

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-SECOND DAY**

(Thursday, April 6, 2023)

The Senate met at 7:23 p.m. pursuant to adjournment and was called to order by the President.

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

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

Senator Paxton offered the invocation as follows:

Our Father in heaven, we thank You for the opportunity to serve You. And, Lord, as we begin this new legislative day, we ask again for Your wisdom and courage to love the way that You love. And it is in the name of Jesus that I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 39**.

## CONCLUSION OF MORNING CALL

The President at 7:25 p.m. announced the conclusion of morning call.

## COMMITTEE SUBSTITUTE SENATE BILL 8 ON THIRD READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 8** at this time on its third reading and final passage:

**CSSB 8**, Relating to public education, including parental rights and public school responsibilities regarding instructional materials and the establishment of an education savings account program.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

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

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

### **STATEMENT REGARDING COMMITTEE SUBSTITUTE SENATE BILL 8**

Senator Eckhardt submitted the following statement regarding **CSSB 8**:

Public Education is the greatest social equalizer ever devised. Through hard fought constitutional challenges, public education is available to every child. Black and Brown Texans went to enormous risk to demand access to public education alongside Anglo kids.

My own father fought to integrate the Bastrop Independent School District in the 1948 Delgado case, 6 years before Brown vs Board of Education. When his mother was contacted by the press and asked what she thought of Mexican children attending school alongside Anglo children, my grandmother apologized. She said, "That is entirely my fault. I raised little Bobby to be a Christian."

One of the Mexican-American kids who got to go to a quality public school for the first time because of that successful lawsuit was my predecessor Senator Gonzalo Barrientos.

This bill devalues and degrades public education and resegregates Texas children by siphoning dollars to private schools and the families that can already afford them.

Government should be Effective, Efficient, and Fair. This bill fails every one of those tests. This bill is not Effective. Other states like Louisiana, Indiana, and Wisconsin did not see any improvements in reading or math scores for students who used vouchers to move from a public school to a private school.

This bill is not Efficient. In Arizona, New Hampshire, and Wisconsin 75-89% of the students who used vouchers already attended private school. The \$8K stipend doesn't actually cover the cost of private school tuition. So, only families who can afford to pay the difference can actually choose to move to a private school. Even though funding per student in Texas public schools is thousands of dollars below the national average, we are going to divert over \$530M in the biennium to incentivize private school attendance of those who can afford it even without the stipend.

And this bill is unfair. Senator Menéndez, through his questioning of the bill's author and authors of the flurry of amendments, has already laid bare the deep unfairness of forcing large school districts, like the ones in my district, to subsidize the diversion to private schools and 5 years of payoffs to small school districts.

But the unfairness doesn't stop at money. Private schools don't have to take all comers the way public schools do. Private schools do not have to meet the same requirements as public schools under the U.S. Constitution and federal law for free speech and free

association, separation of Church and State, accommodations for students with disabilities, and fair treatment of all students irrespective of color, gender, or sexual orientation.

Hence, vouchers threaten religious freedom by forcing taxpayers to subsidize exclusionary private religious education and services regardless of their own religious beliefs. I get it that some feel that their kids shouldn't be exposed to the diversity of kids and cultures in public schools which must accept every child. Those parents can choose to send their kids to private schools today. But, the taxpayers of Texas should not have to subsidize their exclusivity.

In contrast, this bill injects a religious conservative Don't Say Gay censorship into public schools that take kids from every household, not just religious conservative households. This religious censorship is more sweeping than the Florida provision which applied its censorship through 3rd grade only. This bill censors right up through high school. The far right competition to bully LGBTQ students, teachers, parents and whomever provides them belonging and community is a stain on the national conscience as surely as our history of segregation based on race stained us.

This is not a Bill of Rights for all parents. This is an ineffective, inefficient, unfair selling off of our already scrutinized, censored and starved public education system into an opaque and exclusionary private system.

ECKHARDT

**(Senator Birdwell in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 9 ON THIRD READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration at this time **CSSB 9** on its third reading and final passage:

**CSSB 9**, Relating to the rights, certification, and compensation of public school educators and assistance provided to public schools by the Texas Education Agency related to public school educators and to certain allotments under the Foundation School Program.

