

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Wednesday, April 12, 2023)

The Senate met at 11:04 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, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Absent-excused: King.

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

Pastor Jerry Maston, River of Life Church, Eastland, offered the invocation as follows:

Heavenly Father, I approach Your throne in the holy name of Jesus. You are God, the blessed and only ruler, potentate, the king of kings and lord of lords. You live in unapproachable light, eternal, invisible, immortal, the only wise God. As You have always been, so You remain the same today. To You, we surrender our thoughts, our motives, and our ambitions. The petition I bring is in regard to the great State of Texas, its citizens, and the legislative body at this time. Referencing a particular nation from the book of Deuteronomy, Your word says, What nation is so great as to have their gods near them the way You, Lord our God, is near us when we pray to Him? Today, we call upon You, holy Father. May we draw near to You by seeking godly counsel and by adhering to Your commandments and all Your decrees. May this legislative body find peace and fulfillment by making and establishing laws that are just and fair, without bias, laws that establish freedoms, laws that promote prosperity and well-being. Let strife and personal ambition be forfeited for the benefit of the Texas citizenry. May the motives of this select body be guided by Your righteous cause and by the core values that have made our state great through the past. Humbly we pray and say, Thy will be done on Earth as it is done in heaven. In Jesus' name I pray. Amen.

(President in Chair)

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator King was granted leave of absence for today on account of an illness in the family.

SENATE RESOLUTION 403

Senator Huffman offered the following resolution:

SR 403, Recognizing April 10 through 14, 2023, as Texas Retired Teachers Week.

HUFFMAN	HANCOCK	MIDDLETON
ALVARADO	HINOJOSA	PARKER
BIRDWELL	HUGHES	SCHWERTNER
BLANCO	JOHNSON	SPRINGER
CAMPBELL	KING	WEST
CREIGHTON	LAMANTIA	WHITMIRE

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Huffman, the resolution was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Huffman, joined by Senators Hinojosa, Birdwell, Campbell, Zaffirini, Paxton, Springer, Bettencourt, Menéndez, Flores, Gutierrez, Kolkhorst, Nichols, Hughes, Eckhardt, Hall, Creighton, and Whitmire, was recognized and introduced to the Senate a Texas Retired Teachers Association delegation including Executive Director Tim Lee, Board of Directors President Marcy Cann, First Vice-president Ella Gauthier, Second Vice-president Frana Patterson, Legislative Coordinator Mary Widmier, Secretary/Treasurer Terri Navrkal, Immediate Past President Leroy DeHaven, Shirley Boyd, Judy Brown, and a Wood County retired teachers delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 404

Senator LaMantia offered the following resolution:

SR 404, Recognizing April 12, 2023, as Port Aransas Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator LaMantia was recognized and introduced to the Senate a Port Aransas Day delegation including Mayor Wendy Moore.

The Senate welcomed its guests.

SENATE RESOLUTION 402

Senator Johnson offered the following resolution:

SR 402, Recognizing April 12, 2023, as Mesquite Day.

JOHNSON
HALL
WEST

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Johnson was recognized and introduced to the Senate a City of Mesquite delegation including Mayor Daniel Alemán Jr.

The Senate welcomed its guests.

(Senator Bettencourt in Chair)

GUESTS PRESENTED

Senator Campbell was recognized and introduced to the Senate Wendell Edgin, accompanied by his wife, Kathy, and friend B. E. Taylor.

The Senate welcomed its guests.

(President in Chair)

**SENATE RULE 7.12(a) SUSPENDED
(Printing of Bills)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee report for **HB 1** was ordered not printed.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate the Brenham Maifest Royalty including Luke Robert Hyatt, Virginia Kate Priesmeyer, Lauren Ruth Hook, Ashton Kiel Behrens, and their families.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 12:21 p.m. announced the conclusion of morning call.

(Senator Bettencourt in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1727 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1727** at this time on its second reading:

CSSB 1727, Relating to the continuation and functions of the Texas Juvenile Justice Department and the functions of the office of independent ombudsman for the Texas Juvenile Justice Department.

