

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY
(Tuesday, April 11, 2023)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Hancock.

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

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

Pastor Daryl Parsons, Giddings Church of Christ, offered the invocation as follows:

Dear Lord and Father of mankind, we praise You for Your infinite wisdom, perfect righteousness, and matchless power. We thank You for the ultimate gift of love that has been poured out on us through the death of Your son Jesus. Today, we come before You and acknowledge You as our source of life, love, peace, and truth. You govern Your creation with righteousness and truth. You extend mercy to the downcast and hope to the broken. May these men and women govern with the same spirit. Thank You for these men and women who serve in this body. We pray You will bring peace into their lives and give them discernment to act in ways that will bring glory to You and peace to our land. Lord, bless these men and women with wisdom through debate and grant them courage to stand in truth amongst adversity. Please help these leaders to not lose heart when they face the many pressures, anxieties, and troubles of life in this fallen world. Help each heart to be filled with compassion, humility, and selflessness as they make moral and ethical decisions for the people of our state. We pray each one here will be filled with love not hate, mercy not vengeance, and unity not division. May every decision be based in Your truth and for the good of Your people. For Yours is the kingdom and the power and the glory forever in Jesus' name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 11, 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 1 Bonnen

General Appropriations Bill.

HJR 126 Burns

Proposing a constitutional amendment protecting the right to engage in farming, ranching, timber production, horticulture, and wildlife management.

HJR 135 Thompson, Senfronia

Proposing a constitutional amendment providing for the establishment of the Mental Health and Brain Research Institute of Texas and establishing the Mental Health and Brain Institute Research Fund for the purposes of scientific research of all forms of mental health and human brain disease and disorders.

SB 30 Huffman Sponsor: Bonnen

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

(Committee Substitute/Amended)

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

PHYSICIAN OF THE DAY

Senator Flores was recognized and presented Dr. Brook Carter of Temple as the Physician of the Day.

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

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate representatives of the Lipan High School 2023 UIL Class 2A girls' and boys' championship basketball teams including Lipan ISD Trustees Nikki Callaway and Shereé Reynolds, Superintendent Ralph Carter, Head coaches Amber Branson and Brent Gaylor, and Assistant coaches Misty Little, Aaron Callaway, Jimmy Lott, and Garrett Stewart.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a delegation from Austin Tennis Academy including Marcus McWilliams.

The Senate welcomed its guests.

SENATE RESOLUTION 392

Senator LaMantia offered the following resolution:

SR 392, Recognizing Gloria I. Chavez for her appointment as U.S. Border Patrol Chief of the Rio Grande Valley Sector.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator LaMantia was recognized and introduced to the Senate Gloria Chavez, Harlingen Mayor Norma Sepulveda, Sylvia Hernández Kauffman, Judge Estela Chavez-Vasquez, Point Isabel ISD Superintendent Theresa Ann Capistran, and a Cameron County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Parker was recognized and introduced to the Senate representatives of the Texas Association of School Boards.

The Senate welcomed its guest.

SENATE RESOLUTION 398

Senator Johnson offered the following resolution:

SR 398, Recognizing Texas Impact on the occasion of its 50th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Johnson was recognized and introduced to the Senate a Texas Impact delegation including Executive Director Bee Moorhead and founding Executive Director Lin Team.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate a Schertz, Cibolo, and Selma Chamber of Commerce Leadership Class.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate a delegation from the Division of Digital Learning at the Texas Higher Education Coordinating Board.

The Senate welcomed its guests.

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

April 6, 2023

The Honorable Dan Patrick
Lieutenant Governor of Texas
Texas Capitol Station
Austin, Texas

Dear Lieutenant Governor Patrick:

The Supreme Court of Texas made the following appointment that requires the advice and consent of the Senate:

To the State Commission on Judicial Conduct

Hon. Chace A. Craig of Abilene, Texas, effective immediately, for a term to expire on November 19, 2027.

The Supreme Court of Texas respectfully requests the consent and confirmation of the Senate for the appointment.

Sincerely,

/s/Nathan L. Hecht
Chief Justice

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 1 to Committee on Finance.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2594 by Nichols

Relating to the creation of the Liberty County Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Local Government.

