

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

**THIRTIETH DAY**

(Tuesday, April 4, 2023)

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

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

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

Pastor Matthew Paul, Summit Worship Center, Austin, offered the invocation as follows:

O God most merciful, O God most high, O God the source of strength, You call these leaders to serve the public, promote justice, and establish peace in our land. I lift before You all who govern and serve our nation through this body, its Senators, and its staff. Bless these servants with collaboration in this holy experiment. Give to those whom we entrust with authority the spirit of wisdom and understanding. Grant them a spirit of knowledge and of resolve. Guide them with the spirit of counsel, insight, and an open ear to hear the needs of the people. I ask that You will give to them a spirit of unity to work together for the good of those You have entrusted them to govern. Grace them with Your presence today. May what is done here today lay the foundation for a better future tomorrow. We pray this through Your holy 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.

## **GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate the La Vega High School 4A girls' state championship basketball team.

The Senate welcomed its guests.

**(Senator Menéndez in Chair)****PHYSICIAN OF THE DAY**

Senator Hancock was recognized and presented Dr. Justin Bartos of Bedford as the Physician of the Day.

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

**GUESTS PRESENTED**

Senator Schwertner was recognized and introduced to the Senate a Texas Neurological Society Day delegation.

The Senate welcomed its guests.

**(President Pro Tempore Hancock in Chair)****SENATE RESOLUTION 380**

Senator Eckhardt offered the following resolution:

**SR 380**, Recognizing April 4, 2023, as County Government Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Eckhardt was recognized and introduced to the Senate a County Government Day delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate a Texas Grandparents Raising Grandchildren delegation.

The Senate welcomed its guests.

**(Senator Birdwell in Chair)****GUESTS PRESENTED**

Senator King was recognized and introduced to the Senate representatives of the Texas State Guard.

The Senate welcomed its guests.

**SENATE RESOLUTION 388**

Senator Hancock offered the following resolution:

**SR 388**, Recognizing NBT Financial Bank on the occasion of its 50th anniversary.

HANCOCK  
KING

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Hancock was recognized and introduced to the Senate NBT Financial Bank representatives.

The Senate welcomed its guests.

**SENATE RESOLUTION 373**

Senator LaMantia offered the following resolution:

**SR 373**, Recognizing April 4, 2023, as Kleberg County Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator LaMantia was recognized and introduced to the Senate a Kleberg County Day delegation including County Judge Rudy Madrid, County Commissioners Chuck Schultz and Marcus Salinas, District Attorney John Hubert, Assistant County Attorney J. Dean Craig, County Clerk Salvador Barrera III, Tax Assessor-Collector Maria Victoria Valadez, Treasurer Priscilla Cantu, District Clerk Jennifer Whittington, Brandon Barrera, Eric Bromley, Kingsville Commissioners Norma Alvarez and Ann Marie Torres, David Garcia, Sally Lara, Horacio "Hoss" and Vilma Castillo, and Frances Garcia.

The Senate welcomed its guests.

**SENATE RESOLUTION 372**

Senator Flores offered the following resolution:

**SR 372**, Recognizing April 4, 2023, as Castroville Legislative Day.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Flores was recognized and introduced to the Senate a City of Castroville delegation.

The Senate welcomed its guests.

**MESSAGES FROM THE GOVERNOR**

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

April 4, 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 Appraiser Licensing and Certification Board for terms to expire January 31, 2029:

Rolando F. Castro  
Cypress, Texas  
*(Mr. Castro is being reappointed)*

John H. Eichelberger, III  
West University Place, Texas  
*(replacing Clayton P. Black of Stanton whose term expired)*

Respectfully submitted,

/s/Greg Abbott  
Governor

April 4, 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 Real Estate Commission for terms to expire January 31, 2029:

Stuart A. Bernstein  
Austin, Texas  
*(replacing Michael "Mike" Williams of Colleyville whose term expired)*

Chance A. Brown  
Cypress, Texas  
*(replacing DeLora Wilkinson of Cypress whose term expired)*

Renee Williams Harvey Lowe  
Clarksville, Texas  
*(replacing Jan Fite Miller of Kemp whose term expired)*

Respectfully submitted,

/s/Greg Abbott  
Governor

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 11:30 a.m. announced the conclusion of morning call.

#### **GUESTS PRESENTED**

Senator Middleton was recognized and introduced to the Senate students from The University of Texas Medical Branch.

The Senate welcomed its guests.

#### **SENATE BILL 59 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 59** at this time on its second reading:

**SB 59**, Relating to notice of water and wastewater requirements for the foreclosure sale of residential properties by certain political subdivisions.

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 59 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 59** be placed on its third reading and final passage.