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

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

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 1727 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1727** be placed on its third reading and final passage.

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

Absent-excused: King.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 62 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 62** at this time on its second reading:

CSSB 62, Relating to posting certain documents and information related to certain real property sales on a county's Internet website.

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

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

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 62 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 62** be placed on its third reading and final passage.

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

Absent-excused: King.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1002 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1002** at this time on its second reading:

CSSB 1002, Relating to the operation of public electric vehicle charging stations.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1002** (senate committee printing) in SECTION 1 of the bill, in added Section 42.0103(j)(2), Utilities Code (page 4, line 19), by striking "two" and substituting "10".

The amendment to **CSSB 1002** 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:

Absent-excused: King.

CSSB 1002 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 1002 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1002** be placed on its third reading and final passage.

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

Absent-excused: King.

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

COMMITTEE SUBSTITUTE
SENATE BILL 767 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 767** at this time on its second reading:

CSSB 767, Relating to notice requirements for certain municipal fees and the process to adopt a municipal budget that includes the use of revenue from those fees.

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

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

Absent-excused: King.

COMMITTEE SUBSTITUTE
SENATE BILL 767 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 767** be placed on its third reading and final passage.

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

Absent-excused: King.

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

COMMITTEE SUBSTITUTE
SENATE BILL 1413 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 1413** at this time on its second reading:

CSSB 1413, Relating to the authority of a fire department to remove certain personal property from a roadway or right-of-way.

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

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

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 1413 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 1413** be placed on its third reading and final passage.

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

Absent-excused: King.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 540 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business and Senate Rule 5.14(a) were suspended to take up for consideration **CSSB 540** at this time on its second reading:

CSSB 540, Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.

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

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

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 540 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 540** be placed on its third reading and final passage.

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

Absent-excused: King.

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

SENATE BILL 1568 ON SECOND READING

On motion of Senator Campbell and by unanimous consent, the regular order of business and Senate Rule 5.14(a) were suspended to take up for consideration **SB 1568** at this time on its second reading:

SB 1568, Relating to the persons authorized or appointed to exercise the power of sale under the terms of a contract lien on real property.

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

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

Absent-excused: King.

SENATE BILL 1568 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1568** be placed on its third reading and final passage.

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

Absent-excused: King.

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

COMMITTEE SUBSTITUTE SENATE BILL 853 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 853** at this time on its second reading:

CSSB 853, Relating to electricity service provided by certain municipally owned utilities.

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

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

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

Absent-excused: King.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 853** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 33.152(a), Utilities Code (page 1, line 36), strike "10,000 of those customers" and substitute "five percent of the municipally owned utility's customers".

(2) In added Section 33.152, Utilities Code, between Subsections (b) and (c) (page 1, between lines 48 and 49), insert the following subsection and reletter subsequent subsections and cross-references to those subsections accordingly:

(c) For the purposes of Subsection (b), the rates of the municipally owned utility are inconsistent with the rates available to similarly situated customers in areas of the state that have access to customer choice if an average rate paid by the customers of

the municipally owned utility during the most recent five years is at least 10 percent higher than the comparable average rate paid during the same five-year period by similarly situated customers in areas of the state that have access to customer choice.

(3) Strike added Section 33.153, Utilities Code (page 2, lines 13-24) and substitute the following:

Sec. 33.153. LIMITATION. The commission may not conduct more than one review under this subchapter for each municipally owned utility.

The amendment to **CSSB 853** 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:

Absent-excused: King.

CSSB 853 as amended was passed to engrossment by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: King.

SENATE BILL 694 ON THIRD READING

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

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 21, Nays 9.

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

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

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9. (Same as previous roll call)

SENATE BILL 1070 ON THIRD READING

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

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

The motion prevailed by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 989 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 989** at this time on its second reading:

CSSB 989, Relating to health benefit plan coverage for certain biomarker testing.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Creighton, Hall, Hughes.

Absent-excused: King.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 989** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 1372.003(a), Insurance Code (page 2, line 45), strike "by medical and scientific evidence, including", and substitute "by the following kinds of medical and scientific evidence".