SB 2595 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 204; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Local Government.

SB 2596 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 236; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2597 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 237; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2598 by Paxton

Relating to the creation of the Honey Creek Improvement District No. 1; providing authority to issue bonds; providing authority to impose assessments and fees.

To Committee on Local Government.

SB 2599 by Bettencourt

Relating to the creation of the Harris County Municipal Utility District No. 594; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2600 by Bettencourt

Relating to the creation of the Firefly Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)**

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 to permit committees to meet during consideration of the Local and Uncontested Calendar.

HALL

The Motion In Writing was read and prevailed without objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:35 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1424 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 1424** at this time on its second reading:

CSSB 1424, Relating to the continuation and functions of the State Soil and Water Conservation Board and the Texas Invasive Species Coordinating Committee.

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 1424 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 1424** 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 294 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 294** at this time on its second reading:

CSSB 294, Relating to the use of epinephrine auto-injectors and medication designated for treatment of respiratory distress on public and private school campuses.

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 294 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 294** 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 1427 ON SECOND READING**

Senator Flores moved to suspend the regular order of business to take up for consideration **CSSB 1427** at this time on its second reading:

CSSB 1427, Relating to certain criminal conduct and organizations that threaten the security of this state and its residents and borders; increasing criminal penalties.

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 1427 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 1427** 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)

SENATE BILL 784 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 784** at this time on its second reading:

SB 784, Relating to the exclusive jurisdiction of the state to regulate greenhouse gas emissions in this state and the express preemption of local regulation of those emissions.

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

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

Nays: Eckhardt, Gutierrez, Johnson, Menéndez, West, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 784 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 **SB 784** be placed on its third reading and final passage.

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

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

Nays: Eckhardt, Gutierrez, Johnson, Menéndez, West, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

(President in Chair)

SENATE BILL 133 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 133** at this time on its second reading:

SB 133, Relating to prohibiting the physical restraint of or use of chemical irritants on certain public school students by peace officers and school security personnel under certain circumstances.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 133** (senate committee report) in SECTION 1 of the bill, in added Section 37.0021(j), Education Code (page 2, lines 33 through 34), by striking "10 years of age or younger" and substituting "enrolled in fifth grade or below".

The amendment to **SB 133** 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 West moved to postpone further consideration of the bill to a time certain of 1:00 p.m. today.

The motion prevailed.

Question: Shall **SB 133** as amended be passed to engrossment?

SENATE JOINT RESOLUTION 32 ON SECOND READING

Senator Blanco moved to suspend the regular order of business to take up for consideration **SJR 32** at this time on its second reading:

SJR 32, Proposing a constitutional amendment relating to the authority of the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.

The motion prevailed.

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

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

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

Nays: Bettencourt, Hughes, Middleton.

SENATE JOINT RESOLUTION 32 ON THIRD READING

Senator Blanco moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 32** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hughes, Middleton.

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

SENATE BILL 938 ON SECOND READING

Senator Blanco moved to suspend the regular order of business to take up for consideration **SB 938** at this time on its second reading:

SB 938, Relating to the issuance by certain conservation and reclamation districts of bonds for the development and maintenance of recreational facilities.

The motion prevailed.

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

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

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

Nays: Bettencourt, Hughes, Middleton.

SENATE BILL 938 ON THIRD READING

Senator Blanco moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 938** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hughes, Middleton.

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

(Senator Sparks in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 1849 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 1849** at this time on its second reading:

CSSB 1849, Relating to an interagency reportable conduct search engine, standards for a person's removal from the employee misconduct registry and eligibility for certification as certain Texas Juvenile Justice Department officers and employees, and the Department of Family and Protective Services' use of certain information to conduct background checks.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1849** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 810.004(b)(4), Health and Safety Code (page 3, line 6), strike "private schools".

(2) In added Section 810.004(b)(4), Health and Safety Code (page 3, line 8), immediately following the underlined semicolon, strike "and".

