

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-NINTH DAY

(Monday, April 3, 2023)

The Senate met at 2:07 p.m. pursuant to adjournment and was called to order by President Pro Tempore Hancock.

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

Absent-excused: West.

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

The Reverend Mark Dettman, Midland, offered the invocation as follows:

Our gracious and heavenly Father, thank You for this day and for this opportunity to gather together in our state's Capitol. Thank You for the men and women who give of their time and talent to serve the citizens of the State of Texas. Father, as we go about the business of our government and in our daily lives, let us remember the grace and love which You have so freely given us and let us practice that same grace and love with one another. Father, may Your blessings abound among the men and women in this Chamber and in our Capitol. Grant them wisdom in their duties, courage to do what is right, and peace with the decisions they make. And may You be with the members of our military, our law enforcement, our first responders, and all of the people of this great state. May You guard our hearts and our minds as we work together to keep Texas the shining example of Your great gifts. I pray all of these things in the name of Your son, Jesus Christ. 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 West was granted leave of absence for today on account of a death in the family.

PHYSICIAN OF THE DAY

Senator Kolkhorst was recognized and presented Dr. Pamela Chung of Richmond as the Physician of the Day.

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

(President in Chair)

SENATE RESOLUTION 378

Senator Alvarado offered the following resolution:

SR 378, In memory of Darren Almendarez.

ALVARADO	HINOJOSA	MIDDLETON
BETTENCOURT	HUFFMAN	MILES
BIRDWELL	HUGHES	PERRY
BLANCO	JOHNSON	WHITMIRE
CAMPBELL	KING	ZAFFIRINI
ECKHARDT	LAMANTIA	
GUTIERREZ	MENÉNDEZ	

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 Alvarado, **SR 378** was adopted by a rising vote of the Senate.

In honor of the memory of Darren Almendarez, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Alvarado was recognized and introduced to the Senate family and friends of Darren Almendarez including Flor Zarzaza-Almendarez, Kayla Rios, Javier Salinas, and Don Savell, accompanied by Representative Armando Walle.

The Senate welcomed its guests and extended its sympathy.

CONCLUSION OF MORNING CALL

The President at 2:44 p.m. announced the conclusion of morning call.

SENATE RULE 5.14(a) SUSPENDED

(Intent Calendar)

(Motion In Writing)

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14, the Intent Calendar rule, in order to move the Intent Calendar deadline to 4 p.m. today.

HALL

The Motion In Writing was read and prevailed without objection.

**COMMITTEE SUBSTITUTE
SENATE BILL 224 ON SECOND READING**

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 224** at this time on its second reading:

CSSB 224, Relating to catalytic converters, including criminal conduct involving catalytic converters; providing an administrative penalty; creating a criminal offense; increasing a criminal penalty; increasing a fee.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 224** (senate committee printing) as follows:

(1) In SECTION 3.01 of the bill, in the recital (page 6, line 35), strike "Subdivision (6-b)" and substitute "Subdivisions (6-b) and (7)".

(2) In SECTION 3.01 of the bill, in amended Section 1956.001, Occupations Code (page 6, between lines 48 and 49), insert the following:

(7) "Metal recycling entity" means a business that ~~[is operated from a fixed location and]~~ is predominantly engaged in:

(A) performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;

(B) the use of raw material products described under Paragraph (A) in the manufacture of producer or consumer goods; or

(C) purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by Paragraph (A) or (B).

(3) In SECTION 3.04 of the bill, in amended Section 1956.022(a)(2), Occupations Code (page 7, line 25), strike "and".

(4) In SECTION 3.04 of the bill, in proposed Section 1956.022(a)(3), Occupations Code (page 7, line 29), between "activity" and the period, insert the following:

⋮

(4) presents evidence satisfactory to the department that the applicant intends to act as a metal recycling entity and use a fixed location to wholly or partly conduct an activity described by Section 1956.001(7); and

(5) provides the physical address of the fixed location described by Subdivision (4)

(5) In SECTION 3.04 of the bill, following proposed Section 1956.022(a-1), Occupations Code (page 7, between lines 41 and 42), insert the following:

(a-2) An applicant who intends to conduct an activity described by Section 1956.001(7) at more than one fixed location must complete an application and obtain a certificate of registration for each fixed location.