(2) In SECTION 1 of the bill, in added Section 1372.003(b)(2), Insurance Code (page 2, line 60), between "valid" and the semicolon, insert "based on the medical and scientific evidence described by Subsection (a)".

(3) In SECTION 1 of the bill, in added Section 1372.003(b)(3), Insurance Code (page 2, line 61), strike "is outcome focused" and substitute "informs a patient's outcome and a provider's clinical decision".

(4) In SECTION 1 of the bill, in added Section 1372.003(b)(4), Insurance Code (page 2, line 62), between "the acute" and "issue", insert "or chronic".

The amendment to **CSSB 989** 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:

Absent-excused: King.

CSSB 989 as amended was passed to engrossment by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Creighton, Hall, Hughes.

Absent-excused: King.

**COMMITTEE SUBSTITUTE
SENATE BILL 989 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 989** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Creighton, Hall, Hughes.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

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

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

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 18, Nays 12.

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

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

Absent-excused: King.

The bill was read third time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 16** on third reading in SECTION 2 of the bill, adding Section 51.982, Education Code, as follows:

(1) Strike Subsection (a) and substitute the following:

(a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Institution of higher education" and "university system" have the meanings assigned by Section 61.003.

(2) Strike Subsections (d) and (e) and substitute the following:

(d) The coordinating board by rule shall develop a procedure for an institution of higher education to receive and review complaints regarding a violation of this section by a faculty member of the institution. The procedure must:

(1) take into consideration due process rights under the United States Constitution and the Texas Constitution; and

(2) include a procedure by which the complainant or the faculty member who is the subject of the complaint may appeal the institution's determination regarding whether the faculty member violated this section to:

(A) the chancellor or other executive officer of the institution's system, if the institution is a component of a university system; or

(B) the president or other executive officer of the institution, if the institution is not a component of a university system.

(e) Each institution of higher education shall implement the procedure developed under Subsection (d).

(f) Not later than December 1 of each year, each institution of higher education shall submit to the legislature and the coordinating board a report on the complaints received by the institution under the procedure implemented under Subsection (e) during the preceding academic year.

The amendment 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. 1 on Third Reading except as follows:

Nays: Eckhardt.

Absent-excused: King.

CSSB 16 as amended was finally passed by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: King.

REMARKS ORDERED PRINTED

On motion of Senator Hughes and by unanimous consent, the remarks regarding **CSSB 16** on third reading were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Gutierrez, what purpose?

Senator Gutierrez: Just to speak on the bill, when appropriate.

President: You're recognized. This is the time, we're on third reading.

Senator Gutierrez: Thank you, Mr. President. I, you know, this is a, I think we talked a lot about this yesterday. And I wasn't compelled to speak today, but I am a little bit caught unaware, a little bit confused. And I'm confused because yesterday we heard from the bill's author about, the bill is that a professor may not compel or attempt to compel to adopt, a student enrolled in an institution, to adopt a belief that any race, sex, or ethnicity, political or religious belief is inherently superior to any race. We went down a series of fact patterns with the bill's author. And he said, no, that wouldn't be violative of the bill. And then we got to the point about CRT, and I said, Are you saying that we cannot teach Critical Race Theory? The short answer is that he first said that, no, you can teach Critical Race Theory as long as you don't compel or attempt to compel a student enrolled at the institution to adopt. And then after a few other questions, then he said that you can't teach Critical Race Theory in our universities. So, I'm confused. He went on to say that, that it was not okay to teach Critical Race Theory on his, on our universities based on his perception of what Critical Race Theory is. And I think that that's important because his perception of what Critical Race Theory is, is absolutely wrong. There is nothing in the course material of Critical Race Theory that says that any one race or ethnicity is superior to another. It is the critical thinking about race, asking students to think critically about race as a construct to our socioeconomic, political establishments. And it is teachers teaching that concept, not indoctrinating, not asking, and certainly not compelling anybody to take one position or another. So, I'm confused as to what we can and can't do in our universities. Because apparently Senator Hughes is suggesting to us, because I think he was confused, first, he said it's okay, then he said it wasn't okay. And then, not by way of argument, but we find a tweet that he says, during the debate, we're banning Critical Race Theory. And so, I'm confused. You know, Vince Lombardi, he said something once, he said you got to strive for perfection in this world. He's telling his football players, he says you're never going to be perfect, but in your striving for perfection you will achieve excellence. This bill is far from perfection. It is far from excellence. And it is far from what we want from our professors in our universities. And it is far from what we want from our students. Because it is those universities' jobs and those professors' jobs to promote students about racial relations, about Black Lives Matter, about the things that affect them in their lives, and a study going back in history as to why things happen. Why are more Blacks incarcerated than White people? There's a socioeconomic reasoning for that. And it's okay for us to have that discussion and that debate. It's okay. No one's going to, no one's going to get hurt, Senator Hughes, if we have that discussion and the debate. So, I'm confused. I'm confused as to what you want to do here. There is a

