

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIRST DAY

(Continued)

(Thursday, April 6, 2023)

AFTER RECESS

The Senate met at 8:06 a.m. and was called to order by the President.

The Reverend Griff Martin, First Baptist Church, Austin, offered the invocation as follows:

God, whom we all know through different names, different paths, and different traditions, but whom hopefully we all experience as love, this holy week You are being celebrated through Passover, through Ramadan, and through Easter. We are reminded in Passover of Your call to liberation for anyone power is neglecting or abusing. In Ramadan we are reminded of Your bold call to be prophets carrying forth Your love, and in Easter we are reminded that there is nothing more powerful or good in our world than love. Remind us of these truths and these holy callings once again today. Call and make these elected women and men liberators of those our world forgets and neglects and abuses. Call and make these elected officials bold prophets speaking truths, which creates a freer and more equal world for all people. Call and make this assembly a living reminder in our world that love is the only true power and that only love will heal us and bring about Your kingdom. And, God, if we can't do those things, then forgive us, disrupt us, renew us, and call us again. Our world needs more liberation and love, and what better place for that to begin than right here? Amen and amen.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 5, 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 State Board of Public Accountancy for terms to expire January 31, 2029:

Kimberly D. "Kim" Crawford

Arlington, Texas

(replacing Lisa A. Friel of San Antonio whose term expired)

Sherri B. Merket

Midland, Texas

(replacing Debra S. Sharp of Houston whose term expired)

Thomas M. Neuhoff

Tyler, Texas

(replacing James D. "Jim" Ingram, IV of College Station whose term expired)

Susan M. Warren

Georgetown, Texas

(replacing Manuel "Manny" Cavazos, IV of Austin whose term expired)

Respectfully submitted,

/s/Greg Abbott

Governor

(President Pro Tempore Hancock in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 6, 2023 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 727

Rose

Relating to the applicability of the death penalty to a capital offense committed by a person with severe mental illness.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 412 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 412** at this time on its second reading:

CSSB 412, Relating to protections for pregnant and parenting students enrolled in 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 412 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 **CSSB 412** 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 52 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 52** at this time on its second reading:

CSSB 52, Relating to the right of state hospital patients to designate an essential caregiver for in-person visitation.

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 52 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 52** 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 1173 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 1173** at this time on its second reading:

CSSB 1173, Relating to the appointment of criminal law hearing officers and of a special presiding judge and associate judges for certain criminal courts.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Gutierrez, Johnson, Miles.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1173** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 74, Government Code, is amended by adding Section 74.0972 to read as follows:

Sec. 74.0972. LOCAL ADMINISTRATIVE DISTRICT JUDGE FOR HARRIS COUNTY. Notwithstanding Section 74.091(b), the local administrative district judge for Harris County is selected on the basis of seniority from the district judges of all the judicial districts comprised of Harris County.

The amendment to **CSSB 1173** 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 1173 as amended was passed to engrossment by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Gutierrez, Johnson, Miles.

**COMMITTEE SUBSTITUTE
SENATE BILL 1173 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1173** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Gutierrez, Johnson, Miles.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

(Senator Birdwell in Chair)

SENATE BILL 2310 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2310** at this time on its second reading:

SB 2310, Relating to longevity pay for certain prosecutors.

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 2310 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2310** 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 500 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 500** at this time on its second reading:

CSSB 500, Relating to the value of a residential dwelling offered or awarded as a prize at a charitable raffle.

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 500 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 **CSSB 500** 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 1008 ON SECOND READING

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1008** at this time on its second reading:

SB 1008, Relating to establishing residency for purposes of admission into public schools.

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 1008 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 **SB 1008** 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 576 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 576** at this time on its second reading:

CSSB 576, Relating to the reporting, investigation, and prosecution of the criminal offense of financial abuse of an elderly individual.

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 576 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 576** 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 1909 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1909** at this time on its second reading:

CSSB 1909, Relating to requiring notice to the attorney general in an action under the Election Code seeking a temporary restraining order.

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 1909 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 **CSSB 1909** 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 1040 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1040** at this time on its second reading:

CSSB 1040, Relating to health benefit plan coverage of a transplant of an organ that originated from or is transplanted in a country known to have participated in forced organ harvesting.

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 1040 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1040** 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 Texas Association of Mexican American Chambers of Commerce including President and CEO Pauline Anton, J.R. Gonzalez, and Cortland Treon.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 130 ON SECOND READING

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

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

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1237 ON SECOND READING

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1237** at this time on its second reading:

CSSB 1237, Relating to compensation and leave for certain security officers or investigators commissioned as peace officers by the comptroller.

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 1237 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 1237** 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 1114 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1114** at this time on its second reading:

CSSB 1114, Relating to the authority of a political subdivision to regulate the use or sale of a product for the purpose of reducing greenhouse gas emissions.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1114 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 **CSSB 1114** 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 1907 ON SECOND READING

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1249 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1249** at this time on its second reading:

CSSB 1249, Relating to the establishment of a living organ donor education program.

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 1249 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 **CSSB 1249** 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 1950 ON SECOND READING

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

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 1 ON SECOND READING**

Senator Schwertner moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSJR 1** at this time on its second reading:

CSSJR 1, Proposing a constitutional amendment providing for the creation of the Texas energy insurance fund and the authorization of other funding mechanisms to support the construction and operation of electric generating facilities.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

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

The resolution was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 1 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 **CSSJR 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2440 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 2440** at this time on its second reading:

CSSB 2440, Relating to requiring certain plats for the subdivision of land to include proof of groundwater supply.

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 2440 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 2440** 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 614 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 614** at this time on its second reading:

CSSB 614, Relating to certain procedures relating to children placed under a parental child safety placement.

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 614 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 614** 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.

(Senator Bettencourt in Chair)

PHYSICIANS OF THE DAY

Senator Menéndez was recognized and presented Drs. Cristina Cepeda and Yun Shi of San Antonio as the Physicians of the Day.

The Senate welcomed Drs. Cepeda and Shi and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 6, 2023 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 39

Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, April 6, 2023, and ending on Tuesday, April 11, 2023.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 812 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 812** at this time on its second reading:

CSSB 812, Relating to food allergen awareness in food service establishments, food handler and food manager certifications, and food service training or education programs.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Hall, Hughes, Middleton, Paxton, Springer.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 812 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 812** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Hall, Hughes, Middleton, Paxton, Springer.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

SENATE RESOLUTION 394

Senator Birdwell offered the following resolution:

SR 394, Recognizing April 6, 2023, as Hood County Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Hood County Day delegation including County Judge Ron Massingill, Granbury Mayor Pro Tem Trish Burwell, Councilmembers Bruce Wadley and Steven Vale, and Granbury ISD school board Vice-president Barbara Townsend and Secretary Courtney Gore.

The Senate welcomed its guests.