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

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

#### **SENATE BILL 361 ON SECOND READING**

Senator Eckhardt moved to suspend the regular order of business to take up for consideration **SB 361** at this time on its second reading:

**SB 361**, Relating to the eligibility of a person employed by a school district as a teacher to serve on the appraisal review board of an appraisal district.

The motion prevailed.

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

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

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

Nays: Hancock, Hughes, Middleton.

#### **SENATE BILL 361 ON THIRD READING**

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 361** be placed on its third reading and final passage.

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

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

Nays: Hancock, Hughes, Middleton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1191 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1191** at this time on its second reading:

**CSSB 1191**, Relating to late applications for the appraisal of land for ad valorem tax purposes as qualified open-space land following the death of the owner of the land.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1191 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 1191** be placed on its third reading and final passage.

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

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

**SENATE BILL 1486 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1486** at this time on its second reading:

**SB 1486**, Relating to the electronic payment of ad valorem taxes; authorizing a fee.

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 1486 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1486** be placed on its third reading and final passage.

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

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

**SENATE BILL 1381 ON SECOND READING**

On motion of Senator Eckhardt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1381** at this time on its second reading:

**SB 1381**, Relating to the eligibility of the surviving spouse of an elderly person who qualified for a local option exemption from ad valorem taxation by a taxing unit of a portion of the appraised value of the deceased person's residence homestead to continue to receive an exemption for the same property from the same taxing unit in an amount equal to that of the exemption for which the deceased person qualified without applying for the exemption.

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 1381 ON THIRD READING**

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1381** 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.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Dimmit County delegation.

The Senate welcomed its guests.

#### **SENATE BILL 2355 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2355** at this time on its second reading:

**SB 2355**, Relating to the appeal of certain ad valorem tax determinations through binding arbitration.

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 2355 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2355** be placed on its third reading and final passage.

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

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

#### **SENATE JOINT RESOLUTION 28 ON SECOND READING**

Senator Middleton moved to suspend the regular order of business to take up for consideration **SJR 28** at this time on its second reading:

**SJR 28**, Proposing a constitutional amendment to abolish the office of county treasurer of Galveston County.

The motion prevailed.

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

The resolution 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: Gutierrez, West, Zaffirini.

### **SENATE JOINT RESOLUTION 28 ON THIRD READING**

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

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

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

Nays: Gutierrez, West, Zaffirini.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### **SENATE BILL 2091 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **SB 2091** at this time on its second reading:

**SB 2091**, Relating to the authority of a taxing unit to sell certain seized or foreclosed property to an owner of an abutting property without conducting a public sale.

The motion prevailed.

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

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

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

Nays: Hughes, Sparks.



**SENATE BILL 2091 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2091** 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, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Springer, West, Whitmire, Zaffirini.

Nays: Hughes, Sparks.

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

**SENATE BILL 459 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 459** at this time on its second reading:

**SB 459**, Relating to early registration for parenting students at public institutions of higher education.

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 459 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 459** be placed on its third reading and final passage.

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

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

**SENATE BILL 869 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 869** at this time on its second reading:

**SB 869**, Relating to suits affecting the parent-child relationship, including the payment and enforcement of support ordered in a suit affecting the parent-child relationship.

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 869** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In the heading to amended Section 122.201, Estates Code (page 1, line 21), strike "BARRED" and substitute "INEFFECTIVE".

(2) In added Section 122.201(b), Estates Code (page 1, line 29), strike "is barred" and substitute "does not take effect".

(3) Immediately after added Section 122.201(c), Estates Code (page 1, between lines 42 and 43), insert the following:

(d) If Subsection (b) applies, the child support obligee to whom child support arrearages are owed may enforce the child support obligation against the obligor as to the assigned property or interest in property by a lien or by any other remedy provided by law.

(e) Unless the personal representative of a decedent's estate has actual notice of a claim that an assignment of property or an interest in property under Subsection (a) does not take effect under Subsection (b), the personal representative is not liable for transferring property pursuant to such assignment.

The amendment to **SB 869** was read and was adopted by a viva voce vote.

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

**SB 869** as amended was passed to engrossment by a viva voce vote.

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

### SENATE BILL 869 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 869** be placed on its third reading and final passage.

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

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

### SENATE BILL 959 ON SECOND READING

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

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

The motion prevailed by the following vote: Yeas 19, Nays 12.

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

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

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

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a Texas Autism Advocacy Day delegation.

The Senate welcomed its guests.

**SENATE BILL 1910 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1910** at this time on its second reading:

**SB 1910**, Relating to access to certain election records under the public information law.

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

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

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

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

**SENATE BILL 1910 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1910** be placed on its third reading and final passage.