(6) In SECTION 3.06 of the bill, in added Section 1956.123(1), Occupations Code, strike added Paragraphs (D)-(J) (page 8, lines 22 through 34) and substitute the following:

(D) a shop or garage that is engaged in the business of repairing motor vehicles;

(E) a used automotive parts recycler licensed under Chapter 2309;

(F) a motor vehicle demolisher as defined by Section 683.001, Transportation Code;

(G) a school or training program in which students are provided instruction on building, repairing, or restoring motor vehicles;

(H) a law enforcement agency;

(I) the National Insurance Crime Bureau;

(7) In SECTION 3.06 of the bill, in added Section 1956.123(1)(K), Occupations Code (page 8, line 35), strike "(K)" and substitute "(J)".

(8) In SECTION 3.06 of the bill, in added Section 1956.123(1)(K)(ii), Occupations Code (page 8, line 39), strike "(J)" and substitute "(I)".

(9) In SECTION 3.06 of the bill, in added Section 1956.123(1)(L), Occupations Code (page 8, line 41), strike "(L)" and substitute "(K)".

(10) In SECTION 3.06 of the bill, in added Section 1956.123(2), Occupations Code (page 8, line 48), strike "the".

(11) In SECTION 3.06 of the bill, in added Section 1956.123(2), Occupations Code (page 8, line 49), strike "authority," and substitute "authority.".

(12) In SECTION 3.06 of the bill, in added Section 1956.123(2), Occupations Code (page 8), strike lines 50 and 51.

(13) In SECTION 3.11 of the bill, in added Section 2305.152, Occupations Code (page 10, line 14), strike "(J)" and substitute "(G)".

(14) In SECTION 3.11 of the bill, in added Section 2305.155(b), Occupations Code (page 10, line 45), strike "(J)" and substitute "(G)".

(15) In SECTION 3.11 of the bill, in added Section 2305.155(c), Occupations Code (page 10, line 54), strike "(J)" and substitute "(G)".

(16) Add the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumber the SECTIONS of that article accordingly:

SECTION 3. ____ Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.030 to read as follows:

Sec. 1956.030. FIXED LOCATION. (a) A metal recycling entity shall at all times maintain a fixed location and use the fixed location to at least partly conduct an activity described by Section 1956.001(7).

(b) A metal recycling entity shall maintain a fixed location as required by Subsection (a) for each certificate of registration held by the metal recycling entity.

(17) In SECTION 4.02 of the bill, in the transition language (page 11, line 33), immediately after "Occupations Code," add "on the effective date of this Act".

(18) In ARTICLE 4 of the bill, in the transition language (page 11, between lines 35 and 36), insert the following appropriately numbered SECTION and renumber the SECTIONS of that article accordingly:

SECTION 4.____. Section 1956.022(a), Occupations Code, as amended by this Act, applies only to an application for a certificate of registration submitted on or after January 1, 2024. An application submitted before January 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(19) Strike SECTION 5.01 of the bill (page 11, line 55, through page 12, line 25) and substitute the following:

SECTION 5.01. (a) In this section, "authority" means the Motor Vehicle Crime Prevention Authority.

(b) Not later than January 1, 2024, the authority shall develop and implement a plan to coordinate efforts with the Department of Public Safety, the Texas Department of Licensing and Regulation, and the Texas Department of Motor Vehicles to:

(1) review the records of persons regulated by each agency involving the purchase, acquisition, sale, or transfer of catalytic converters removed from motor vehicles; and

(2) respond to suspicious activities that may be detected through the analysis of the records described by Subdivision (1) of this subsection.

(c) The authority may establish a task force composed of persons regulated by the agencies listed in Subsection (b) of this section who have substantial business experience in transactions involving catalytic converters. The authority shall develop the plan described by Subsection (b) of this section with the participation of the task force, if established.

(d) Except as provided by Subsection (c) of this section, the authority may appoint members to the task force as the authority determines appropriate.

(e) In developing and implementing the plan described by Subsection (b) of this section, the authority shall focus on:

(1) protecting each step in the legitimate stream of commerce that begins with the removal of a catalytic converter from a motor vehicle and includes recycling those catalytic converters to ensure that the persons regulated by the agencies listed in Subsection (b) of this section are not the means for inserting stolen catalytic converters into the stream of commerce; and

(2) providing risk-based targeting and random auditing of the records of the persons regulated by the agencies listed in Subsection (b) of this section.