The motion prevailed by the following vote: Yeas 22, Nays 9.

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

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

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**REASON FOR VOTE ON  
COMMITTEE SUBSTITUTE SENATE BILL 9**

Senator Blanco submitted the following reason for vote on **CSSB 9**:

Teachers are the backbone of our public schools, but for years, teachers have been asked to do more with less. According to the National Education Association, Texas ranks 26th in teacher pay, paying nearly \$7,500 below the national average. I joint-authored an amendment to increase the proposed teacher pay raise to \$10,000, but the amendment ultimately failed along party lines. So while teachers deserve far more than these modest raises, doing nothing was not an option. SB9 is a step in the right direction and to help address the teacher shortages in rural and underserved communities by attracting and retaining teachers.

BLANCO

**STATEMENT REGARDING  
COMMITTEE SUBSTITUTE SENATE BILL 9**

Senator Hinojosa submitted the following statement regarding **CSSB 9**:

I am a joint author of Senate Bill 9 because supporting our teachers continues to be a priority for me this session. With this legislation, we are standing up for teachers and providing them with additional compensation and benefits for their dedication to the education of our children. This payment will be in addition to the pay increase we authorized in 2019 with the passage of HB 3. The \$1.625 billion that the Senate has committed to invest in this bill will provide a \$2,000 to \$6,000 payment for our teachers who stay in the classroom during the next school year. While I know that they deserve and need much more, my vote today is not to show my satisfaction with the proposed compensation, but rather a commitment to continue advocating for more funding and to show my support for the additional benefits this bill provides. On the Senate floor, I voted for Senator Morgan LaMantia's floor amendment to increase the compensation to \$10,000 but it did not have enough votes to get adopted. I will continue working with my legislative colleagues to fight for additional compensation and to get this bill to the Governor's desk.

HINOJOSA

**REASON FOR VOTE ON  
COMMITTEE SUBSTITUTE SENATE BILL 9**

Senator Zaffirini submitted the following reason for vote on **CSSB 9**:

The decision to vote for Senate Bill 9 was exceedingly difficult, as the bill contained provisions that I found both commendable and lacking. Despite my concerns about the charter school oversight changes and the unacceptably low one-time \$2,000 raise for teachers, I ultimately decided to vote in favor of the bill. Because I represent so many rural districts, I am particularly mindful of the difficulties encountered by rural educators. These districts often offer lower salaries than their urban counterparts, which makes it more challenging to recruit and retain top-tier teachers.

Senate Bill 9 provides larger raises for teachers in these rural districts, which they need desperately. My hope is that our colleagues in the House of Representatives will adopt a significantly more substantial raise for all teachers. In this spirit, I co-authored an amendment by Senator Morgan LaMantia proposing a \$10,000 raise for all teachers. Unfortunately, the amendment failed, 12-19. I remain, however, committed

to advocating for the well-being and financial security of our educators and will continue to work with my colleagues to find ways to support and elevate the teaching profession across our great state.

ZAFFIRINI

**COMMITTEE SUBSTITUTE  
SENATE BILL 130 ON THIRD READING**

Senator Campbell moved to suspend the regular order of business to take up for consideration **CSSB 130** at this time on its third reading and final passage:

**CSSB 130**, Relating to the regulation by a municipality or county of certain employment benefits and policies.

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 175 ON THIRD READING**

Senator Middleton moved to suspend the regular order of business to take up for consideration **CSSB 175** at this time on its third reading and final passage:

**CSSB 175**, Relating to the use by a political subdivision of public funds for lobbying and certain other activities.

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

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

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

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

**SENATE BILL 1907 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1907** at this time on its third reading and final passage:

**SB 1907**, Relating to preparing and delivering precinct election returns; increasing a criminal penalty.

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

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

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

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

#### **SENATE BILL 1950 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1950** at this time on its third reading and final passage:

**SB 1950**, Relating to accepting an early voting ballot voted by mail; creating a criminal offense.

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)

#### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 7:41 p.m. adjourned until 11:00 a.m. Tuesday, April 11, 2023.