that tragedy, as the school board president, lost children of friends that he went to school with who had lost their children. John Yeackle is here with us today. John has been a tremendous asset. He's the Executive Director of the Chamber of Commerce. John and others along with the Mayor and the County Judge were instrumental in taking, as you know, millions of dollars flooded into the community. It was a conversation that I had with Senator Zaffirini. She said that when Sutherland Springs incident occurred that families only got 40 percent of the monies raised, which was just a travesty, which is something that we should be looking at into the future to make sure that these NGOs and nonprofits do the right thing. John and others made sure that that happened and the money that was raised went directly to families that had lost their children, families that had children that were injured. Not one deviation of one penny went to anywhere else other than the kids that were in that school and their relatives and kids that had trauma. I met a little boy, Cesar Hernandez, who's in the third grade. He was in the school. I met him about a week later and this little boy couldn't speak. He just couldn't speak. He just couldn't, he couldn't speak anymore because of the trauma that he had experienced just from the gunshots that were going on that day. I don't want to beleaguer the point

because we have work to do, and I just appreciate you giving me this moment. But what I do want everybody to understand, and also thank you for, is that these folks, more than me, I stayed about 15 days, but they grew up with these people that lost their children and lost their husbands, or their wives, rather, in the two teachers that passed on. They grew up with them, they saw it, and they lived through the horror of this day. And I hope that by what we're doing today, and I've told them earlier, by the way, and I want to thank, specifically, Senator Huffman, if she's here, for her leadership. I think she probably stepped out. We're doing so far about \$30 million, thanks to you as well, leadership of others, specifically to go to mental health in the Uvalde area, to go to 15 million to help rebuild the school between SB 30 and SB 1. And it's not about money, but it's just about showing that we care. But I also would like us to remember that we should unite about, in this thing, this horrible tragedy isn't about Republican politics or Democratic politics. We have to unite in solving the problems that are facing us each and every day, just like Mayor McLaughlin and I have united in raising the age limit. We have to come together, where we can, to make Texas safer. I just want to thank you, I thank you all for listening, and thank you all for welcoming these people. Don't just shake their hand, go over there and give them a hug. We've seen the most horrific things you've ever seen. This Mayor's seen just about every bit of videotape and footage that I've seen. Sometimes I wonder if we should have even looked at that stuff to begin with. And what I'll never forget it, I'll never forget those images. I go to bed each night thinking about it as you do. They are good people, none of us deserve this, but they're here to live to tell about it, and they want to do something for these children. And before I close today, Mr. President, I do just want to remember if we, if you would indulge me, in just remembering the names of the most important people in Uvalde and that starts with Uziyah Garcia, little boy that lost his life, Rojelio Torres, Maranda Mathis, Alithia Ramirez, Nevaeh Bravo, Eliahna Torres, Layla Salazar, Annabell Rodriguez, Jayce Luevanos, Eliahna Garcia, Tess Mata, Maite Rodriguez, Jailah Silguero, Amerie Jo Garza, Makenna Elrod, Irma Garcia, Alexandria "Lexi" Rubio, Eva Mireles, Xavier Lopez, Jacklyn Cazares, and Jose Flores. And with that, Mr. President, thank you very much.

President: Thank you, Senator. Very well done. I know how much this has impacted you personally. For our Mayor, I worked with the Mayor before this happened on several issues from time to time. And, Mayor, I think, Members, and many of you represent small towns, we have so many across Texas. When a tragedy happens, it impacts our big cities as well, but when it happens in a small town, the mayor knows the people personally, which makes the job of being mayor even that much more difficult. He knew all the, all the players who responded. He knew the families of those killed that day, were traumatized that day. And so, I thank the Mayor and all the people standing here on that floor, and I do not know all of you as well as I know the Mayor, and some of you I'll meet the first time. But, Mayor, what you did, and I know we talked almost every day, what you did on behalf of your community, I've really never seen anyone respond the way you did and do the work that you did, and you're one of the heroes of that day, along with all of those that are standing with you. But, Mayor, you did an extraordinary job in a very difficult circumstance, more than

almost any mayor would ever face. So, we honor you, we're glad you're all here today. Members, the resolution for Uvalde County Day, let's all stand in honor of these men and women and all those who aren't here that day.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate students representing The Elevated Places School in Stafford.

The Senate welcomed its guests.