(f) The money deposited to the credit of the general revenue fund for coordinated regulatory and law enforcement activities intended to detect and prevent catalytic converter theft in this state as described by Section 1006.153(e), Transportation Code, as amended by this Act, may be appropriated to the authority for the activities required by this section.

(20) In SECTION 6.01 of the bill, in the effective date provision (page 12), strike lines 29 and 30 and substitute the following:

(b) Sections 1956.001(6-b) and (7), Occupations Code, as amended by this Act, and Section 1956.030, Occupations Code, as added by this Act, take effect January 1, 2024.

The amendment to **CSSB 224** was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Alvarado to **CSSB 224** on page 5, lines 25-30, by striking provision (20) and substituting the following:

(20) In SECTION 6.01 of the bill, in the effective date provision (page 12), strike lines 27 and 30 and substitute the following:

(a) SECTION 6.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

(b) Sections 1956.001 (6-b) and (7), Occupations Code, as amended by this Act, and Section 1956.030, Occupations Code, as added by this Act, take effect July 1, 2023.

The amendment to Floor Amendment No. 1 to **CSSB 224** 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: West.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 224**, the amendment as amended was adopted by a viva voce vote.

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

Absent-excused: West.

CSSB 224 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: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 224 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 224** be placed on its third reading and final passage.

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

Absent-excused: West.

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

SENATE BILL 375 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 375** at this time on its second reading:

SB 375, Relating to the composition of districts for the election of members of the Texas Senate.

The motion prevailed by the following vote: Yeas 23, Nays 7.

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

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

Absent-excused: West.

The bill was read second time.

Question: Shall **SB 375** be passed to engrossment?

MOTION IN WRITING

Senator Alvarado offered the following Motion In Writing:

Mr. President:

I move that the journal entry containing a transcript of the second reading debate on the Committee Substitute for Senate Bill 4, 87th Legislature Senate Journal, 3rd Called Session, 4th Addendum (2021) be included as an addendum to today's journal with an introductory statement that reads as follows:

The Senate of the 88th Texas Legislature, Regular Session, is including as part of the record on S.B. 375 the following transcript from the second reading consideration of the C.S.S.B. 4, 87th Texas Legislature, 3rd Called Session.

The plan finally adopted in the C.S.S.B. 4 is identical to the senate redistricting plan contained in S.B. 375.

The remarks from the previous senate are germane to the consideration of S.B. 375 and provide a more thorough explanation of the rationale for adopting the districts contained in the original redistricting plan.

ALVARADO

The Motion In Writing was read and prevailed without objection.

Question: Shall **SB 375** be passed to engrossment?

SB 375 was passed to engrossment by the following vote: Yeas 23, Nays 7.

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

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

Absent-excused: West.

SENATE BILL 375 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 **SB 375** 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, King, Kolkhorst, LaMantia, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Zaffirini.

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

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

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

Absent-excused: West.

STATEMENT REGARDING SENATE BILL 375

Senator Alvarado submitted the following statement regarding **SB 375**:

When Senate Bill 4 was considered during the third special session in 2021, we raised significant concerns about the proposed Senate map. We reiterate these concerns as the plan in Senate Bill 375 is identical to the plan in SB 4.

Each of us represents majority-minority districts in which minority citizens have demonstrated the ability to elect their candidates of choice. We recognize and accept our special responsibility to protect the voting rights of the minority citizens we represent as well as minority citizens in every part of Texas. In light of this, we want to make clear that any vote by any of us to suspend rules or a vote in support of SB 375, either on passage to engrossment or on final passage, should not be interpreted as endorsement of the configuration of the plan in all parts of our state. To the contrary, we unanimously oppose specific aspects of the plan, most notably, the decimation of Senate District 10.

According to the 2020 Census, Texas gained nearly four million new residents. Notably, persons of color accounted for 95 percent of this growth, including nearly two million Hispanics. Non-Hispanic white Texans now comprise only 39.7 percent of the state's population—down significantly from 45.3 percent in 2010. In contrast, the Hispanic population increased from 37.6 percent to 39.3 percent, the Black population increased from 11.5 percent to 11.8 percent, and the Asian population increased from 3.8 percent to 5.4 percent.