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

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

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

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

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

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

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

**COMMITTEE SUBSTITUTE****SENATE BILL 541 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 541** at this time on its second reading:

**CSSB 541**, Relating to the barring of certain vendors from participation in contracts with the state or a political subdivision and to prohibiting the use of technologies manufactured or sold by certain of those vendors.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **CSSB 541** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 2155.077(a-3)(2), Government Code (page 2, line 2), between "(1)" and the underlined semicolon, insert "to provide products or services to this state".

(2) In SECTION 3 of the bill, in added Section 271.909(2), Local Government Code (page 2, line 18), between "(1)" and the underlined semicolon, insert "to provide products or services to this state".

The amendment to **CSSB 541** 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 Johnson offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 541** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 2155.077(a-3)(3), Government Code (page 2), strike lines 4 and 5 and substitute the following: Homeland Security Council, with advice from the governor, unless the federal government has determined that the vendor does not pose a risk to national security.

(2) In SECTION 3 of the bill, in added Section 271.909(3), Local Government Code (page 2), strike lines 20 and 21 and substitute the following: Homeland Security Council, with advice from the governor, unless the federal government has determined that the vendor does not pose a risk to national security.

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

SECTION \_\_\_\_ . Section 421.026, Government Code, is amended to read as follows:

Sec. 421.026. REPORTS [~~REPORT~~]. (a) The council shall annually submit to the governor a report stating:

(1) the status and funding of state programs designed to detect and deter homeland security emergencies, including the status and funding of counterterrorism efforts;

(2) recommendations on actions to reduce threats to homeland security, including threats related to terrorism; and

(3) recommendations for improving the alert, response, and recovery capabilities of state and local agencies.

(b) The council shall submit a report to the legislature identifying each vendor designated as a risk to state security for purposes of barring the vendor from participating in contracts under Section 2155.077(a-3)(3) of this code and Section

271.909(3), Local Government Code. The council shall submit an update to the report under this subsection each time the council designates a vendor as a risk to state security.

The amendment to **CSSB 541** 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 541** 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 541 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 541** 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.

**(President in Chair)**

**SENATE BILL 14 ON THIRD READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 14** at this time on its third reading and final passage:

**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 12.

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

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 20 ON SECOND READING**

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

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

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

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

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

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

### REMARKS ORDERED PRINTED

On motion of Senator Eckhardt and by unanimous consent, the remarks by Senators Huffman, Hinojosa, and Eckhardt regarding **CSSB 20** were ordered reduced to writing and printed in the *Senate Journal* as follows:

(Exchange between Senator Huffman and Senator Hinojosa)

**President:** Thank you. Senator Hinojosa, for what purpose?

**Senator Hinojosa:** Will the Senator yield for some questions?

**President:** Do you yield?

**Senator Huffman:** Of course.

**Senator Hinojosa:** Thank you, Mr. President. Just a clarification, a prosecutor will not lose a prosecutor discretion whether or not to file a criminal case against someone accused of a crime?

**Senator Huffman:** The prosecutor always has some discretion in individualized cases or individual cases on whether to prosecute. They make the determination whether there is probable cause, whether they believe they could prove the case to a judge or a jury beyond a reasonable doubt, whether they think they could have the evidence available. So, lots of reasons why a prosecutor may use their discretion and decline prosecution. That is not what this bill is aiming at. This bill is aiming at those that have policies that, whether it's direct or indirect, that create an across-the-board refusal to prosecute a class or a type of offense. Like we've seen some that don't prosecute theft under \$750 or, that's just an example, but that type of example. Whereas you could have a prosecutor who encountered a case where someone shoplifted, you know, they weren't sure, you know, who had actually seen them do it. The evidence wasn't that clear, so they may use their discretion and choose not to prosecute. Those are two totally different things.

**Senator Hinojosa:** So, I assume, and just from reading the bill, that you are actually targeting where a prosecutor has a blanket policy of not prosecuting a certain type of crime, if you will.

**Senator Huffman:** Correct. And that would include their policies that they pass on to their employees, so the employees would be, you know, covered as well if they instruct their employees not to prosecute a certain class. I have worked with the prosecutors to try to hone this language down, I think trying to make my intentions very clear. It's these policies that we see that are wrong when, and it's not necessarily individualized cases where a prosecutor uses their discretion to make a decision.

**Senator Hinojosa:** And that's my main concern, and that is that we're not reducing or taking away the discretion of a prosecutor. The prosecutor has so many criminal cases they may end up dismissing for numerous reasons. Whether it's a weak case or whether there are special circumstances that apply to that case, you are not targeting those type of decisions.