SENATE RESOLUTION 316

Senator Menéndez offered the following resolution:

SR 316, Recognizing March 15, 2023, as Texas Small Business Development Center Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Menéndez was recognized and introduced to the Senate a Texas Small Business Development Center Day delegation.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 12:00 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE

SENATE BILL 30 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 30** at this time on its second reading:

CSSB 30, Relating to supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.

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:

Absent-excused: King.

COMMITTEE SUBSTITUTE

SENATE BILL 30 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 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 402 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **SB 402** at this time on its second reading:

SB 402, Relating to the preference given by trial courts to hearings and trials for murder and capital murder offenses.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: King.

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: Springer.

Absent-excused: King.

SENATE BILL 402 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 402** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Springer.

Absent-excused: King.

SENATE BILL 994 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 994** at this time on its second reading:

SB 994, Relating to the declaration of a candidate's ineligibility on the basis of failure to pay a filing fee or submit a petition in lieu of a filing fee.

The motion prevailed.

Senators Alvarado, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, West, and Whitmire 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 the following vote: Yeas 22, Nays 8.

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

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

Absent-excused: King.

SENATE BILL 994 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 **SB 994** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Alvarado, Eckhardt, Johnson, Menéndez, Miles, West.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

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

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

Absent-excused: King.

SENATE BILL 559 ON THIRD READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 559** at this time on its third reading and final passage:

SB 559, Relating to discrimination against or burdening certain constitutional rights of an applicant for or holder of a license to practice law in this state.

The motion prevailed by the following vote: Yeas 21, Nays 9.

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

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

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9. (Same as previous roll call)

(Senator Perry in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 645 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 645** at this time on its second reading:

CSSB 645, Relating to the designation of fentanyl poisoning for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; increasing a criminal penalty.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 645** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 193.005(e-1), Health and Safety Code (page 1, lines 25-31), and substitute the following:

(e-1) The medical certification on a death certificate must include the term "Fentanyl Poisoning" if:

(1) a toxicology examination reveals a controlled substance listed in Penalty Group 1-B present in the body of the decedent in an amount or concentration that is considered to be lethal by generally accepted scientific standards; and

(2) the results of an autopsy performed on the decedent are consistent with an opioid overdose as the cause of death.

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

SECTION ____ . Section 481.102, Health and Safety Code, is amended to read as follows:

Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists of:

(1) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

~~[Alfentanil;~~

Allylprodine;

Alphacetylmethadol;

Benzethidine;

Betaprodine;

Clonitazene;

Diampromide;

Diethylthiambutene;

Difenoxin not listed in Penalty Group 3 or 4;

Dimenoxadol;

Dimethylthiambutene;

Dioxaphetyl butyrate;

Dipipanone;

Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levophenacymorphan;
Meprodine;
Methadol;
Moramide;
Morpheridine;
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
Phenadoxone;
Phenampromide;
Phenomorphan;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
[Sufentanil];
Tilidine; and
Trimeperidine;

(2) the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine;
Acetyldihydrocodeine;
Benzylmorphine;
Codeine methylbromide;
Codeine-N-Oxide;
Cyprenorphine;
Desomorphine;
Dihydromorphine;
Drotebanol;
Etorphine, except hydrochloride salt;
Heroin;
Hydromorphinol;
Methyldesorphine;
Methyldihydromorphine;
Monoacetylmorphine;
Morphine methylbromide;
Morphine methylsulfonate;

Morphine-N-Oxide;
Myrophine;
Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine; and
Thebacon;

(3) the following substances, however produced, except those narcotic drugs listed in another group:

(A) Opium and opiate not listed in Penalty Group 3 or 4, and a salt, compound, derivative, or preparation of opium or opiate, other than thebaine derived butorphanol, nalmefene and its salts, naloxone and its salts, and naltrexone and its salts, but including:

Codeine not listed in Penalty Group 3 or 4;
Dihydroetorphine;
Ethylmorphine not listed in Penalty Group 3 or 4;
Granulated opium;
Hydrocodone not listed in Penalty Group 3;
Hydromorphone;
Metopon;
Morphine not listed in Penalty Group 3;
Opium extracts;
Opium fluid extracts;
Oripavine;
Oxycodone;
Oxymorphone;
Powdered opium;
Raw opium;
Thebaine; and
Tincture of opium;

(B) a salt, compound, isomer, derivative, or preparation of a substance that is chemically equivalent or identical to a substance described by Paragraph (A), other than the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Cocaine, including:

(i) its salts, its optical, position, and geometric isomers, and the salts of those isomers;