The SB 375 proposed plan fails to reflect this growth and, in fact, dilutes the number of minority opportunity districts. In the proposed plan, 19 of the 31 Senate districts, or approximately 60 percent, in effect would be controlled by Anglos, who comprise less than 40 percent of our current population. If the racial and ethnic makeup of the body

reflected that of the state, we would have 12 districts in which Hispanic voters could elect candidates of their choice, four districts in which African American voters could elect candidates of their choice, and at least one district in which Asian Americans could elect candidates of their choice. In total, the Senate would have 17 districts in which Texans of color elected candidates of their choice. SB 375 falls far short of this bare minimum mark.

The redistricting process should be an accurate reflection of who lives in our state. In spite of the growing number and proportion of persons of color, if this plan is enacted, our state will have gone 30 years without adding an Hispanic opportunity district. Worse yet, rather than expanding the opportunity for these growing minority populations, this proposal does the opposite by either slicing them up and placing the pieces in majority Anglo districts or packing them together in fewer and fewer districts. Such actions are deliberate, they are illegal, and they are discriminatory.

Given these deliberate actions, it is no surprise that SB 375 does not comply with the requirements of the Voting Rights Act. While the Voting Rights Act requires additional minority opportunity districts to be drawn, SB 375 does the opposite by dismantling Senate District 10 (SD 10) in north Texas. SD 10 had evolved over the last two decades into an effective coalition crossover district in which minority citizens have demonstrated the ability to elect their candidate of choice, as was intended by the Legislative Redistricting Board when the lines were developed in 2001. Additionally, under the current Senate District 10 benchmark, some Anglo voters have joined with politically cohesive minority voters to elect a candidate of choice.

Under SB 375, the voting strength of minority citizens in SD 10 are intentionally destroyed, and rural Anglo voters are installed as the controlling majority in the district. As evidenced in the most recent election, minority voters in SD 10 no longer have an effective opportunity to elect a candidate in the district.

While claims that this new configuration of SD 10 was required due to population changes in the region, amendments offered by members of this body during the 2021 session demonstrate that is simply false. SD 10 can be drawn to maintain its ability for minorities to elect their candidates of choice while also more closely preserving the current geographies of nearby districts.

In addition to the dismantling of SD 10, this map systematically diminishes the ability of African Americans, Hispanics, Asians, and other minorities to have electoral power in Texas. Under the previous statewide Senate map, 15 districts had majority-minority populations, and in 12 of these districts, including SD 10, minority citizens have demonstrated the ability to elect their candidate of choice. Under the proposed Senate plan, only 12 districts have majority-minority populations, despite these populations accounting for nearly all the growth this last decade.

Unfortunately, Texas has a long history of denying minority citizens their rights under the Voting Rights Act and the U.S. Constitution. What has become increasingly clear is that state leaders will stop at nothing to deny minorities in this state from wielding their electoral strength. Regardless of claims that race was completely ignored in creating this map, no senator can claim after multiple hearings and past floor debates that he or she does not know the harmful effects this map will have on racial

minorities across Texas. Texans deserve better than to have maps that perpetuate decades of suppressing minority voters.

ALVARADO	LAMANTIA
BLANCO	MENÉNDEZ
ECKHARDT	MILES
GUTIERREZ	WEST
HINOJOSA	WHITMIRE
JOHNSON	ZAFFIRINI

**SENATE RULE 6.10(a) SUSPENDED
(Reconsideration)**

Senator Hughes moved to suspend Senate Rule 6.10(a) in order to permit a motion to reconsider the passage to engrossment of **SB 14**.

The motion prevailed by a viva voce vote.

All Members are deemed to have voted "Yea" on the suspension of Senate Rule 6.10(a) except as follows:

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

Absent-excused: West.