(President in Chair)

SENATE JOINT RESOLUTION 59 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SJR 59** at this time on its second reading:

SJR 59, Proposing a constitutional amendment regarding the time during which the legislature may act on bills or resolutions during a regular session.

The motion prevailed.

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

The resolution was read second time.

Senator Birdwell offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 59** (senate committee report) as follows:

(1) Strike SECTIONS 1 and 2 of the resolution (page 1, lines 25 through 43) and substitute the following:

SECTION 1. Sections 5(b) and (c), Article III, Texas Constitution, are amended to read as follows:

(b) When convened in regular session [~~Session~~], the first 30 [~~thirty~~] days thereof shall be devoted to the introduction of and holding committee hearings to consider bills and resolutions [~~acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature~~]. During the remainder of the session [~~succeeding thirty days of the regular session of~~] the Legislature may continue to introduce bills and resolutions and the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending and [~~and such emergency matters as may be submitted by the Governor. During the remainder of the session~~] the Legislature shall act upon such bills and resolutions as may be then pending. The Legislature may at any time during a regular session consider the confirmation of the recess appointees of the Governor and act on emergency appropriations and [~~upon~~] such emergency matters as may be submitted by the Governor in special messages to the Legislature.

(c) Notwithstanding Subsection (b), either House may determine its order of business by an affirmative vote of two-thirds [~~four-fifths~~] of its membership.

(2) Renumber the SECTIONS of the resolution accordingly.

The amendment to **SJR 59** 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.

SJR 59 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: Creighton, Gutierrez, Nichols.

SENATE JOINT RESOLUTION 59 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 59** 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, Eckhardt, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Creighton, Gutierrez, Nichols.

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

(Senator Hughes in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 175 ON SECOND READING

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

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 second time.

(President in Chair)

Senator Flores offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 175** (senate committee report) as follows:

(1) In SECTION 1 of the bill, immediately following added Section 556.0056(c), Government Code (page 1, between lines 48 and 49), insert the following appropriately lettered subsection:

() This section does not prohibit a full-time employee of a nonprofit state association or organization that primarily represents political subdivisions of this state from:

(1) providing legislative services, including services related to bill tracking, bill analysis, and legislative alerts;

(2) communicating directly with a member of the legislature to provide information; or

(3) testifying for or against legislation before a legislative committee.

(2) Strike SECTION 2 of the bill (page 1, lines 49 through 62, and page 2, lines 1 through 18).

(3) Renumber the SECTIONS of the bill accordingly.

FLORES
KING
PERRY
SPARKS

The amendment to **CSSB 175** 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 Springer offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 175** (senate committee printing) in added Section 556.0056(a), Government Code (page 1, line 49) by inserting the following new subsection:

(d) This section does not apply to a municipality or county using public funds to compensate or contract with an individual required to register as a lobbyist under Chapter 305 for the purpose of influencing or attempting to influence the outcome of legislation related to the military, military service members, or military veterans.

The amendment to **CSSB 175** 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 175 as amended 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, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Whitmire.

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

SENATE RESOLUTION 395

Senator Hancock offered the following resolution:

SR 395, In memory of Patricia Carla Rogers.

HANCOCK
PARKER

The resolution was read.

On motion of Senator Hancock, **SR 395** was adopted by a rising vote of the Senate.

In honor of the memory of Patricia Carla Rogers, the text of the resolution will be printed in the *Senate Journal* upon adjournment of this legislative day.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

RECESS

On motion of Senator Whitmire, the Senate at 12:31 p.m. recessed until 1:30 p.m. today.

AFTER RECESS

The Senate met at 1:57 p.m. and was called to order by Senator Flores.

GUESTS PRESENTED

Senator Parker, joined by Senator West, was recognized and introduced to the Senate a Fine Arts Educators Day delegation including Jackie deMontmollin, 2022 Grammy Music Educator Award winner Stephen Cox, 2023 Grammy Music Educator Award winner Pamela Dawson, and Tony Excellence in Theatre Education Award winner Roshunda Jones-Koumba.

The Senate welcomed its guests.

(President in Chair)

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

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

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 24, Nays 7.

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

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

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 9** (senate committee report) in SECTION 2 of the bill, in added Section 11.15131(b), Education Code (page 1, line 57), between "day" and the underlined period by inserting the following:

, and except for days on which the employee may be required to spend time on an unanticipated duty outside of the instructional day to comply with a state or federal law

The amendment to **CSSB 9** was read and was adopted by the following vote: Yeas 31, Nays 0.

AT EASE

The President at 2:43 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

Question: Shall **CSSB 9** as amended be passed to engrossment?

IN LEGISLATIVE SESSION

The President at 3:13 p.m. called the Senate to order as In Legislative Session.

Question: Shall **CSSB 9** as amended be passed to engrossment?

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 9** (senate committee report) in SECTION 10 of the bill as follows:

(1) In added Section 21.416(a), Education Code (page 4, lines 47 and 48), strike "or open-enrollment charter school" and substitute ", an open-enrollment charter school, the Windham School District, the Texas School for the Deaf, or the Texas School for the Blind and Visually Impaired".

(2) In added Section 21.416(b)(1), Education Code (page 4, lines 57 and 58), strike "or open-enrollment charter school" and substitute ", an open-enrollment charter school, the Windham School District, the Texas School for the Deaf, or the Texas School for the Blind and Visually Impaired".

(3) In added Section 21.416(b)(2), Education Code (page 4, lines 59 and 60), strike "school district or open-enrollment charter school" and substitute "district or school described by Subdivision (1)".

(4) In added Section 21.416(c), Education Code (page 4, lines 67 and 68), strike "and open-enrollment charter schools" and substitute ", open-enrollment charter schools, the Windham School District, the Texas School for the Deaf, and the Texas School for the Blind and Visually Impaired".

(5) In added Section 21.416(d), Education Code (page 5, line 3), strike "or open-enrollment charter school" and substitute ", an open-enrollment charter school, the Windham School District, the Texas School for the Deaf, or the Texas School for the Blind and Visually Impaired".

The amendment to **CSSB 9** 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 West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 9** (senate committee printing) in SECTION 16 of the bill as follows:

(1) Strike the recital (page 8, lines 36-37) and substitute the following:

SECTION 16. Section 37.002, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-2) to read as follows:

(2) In amended Section 37.002(b)(2), Education Code (page 8, line 44), strike "disrespectful" and substitute "unruly, disruptive, or abusive".

(3) In amended Section 37.002(b)(2), Education Code (page 8, line 44), strike "or another adult" and substitute ", another adult, or another student".

(4) Between amended Sections 37.002(b) and (c), Education Code (page 8, between lines 49 and 50), insert the following:

(b-2) A teacher, campus behavior coordinator, or other appropriate administrator shall notify a parent or person standing in parental relation to a student of the removal of a student under this section.