(ii) coca leaves and a salt, compound, derivative, or preparation of coca leaves; and

(iii) a salt, compound, derivative, or preparation of a salt, compound, or derivative that is chemically equivalent or identical to a substance described by Subparagraph (i) or (ii), other than decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine; and

(E) concentrate of poppy straw, meaning the crude extract of poppy straw in liquid, solid, or powder form that contains the phenanthrine alkaloids of the opium poppy;

(4) the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

~~[Acetyl alpha methylfentanyl (N [1 (1 methyl 2 phenethyl) 4 piperidinyl] N phenylacetamide);~~

~~[Alpha methylthiofentanyl (N [1 methyl 2 (2 thienyl)ethyl 4 piperidinyl] N phenylpropanamide);]~~

Alphaprodine;

Anileridine;

~~[Beta hydroxyfentanyl (N [1 (2 hydroxy 2 phenethyl) 4 piperidinyl] N phenylpropanamide);~~

~~[Beta hydroxy 3 methylfentanyl;]~~

Bezitramide;

~~[Carfentanil;]~~

Dihydrocodeine not listed in Penalty Group 3 or 4;

Diphenoxylate not listed in Penalty Group 3 or 4;

Isomethadone;

Levomethorphan;

Levorphanol;

Metazocine;

Methadone;

Methadone-Intermediate, 4-cyano-2-dimethylamino- 4, 4-diphenyl butane;

~~[3 methylfentanyl(N [3 methyl 1 (2 phenylethyl) 4 piperidinyl] N phenylpropanamide);~~

~~[3 methylthiofentanyl(N [3 methyl 1 (2 thienyl) ethyl 4 piperidinyl] N phenylpropanamide);]~~

Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

~~[Para fluorofentanyl(N (4 fluorophenyl) N 1 (2 phenylethyl) 4 piperidinylpropanamide);]~~

PEPAP (1-(2-phenethyl)-4-phenyl-4- acetoxypiperidine);

Pethidine (Meperidine);

Pethidine-Intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine;

Pethidine-Intermediate-B, ethyl-4- phenylpiperidine-4 carboxylate;

Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-4-carboxylic acid;

Phenazocine;

Piminodine;

Racemethorphan; and

Racemorphan;

~~[Remifentanil; and~~

~~[Thiofentanyl(N phenyl N [1 (2 thienyl)ethyl 4 piperidinyl] propanamide);]~~

(5) Flunitrazepam (trade or other name: Rohypnol);

(6) Methamphetamine, including its salts, optical isomers, and salts of optical isomers;

(7) Phenylacetone and methylamine, if possessed together with intent to manufacture methamphetamine;

(8) Phencyclidine, including its salts;

(9) Gamma hydroxybutyric acid (some trade or other names: gamma hydroxybutyrate, GHB), including its salts;

(10) Ketamine;

(11) Phenazepam;

(12) U-47700;

(13) AH-7921;

(14) ADB-FUBINACA;

(15) AMB-FUBINACA; and

(16) MDMB-CHMICA.

SECTION _____. Section 481.1022, Health and Safety Code, is amended to read as follows:

Sec. 481.1022. PENALTY GROUP 1-B. Penalty Group 1-B consists of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

Alfentanil;

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

Beta-hydroxy-3-methylfentanyl;

Carfentanil;

Fentanyl [~~fentanyl~~], alpha-methylfentanyl, and any other derivative of fentanyl;

3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinylpropanamide);

Remifentanil;

Sufentanil; and

Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).

The amendment to **CSSB 645** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: King.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 645** (senate committee report) as follows:

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

SECTION _____. Section 19.02, Penal Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A person commits an offense if the person [~~he~~]:

(1) intentionally or knowingly causes the death of an individual;

(2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; [~~or~~]

(3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, the person [~~he~~] commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual; or

(4) knowingly manufactures or delivers a controlled substance listed in Penalty Group 1-B under Section 481.1022, Health and Safety Code, in violation of Section 481.1123, Health and Safety Code, and an individual dies as a result of injecting, ingesting, inhaling, or introducing into the individual's body any amount of the controlled substance manufactured or delivered by the actor, regardless of whether the controlled substance was used by itself or with another substance, including a drug, adulterant, or dilutant.

(e) It is a defense to prosecution under Subsection (b)(4) that the actor's conduct in manufacturing or delivering the controlled substance was authorized under Chapter 481, Health and Safety Code, or other state or federal law.