**VOTE RECONSIDERED ON
SENATE BILL 14**

Senator Campbell moved to reconsider the vote by which **SB 14** passed to engrossment:

SB 14, Relating to prohibitions on the provision to certain children of procedures and treatments for gender transitioning, gender reassignment, or gender dysphoria and on the use of public money or public assistance to provide those procedures and treatments.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

**SENATE RULE 6.10(a) SUSPENDED
(Reconsideration)**

Senator Hughes moved to suspend Senate Rule 6.10(a) in order to reconsider the vote by which Floor Amendment No. 1 to **SB 14** was adopted.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

**VOTE RECONSIDERED ON
SENATE BILL 14**

Senator Campbell moved to reconsider the vote by which Floor Amendment No. 1 to **SB 14** was adopted.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

Senator Campbell moved to withdraw Floor Amendment No. 1 to **SB 14**.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 14** (senate committee report) as follows:

(1) In SECTION 8 of the bill, (page 4, line 44), by striking "December 1, 2023" and substituting "September 1, 2023".

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: West.

SB 14 as amended was again passed to engrossment by the following vote: Yeas 19, Nays 11. (Same as previous roll call)

SENATE BILL 29 ON THIRD READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 29** at this time on its third reading and final passage:

SB 29, Relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

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

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1414 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1414** at this time on its second reading:

CSSB 1414, Relating to the temporary regulation of the practice of veterinary medicine by the Texas Department of Licensing and Regulation.

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: West.

COMMITTEE SUBSTITUTE SENATE BILL 1414 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1414** be placed on its third reading and final passage.

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

Absent-excused: West.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1236 ON SECOND READING**

Senator Flores moved to suspend the regular order of business to take up for consideration **CSSB 1236** at this time on its second reading:

CSSB 1236, Relating to the use of certain weapons in or on the bed or bank of a navigable river or stream in certain counties.

The motion prevailed.

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1236** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 284.001, Parks and Wildlife Code, is transferred to Subchapter B, Chapter 1, Parks and Wildlife Code, redesignated as Section 1.014, Parks and Wildlife Code, and amended to read as follows:

Sec. 1.014 ~~[284.001]~~. USE OF CERTAIN WEAPONS IN OR ON BED OR BANK OF NAVIGABLE RIVER OR STREAM ~~[DISCHARGE OF FIREARM]~~ PROHIBITED. (a) In this section:

(1) "Archery equipment" means a longbow, recurved bow, compound bow, or crossbow.

(2) "Firearm" has the meaning assigned by Section 62.014.

(3) "Navigable river or stream" has the meaning assigned by Section 90.001.

~~(b) [This section applies only to a navigable river or stream located wholly or partly in Dimmit, Edwards, Frio, Hall, Kenedy, Llano, Maverick, Real, Uvalde, or Zavala County.]~~

~~(c)~~ Except as provided by Subsection (c) ~~[(d)]~~, a person may not discharge a firearm or shoot an arrow from any kind of bow if:

(1) the person is located in or on the bed or bank of a navigable river or stream at the time the firearm is discharged or the arrow is shot from the bow; or

(2) any portion of the ammunition discharged or arrow shot could physically contact the bed or bank of a navigable river or stream.

(c) ~~[(d)]~~ This section does not apply to:

(1) an individual acting in the scope of the individual's duties as a peace officer or department employee;

(2) the discharge of a shotgun loaded with ammunition that releases only shot when discharged; or

(3) an individual engaging in fishing using archery equipment, if the individual is in compliance with Subsection (e) ~~[(f)]~~.

(d) ~~[(e)]~~ This section does not limit the ability of a license holder to carry a handgun under the authority of Subchapter H, Chapter 411, Government Code.

(e) ~~(f)~~ An individual engaging in fishing using archery equipment may not possess while fishing:

- (1) an arrow equipped with fletching of any kind;
- (2) an unbarbed arrow; or
- (3) a bow that is not equipped with a reel and line.

(f) A person who violates this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(g) If conduct that constitutes an offense under this section also constitutes an offense under Title 7, the actor may be prosecuted under this section or the other law, but not both.

SECTION 2. The heading to Chapter 284, Parks and Wildlife Code, is repealed.

SECTION 3. This Act takes effect September 1, 2023.

The amendment to **CSSB 1236** 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:

Nays: Hughes.

Absent-excused: West.

CSSB 1236 as amended was passed to engrossment by a viva voce vote.

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

Nays: Hughes.

Absent-excused: West.

COMMITTEE SUBSTITUTE SENATE BILL 1236 ON THIRD READING

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1236** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hughes.