The amendment to **CSSB 9** 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.

Senator West offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 9** (senate committee report) in SECTION 16 of the bill amending Sections 37.002(b), (c), and (d), Education Code, as follows:

(1) Strike the recital to SECTION 16 of the bill (page 8, lines 36 and 37) and substitute the following:

SECTION 1. Section 37.002, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (c-1) to read as follows:

(2) Strike amended Section 37.002(c), Education Code (page 8, lines 50 through 64), and substitute the following:

(c) If a teacher removes a student from class under Subsection (b), the principal or campus behavior coordinator may place the student in a school-based behavioral support setting, into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. Before placing a student under this subsection, the principal or campus behavior coordinator must consider the appropriateness of placing the student in a school-based behavioral support setting designed to address a student's physical, mental, or behavioral health needs. The principal or campus behavior coordinator may not return the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. The principal or campus behavior coordinator may not return the student to that teacher's class, regardless of the teacher's consent, until a return to class plan has been prepared for that student under Subsection (c-1). The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(c-1) The principal or campus behavior coordinator shall designate an employee of the school whose primary duties do not include classroom instruction to develop a return to class plan for a student removed under Subsection (b). To the extent practicable, the employee shall develop the plan in collaboration with the student's parent or a person standing in parental relation to the student. The principal or campus behavior coordinator shall ensure that a plan is developed under this subsection and implemented not later than the third instructional day after the student's removal under Subsection (b).

The amendment to **CSSB 9** was read.

On motion of Senator Creighton, Floor Amendment No. 4 was tabled 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.

Senator West offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 9** (senate committee report) as follows:

(1) In the recital to SECTION 16 of the bill (page 8, lines 36 and 37) strike "Sections 37.002(b), (c), and (d), Education Code, are amended" and substitute "Section 37.002, Education Code, is amended by amending Subsections (b), (c), and (d), and adding Subsection (e)".

(2) In SECTION 16 of the bill, in amended Section 37.002, Education Code (page 9, between lines 8 and 9), insert the following:

(e) A student may appeal the student's removal from class under this section to:

(1) the school's placement review committee established under Section 37.003; or

(2) the safe and supportive school team established under Section 37.115, in accordance with a district policy providing for such an appeal to be made to the team.

The amendment to **CSSB 9** 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. 5.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 9** (senate committee report) as follows:

(1) Strike the recital to SECTION 16 of the bill (page 8, lines 36 and 37) and substitute the following:

SECTION 16. Section 37.002, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (f) to read as follows:

(2) In SECTION 16 of the bill, immediately following amended Section 37.002(d), Education Code (page 9, between lines 8 and 9), insert the following:

(f) Section 37.004 applies to the removal or placement under this section of a student with a disability who receives special education services.

The amendment to **CSSB 9** 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. 6.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 9** (senate committee printing) as follows:

(1) Strike SECTION 17 of the bill, amending Section 48.105(b), Education Code (page 9, lines 9 through 20).

(2) In SECTION 26 of the bill, providing an effective date (page 11, line 62), strike "Sections 48.105(b), 48.112(c) and (d), and 48.114" and substitute "Sections 48.112(c) and (d) and 48.114".

(3) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSSB 9** 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. 7.

Senator LaMantia offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 9** (senate committee report) in SECTION 20 of the bill, in added Section 48.159(a), Education Code, as follows:

(1) On page 10, line 44, between "allotment" and "for", insert "in an amount equal to \$10,000".

(2) On page 10, lines 45 and 46, strike "as follows:" and substitute ":'"

(3) On page 10, strike lines 47 through 52.

LAMANTIA	HINOJOSA
ALVARADO	MENÉNDEZ
BLANCO	MILES
ECKHARDT	WHITMIRE
GUTIERREZ	ZAFFIRINI

The amendment to **CSSB 9** 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.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 9** (senate committee report) as follows:

In SECTION 21 of the bill (page 10, line 61), strike "(1) Section 21.042, Education Code;" and renumber accordingly.

The amendment to **CSSB 9** 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 9 as amended was passed to engrossment 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.

SENATE BILL 552 REREFERRED
(Motion In Writing)

Senator Campbell submitted a Motion In Writing requesting that **SB 552** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

SENATE BILL 1606 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 1606** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

SENATE BILL 1624 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 1624** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

SENATE BILL 1636 REREFERRED
(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 1636** be withdrawn from the Committee on Water, Agriculture, and Rural Affairs and rereferred to the Committee on Natural Resources and Economic Development.

The Motion In Writing was read and prevailed without objection.

SENATE BILL 1780 REREFERRED
(Motion In Writing)

Senator Parker submitted a Motion In Writing requesting that **SB 1780** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 6, 2023 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 162 Murr

Relating to minimum standards for prescribed burns.

HB 639 Lozano

Relating to the number of temporary licenses to conduct bingo issued to certain authorized organizations in a calendar year.

HB 1161 Meyer

Relating to the confidentiality of home address information for victims of child abduction and to the administration of the address confidentiality program by the office of the attorney general.

HB 1228 Metcalf

Relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.

HB 1363 Kuempel

Relating to the repeal of the real estate inspection recovery fund.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

COMMITTEE SUBSTITUTE
SENATE BILL 8 ON SECOND READING

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

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 second time.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 8** (senate committee report), in SECTION 1.001 of the bill, adding Section 1.009, Education Code (page 1, line 32), by striking "The rights granted to parents under" and substituting "The fundamental rights granted to parents by their Creator and upheld by the United States Constitution, the Texas Constitution, and".

The amendment to **CSSB 8** 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, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 8** (senate committee report), in SECTION 1.002 of the bill, amending Section 11.161, Education Code, as follows:

(1) On page 1, line 46, between "PROCEEDING." and "In", insert "(a)".

(2) On page 1, between lines 56 and 57, insert the following appropriately lettered subsection:

() This section does not apply to a civil suit or administrative proceeding brought under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.). A civil suit or administrative proceeding described by this subsection is governed by the attorney's fees provisions under 20 U.S.C. Section 1415.

The amendment to **CSSB 8** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 8** (senate committee report), in SECTION 1.003 of the bill, by striking added Section 25.035(f), Education Code (page 2, lines 51-66), and substituting the following:

(f) A receiving school district may revoke, at any time during the school year, the approval of the student's transfer if:

(1) the student:

(A) fails to comply with a condition specified in the agreement that is:

(i) a circumstance specified in the student code of conduct under Section 37.001(a)(1);

(ii) a condition specified in the student code of conduct under Section 37.001(a)(2);

(iii) conduct for which a student is required or permitted to be removed from class and placed in a disciplinary alternative education program under Section 37.006; or

(iv) conduct for which a student is required or permitted to be expelled from school under Section 37.007; or

(B) fails to maintain a specified school attendance rate; and

(2) before revoking approval of the student's transfer, the district ensures the student is afforded appropriate due process and complies with any requirements of state law or district policy relating to the expulsion of a student to the same extent as if the student were being expelled under Section 37.007.