grandeur to Texas, we always like to say it. We always like to say that we live in this great state and we do great things in this state. I respectfully submit to you that this bill is far from great. It is far from great. It is small because it seeks to undermine the principal objective of university professors and our universities themselves, which is to provoke young minds to think about being their best selves so that they can someday come and be legislators and be great and think great things, not small things. And this bill, Senator, I'm sorry, is absolutely not about freedom of speech. And, yes, you are curtailing freedom of speech in this bill. And so, I'm going to keep my comments at this. This bill is small, and we're so much better than this.

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

Senator Eckhardt: To speak on the bill.

President: You are recognized.

Senator Eckhardt: Thank you, Mr. President. This is censorship masquerading as academic freedom. This is censorship masquerading as academic freedom, which is exactly the opposite of what we strive for in our institutions of higher education. The stated intention of the author, the stated intention of the author is to support the marketplace of ideas that is our higher institution, where we go to explore the various arguments and then adopt those arguments that are most compelling to us as students. We rely on teachers, professors, to bring us those compelling arguments based on academic exploration and the evidence that that academic exploration provides these students in medicine, biology, history, and so much more. We spent so much of the morning lauding the amazing teachers up in the gallery that had retired, celebrating their ability to provoke young minds to explore their universe and weigh the comparative benefits and the evidence of what they were being taught so that they can form their own beliefs. But this bill is censorship masquerading as academic freedom. I know every single one of us in this room and many of us told the story this morning of how a teacher expanded their minds. Two of my best teachers were teachers I completely disagreed with. They were compelling teachers. Some would even suggest they were bullying teachers. Some of y'all went to law school at UT and had Lino Graglia as a professor. I couldn't stand Lino Graglia, but he was an amazing law professor. He was considered the most provocative law professor in the United States at the time. And he advocated in favor of the *Hopwood* decision and an end to affirmative action. I did not agree with him, but I am a better person for having been taught by him. I also had an undergraduate professor in David Mamet who was one of the founding members of the University of Austin. Do I agree with David's perspective on the world? Absolutely not, but he was one of the best professors I ever had. I don't think you could find two professors more compelling than Lino Graglia and David Mamet in two completely different disciplines. I am glad I had them as professors, and I would not have wanted to curtail their compelling arguments for their worldview, which I did not adopt for my own. With this bill and the diversity, equity, and inclusion bill we're going to hear, we are dumbing down our higher institutions of learning. We will not be attracting the best professors. We will not be retaining the best students. Students will go out of state for higher education so they can fully explore all that the marketplace of ideas has to offer them, because they know that with this bill and the DEI bill, we will be assuring that our Texas

institutions of higher education are nothing but echo chambers incapable of welcoming the full marketplace of ideas, afraid of the full marketplace of ideas, and uninterested in challenging our worldview with a larger one. And for that reason, I am voting against this censorship.

President: Senator Menéndez, you're recognized to speak on the bill.