(3) Immediately following added Section 810.004(b)(4), Health and Safety Code (page 3, between lines 8 and 9), insert the following subdivision and renumber the subsequent subdivisions accordingly:

(5) private schools that:

(A) offer a course of instruction for students in this state in one or more grades from prekindergarten through grade 12; and

(B) are:

(i) accredited by an organization recognized by the Texas Education Agency or the Texas Private School Accreditation Commission;

(ii) listed in the database of the National Center for Education Statistics of the United States Department of Education; or

(iii) otherwise authorized by Texas Education Agency rule to access the search engine; and

(4) In added Section 810.007(a), Health and Safety Code (page 4, lines 31 and 32), strike "employ, place in a volunteer position, enter into a contract with," and substitute "enter into a contract with".

(5) Strike added Section 810.007(c), Health and Safety Code (page 4, lines 41-46), and substitute the following:

(c) Notwithstanding any other law, in a hearing conducted under this section a participating state agency is not required to prove that an individual engaged in reportable conduct.

The amendment to **CSSB 1849** 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 1849 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1849 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 1849** 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 Menéndez was recognized and introduced to the Senate an Alliance for a Clean Texas delegation.

The Senate welcomed its guests.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 19 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 19** at this time on its second reading:

CSSB 19, Relating to the administration and investment of, and distribution and use of money from, certain constitutional and statutory funds to support general academic teaching institutions in achieving national prominence as major research universities and driving the state economy; redesignating the national research university fund as the Texas University Fund.

The motion prevailed.

Senator Hall 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: Hall.

**COMMITTEE SUBSTITUTE
SENATE BILL 19 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 19** be placed on its third reading and final passage.

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

Nays: Hall.

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 JOINT RESOLUTION 5 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSJR 5** at this time on its second reading:

CSSJR 5, Proposing a constitutional amendment renaming the national research university fund as the Texas University Fund, providing for the appropriation of certain investment income from the economic stabilization fund to the Texas University Fund, and excepting appropriations to and from the Texas University Fund from the constitutional limit on the rate of growth of appropriations.

The motion prevailed.

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

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 5** (senate committee report) as follows:

(1) In SECTION 1 of the resolution, in added Section 49-g(p), Article III, Texas Constitution (page 1, lines 36 through 43), strike the first sentence of the subsection and substitute the following:

On the first business day occurring on or after the 90th day of each state fiscal year, an amount, if the amount is greater than zero, equal to the lesser of \$100 million or the interest and other earnings attributable to the investment of money in the economic stabilization fund for the preceding state fiscal year is appropriated from the economic stabilization fund to the comptroller of public accounts for the purpose of immediate deposit to the credit of the Texas University Fund.

(2) In the recital to SECTION 2 of the resolution, amending Section 20, Article VII, Texas Constitution (page 1, line 59), strike "Subsection (a)" and substitute "Subsections (a) and (g)".

(3) In SECTION 2 of the resolution, amending Section 20, Article VII, Texas Constitution (page 2, between lines 5 and 6), insert the following:

(g) The legislature shall establish criteria by which a state university may become eligible to receive a portion of the distributions from the fund. ~~[A state university that becomes eligible to receive a portion of the distributions from the fund in a state fiscal biennium remains eligible to receive additional distributions from the fund in any subsequent state fiscal biennium.]~~ The University of Texas at Austin and Texas A&M University are not eligible to receive money from the fund.

(4) In SECTION 3 of the resolution, strike the proposed ballot language (page 2, lines 17 through 22) and substitute the following:

"The constitutional amendment relating to the Texas University Fund, which provides funding to certain institutions of higher education to achieve national prominence as major research universities and drive the state economy."

The amendment to **CSSJR 5** was read.

Question: Shall Floor Amendment No. 1 to **CSSJR 5** be adopted?

AT EASE

The President at 12:52 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:02 p.m. called the Senate to order as In Legislative Session.

Question: Shall Floor Amendment No. 1 to **CSSJR 5** be adopted?

The amendment to **CSSJR 5** was adopted by a viva voce vote.

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

CSSJR 5 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: Hall.

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 5 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 **CSSJR 5** be placed on its third reading and final passage.

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

Nays: Hall.

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

REMARKS ORDERED PRINTED

On motion of Senator Perry and by unanimous consent, the remarks by Senators Huffman and Perry regarding **CSSJR5** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Huffman: I'll yield to Senator Perry for him to re-ask the question so it's clear on the record.