The amendment to **CSSB 8** 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.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 8** (senate committee report) in SECTION 1.005 of the bill, in added Section 26.0083(i), Education Code, as follows:

(1) In Subdivision (1) (page 5, line 14), after the underlined semicolon, strike "or".

(2) In Subdivision (2) (page 5, line 17), between "consent" and the underlined period, insert the following:
; or

(3) violate or supersede an educator's legal and ethical obligations to ensure that students are safe, including the obligation to alert the educator's supervisor that disclosing certain information to a student's parent might make the student less safe and to handle such a situation in a way that keeps the student safe while respecting the parent's rights in accordance with this section

The amendment to **CSSB 8** 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.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 8** (senate committee printing) as follows:

(1) In the recital to SECTION 1.003 of the bill (page 1, line 57), strike "25.035" and substitute "25.036".

(2) In SECTION 1.003 of the bill, strike page 1, line 59 through page 2, line 6, substitute the following, and reletter the remaining subsections of the section and references to those subsections accordingly:

Sec. 25.036. TRANSFER OF STUDENT. (a) Any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may apply to transfer for-in person instruction annually from the child's school district of residence to another district in this state for in-person instruction [~~if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer~~].

(b) A transfer application approved [~~agreement~~] under this section shall be filed and preserved as a receiving district record for audit purposes of the agency.

(3) In SECTION 1.003 of the bill (page 2, line 8), between "section" and "if", insert "only".

The amendment to **CSSB 8** 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. 5 except as follows:

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 8** (senate committee report), in SECTION 1.010 of the bill, in added Section 26.0111(b), Education Code (page 8, line 5), by striking "15th" and substituting "30th".

The amendment to **CSSB 8** 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. 6.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 8** (senate committee report) in SECTION 1.010 of the bill, in added Section 26.0111(d), Education Code, as follows:

(1) On page 8, line 20, strike "to the State Board of Education".

(2) On page 8, line 21, immediately following the underlined period, insert "The recommendation of the hearing examiner is final and may not be appealed.".

The amendment to **CSSB 8** 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. 7 except as follows:

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

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 8** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N) the requirement under Section 21.006 to report an educator's misconduct;

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures under Section 37.0832;

(R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) establishment of residency under Section 25.001;

(V) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; ~~and~~

(Y) ~~(X)~~ parental options to retain a student under Section 28.02124;
and

(Z) the adoption of a community engagement policy as provided by Section 26.0071.

SECTION _____. Chapter 26, Education Code, is amended by adding Section 26.0071 to read as follows:

Sec. 26.0071. COMMUNITY ENGAGEMENT POLICY. Each board of trustees of a school district shall develop a parental engagement policy that:

(1) provides for an Internet portal through which parents of students enrolled in the district may submit comments to campus or district administrators and the board;

(2) requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and

(3) requires board meetings to be held outside of typical work hours.

SECTION _____. The heading to Section 28.022, Education Code, is amended to read as follows:

Sec. 28.022. NOTICE TO PARENT OF UNSATISFACTORY PERFORMANCE; CONFERENCES.

SECTION _____. Section 28.022(a), Education Code, is amended to read as follows:

(a) The board of trustees of each school district shall adopt a policy that:

(1) provides for at least two opportunities for in-person conferences during each school year ~~[a conference]~~ between each parent of a child enrolled in the district and the child's ~~[parents and]~~ teachers;

(2) requires the district, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and

(3) requires the district, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent or legal guardian of a student's performance in a subject included in the foundation curriculum under Section 28.002(a)(1) if the student's performance in the subject is consistently unsatisfactory, as determined by the district.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

The amendment to **CSSB 8** 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. 8 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. 9

Amend **CSSB 8** (senate committee report) in SECTION 1.012 of the bill, in added Section 28.0043, Education Code (page 8, between lines 59 and 60), by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

() This section applies equally to all sexual orientations and gender identities, including heterosexual sexual orientations and cisgender identities.

The amendment to **CSSB 8** 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.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 8** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 28.004(i-3), Education Code, is repealed.

The amendment to **CSSB 8** 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. 10 except as follows:

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

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 8** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. ___. Section 28.02124, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Subject to Subsection (c), a parent or guardian may elect for a student to:

(1) repeat prekindergarten;

(2) enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Section 29.153(b) and the student has not yet enrolled in kindergarten;

(3) repeat kindergarten;

(4) enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or

(5) for grades one through eight [~~three~~], repeat the grade in which the student was enrolled during the previous school year.

(a-1) Subject to Subsection (c), for courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled in during the previous school year. A parent or guardian may not elect for a student to repeat a course under this subsection if the school district or open-enrollment charter school determines the student has met all of the requirements for graduation.

(a-2) A parent or guardian may make an election under Subsection (a)(5) or (a-1), or both.

The amendment to **CSSB 8** 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. 11.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 8** (senate committee report) as follows:

(1) Strike ARTICLE 2 of the bill (page 10, line 32, through page 20, line 19) and renumber subsequent ARTICLES and SECTIONS of the bill accordingly.

(2) In SECTION 3.002 of the bill, in the effective date provision (page 20, lines 25 and 26), strike "(a) Except as provided by Subsection (b) of this section, this" and substitute "This".

(3) In SECTION 3.002 of the bill, in the effective date provision (page 20, line 31), strike Subsection (b) of that SECTION.

The amendment to **CSSB 8** 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.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 8** (senate committee report), in SECTION 2.002 of the bill, in added Section 29.355, Education Code, as follows:

(1) In Subsection (a) (page 11, line 38), between "program" and "if", insert "and may, subject to available funding and the requirements of this subchapter, initially enroll in the program for the school year following the school year in which the child's application is submitted under Section 29.356".

(2) In Subsection (a)(2) (page 11, lines 45 through 46), strike Paragraph (A) and substitute the following:

(A) attended any public school in this state for at least 90 percent of the school year preceding the school year for which the child applies to enroll in the program; or

(3) In Subsection (b) (page 11, line 51), between "may" and "participate", insert ", subject to available funding and the requirements of this subchapter,".

The amendment to **CSSB 8** 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. 13 except as follows:

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.355, Education Code (page 11, between lines 49 and 50), insert the following:

(a-1) Notwithstanding Subsection (a) and subject to Section 29.356(b-1), a child is eligible to participate in the program if the child:

(1) meets the qualifications under Subsection (a)(1);

(2) attended private school on a full-time basis for the preceding school year; and

(3) is a member of a household with a total annual income that is at or below 200 percent of the federal poverty guidelines.