Senator Menéndez: Thank you, Mr. President. Members, I've reached out to leadership of several universities. I've asked, is this a problem that you need our help with? Here's the response that I've received from one: Our students have many ways to object to the way a course is taught. Examples: mostly about grades, class cancellation, returning homework, we get very few around dogma. We have one currently about liberal politics and discrimination against conservative values. Complaints can go to the department chair, the dean, provost, and even the president. We have an ombudsman. We have an anonymous hotline. We have a Title IX office. We have a dean of students office. It is a healthy system and there is no indoctrination going on. Members, institutions of higher education are the front lines of research and innovation. Specifically, social sciences and humanities are tasked with exploring complex sociopolitical, sometimes religious, dynamics that transcend the boundaries of hard data. And that's why they're called soft sciences. I take issue with this bill and I must say there is an inherent conflict, especially between Section 1 and Section 2 of this bill. Section 1 affirms intellectual and academic freedom and diversity, so that our students are equipped for the betterment of society. Sounds good. But Section 2 prohibits the vague notion to compel a student to believe in the superiority of one group over another. We equip our students when we teach them critical thinking skills defined as the objective analysis and evaluation of an issue in order to form a judgment. This requires that every student be able to, be able to discern evidence, facts, primary documents, the social cultural context of the issue and more. It has been mentioned multiple times in testimony and by our colleagues here on this floor that vague and conflicting legislation like this creates a chilling effect on our professors who are just trying to do their job. Hey, in every profession there are extremists. We've heard of a couple at UT Law. But the vast majority of professors are just trying to do their job, and this bill will scare many into avoiding topics, especially if they feel that they have some sensitive students in their class. And that will rob the other students of a potential engaging discussion. If we can't discuss periods of oppression, power corruption, and imbalance in the nuanced ways that history affects us today, we are not equipping our students with anything. For example, historically Black colleges and universities were here two weeks ago advocating in the Capitol to talk about their unique history in the state. And I'm not sure if most of you know, but they were founded during Reconstruction, and the only way they could be created was as if all the fundraising was privately raised, most of it from freed slaves, because of the pervasive racism of the time. So, did you know that because of their unique origins many HBCUs are still private to this day, which means that they don't receive any necessary funding for their facilities or financial aid for their students? So, like it or not, this is a consequence of the systemic racism from Reconstruction. And so far, we are yet to find a complete solution. In larger, in a larger context, if early academics had not had the freedom to facilitate conversations and possibly compel others to believe the harms of slavery or to have empathy for immigrants, we would not have

the progress that we have today. Bills like this bill and the DEI bill limit our ability to talk about finding solutions for systemic inequities out of the fear that someone's going to be made uncomfortable. This makes no sense to me. We've talked about Texas being a great state. Why, because we're hardy. We're resilient. We're diverse. We're mavericks. We're not people that shy away from a fight, a discussion. And we're part of a nation with a deep and complex history that is still being understood. And what does this bill offer for a potentially hateful student in a gender studies who decides to do his presentation on why women don't deserve to vote? Or as we've heard, I've heard the last two days, professional women tell me that when they were in law school, the professor told them, you're taking the place of a man. Or when they were in pharmacy school, one of five women in the Class of '85, you're taking a place of a man that needs to make money for his family. So, aside from it being objectively a misogynistic position, let's say he does not argue his point well, and the professor grades his paper harshly. So, this hateful student cannot only create an unsafe learning environment for the fellow women in his class, but now, if this bill becomes law, this bill will protect the hateful student more than the rest of his classmates. My last point is to codify a belief is extremely subjective in this bill. We're really lucky this bill doesn't apply to this body, to the Legislature, because many of us have been compelled to believe that the comforts of some supercede the rights of others. To close, this bill does not help us in a position of being the R1 powerhouse we want to be. And I'm positive that there are already complaint processes established in a case when a student feels they have been mistreated, treated unfairly, or disrespected. I read to you at the beginning all these mechanisms have been established to protect both students and professors to ensure a safe learning environment and a space where the dialogue can thrive. Members, we are without a doubt in a polarizing time, but when I speak with students and professors from colleges, they're not complaining about being uncomfortable with conversations in class. They are complaining about growing food insecurity or the fact that more students are graduating from high school without basic writing and math skills for college or that they just spent two years at a community college only to have to retake the classes at their four-year institution. These are the real issues that they're dealing with. So, I will be voting against this bill because I stand by and hope for, that Texas has a higher education system that will not limit free speech and that will engage students of all kinds, of all walks of life in every discussion as uncomfortable as it may be, because that's what will make Texas greater. Thank you, Members. Thank you, Mr. President.