President: Yes.

Senator Perry: I am comfortable if they're comfortable. I believe that it gets us where we want to go. As far as intent goes, again, system and component schools of the flagship universities would never be eligible for the TUF fund. That's the intent, so.

President: Do you want to make a motion to put that in the Journal?

Senator Perry: I do want to make that motion in the Journal. Thank you for that, Sir.

SENATE BILL 1070 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 1070** at this time on its second reading:

SB 1070, Relating to the interstate voter registration crosscheck program.

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)

SENATE BILL 133 ON SECOND READING

The President laid before the Senate **SB 133** by Senator West on its second reading. The bill had been read second time, amended, and further consideration postponed to a time certain of 1:00 p.m. today:

SB 133, Relating to prohibiting the physical restraint of or use of chemical irritants on certain public school students by peace officers and school security personnel under certain circumstances.

Question: Shall **SB 133** as amended be passed to engrossment?

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 133** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 37.0021(j), Education Code (page 2, line 33), between "spray" and "on", by inserting "or Taser".

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

SECTION _____. Section 37.0021(b), Education Code, is amended by adding Subdivision (5) to read as follows:

(5) "Taser" means a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream. The term, for purposes of this section, includes a similar device manufactured, sold, or distributed by another person.

The amendment to **SB 133** 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.

SB 133 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 133 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 133** 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 950 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 950** at this time on its second reading:

CSSB 950, Relating to the attorney general's defense of a district or county attorney against certain lawsuits in federal court.

The motion prevailed.

Senators Gutierrez, Johnson, and Miles 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: Gutierrez, Johnson, Miles.

(Senator Middleton in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 950 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 950** be placed on its third reading and final passage.

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

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

Nays: Gutierrez, Johnson, Miles.

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

(President in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 838 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 838** at this time on its second reading:

CSSB 838, Relating to school districts and open-enrollment charter schools providing silent panic alert technology in classrooms.

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 838 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 838** 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 694 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 694** at this time on its second reading:

SB 694, Relating to liability of a religious organization or an employee or volunteer of a religious organization for security services provided to the organization.

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 16 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 16** at this time on its second reading:

CSSB 16, Relating to the purpose of public institutions of higher education and a prohibition on compelling students enrolled at those institutions to adopt certain beliefs.

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

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

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 16** (senate committee report) in SECTION 2 of the bill, adding Section 51.982, Education Code, as follows:

(1) In Subsection (a) (page 1, lines 43 and 44), strike "institution of higher education" has the meaning and substitute "governing board" and "institution of higher education" have the meanings.

(2) After Subsection (b) (page 1, between lines 49 and 50), insert the following:

(c) If an institution of higher education determines that a faculty member of the institution has violated this section, the institution shall discharge the faculty member.

(d) The governing board of each institution of higher education shall develop and implement a system to receive student complaints regarding a violation of this section by a faculty member of the institution.

(e) Not later than December 1 of each year, the governing board of each institution of higher education shall submit to the legislature and the Texas Higher Education Coordinating Board a report on the student complaints received by the governing board under Subsection (d) during the preceding academic year.

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

SECTION _____. Section 51.942, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) For purposes of Subsection (c)(5), good cause for taking disciplinary action against a faculty member, including revoking the tenure of the faculty member, includes the faculty member's violation of Section 51.982.

SECTION _____. Section 51.982(c), Education Code, as added by this Act, applies only to a person who enters into or renews an employment contract as a faculty member at a public institution of higher education on or after the effective date of this Act.

The amendment to **CSSB 16** was read.

Question: Shall Floor Amendment No.1 to **CSSB 16** be adopted?

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 11, 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:

HB 15 Thompson, Senfronia
Relating to the creation of the Mental Health and Brain Research Institute of Texas.

HB 242 Howard
Relating to liability for the donation and distribution of feminine hygiene products.

HB 362 Oliverson
Relating to the use, possession, delivery, or manufacture of testing equipment that identifies the presence of fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl.

HB 393 Goldman
Relating to restitution payments for the support of a child whose parent or guardian is a victim of intoxication manslaughter.