(2) In added Section 29.356, Education Code (page 12, between lines 10 and 11), insert the following:

(b-1) This subsection applies only to children who are eligible to participate in the program under Section 29.355(a-1). Not more than 10 percent of available positions in the program may be provided to children to whom this subsection applies. Each year, the comptroller shall notify each certified educational assistance organization regarding the number of children to whom this subsection applies that the organization may accept for participation in the program for that year. In accepting children to whom this subsection applies to participate in the program, a certified educational assistance organization shall ensure, to the extent feasible, that the organization accepts an equivalent number of children from each region of this state.

CREIGHTON
MIDDLETON
SPRINGER

The amendment to **CSSB 8** 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. 14 except as follows:

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 8** (senate committee printing), in SECTION 2.002 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.356(a), Education Code (page 11, line 67), strike "monthly" and substitute "quarterly".

(2) In added Section 29.356(b), Education Code:

(A) on page 11, line 70, between "applications" and "for", insert "during an application period";

(B) on page 12, line 2, between "shall" and the underlined colon, insert ", at the direction of the comptroller";

(C) in Subdivision (1) (page 12, line 3), between "for" and "two-thirds", insert "not more than"; and

(D) in Subdivision (2) (page 12, line 6), strike "one-third of".

(3) In added Section 29.356(c), Education Code:

(A) strike page 12, lines 11 through 12, and substitute "(c) The comptroller shall create an application form for the program and each certified educational assistance organization shall make the application"; and

(B) on page 12, line 15, strike "monthly" and substitute "quarterly".

(4) In added Section 29.361(a), Education Code (page 14, line 56), strike "monthly" and substitute "quarterly".

The amendment to **CSSB 8** 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. 15 except as follows:

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

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, in added Section 29.355, Education Code (page 11, between lines 63 and 64), by inserting the following:

(c) Notwithstanding Subsection (a) or (b), a child is not eligible to participate in the program during the period in which the child's parent or legal guardian is a state representative or state senator.

The amendment to **CSSB 8** was read and was adopted by the following vote: Yeas 31, Nays 0.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSSB 8** (senate committee report), in SECTION 2.002 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In added Section 29.356(e), Education Code (page 12, line 32), strike "each program participant" and substitute "the parent of each child participating in the program".

(2) In added Section 29.356(f), Education Code (page 12, lines 36 through 38), strike Subdivision (1) and substitute the following appropriately numbered subdivision:

() may require the parent of a child participating in the program to submit annual notice regarding the parent's intent for the child to continue participating in the program for the next school year;

(3) In added Section 29.357, Education Code (page 12, line 43), strike "an eligible child" and substitute "a child participating in the program".

(4) In added Section 29.358(b)(2), Education Code (page 13, lines 12 through 14), strike Paragraph (B) and substitute the following appropriately lettered paragraph:

() the ability to provide services or products to children participating in the program in a manner in which the children are not counted toward the school's average daily attendance;

(5) In added Section 29.358(b)(3), Education Code, strike "program participant" and substitute "child participating in the program" in each of the following places:

(A) Paragraph (A) (page 13, line 19);

(B) Paragraph (B) (page 13, line 31); and

(C) Paragraph (C) (page 13, line 41).

(6) In added Section 29.360(a), Education Code (page 14, line 33), strike "program participant" and substitute "child participating in the program".

(7) In added Section 29.360(b), Education Code (page 14, lines 36 and 37), strike "program participant must submit a request to the participant's" and substitute "parent of a child participating in the program must submit a request to the parent's".

(8) In added Section 29.360(d), Education Code (page 14, at the end of line 45), insert "applicable".

(9) In added Section 29.361(a), Education Code (page 14, lines 57 through 58), strike "an eligible child" and substitute "a child participating in the program".

(10) In added Section 29.361(f), Education Code (page 15, line 6), strike "the eligible child's parent" and substitute "a parent of a child participating in the program".

(11) In added Section 29.371(a)(8), Education Code (page 18, line 15), strike "program participants" and substitute "children participating in the program".

(12) In added Section 29.371(a)(8)(B)(ii), Education Code (page 18, line 26), strike "participant's" and substitute "child's".

The amendment to **CSSB 8** 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. 17 except as follows:

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, in added Section 29.358(b), Education Code, by striking Subdivision (1) of that subsection (page 13, lines 1 through 9) and substituting the following:

(1) for a private school, demonstrates:

(A) accreditation by an organization recognized by:

(i) the Texas Private School Accreditation Commission; or

(ii) the agency;

(B) annual administration of a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(C) the private school has been in operation for at least five years;

The amendment to **CSSB 8** 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.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 19

Amend **CSSB 8** (Senate committee report) in SECTION 2.002 of the bill, in added Section 29.358(b), Education Code (page 13, lines 1-9), by striking Subdivision (1) and substituting the following:

(1) for a private school, demonstrates:

(A) accreditation in accordance with Section 39.052;

(B) annual administration of the appropriate assessment instrument required under Subchapter B, Chapter 39; and

(C) an overall performance rating of acceptable or higher under Section 39.054;

The amendment to **CSSB 8** 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.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSSB 8** (senate committee printing) in SECTION 2.002 of the bill, in added Subchapter J, Chapter 29, Education Code, as follows:

- (1) On page 13, line 6, strike "and".
- (2) On page 13, line 9, immediately following the underlined semicolon, insert "and".
- (3) On page 13, between lines 9 and 10, insert the following:
(C) compliance with the requirements of Section 29.3591;
- (4) On page 13, line 38, strike "and".
- (5) On page 13, line 42, strike "or" and substitute "and".
- (6) On page 13, between lines 42 and 43, insert the following:
(D) the tutor or therapist or each employee of the teaching service who intends to provide educational services to a program participant demonstrates compliance with the requirements of Section 29.3591; or
- (7) Strike added Section 29.359(b), Education Code (page 14, lines 21-24), and substitute the following:
 - (b) Money received under the program may not be used to pay:
 - (1) any person who is related to the program participant within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code; or
 - (2) tuition or fees for a private school or a private tutor, therapist, or teaching service that does not demonstrate compliance with Section 29.3591.
- (8) On page 14, between lines 29 and 30, insert the following:
Sec. 29.3591. APPLICATION OF OTHER LAW. To be eligible to receive funding received under the program, a private school or a private tutor, therapist, or teaching service must comply with:
 - (1) the training or certification requirements provided by the following provisions and the rules adopted under the following provisions as if the private school, tutor, therapist, or teaching service were a school district or public school educator, as applicable:
 - (A) Section 11.159(b-1) (board of trustees member training and orientation);
 - (B) Section 22.902 (instruction related to cardiopulmonary resuscitation and use of automated external defibrillator);
 - (C) Section 33.086 (certification in cardiopulmonary resuscitation and first aid);
 - (D) Sections 33.091(c) and (c-1) (prevention of illegal steroid use; random testing);
 - (E) Sections 38.033(a) and (b) (seizure recognition and related first aid training);
 - (F) Section 38.158 (training courses on the prevention, treatment, and oversight of concussions affecting student athletes);
 - (G) Section 418.005, Government Code (emergency management training);
 - (H) Subchapter H, Chapter 81, Health and Safety Code (bloodborne pathogen exposure control plan); and