SECTION _____. Section 481.141, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) Punishment may not be increased under this section if the defendant is also prosecuted under Section 19.02(b)(4), Penal Code, for conduct occurring during the same criminal episode.

(2) In SECTION 19 of the bill, in the transition language (page 5, line 54), strike "Section" and substitute "Sections 19.02 and".

The amendment to **CSSB 645** 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 except as follows:

Absent-excused: King.

CSSB 645 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:

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 645 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 645** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE RESOLUTION 315

Senator West offered the following resolution:

SR 315, Recognizing March 15, 2023, as Minority Business Enterprise Public Policy Day.

WEST
MILES

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a 2023 Minority Business Enterprise Public Policy Day delegation including Dallas-Fort Worth Minority Supplier Development Council Representative Margo Posey, Houston Minority Supplier Development Council Representative Ingrid Robinson, Southwest Minority Supplier Development Council Representative Karen Box, and Texas Association of Mexican American Chambers of Commerce Representative Pauline Anton.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1319 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1319** at this time on its second reading:

CSSB 1319, Relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1319** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 161.045(a), Health and Safety Code (page 1, lines 25-29), insert the following appropriately numbered subdivisions and renumber subsequent subdivisions of that subsection accordingly:

() "Emergency medical services personnel" has the meaning assigned by Section 773.003.

() "Overdose" means an acute condition caused by abuse or misuse of a controlled substance evidenced by symptoms such as extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death.

(2) In SECTION 1 of the bill, strike added Section 161.045(b), Health and Safety Code (page 1, lines 30-35) and substitute the following:

(b) This section applies only to emergency medical services personnel operating within the geographical jurisdiction of a local health authority or law enforcement agency, as applicable, that has entered into a participation agreement for overdose mapping under Section 370.007, Local Government Code.

(3) In SECTION 1 of the bill, in added Section 161.045(c), Health and Safety Code (page 1, line 40), following the underlined period, insert the following:
A person satisfies the requirements of this section by reporting information to either the appropriate local health authority or law enforcement agency.

(4) In SECTION 2 of the bill, in added Section 370.007(a), Local Government Code (page 2, line 5), strike "may" and substitute "shall".

(5) In SECTION 2 of the bill, in added Section 370.007(a), Local Government Code (page 2, line 6), between "overdoses" and "for", insert "of one or more controlled substances".

(6) In SECTION 2 of the bill, in added Section 370.007(b), Local Government Code (page 2, line 12), following the underlined period, insert the following:
The local health authority or law enforcement agency is not required to provide information received under Section 161.045, Health and Safety Code, regarding a controlled substance to the entity with which the authority or agency has a participation agreement if the entity does not maintain an overdose map that includes the controlled substance.

(7) In SECTION 2 of the bill, immediately following added Section 370.007(b), Local Government Code (page 2, between lines 12 and 13), insert the following:

(c) A local health authority or law enforcement agency or an employee of a local health authority or law enforcement agency is not subject to civil or criminal liability for providing information received under Section 161.045, Health and Safety Code, to an entity pursuant to a participation agreement under this section.

(d) Information provided to an entity pursuant to a participation agreement under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(e) This section does not waive sovereign immunity to suit or liability.

The amendment to **CSSB 1319** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: King.

CSSB 1319 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:

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 1319 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 1319** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **SB 1029** tomorrow.

CO-AUTHOR OF SENATE BILL 13

On motion of Senator Paxton, Senator Hall will be shown as Co-author of **SB 13**.

CO-AUTHOR OF SENATE BILL 22

On motion of Senator Springer, Senator Hughes will be shown as Co-author of **SB 22**.

CO-AUTHOR OF SENATE BILL 30

On motion of Senator Huffman, Senator Hinojosa will be shown as Co-author of **SB 30**.

CO-AUTHOR OF SENATE BILL 114

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 114**.

CO-AUTHORS OF SENATE BILL 196

On motion of Senator Eckhardt, Senators Blanco and West will be shown as Co-authors of **SB 196**.

CO-AUTHOR OF SENATE BILL 244

On motion of Senator Kolkhorst, Senator Zaffirini will be shown as Co-author of **SB 244**.

CO-AUTHORS OF SENATE BILL 402

On motion of Senator Whitmire, Senators Creighton and Huffman will be shown as Co-authors of **SB 402**.

CO-AUTHOR OF SENATE BILL 411

On motion of Senator Paxton, Senator Eckhardt will be shown as Co-author of **SB 411**.