Absent-excused: West.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATOR ANNOUNCED PRESENT

Senator West, who had previously been recorded as "Absent-excused," was announced "Present."

SENATE BILL 1598 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1598** at this time on its second reading:

SB 1598, Relating to the composition of the Homeland Security Council.

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

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

SENATE BILL 1598 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1598** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 885 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 885** at this time on its second reading:

CSSB 885, Relating to the grounds for terminating and reinstating a person's parental rights and the adoption of certain children.

The motion prevailed.

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

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

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

Nays: Middleton, Springer.

COMMITTEE SUBSTITUTE SENATE BILL 885 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 885** be placed on its third reading and final passage.

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

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

Nays: Middleton, Springer.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 28 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 28** at this time on its second reading:

CSSB 28, Relating to financial assistance provided and programs administered by the Texas Water Development Board.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 28** (senate committee printing) in SECTION 2 of the bill, in added Section 15.505, Water Code, as follows:

(1) On page 4, line 10, between the period and "The", insert "(a)".

(2) On page 4, between lines 21 and 22, insert the following:

(b) The advisory committee may not recommend specific projects for consideration for receipt of financial assistance from the fund.

The amendment to **CSSB 28** was read and was adopted by a viva voce vote.

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

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 28** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 15.152(1), Water Code (page 1, line 31), strike "to the board for a purpose" and substitute "for transfer or deposit to the credit".

(2) In SECTION 2 of the bill, strike added Section 15.502(c), Water Code (page 3, lines 6-7), and substitute the following:

(c) Money and investments in the fund shall be kept and held for and in the name of the board.

(3) In SECTION 2 of the bill, strike added Section 15.502(f)(5), Water Code (page 3, line 22), and substitute the following:

(5) money returned from any authorized transfer.

(4) In SECTION 2 of the bill, in added Section 15.503(a), Water Code (page 3, line 24), strike "The" and substitute "If managed by the comptroller, the".

(5) In SECTION 2 of the bill, in added Section 15.503(c), Water Code (page 3, line 31), between "subchapter" and "may", insert ", if managed by a corporate trustee,".

(6) In SECTION 2 of the bill, strike added Section 15.503(d), Water Code (page 3, lines 33-48), and substitute the following:

(d) If directed by the board to manage the fund under Subsection (c), a corporate trustee shall manage the fund in strict accordance with this subchapter and the orders, resolutions, and rules of the board. In managing the assets of the fund, the board,

comptroller, or corporate trustee may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment. The reasonable expenses of managing the fund's assets shall be paid from the fund.

The amendment to **CSSB 28** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

CSSB 28 as amended was passed to engrossment by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 28 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 28** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 75 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 75** at this time on its second reading:

CSSJR 75, Proposing a constitutional amendment creating the Texas water fund to assist in financing water projects in this state.

The resolution was read second time.

Senator Perry offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 75** (senate committee printing), in SECTION 1 of the resolution, immediately following added Section 49-d-16(e), Article III, Texas Constitution (page 1, between lines 52 and 53), by adding the following:

(f) For purposes of Section 22, Article VIII, of this constitution:

(1) money in the Texas water fund is dedicated by this constitution; and
(2) an appropriation of state tax revenues for the purpose of depositing money to the credit of the Texas water fund is treated as if it were an appropriation of revenues dedicated by this constitution.

The amendment to **CSSJR 75** was read and was adopted by a viva voce vote.

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

Senator Perry offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **CSSJR 75** (senate committee printing) in SECTION 1 of the resolution by striking added Section 49-d-16(c)(5), Article III, Texas Constitution (page 1, line 47), and substituting the following:

(5) money returned from any authorized transfer.

The amendment to **CSSJR 75** 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.

CSSJR 75 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 75 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 75** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 39

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, April 6, 2023, and ending on Tuesday, April 11, 2023.

WHITMIRE

SCR 39 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.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Creighton and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet at 5:20 p.m. today in the Press Room, 2E.9.

CO-AUTHORS OF SENATE BILL 12

On motion of Senator Hughes, Senators Bettencourt, Birdwell, and Creighton will be shown as Co-authors of **SB 12**.