(I) Section 168.005, Health and Safety Code (training for unlicensed diabetes care assistant); and

(2) the requirements of the following provisions and the rules adopted under the following provisions as if the private school, tutor, therapist, or teaching service were a school district or public school educator, as applicable:

(A) Section 37.108(a) (multihazard emergency operations plan; safety and security audit);

(B) Section 37.115 (threat assessment and safe and supportive school program and team);

(C) Section 38.013 (coordinated health program for elementary, middle, and junior high school students);

(D) Section 38.014 (implementation of coordinated health program for elementary, middle, and junior high school students);

(E) Section 38.0141 (reporting of certain health and safety information required);

(F) Section 38.0151 (policies for care of certain students at risk for anaphylaxis);

(G) Section 38.019 (immunization awareness program);

(H) Section 38.030 (traumatic injury response protocol);

(I) Section 38.153 (oversight of concussions by school districts and charter schools; return-to-play protocol development by concussion oversight team); and

(J) Section 38.154 (concussion oversight team: membership).

The amendment to **CSSB 8** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

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

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In Section 29.354(b)(3)(B) (page 11, line 22), between the underlined semicolon and "and", insert the following appropriately lettered paragraph and reletter subsequent paragraphs accordingly:

() accept and process payments for approved education-related expenses;

(2) In Section 29.360(a) (page 14, line 33), strike "program participant" and substitute "child participating in the program served by the organization".

(3) In Section 29.360, strike Subsection (b) (page 14, lines 34 through 37) and substitute the following appropriately lettered subsection:

() To initiate payment to an education service provider or vendor of educational products for an education-related expense approved under Section 29.359, the parent of a child participating in the program must submit a request in a form prescribed by comptroller rule to the certified educational assistance organization that serves the child.

(4) In Section 29.360(d) (page 14, at the end of line 45), insert "applicable".

(5) In Section 29.360(e), strike Subdivisions (1) through (3) (page 14, lines 49 through 54) and substitute the following:

(1) view the participant's current account balance;

(2) initiate the payment process under Subsection (b); and

(3) view a summary of the participant's past account activity, including payments from the account to education service providers and vendors of educational products.

(6) In Section 29.362, strike Subsection (a) (page 15, lines 11 through 14) and substitute the following appropriately lettered subsection:

() On receipt of money distributed by the comptroller for purposes of making payments to program participants, a certified educational assistance organization shall make quarterly payments to the account of each child participating in the program served by the organization in equal amounts on or before the first day of July, October, January, and April.

(7) In Section 29.362, strike Subsections (c) and (d) (page 15, lines 19 through 31), substitute the following subsections, and reletter subsequent subsections and references to those subsections accordingly:

(c) Not later than the first day of the month preceding the start of each quarter, each certified educational assistance organization shall submit to the comptroller in the form prescribed by comptroller rule an estimate of the organization's costs of administering the program for that quarter.

(d) Each quarter, the comptroller shall disburse from money appropriated for the program to each certified educational assistance organization the amount necessary to cover the organization's costs of administering the program for that quarter, calculated as provided by Subsection (e). The total amount disbursed to a certified educational assistance organization under this subsection for a state fiscal year may not exceed five percent of the amount distributed to the organization under the program for that fiscal year.

(e) The amount of a certified educational assistance organization's disbursement under Subsection (d) is the lesser of:

(1) the amount of the organization's estimate submitted under Subsection (c);

(2) the product of the total amount to be disbursed and the average percentage of program participants served by the organization during the preceding quarter; or

(3) five percent of the amount distributed to the organization for purposes of making payments to program participants for that quarter.

(8) In Section 29.362(e) (page 15, line 32), strike "September and March" and substitute "October and February".

(9) In Section 29.362(f) (page 15, line 47), between "comptroller" and "to", insert "or a certified education assistance organization".

(10) In Section 29.362, strike Subsection (g) (page 15, lines 51 through 56) and substitute the following appropriately lettered subsections:

() On the date on which a child who participated in the program is no longer eligible to participate in the program under Section 29.355 and payments for any education-related expenses allowed under Section 29.359 from the child's account have been completed, the child's account shall be closed and any remaining money returned to the comptroller for deposit in the program fund.

() Each quarter, any interest or other earnings attributable to money held by a certified education assistance organization for purposes of the program shall be remitted to the comptroller for deposit in the program fund.

The amendment to **CSSB 8** 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. 21 except as follows:

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, by striking added Section 29.361(b), Education Code (page 14, lines 61-65), and substituting the following:

(b) Each school year, a school district is entitled to receive \$10,000 for each child residing in the district who participates in the program during that school year.

The amendment to **CSSB 8** 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.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 23

Amend **CSSB 8** (senate committee report), in SECTION 2.002 of the bill, in added Section 29.361(b), Education Code, as follows:

(1) On page 14, line 62, strike "two" and substitute "three".

(2) On page 14, line 65, between "\$10,000" and the underlined period, insert "from money appropriated for purposes of this subchapter".

The amendment to **CSSB 8** was read.

Senator Perry offered the following amendment to Floor Amendment No. 23:

Floor Amendment No. 24

Amend Floor Amendment No. 23 by Creighton to **CSSB 8** on page 1, line 5, by striking "three" and substituting "five".

PERRY
BIRDWELL
FLORES
HUFFMAN
KOLKHORST
SPARKS

The amendment to Floor Amendment No. 23 to **CSSB 8** 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. 24 except as follows:

Nays: Eckhardt

Question recurring on the adoption of Floor Amendment No. 23 to **CSSB 8**, 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. 23 as amended except as follows:

Nays: Eckhardt

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 25

Amend **CSSB 8** (senate committee report), in SECTION 2.002 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) Strike added Section 29.363, Education Code (page 15, line 57, through page 16, line 5), and substitute the following appropriately numbered section:

Sec. 29. ____ . AUDITING. (a) The comptroller shall contract with a private entity to audit accounts and student eligibility data not less than once per year to ensure compliance with applicable law and program requirements. The audit must include a review of:

(1) a certified educational assistance organization's internal controls over program transactions; and

(2) compliance by:

(A) program participants with the requirements of Section 29.357; and

(B) certified educational assistance organizations with the requirements of Section 29.354.

(b) In conducting an audit, the private entity may require a program participant or a certified educational assistance organization to provide information and documentation regarding any transaction occurring under the program.