**Senator Huffman:** Right. And usually those decisions come about after the process has been put into place, so there, maybe prosecution has started, whether even an arrest has started and the prosecutor reviews the evidence and thinks we can't go any further than this. But these prosecutors that say they're not going to prosecute certain crimes so the police officers don't even bother to arrest are the type of situations that we are trying to avoid. And those prosecutors that engage in that type of behavior, under the bill, should be subject to removal under current law.

**Senator Hinojosa:** And as you well know, elections for district attorney, for example, are partisan elections. So, this would apply to Democrats or Republicans.

**Senator Huffman:** Absolutely. Yes, Sir.

**Senator Hinojosa:** If a Republican prosecutor says, well, I don't want to prosecute this type or class of crimes as a blanket policy, this bill would apply to that also.

**Senator Huffman:** It applies to Democrats and Republicans, yes.

**Senator Hinojosa:** And one more point, and that is this bill would not prohibit a prosecutor from having any internal policy and processing certain types of cases, for capital murder cases, for example, so that he would be free to discuss whatever internal policies they may have as long as they are not a blanket policy against certain types of a—

**Senator Huffman:** Right. Just so they are not across-the-board policies that would apply to every person charged with a specific offense, yes.

**Senator Hinojosa:** And I know you have worked with the district attorney association and county attorney association on trying to hone down and narrow the language of this bill to make sure that we're not interfering in any which way with the prosecution's discretion in prosecuting crime in the State of Texas.

**Senator Huffman:** That has been my goal. Yes, Sir.

**Senator Hinojosa:** Thank you, Senator Huffman, for your information.

**Senator Huffman:** Thank you, Senator Hinojosa.

(Exchange between Senator Huffman and Senator Eckhardt)

**President:** Thank you, Senator. Senator Eckhardt, what purpose?

**Senator Eckhardt:** To ask questions of the author.

**President:** Do you yield?

**Senator Huffman:** Yes.

**Senator Eckhardt:** Senator Huffman, I just want to ask some quick questions to get some clarity with regard to policy versus practice of a prosecuting attorney.

**Senator Huffman:** Okay.

**Senator Eckhardt:** So, how will your bill affect the ability of a prosecutor's office to have a practice of offering deferred adjudication for certain classes of crimes?

**Senator Huffman:** I think deferred adjudication would anticipate that there would be a prosecution in place, so that would not be a denial of prosecuting a class of offenses, it would just be that was the punishment that the prosecutor offered in the form of a plea bargain, which there would still be a prosecution.

**Senator Eckhardt:** For those of our colleagues who are not aware of how deferred adjudication works, the defendant signs an admission in advance in return for a course of conduct that if they follow it, a dismissal comes after a certain period of time. Correct?

**Senator Huffman:** Correct. After a finding or an admission of guilt, not necessarily, there would not be a finding of guilt but an admission of guilt, or no contest in rare cases, but sometimes.

**Senator Eckhardt:** So, it's not your intention that this bill would be able to, would prevent a prosecutor's office from having a practice of offering deferred adjudication for specific levels of offense?

**Senator Huffman:** I think a deferred adjudication is a prosecution.

**Senator Eckhardt:** How would your bill affect a prosecutor's office having a practice of resolving certain classes without prosecution, a complete diversion into treatment out of the court system?

**Senator Huffman:** I think if there was, again, a diversion program still, the type that I'm familiar with, maybe you're talking about something different, but I'm talking, I'm thinking of a diversion program where defendants who have been arrested go through the system, go before a judge, are placed into a program, they're supervised, expected to participate whether it be in rehab classes or whatever it is, community service, maybe different things they have to participate in. And upon successful completion, then their case is dismissed. That to me is still where the prosecutor has taken active steps to prosecute. Again, using their discretion on how they want to handle certain cases. So, the police know that they can arrest an individual, bring them before the court, and the person may be placed into a pre-trial diversion program. That's not the same as a prosecutor refusing to prosecute a class of offense by policy, either direct or implied.

**Senator Eckhardt:** And so, I appreciate this clarification. Of course, there are jail diversion programs and then there are prosecution diversion programs like sobering centers, for instance, where an offender is taken to a sobering center as an alternative to being taken to central booking to start the process of prosecution. Is it your intention that this bill would prevent the operation of sobering centers or other prosecution diversion mechanisms for substance use disorder?