HB 450 Craddick
Relating to a cause of action for the bad faith washout of an overriding royalty interest in an oil and gas lease.

HB 793 Noble
Relating to the selection and reimbursement of certain persons providing services required under a service plan filed by the Department of Family and Protective Services.

HB 879 Cook
Relating to the qualifications required to hold the office of constable in certain counties.

HB 914 Hefner
Relating to temporary vehicle tags and the offense of tampering with a governmental record.

HB 1088 Johnson, Ann
Relating to the representation of a community supervision and corrections department in cases in which a person under the supervision of that department challenges the fact or duration of the supervision.

- HB 1382** Hernandez
Relating to the public sale of real property taken in execution of a judgment.
- HB 1488** Rose
Relating to sickle cell disease health care improvement and the sickle cell task force.
- HB 1699** King, Tracy O.
Relating to the authority of the Evergreen Underground Water Conservation District to impose certain fees.
- HB 1748** Leach
Relating to the use of a facsimile signature on certain public securities and related certificates.
- HB 1750** Burns
Relating to the applicability of certain city requirements to agricultural operations.
- HB 1789** Buckley
Relating to the application of nepotism prohibitions to a person appointed or employed by a school district as a bus driver.
- HB 2308** Ashby
Relating to nuisance actions and other actions against agricultural operations.
- HCR 100** Howard
Congratulating Texas Impact on its 50th anniversary.

Respectfully,

/s/Stephen Brown,
Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 16 ON SECOND READING**

Question: Shall Floor Amendment No.1 to **CSSB 16** be adopted?

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 by Hughes to **CSSB 16** as follows:

- (1) On page 1, line 13, by striking "student".
- (2) On page 1, line 19, by striking "student".

The amendment to Floor Amendment No. 1 to **CSSB 16** was read and was adopted by a viva voce vote.

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

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

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 16**, the amendment as amended was adopted 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.

CSSB 16 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, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 92, HCR 93, HCR 95, HCR 101, HCR 102.**

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider **HB 1** at 9:00 a.m. tomorrow in Room E1.036.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Creighton and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 1072** at 9:00 a.m. tomorrow in Room E1.028.

CO-AUTHORS OF SENATE BILL 19

On motion of Senator Huffman, Senators Alvarado, Blanco, Creighton, and West will be shown as Co-authors of **SB 19**.

CO-AUTHOR OF SENATE BILL 26

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

CO-AUTHORS OF SENATE BILL 133

On motion of Senator West, Senators Blanco, Eckhardt, Hinojosa, and Zaffirini will be shown as Co-authors of **SB 133**.

CO-AUTHOR OF SENATE BILL 294

On motion of Senator Johnson, Senator Blanco will be shown as Co-author of **SB 294**.

CO-AUTHOR OF SENATE BILL 667

On motion of Senator West, Senator Blanco will be shown as Co-author of **SB 667**.

CO-AUTHOR OF SENATE BILL 694

On motion of Senator Hughes, Senator Creighton will be shown as Co-author of **SB 694**.

CO-AUTHOR OF SENATE BILL 804

On motion of Senator Schwertner, Senator Springer will be shown as Co-author of **SB 804**.

CO-AUTHORS OF SENATE BILL 838

On motion of Senator Creighton, Senators Blanco and Zaffirini will be shown as Co-authors of **SB 838**.

CO-AUTHOR OF SENATE BILL 989

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-author of **SB 989**.

CO-AUTHORS OF SENATE BILL 1039

On motion of Senator Bettencourt, Senators Creighton and Paxton will be shown as Co-authors of **SB 1039**.

CO-AUTHORS OF SENATE BILL 1070

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

CO-AUTHOR OF SENATE BILL 1133

On motion of Senator Blanco, Senator Creighton will be shown as Co-author of **SB 1133**.

CO-AUTHOR OF SENATE BILL 1137

On motion of Senator Schwertner, Senator Hughes will be shown as Co-author of **SB 1137**.

CO-AUTHOR OF SENATE BILL 1390

On motion of Senator Parker, Senator Johnson will be shown as Co-author of **SB 1390**.