(c) The private entity shall report to the comptroller any violation of this subchapter or other relevant law, including any transactions the entity determines to be unusual or suspicious, found by the entity during an audit conducted under this section. The comptroller shall report the violation or transaction to:

(1) the applicable certified educational assistance organization;

(2) the education service provider or vendor of educational products, as applicable; and

(3) the parent of each child participating in the program who is affected by the violation or transaction.

(2) Strike added Section 29.364(d), Education Code (page 16, lines 24 through 28), and substitute the following appropriately lettered subsection:

() The comptroller may recover money distributed under the program that was used for expenses not allowed under Section 29.359 or for a child who was not eligible to participate in the program at the time of the expenditure. The money may be recovered from the program participant or the entity that received the money in accordance with Subtitles A and B, Title 2, Tax Code, or as provided by other law if the program participant's account is suspended or closed under this section. The comptroller shall deposit money recovered under this subsection to the credit of the program fund.

(3) Strike added Section 29.366, Education Code (page 16, lines 39 through 44), and substitute the following appropriately numbered section:

Sec. 29. . REFERRAL TO DISTRICT ATTORNEY. If the comptroller obtains evidence of fraudulent use of an account or money distributed under the program by a certified educational assistance organization or program participant, the comptroller shall notify the appropriate local county or district attorney with jurisdiction over the principal place of business of the certified educational assistance organization or the residence of the program participant, as applicable.

The amendment to **CSSB 8** 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. 25.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 26

Amend **CSSB 8** (senate committee printing), in SECTION 2.002 of the bill, adding Subchapter J, Chapter 29, Education Code, as follows:

(1) In Section 29.368(a), Education Code (page 16, line 65), between "assistance" and "on", insert "and may not be considered to be an agent of state government".

(2) Strike Sections 29.368(b) and (c), Education Code (page 16, line 67, through page 17, line 39), and substitute the following appropriately lettered subsection:

() A rule adopted or other governmental action taken related to the program may not impose requirements that are contrary to or limit the religious or institutional values or practices of an education service provider, vendor of educational products, or program participant, including by limiting the ability of the provider, vendor, or participant, as applicable, to:

(1) determine the methods of instruction or curriculum used to educate students;

(2) determine admissions and enrollment practices, policies, and standards;

(3) modify or refuse to modify the provider's, vendor's, or participant's religious or institutional values or practices, including operations, conduct, policies, standards, assessments, or employment practices that are based on the provider's, vendor's, or participant's religious or institutional values or practices; or

(4) exercise the provider's, vendor's, or participant's religious or institutional practices as determined by the provider, vendor, or participant.

The amendment to **CSSB 8** 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. 26 except as follows:

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

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 27

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, in added Section 29.369, Education Code (page 17, between lines 59 and 60), by inserting the following:

(c) The certified educational assistance organization or an education service provider or vendor of educational products that obtains information regarding a child participating in the program:

(1) shall comply with state and federal law regarding the confidentiality of student educational information; and

(2) may not sell or otherwise distribute information regarding a child participating in the program.

The amendment to **CSSB 8** 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. 27.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 28

Amend **CSSB 8** (senate committee report) in SECTION 2.002 of the bill, immediately following added Section 29.374, Education Code (between pages 18 and 19), by adding the following:

Sec. 29.375. REQUIRED REPORTING. A private school that participates in the program shall post on the school's Internet website and report to the agency for each school year information regarding student enrollment data, disaggregated by family income level.

The amendment to **CSSB 8** 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.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 29

Amend **CSSB 8** (senate committee report), in SECTION 2.006 of the bill, in Subsection (a) of the non-amendatory language (page 19, line 26), by striking "November 15, 2023" and substituting "February 15, 2024".

The amendment to **CSSB 8** 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. 29.

CSSB 8 as amended was passed to engrossment 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.

CO-AUTHORS OF SENATE BILL 9

On motion of Senator Creighton, Senators Birdwell and Hughes will be shown as Co-authors of **SB 9**.

CO-AUTHOR OF SENATE BILL 19

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 19**.

CO-AUTHOR OF SENATE BILL 51

On motion of Senator Zaffirini, Senator Miles will be shown as Co-author of **SB 51**.

CO-AUTHOR OF SENATE BILL 52

On motion of Senator Zaffirini, Senator Miles will be shown as Co-author of **SB 52**.

CO-AUTHOR OF SENATE BILL 175

On motion of Senator Middleton, Senator King will be shown as Co-author of **SB 175**.

CO-AUTHOR OF SENATE BILL 275

On motion of Senator Huffman, Senator Miles will be shown as Co-author of **SB 275**.

CO-AUTHORS OF SENATE BILL 294

On motion of Senator Johnson, Senators Campbell and Zaffirini will be shown as Co-authors of **SB 294**.

CO-AUTHOR OF SENATE BILL 319

On motion of Senator Hall, Senator West will be shown as Co-author of **SB 319**.

CO-AUTHOR OF SENATE BILL 435

On motion of Senator Middleton, Senator Whitmire will be shown as Co-author of **SB 435**.

CO-AUTHORS OF SENATE BILL 479

On motion of Senator Eckhardt, Senators Parker, Perry, and West will be shown as Co-authors of **SB 479**.

CO-AUTHOR OF SENATE BILL 500

On motion of Senator West, Senator Blanco will be shown as Co-author of **SB 500**.

CO-AUTHOR OF SENATE BILL 523

On motion of Senator West, Senator Nichols will be shown as Co-author of **SB 523**.

CO-AUTHORS OF SENATE BILL 576

On motion of Senator Menéndez, Senators Blanco, Miles, and Whitmire will be shown as Co-authors of **SB 576**.

CO-AUTHORS OF SENATE BILL 667

On motion of Senator West, Senators Nichols and Zaffirini will be shown as Co-authors of **SB 667**.

CO-AUTHOR OF SENATE BILL 751

On motion of Senator Flores, Senator Johnson will be shown as Co-author of **SB 751**.

CO-AUTHOR OF SENATE BILL 812

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 812**.

CO-AUTHOR OF SENATE BILL 986

On motion of Senator Creighton, Senator Nichols will be shown as Co-author of **SB 986**.

CO-AUTHOR OF SENATE BILL 1039

On motion of Senator Bettencourt, Senator Parker will be shown as Co-author of **SB 1039**.

CO-AUTHORS OF SENATE BILL 1070

On motion of Senator Hughes, Senators Bettencourt and Kolkhorst will be shown as Co-authors of **SB 1070**.

CO-AUTHORS OF SENATE BILL 1114

On motion of Senator Hancock, Senators Bettencourt, Hall, and Kolkhorst will be shown as Co-authors of **SB 1114**.

CO-AUTHOR OF SENATE BILL 1145

On motion of Senator West, Senator Eckhardt will be shown as Co-author of **SB 1145**.