CO-AUTHOR OF SENATE BILL 20

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

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Huffman, Senator Creighton will be shown as Co-author of **SB 21**.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Huffman, Senator Parker will be shown as Co-author of **SB 23**.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Kolkhorst, Senator Creighton will be shown as Co-author of **SB 26**.

CO-AUTHOR OF SENATE BILL 28

On motion of Senator Perry, Senator Schwertner will be shown as Co-author of **SB 28**.

CO-AUTHOR OF SENATE BILL 29

On motion of Senator Birdwell, Senator Creighton will be shown as Co-author of **SB 29**.

CO-AUTHOR OF SENATE BILL 75

On motion of Senator Perry, Senator Blanco will be shown as Co-author of **SB 75**.

CO-AUTHOR OF SENATE BILL 224

On motion of Senator Alvarado, Senator Menéndez will be shown as Co-author of **SB 224**.

CO-AUTHORS OF SENATE BILL 386

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

CO-AUTHORS OF SENATE BILL 459

On motion of Senator Paxton, Senators Blanco and Creighton will be shown as Co-authors of **SB 459**.

CO-AUTHOR OF SENATE BILL 806

On motion of Senator Paxton, Senator Hinojosa will be shown as Co-author of **SB 806**.

CO-AUTHOR OF SENATE BILL 929

On motion of Senator Parker, Senator Flores will be shown as Co-author of **SB 929**.

CO-AUTHOR OF SENATE BILL 1269

On motion of Senator Hughes, Senator Middleton will be shown as Co-author of **SB 1269**.

CO-AUTHOR OF SENATE BILL 1381

On motion of Senator Eckhardt, Senator Blanco will be shown as Co-author of **SB 1381**.

CO-AUTHORS OF SENATE BILL 1396

On motion of Senator Middleton, Senators Creighton, Paxton, and Sparks will be shown as Co-authors of **SB 1396**.

CO-AUTHOR OF SENATE BILL 1425

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

CO-AUTHOR OF SENATE BILL 1585

On motion of Senator Sparks, Senator Whitmire will be shown as Co-author of **SB 1585**.

CO-AUTHOR OF SENATE BILL 1588

On motion of Senator Blanco, Senator Sparks will be shown as Co-author of **SB 1588**.

CO-AUTHOR OF SENATE BILL 1601

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

CO-AUTHOR OF SENATE BILL 1710

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 1710**.

CO-AUTHOR OF SENATE BILL 1927

On motion of Senator Hughes, Senator Bettencourt will be shown as Co-author of **SB 1927**.

CO-AUTHOR OF SENATE BILL 1961

On motion of Senator Perry, Senator Flores will be shown as Co-author of **SB 1961**.

CO-AUTHOR OF SENATE BILL 1966

On motion of Senator Alvarado, Senator Hinojosa will be shown as Co-author of **SB 1966**.

CO-AUTHOR OF SENATE BILL 1989

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1989**.

CO-AUTHOR OF SENATE BILL 2014

On motion of Senator King, Senator Sparks will be shown as Co-author of **SB 2014**.

CO-AUTHOR OF SENATE BILL 2087

On motion of Senator Hughes, Senator Sparks will be shown as Co-author of **SB 2087**.

CO-AUTHOR OF SENATE BILL 2088

On motion of Senator Creighton, Senator Paxton will be shown as Co-author of **SB 2088**.

CO-AUTHOR OF SENATE BILL 2223

On motion of Senator Menéndez, Senator Blanco will be shown as Co-author of **SB 2223**.

CO-AUTHOR OF SENATE BILL 2482

On motion of Senator Menéndez, Senator Paxton will be shown as Co-author of **SB 2482**.

CO-AUTHOR OF SENATE BILL 2487

On motion of Senator Parker, Senator Hall will be shown as Co-author of **SB 2487**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

HCR 73 (Huffman and Middleton), In memory of the Honorable James Ray Gayle III of Angleton.

Congratulatory Resolutions

SR 374 by Middleton, Recognizing the Galveston Island State Park Beach Redevelopment project.

SR 375 by Perry, Recognizing McMurry University on the occasion of its 100th anniversary.

SR 376 by Perry, Recognizing Carter Smith on the occasion of his retirement.

SR 377 by West, Recognizing Saint Luke Community United Methodist Church on the occasion of its 90th anniversary.