**Senator Huffman:** I'm not going to speak to that because I don't know specifically the programs that you're talking about. I think if a prosecutor said, no, we're not going to file any charges on someone with drugs, we're just going to send them to a sobering center, then they are probably in violation of the law. But, you know, a citizen would have to file a complaint. It'd go through the system and maybe it would be determined



that they weren't. I don't know. That would be for the system to decide. But I think you're kind of getting in a gray area there. And I think the intent of the legislation is clear. We don't want prosecutors saying, I'm not prosecuting that crime, I don't like that crime, we don't want to prosecute that crime in this county or this city, or whatever it is. That's the intent of the legislation. So, I think if prosecutors try to be cute about it and think, well, we'll pretend like we're, you know, we're just sending them somewhere but we're really not prosecuting. Then someone may file a complaint and then we'll let the courts decide if they have actually violated the legislation or the law.

**Senator Eckhardt:** Thank you for answering my questions—

**Senator Huffman:** Sure.

**Senator Eckhardt:** —and also Senator Hinojosa's questions, which also clarified my understanding of your intent.

**Senator Huffman:** Great.

**Senator Eckhardt:** I would move at this time that Senator Hinojosa's questions and Senator Huffman's answers, as well as mine, are recorded in the Journal for future reference.

### **COMMITTEE SUBSTITUTE SENATE BILL 21 ON SECOND READING**

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

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

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

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

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 21** (senate committee report) in SECTION 4 of the bill, in added Section 33.037(b), Government Code (page 3, line 19), by striking "15th" and substituting "30th".

The amendment to **CSSB 21** 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 Birdwell offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 21** (senate committee report) in SECTION 4 of the bill, amending Section 33.037, Government Code, as follows:

(1) At the end of added Section 33.037(c)(2)(D), Government Code (page 3, line 32), strike "and".

(2) At the end of added Section 33.037(c)(2)(E), Government Code (page 3, line 33), strike the underlined period and substitute an underlined semicolon.

(3) Immediately following Section 33.037(c)(2)(E), Government Code (page 3, between lines 33 and 34), insert the following:

(F) the chief justice of the supreme court;

(G) the Office of Court Administration of the Texas Judicial System;

and

(H) the presiding judge of the administrative judicial region for the court served by the suspended judge.

The amendment to **CSSB 21** was read and was adopted by a viva voce vote.

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

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 21** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 33.0213, Government Code, is amended to read as follows:

Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY INVESTIGATION. On notice by any law enforcement agency investigating an action for which a complaint has been filed with the commission, the commission:

(1) may place the commission's complaint file on hold and decline any further investigation that would jeopardize the law enforcement agency's investigation; or

(2) shall [~~The commission may~~] continue an investigation that would not jeopardize a law enforcement investigation regarding the conduct subject to the complaint and may issue a censure or sanction based on the complaint.

The amendment to **CSSB 21** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

**CSSB 21** as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2010 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2010** at this time on its second reading:

**CSSB 2010**, Relating to required reporting by the wholesale electric market monitor for the ERCOT power region.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2010 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2010** 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 2011 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2011** at this time on its second reading:

**CSSB 2011**, Relating to the authority of the Public Utility Commission of Texas to impose administrative penalties and enter into voluntary mitigation plans; increasing an administrative penalty.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2011 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2011** 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 2013 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2013** at this time on its second reading:

**CSSB 2013**, Relating to access to and the security of certain critical infrastructure.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2013 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2013** 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 1287 ON SECOND READING**

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

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

The motion prevailed by the following vote: Yeas 19, Nays 12.

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

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

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1287** (senate committee printing) in SECTION 1 of the bill, by striking added Section 35.004(d-1), Utilities Code (page 1, lines 47 through 60), and substituting the following:

(d-1) The commission by rule shall establish a reasonable allowance to be applied on a per megawatt basis for costs incurred to interconnect generation resources directly with the ERCOT transmission system at transmission voltage,

including costs of utility interconnection facilities. The allowance must be designed to lower costs to consumers and encourage owners of generation resources to locate the resources closer to load.

The amendment to **CSSB 1287** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

**CSSB 1287** was passed to engrossment by the following vote: Yeas 19, Nays 12.

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

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 2014 ON SECOND READING**

Senator King moved to suspend the regular order of business to take up for consideration **CSSB 2014** at this time on its second reading:

**CSSB 2014**, Relating to the legislature's goals for renewable electric generating capacity.

The motion prevailed.

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

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

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

Nays: Eckhardt.

#### **COMMITTEE SUBSTITUTE SENATE BILL 2014 ON THIRD READING**

Senator King moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2014** be placed on its third reading and final passage.