CO-AUTHORS OF SENATE BILL 1249

On motion of Senator Hancock, Senators Bettencourt, Menéndez, and Zaffirini will be shown as Co-authors of **SB 1249**.

CO-AUTHOR OF SENATE BILL 1424

On motion of Senator Perry, Senator Zaffirini will be shown as Co-author of **SB 1424**.

CO-AUTHOR OF SENATE BILL 1515

On motion of Senator King, Senator Middleton will be shown as Co-author of **SB 1515**.

CO-AUTHOR OF SENATE BILL 1705

On motion of Senator Middleton, Senator Schwertner will be shown as Co-author of **SB 1705**.

CO-AUTHOR OF SENATE BILL 1730

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 1730**.

CO-AUTHOR OF SENATE BILL 1751

On motion of Senator Kolkhorst, Senator Menéndez will be shown as Co-author of **SB 1751**.

CO-AUTHOR OF SENATE BILL 1849

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 1849**.

CO-AUTHORS OF SENATE BILL 1907

On motion of Senator Bettencourt, Senators Hall and Kolkhorst will be shown as Co-authors of **SB 1907**.

CO-AUTHOR OF SENATE BILL 1911

On motion of Senator Bettencourt, Senator Parker will be shown as Co-author of **SB 1911**.

CO-AUTHOR OF SENATE BILL 1929

On motion of Senator Johnson, Senator Menéndez will be shown as Co-author of **SB 1929**.

CO-AUTHORS OF SENATE BILL 1950

On motion of Senator Bettencourt, Senators Birdwell, Hall, Kolkhorst, and Middleton will be shown as Co-authors of **SB 1950**.

CO-AUTHOR OF SENATE BILL 2528

On motion of Senator West, Senator Springer will be shown as Co-author of **SB 2528**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 5

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SJR 5**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

HCR 101 (Sparks), In memory of Brendan Luis Torres of the Dalhart Volunteer Fire Department.

HCR 102 (Sparks), In memory of Fire Chief Curtis Dewayne Brown of the Dalhart Fire Department.

Congratulatory Resolutions

SCR 40 by Hinojosa, Recognizing Shawn M. Snider for his contributions to the City of Edinburg.

SCR 41 by Hinojosa, Recognizing Ricardo H. Hinojosa for 40 years of judicial service.

HCR 93 (Sparks), Congratulating the Midland High School football team on receiving the Innovation in Volunteerism Award as part of the 39th annual Governor's Volunteer Awards.

Official Designation Resolution

SR 393 by Zaffirini, Recognizing April 6, 2023, as Tejano Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 7:22 adjourned, in memory of Patricia Carla Rogers, until 7:23 p.m. today.

APPENDIX

COMMITTEE REPORTS

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

April 6, 2023

CRIMINAL JUSTICE — **CSSB 1180**

FINANCE — **CSSB 952**

LOCAL GOVERNMENT — **CSSB 62, CSSB 542, CSSB 888, CSSB 1188, CSSB 1215, CSSB 1487, SB 1730, CSSB 1990, SB 1991, CSSB 2147**

TRANSPORTATION — **CSSB 1413, CSSB 1495**

FINANCE — **CSSB 506**

BUSINESS AND COMMERCE — **CSSB 1093, CSSB 2399, CSSB 1710**

LOCAL GOVERNMENT — **CSSB 2018**

STATE AFFAIRS — **SB 946, SB 1768, SB 1846, SB 1600**

BUSINESS AND COMMERCE — **CSSB 510, CSSB 1222, CSSB 1577, CSSB 1204**

CRIMINAL JUSTICE — **CSSB 2429**

BUSINESS AND COMMERCE — **CSSB 553**

CRIMINAL JUSTICE — **CSSB 409**

STATE AFFAIRS — **CSSB 1661, CSSB 220, CSSB 1933, CSSB 1993, CSSB 1599, CSSB 823, CSSB 2451, CSSB 1750**

EDUCATION — **SB 18, SJR 81, SB 1068, SB 462, SB 646, SB 336, SB 68, SB 163, SB 164**

BORDER SECURITY — **SB 1484**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 1158**

BORDER SECURITY — **SB 1484**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SB 786**

CRIMINAL JUSTICE — **CSSB 1179**

HEALTH AND HUMAN SERVICES — **SB 2260, SB 1429, SB 1286, SB 1140, SB 1086, SB 867, SB 681, CSSB 565**

BILLS AND RESOLUTIONS ENGROSSED

April 6, 2023

SB 8, SB 9, SB 52, SB 130, SB 175, SB 412, SB 500, SB 576, SB 614, SB 812, SB 1008, SB 1040, SB 1114, SB 1173, SB 1237, SB 1249, SB 1907, SB 1909, SB 1950, SB 2310, SB 2440, SJR 1, SJR 59

RESOLUTIONS ENROLLED

April 6, 2023

SCR 39, SR 393, SR 394, SR 395

In Memory
of
Patricia Carla Rogers
Senate Resolution 395

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Patricia Carla Rogers, who died on March 30, 2023, at the age of 63; and

WHEREAS, Countless lives were touched by the kindness and generosity of Patti Rogers, whose rich and meaningful life was filled with gratitude, love, and joyful purpose; led by her servant's heart, she faithfully served as a teacher, role model, and mentor to many and was a beloved wife, mother, grandmother, and friend; and

WHEREAS, Born on January 23, 1960, Patricia Rogers was an exemplary Texas citizen and an esteemed member of her community; she led a rewarding career as an educator for three decades, and she served as an elementary school teacher in the Birdville and Grapevine-Colleyville Independent School Districts, where she was respected and admired by her students and colleagues; and

WHEREAS, Truly dedicated to her calling in education and in serving others, Patti made a positive difference in the lives of innumerable schoolchildren, teachers, and families through her compassionate encouragement and her skillful guidance as an educator; over the course of her teaching career, she received recognition for her accomplishments and for her outstanding commitment to education, which included being awarded Teacher of the Year for the Grapevine-Colleyville Independent School District; and

WHEREAS, Patti was a devoted wife and mother and a cherished daughter, sister, and grandmother; she raised her children by loving, faithful example, and they were a source of great pride and joy in her life; Patti was also blessed with grandchildren, whom she adored, and who enriched her life immeasurably; a dear friend to so many, Patti played an integral role in the lives of her loved ones, and she was a source of inspiration and light in the lives of those around her; and

WHEREAS, A woman of loyalty, strength, and grace, Patti's bright and joyous spirit was appreciated by all who knew her, and her contributions to her community and to the field of elementary education in Texas leave a lasting legacy of excellence and service; her love for her family and her dedication to serving others will not be forgotten, and her memory will be forever treasured by her family and by all who were privileged to share in her life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby extend sincere condolences to the bereaved family of Patricia Carla Rogers; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Patti Rogers.

HANCOCK
PARKER