SR 379 by Eckhardt, Recognizing the Summitt-Koblenz Exchange program.

HCR 84 (Hinojosa), Honoring Dr. Alberto Gutiérrez of McAllen for his years of service to the Rio Grande Valley.

Official Designation Resolution

SR 382 by Schwertner, Recognizing April 4, 2023, as Texas Neurological Society Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:53 p.m. adjourned, in memory of Darren Almendarez, 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:

April 3, 2023

EDUCATION — CSSB 838, CSSB 9

FINANCE — CSSB 1237, CSSB 1246, CSSB 1245

EDUCATION — CSSB 412, CSSB 294

HEALTH AND HUMAN SERVICES — CSSB 26, CSSB 614, CSSB 812, CSSB 1249, CSSB 1583, CSSB 1040, CSSB 1003, CSSB 989, CSSB 829, CSSB 52, CSSB 576

WATER, AGRICULTURE, AND RURAL AFFAIRS — SB 1745, SJR 32, SB 938

BUSINESS AND COMMERCE — CSSJR 1

WATER, AGRICULTURE, AND RURAL AFFAIRS — CSSB 2440

BUSINESS AND COMMERCE — CSSB 7

BILLS AND RESOLUTION ENGROSSED

April 3, 2023

SB 28, SB 29, SB 37, SB 48, SB 182, SB 224, SB 247, SB 276, SB 281, SB 315, SB 323, SB 375, SB 401, SB 464, SB 478, SB 498, SB 507, SB 508, SB 538, SB 545, SB 617, SB 658, SB 691, SB 729, SB 739, SB 745, SB 768, SB 818, SB 870, SB 885, SB 944, SB 987, SB 1016, SB 1021, SB 1023, SB 1052, SB 1115, SB 1136, SB 1236, SB 1259, SB 1372, SB 1414, SB 1421, SB 1499, SB 1500, SB 1523, SB 1598, SJR 75

RESOLUTIONS ENROLLED

April 3, 2023

SR 374, SR 375, SR 376, SR 377, SR 378, SR 379, SR 382

**In Memory
of
Darren Almendarez
Senate Resolution 378**

WHEREAS, Residents of Harris County lost an esteemed public servant with the passing of Deputy Sheriff Darren Almendarez on March 31, 2022, at the age of 51; and

WHEREAS, A native of Houston, Darren Almendarez was born to Mary Helen Martinez and Abraham Almendarez Sr. on August 15, 1970, and he grew up with five sisters and four brothers; he shared a rewarding marriage with Flor M. Zarzoza Almendarez, and he was the proud father of three children, Andrea Almendarez, Kayla Rios, and Danny Rios; and

WHEREAS, After graduating from Austin High School and attending Houston Community College and San Jacinto College, Mr. Almendarez enlisted in Class B1-99 of the Harris County Sheriff's Office Academy and graduated in 1999; over the course of his exemplary 23-year tenure with the sheriff's office, he served as a patrolman in District 3 and as a field training officer, certified instructor, Auto Theft Task Force investigator, and investigator with the Multi-Agency Gang Task Force, where he worked with agents of the Federal Bureau of Investigation; he was certified as a master peace officer; and

WHEREAS, When he was off duty, Deputy Almendarez took great pleasure in traveling, saltwater fishing, woodworking, barbecuing, and working in his yard; he was a true animal lover who delighted in the time he spent with his many pets, and he was a loyal fan of the Houston Texans and the Dallas Cowboys; and

WHEREAS, Although the untimely death of Darren Almendarez profoundly saddened his family and friends and those who were privileged to work alongside him, his record of dedicated service to his community will not soon be forgotten; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the memory of Harris County Deputy Sheriff Darren Almendarez and extend heartfelt sympathy to his loved ones and to all others who mourn his passing; and, be it further

RESOLVED, That when the Texas Senate adjourns this day, it do so in memory of Deputy Sheriff Darren Almendarez.

ALVARADO	HINOJOSA	MIDDLETON
BETTENCOURT	HUFFMAN	MILES
BIRDWELL	HUGHES	PERRY
BLANCO	JOHNSON	WEST
CAMPBELL	KING	WHITMIRE
ECKHARDT	LAMANTIA	ZAFFIRINI
GUTIERREZ	MENÉNDEZ	