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

Nays: Eckhardt.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 2015 ON SECOND READING**

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

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

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

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

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

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

**REMARKS ORDERED PRINTED**

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

**President:** You're recognized, for what purpose?

**Senator Blanco:** Questions for the author.

**President:** Do you yield?

**Senator King:** Yes, I yield for questions.

**Senator Blanco:** Thank you, Mr. President. Thank you, Senator King for bringing this bill and for your leadership in promoting energy security for Texas. I do have a couple of questions about legislative intent for this bill. Specifically, as it relates, and you had mentioned it earlier, geothermal. As you know, geothermal energy is, it's a promising form of energy source in our state. It's renewable. And it's also dispatchable. So, under the definition in your bill, would geothermal energy be considered dispatchable?

**Senator King:** It would. Under SB 3's definition of dispatchable because it is a constant heat source, you drill way down into the ground, you use that heat just like you would be using natural gas to create heat or nuclear energy to create heat. So, geothermal absolutely fits the definition.

**Senator Blanco:** So, it's safe to, thank you for that, it's safe to say that your bill can and can't promote and incentivize investment in these renewable technologies as it relates specifically to geothermal energy because it's dispatchable.

**Senator King:** It's dispatchable and therefore technology neutral. The only exception to it is, as I mentioned, is that it has to be something that's under our control, not the control of the weather.

**Senator Blanco:** Great. So, it, so this bill does not explicitly exclude renewable energy sources.

**Senator King:** It does not target renewable energy sources. What it tries to do is require that at least 50 percent of the generation built January 1st going forward is going to be dispatchable. And per your question, which is an excellent question, geothermal, a coming technology, would certainly fit that definition.

**Senator Blanco:** Well, Senator King, thank you so much. I think this is a good bill. I think it's going to keep the lights on in Texas. Mr. President, could I move to reduce the exchange between Senator King and myself to writing and placed in the Journal for legislative intent?

### RECESS

On motion of Senator Whitmire, the Senate at 2:00 p.m. recessed until 2:30 p.m. today.

### AFTER RECESS

The Senate met at 2:45 p.m. and was called to order by the President.

### RECESS

On motion of Senator West, the Senate at 3:26 p.m. recessed until 3:45 p.m. today.

### AFTER RECESS

The Senate met at 4:00 p.m. and was called to order by the President.

### COMMITTEE SUBSTITUTE SENATE BILL 12 ON SECOND READING

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

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

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

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

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 12** (senate committee printing) in SECTION 3 of the bill as follows:

(1) Strike added Section 43.28(a), Penal Code (page 2, lines 22-31), and substitute the following:

(a) In this section:

(1) "Sexual conduct" means:

(A) the exhibition or representation, actual or simulated, of sexual acts, including vaginal sex, anal sex, and masturbation;

(B) the exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;

(C) the exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals; or

(D) actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person.

(2) "Sexually oriented performance" means a visual performance that:

(A) features:

(i) a performer who is nude, as defined by Section 102.051, Business & Commerce Code;

(ii) a male performer exhibiting as a female, or a female performer exhibiting as a male, who uses clothing, makeup, or other similar physical markers and who sings, lip syncs, dances, or otherwise performs before an audience; or

(iii) any other performer who engages in sexual conduct; and

(B) appeals to the prurient interest in sex.

(2) In added Section 43.28(b), Penal Code (page 2, line 35), between "public property" and the underlined semicolon, insert "at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child".

The amendment to **CSSB 12** was read and was adopted by a viva voce vote.

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

**CSSB 12** as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

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

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

**SENATE BILL 1601 ON SECOND READING**

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

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



The motion prevailed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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

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

Present-not voting: Miles.

The bill was read second time.

Senator Springer offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **SB 1601** (senate committee report) in SECTION 1 of the bill, in added Section 315.0051, Local Government Code, as follows:

(1) On page 1, line 27, between "state" and "funds", insert "or other public".

(2) On page 1, lines 31 and 32, strike "State funds for the municipal library shall be denied", and substitute "The state and a political subdivision may not provide funds to the municipal library".

The amendment to **SB 1601** 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: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Menéndez offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **SB 1601** (committee printing) as follows:

In SECTION 1 of the bill, in amended Sec. 315.0051, Local Government Code, Page 1, Line 31, between "entertainment" and "."

Insert the following:

"and appeals to the prurient interest in sex"

Creating a new SECTION 2 of the bill adding 351.0052 to Chapter 315, Local Government Code, to read as follows:

Sec. 315.0052 PRURIENT INTEREST IN SEX. Prurient interest in sex has the following meaning:

(1) appeals to the prurient interest of a minor, in sex, nudity, or excretion;

(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

(3) is utterly without redeeming social value for minors.

MENÉNDEZ  
ALVARADO  
BLANCO

ECKHARDT  
ZAFFIRINI

The amendment to **SB 1601** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

**SB 1601** as amended was passed to engrossment by the following vote: Yeas 19, Nays 10, Present-not voting 2.

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

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

Present-not voting: Miles, Nichols.

#### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Campbell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Campbell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointment, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

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

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Campbell gave notice that tomorrow she would submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

### **CO-AUTHOR OF SENATE BILL 7**

On motion of Senator Schwertner, Senator Creighton will be shown as Co-author of **SB 7**.

### **CO-AUTHOR OF SENATE BILL 12**

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

**CO-AUTHORS OF SENATE BILL 16**

On motion of Senator Hughes, Senators Creighton, Paxton, and Schwertner will be shown as Co-authors of **SB 16**.

**CO-AUTHORS OF SENATE BILL 20**

On motion of Senator Huffman, Senators Kolkhorst and Paxton will be shown as Co-authors of **SB 20**.

**CO-AUTHOR OF SENATE BILL 26**

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

**CO-AUTHOR OF SENATE BILL 113**

On motion of Senator Menéndez, Senator Miles will be shown as Co-author of **SB 113**.

**CO-AUTHOR OF SENATE BILL 163**

On motion of Senator Campbell, Senator Middleton will be shown as Co-author of **SB 163**.

**CO-AUTHOR OF SENATE BILL 164**

On motion of Senator Campbell, Senator Middleton will be shown as Co-author of **SB 164**.

**CO-AUTHOR OF SENATE BILL 353**

On motion of Senator Zaffirini, Senator Miles will be shown as Co-author of **SB 353**.

**CO-AUTHOR OF SENATE BILL 361**

On motion of Senator Eckhardt, Senator Bettencourt will be shown as Co-author of **SB 361**.

**CO-AUTHORS OF SENATE BILL 412**

On motion of Senator Paxton, Senators Creighton and Kolkhorst will be shown as Co-authors of **SB 412**.

**CO-AUTHORS OF SENATE BILL 459**

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

**CO-AUTHORS OF SENATE BILL 541**

On motion of Senator Campbell, Senators Creighton and Paxton will be shown as Co-authors of **SB 541**.

**CO-AUTHORS OF SENATE BILL 829**

On motion of Senator Kolkhorst, Senators Hall and Miles will be shown as Co-authors of **SB 829**.

**CO-AUTHOR OF SENATE BILL 876**

On motion of Senator West, Senator Flores will be shown as Co-author of **SB 876**.

**CO-AUTHOR OF SENATE BILL 956**

On motion of Senator LaMantia, Senator Sparks will be shown as Co-author of **SB 956**.

**CO-AUTHORS OF SENATE BILL 959**

On motion of Senator Campbell, Senators Creighton and Paxton will be shown as Co-authors of **SB 959**.

**CO-AUTHORS OF SENATE BILL 989**

On motion of Senator Huffman, Senators Alvarado and Schwertner will be shown as Co-authors of **SB 989**.

**CO-AUTHORS OF SENATE BILL 991**

On motion of Senator Hinojosa, Senators Sparks and West will be shown as Co-authors of **SB 991**.

**CO-AUTHOR OF SENATE BILL 1040**

On motion of Senator Kolkhorst, Senator LaMantia will be shown as Co-author of **SB 1040**.

**CO-AUTHOR OF SENATE BILL 1124**

On motion of Senator King, Senator Eckhardt will be shown as Co-author of **SB 1124**.

**CO-AUTHOR OF SENATE BILL 1249**

On motion of Senator Hancock, Senator Miles will be shown as Co-author of **SB 1249**.

**CO-AUTHOR OF SENATE BILL 1282**

On motion of Senator Springer, Senator West will be shown as Co-author of **SB 1282**.

**CO-AUTHOR OF SENATE BILL 1287**

On motion of Senator King, Senator Hughes will be shown as Co-author of **SB 1287**.

**CO-AUTHOR OF SENATE BILL 1313**

On motion of Senator Eckhardt, Senator Miles will be shown as Co-author of **SB 1313**.

**CO-AUTHOR OF SENATE BILL 1332**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 1332**.

**CO-AUTHOR OF SENATE BILL 1333**

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 1333**.

**CO-AUTHORS OF SENATE BILL 1396**

On motion of Senator Middleton, Senators Bettencourt and Campbell will be shown as Co-authors of **SB 1396**.

**CO-AUTHORS OF SENATE BILL 1486**

On motion of Senator Bettencourt, Senators Creighton and Hughes will be shown as Co-authors of **SB 1486**.

**CO-AUTHOR OF SENATE BILL 1509**

On motion of Senator Huffman, Senator Kolkhorst will be shown as Co-author of **SB 1509**.