CO-AUTHOR OF SENATE BILL 1413

On motion of Senator Johnson, Senator Springer will be shown as Co-author of **SB 1413**.

CO-AUTHORS OF SENATE BILL 1427

On motion of Senator Flores, Senators Bettencourt and Creighton will be shown as Co-authors of **SB 1427**.

CO-AUTHORS OF SENATE BILL 1562

On motion of Senator Hancock, Senators Creighton and Paxton will be shown as Co-authors of **SB 1562**.

CO-AUTHOR OF SENATE BILL 1648

On motion of Senator Parker, Senator Blanco will be shown as Co-author of **SB 1648**.

CO-AUTHOR OF SENATE BILL 1682

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 1682**.

CO-AUTHORS OF SENATE BILL 1849

On motion of Senator Kolkhorst, Senators Blanco, Paxton, and Zaffirini will be shown as Co-authors of **SB 1849**.

CO-AUTHOR OF SENATE BILL 1900

On motion of Senator Birdwell, Senator Creighton will be shown as Co-author of **SB 1900**.

CO-AUTHOR OF SENATE BILL 1957

On motion of Senator Parker, Senator Eckhardt will be shown as Co-author of **SB 1957**.

CO-AUTHOR OF SENATE BILL 2140

On motion of Senator Parker, Senator West will be shown as Co-author of **SB 2140**.

CO-AUTHOR OF SENATE BILL 2368

On motion of Senator Campbell, Senator Middleton will be shown as Co-author of **SB 2368**.

CO-AUTHORS OF SENATE BILL 2424

On motion of Senator Birdwell, Senators Creighton and Hall will be shown as Co-authors of **SB 2424**.

CO-AUTHOR OF SENATE BILL 2429

On motion of Senator Hancock, Senator West will be shown as Co-author of **SB 2429**.

CO-AUTHOR OF SENATE BILL 2451

On motion of Senator Menéndez, Senator Bettencourt will be shown as Co-author of **SB 2451**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 5

On motion of Senator Huffman, Senators Alvarado and Creighton will be shown as Co-authors of **SJR 5**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 74

On motion of Senator Parker, Senator Blanco will be shown as Co-author of **SJR 74**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 396 by West, In memory of Thomas Jefferson Payne.

Congratulatory Resolutions

SR 360 by Birdwell, Recognizing the Lipan High School girls' basketball team for winning a state championship.

SR 361 by Birdwell, Recognizing the Lipan High School boys' basketball team for winning a state championship.

SR 399 by Parker, Recognizing the City of New Fairview on the occasion of the 50th anniversary of its incorporation.

Official Designation Resolution

SR 397 by Johnson, Recognizing April 13, 2023, as Reman Day.

RECESS AND MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:33 p.m. agreed to recess until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

APPENDIX

SENT TO SECRETARY OF STATE

April 11, 2023

SCR 39

COMMITTEE REPORTS

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

April 11, 2023

EDUCATION — CSSB 13, CSSB 2482, CSSB 1861, CSSB 1055, CSSB 562, CSSB 544, CSSB 357, CSSJR 29

TRANSPORTATION — CSSB 2102, CSSB 2144, CSSB 2221

EDUCATION — CSSB 200, CSSB 526, CSSB 532, CSSB 2294

CRIMINAL JUSTICE — CSSB 839, CSSB 2085, CSSB 1852, CSSB 855, CSSB 1445, CSSB 49

BORDER SECURITY — CSSCR 23, CSSB 1518

HEALTH AND HUMAN SERVICES — CSSB 177, CSSB 587, CSSB 515, CSSB 664, CSSB 301, CSSB 2261, CSSB 593

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — CSSB 1057, CSSB 1186, CSSB 1210, CSSB 1397, CSSB 785, CSSB 558, CSSB 874

BILLS AND RESOLUTIONS ENGROSSED

April 11, 2023

SB 19, SB 133, SB 294, SB 784, SB 838, SB 938, SB 950, SB 1424, SB 1427, SB 1849, SJR 5, SJR 32

RESOLUTIONS ENROLLED

April 11, 2023

SR 360, SR 361, SR 392, SR 396, SR 397, SR 398, SR 399