CO-AUTHOR OF SENATE BILL 412

On motion of Senator Paxton, Senator Eckhardt will be shown as Co-author of **SB 412**.

CO-AUTHOR OF SENATE BILL 559

On motion of Senator Hughes, Senator Creighton will be shown as Co-author of **SB 559**.

CO-AUTHOR OF SENATE BILL 599

On motion of Senator Birdwell, Senator Hughes will be shown as Co-author of **SB 599**.

CO-AUTHOR OF SENATE BILL 602

On motion of Senator Birdwell, Senator Flores will be shown as Co-author of **SB 602**.

CO-AUTHORS OF SENATE BILL 645

On motion of Senator Huffman, Senators Blanco and Menéndez will be shown as Co-authors of **SB 645**.

CO-AUTHOR OF SENATE BILL 716

On motion of Senator Alvarado, Senator West will be shown as Co-author of **SB 716**.

CO-AUTHOR OF SENATE BILL 801

On motion of Senator Hughes, Senator Hinojosa will be shown as Co-author of **SB 801**.

CO-AUTHOR OF SENATE BILL 994

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 994**.

CO-AUTHOR OF SENATE BILL 1073

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 1073**.

CO-AUTHOR OF SENATE BILL 1083

On motion of Senator King, Senator Middleton will be shown as Co-author of **SB 1083**.

CO-AUTHOR OF SENATE BILL 1251

On motion of Senator Bettencourt, Senator Hinojosa will be shown as Co-author of **SB 1251**.

CO-AUTHOR OF SENATE BILL 1290

On motion of Senator Perry, Senator Birdwell will be shown as Co-author of **SB 1290**.

CO-AUTHORS OF SENATE BILL 1319

On motion of Senator Huffman, Senators Blanco and Creighton will be shown as Co-authors of **SB 1319**.

CO-AUTHOR OF SENATE BILL 1356

On motion of Senator Miles, Senator Eckhardt will be shown as Co-author of **SB 1356**.

CO-AUTHOR OF SENATE BILL 1386

On motion of Senator Miles, Senator Eckhardt will be shown as Co-author of **SB 1386**.

CO-AUTHOR OF SENATE BILL 1425

On motion of Senator Perry, Senator Springer will be shown as Co-author of **SB 1425**.

CO-AUTHOR OF SENATE BILL 1652

On motion of Senator Huffman, Senator Miles will be shown as Co-author of **SB 1652**.

CO-AUTHOR OF SENATE BILL 2072

On motion of Senator Bettencourt, Senator Perry will be shown as Co-author of **SB 2072**.

CO-AUTHOR OF SENATE BILL 2099

On motion of Senator Kolkhorst, Senator Middleton will be shown as Co-author of **SB 2099**.

CO-AUTHOR OF SENATE BILL 2217

On motion of Senator Blanco, Senator Hall will be shown as Co-author of **SB 2217**.

CO-AUTHOR OF SENATE BILL 2424

On motion of Senator Birdwell, Senator Springer will be shown as Co-author of **SB 2424**.

CO-AUTHOR OF SENATE BILL 2537

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 2537**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 4

On motion of Senator Eckhardt, Senator Schwertner will be shown as Co-author of **SCR 4**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 310 by Hughes, In memory of Richard Wade Carter.

SR 311 by Hughes, In memory of Carolyn Cline Mendoza.

SR 312 by Hughes, In memory of Charles J. Hensley.

SR 314 by Hughes, In memory of Mary Martha West.

Congratulatory Resolutions

SR 307 by West, Recognizing Thompson Brewer McLeod for achieving the rank of Eagle Scout.

SR 313 by Hughes, Recognizing Cynthia Horn on the occasion of her 100th birthday.

Official Designation Resolution

SR 309 by Schwertner, Recognizing April 4, 2023, as Texas Association of Neurological Surgeons Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:57 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 15, 2023

TRANSPORTATION — **SB 190, SB 247, SB 323, SB 347, SB 507, SB 508, SB 904, SB 1021, SB 1023**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **CSSB 1032, CSSB 811**

TRANSPORTATION — **CSSB 656**

BILLS ENGROSSED

March 15, 2023

SB 30, SB 402, SB 559, SB 645, SB 994, SB 1319

RESOLUTIONS ENROLLED

March 15, 2023

SR 306, SR 307, SR 309, SR 310, SR 311, SR 312, SR 313, SR 314, SR 315, SR 316

SENT TO GOVERNOR

March 15, 2023

SCR 19