**CO-AUTHOR OF SENATE BILL 1563**

On motion of Senator Creighton, Senator Miles will be shown as Co-author of **SB 1563**.

**CO-AUTHOR OF SENATE BILL 1601**

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

**CO-AUTHOR OF SENATE BILL 1603**

On motion of Senator Hughes, Senator West will be shown as Co-author of **SB 1603**.

**CO-AUTHOR OF SENATE BILL 1673**

On motion of Senator LaMantia, Senator West will be shown as Co-author of **SB 1673**.

**CO-AUTHOR OF SENATE BILL 1910**

On motion of Senator Bettencourt, Senator Creighton will be shown as Co-author of **SB 1910**.

**CO-AUTHORS OF SENATE BILL 1966**

On motion of Senator Alvarado, Senators Blanco and Miles will be shown as Co-authors of **SB 1966**.

**CO-AUTHOR OF SENATE BILL 1989**

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

**CO-AUTHORS OF SENATE BILL 2013**

On motion of Senator Schwertner, Senators Creighton, Parker, and Paxton will be shown as Co-authors of **SB 2013**.

**CO-AUTHORS OF SENATE BILL 2014**

On motion of Senator King, Senators Creighton and Paxton will be shown as Co-authors of **SB 2014**.

**CO-AUTHORS OF SENATE BILL 2015**

On motion of Senator King, Senators Bettencourt and Hughes will be shown as Co-authors of **SB 2015**.

**CO-AUTHOR OF SENATE BILL 2072**

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

**CO-AUTHOR OF SENATE BILL 2084**

On motion of Senator Menéndez, Senator Miles will be shown as Co-author of **SB 2084**.

**CO-AUTHOR OF SENATE BILL 2440**

On motion of Senator Perry, Senator Kolkhorst will be shown as Co-author of **SB 2440**.

**CO-AUTHOR OF SENATE BILL 2468**

On motion of Senator Eckhardt, Senator Miles will be shown as Co-author of **SB 2468**.

**CO-AUTHOR OF SENATE BILL 2482**

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

**CO-AUTHOR OF SENATE BILL 2565**

On motion of Senator Creighton, Senator West will be shown as Co-author of **SB 2565**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 28**

On motion of Senator Middleton, Senator Creighton will be shown as Co-author of **SJR 28**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 383** by West, Recognizing Obed Obeng-Addae for his contributions to society.

**SR 384** by Hinojosa, Recognizing Shawn M. Snider for his contributions to the City of Edinburg.

**SR 385** by Hinojosa, Recognizing Unidos Contra La Diabetes for its contributions to type 2 diabetes awareness and prevention.

**SR 387** by Alvarado, Bettencourt, Creighton, Middleton, Miles, and Whitmire, Honoring Port Houston for its contributions to the Texas economy.



**Official Designation Resolution**

**SR 381** by Zaffirini, Recognizing April 4, 2023, as Texas Autism Advocacy Day.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 4:40 p.m. adjourned, in memory of Martin Luther King Jr., 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 4, 2023

STATE AFFAIRS — **SB 990**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **CSSB 1289**

STATE AFFAIRS — **CSSB 1909, SB 1907, SB 975, SB 1950, SB 1054**

JURISPRUDENCE — **SB 1650, SB 1612, SB 2109**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1167, CSSB 604, CSSB 1114, CSSB 1420, SB 501, SB 502, SB 784, SB 667**

BUSINESS AND COMMERCE — **CSSB 6**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **CSSB 1746**

FINANCE — **SB 1053, CSSJR 5, CSSB 19, SB 1854, SB 2289, SB 2310, SJR 87, SB 2315**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **CSSB 1424**

BUSINESS AND COMMERCE — **CSSB 2012**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **CSSB 594**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSCR 13**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **CSSB 1965**

HEALTH AND HUMAN SERVICES — **CSSB 1849**

STATE AFFAIRS — **SB 694, SB 260, SB 1070, CSSB 950, CSSB 1938**

JURISPRUDENCE — **CSSB 1457**

BORDER SECURITY — **CSSB 2424, CSSB 1900, SB 1709, CSSB 1427, CSSB 600, CSSB 1403**

**BILLS AND RESOLUTION ENGROSSED**

April 4, 2023

**SB 14, SB 59, SB 361, SB 459, SB 541, SB 869, SB 1191, SB 1381, SB 1486,  
SB 1910, SB 2010, SB 2011, SB 2013, SB 2014, SB 2091, SB 2355, SJR 28**

**RESOLUTIONS ENROLLED**

April 4, 2023

**SR 372, SR 373, SR 380, SR 381, SR 383, SR 384, SR 385, SR 387, SR 388**