President: Thank you, Senator. Senator Hughes, you're welcome on final.

Senator Hughes: Thank you, Mr. President. Thank you, Members. A very short and simple bill. In relevant part, a public institution of higher education must be committed to creating an environment of intellectual inquiry and that giving it freedom, so that all students are equipped for participation in the workforce and the betterment of society, and intellectual diversity so that all students are respected and educated regardless of race, sex, or ethnicity or social, political, or religious background or belief. What we've experienced in this debate, unable to find anything objectionable in those terms, opponents, instead, resort to attacking matters that are not in the bill. Simply stated, the bill says what I just read. It then goes on, it then goes on to say that a faculty member may not compel or attempt to compel a student to

adopt a belief that any race, sex, ethnicity is inherently superior to any other. And as we discussed extensively, there are situations where we each certainly seem to agree that compelling would be inappropriate, a professor using that authority, using that power, whether of the grade or of the lecture and the force that they have in the classroom. When we talk about what was actually in the bill, there wasn't a whole lot of disagreement. Our disagreement comes when we talk about things that are not in the bill. And how ironic, let me say respectfully to my colleagues, how ironic when Members stand here and say things are in the bill that are not in the bill and then ask rhetorically why do people think these things are in the bill? Hmm, could it be because they heard it here on this floor? If we stick to what's in the bill, it's crystal clear. Let us talk about Critical Race Theory. Are those words in the bill? No. Those concepts are in the bill. Why the concepts? Because as we learned in over the last two days, these definitions change. How many of us remember two years ago when we were addressing Critical Race Theory in K through 12? First, we heard there's no such thing as Critical Race Theory. Then we heard, well, it's only in law schools. And then we hear, more recent, well, it said higher ed, too. And now, we hear, well, maybe it's in K through 12, but it's not what you think it is. Do you see the moving target? Do you see how the arguments change when the truth is exposed? Critical Race Theory is the divisive teaching that racism is inherent and imbedded in our legal system, our institutions, our free enterprise system. It's not an American idea because we know everyone in this room knows that America has had difficult, dark things in her past. We still have difficult and hard things to overcome. We're not perfect. We have a long way to go. Do we teach about those difficult things in our past? Yes, of course, we do. As we discussed last session in Senate Bill 3, we not only allow the teaching about those things, we require the teaching about those things, about slavery, about the Civil War, about the Jim Crow era, about the Civil Rights movement, going further back into history about the Holocaust. And, also, we talk about the response to those things, how we've come together as Americans. We talk about the leadership of people like Dr. King. And, as you will recall, contrary to what may have been reported in some national media outlets, Dr. King is mentioned in our curriculum just as many times as George Washington, as he should be. We are for teaching the whole truth about our history. And I think everybody here knows that, but because of something said, let's make sure the record is clear. We are for teaching the whole truth, the difficult things, the dark things, and how we get past them by coming together as Americans, not dividing ourselves based on race. And we know what's been happening in higher education more and more. There was testimony on this floor from Members who've experienced this with students and, and even as a student himself, where we've seen the hostility and the environment that's created where higher education, rather than being the open environment of ideas and challenging perspectives, instead a monolithic, left-wing echo chamber where one side of the argument is drowned out. And everybody knows this is happening. There's no debate about that. The question is, should there be a response? And there was an interesting article, interesting article yesterday in the *Texas Tribune*. Some of you may have seen it. It was talking about our debate yesterday. It quotes Professor Karma Chávez, and I'm going to read from the article, it's quoting her. Chávez, who was also a member of the Texas Conference of the American Association of University Professors, said she

will often listen to classroom discussions where one student will offer an opinion and others will challenge it based on research or scholarship from the course curriculum. That's good, she said. I want people to be making arguments. She adds that she tells students that all viewpoints are welcome as long as they are engaging with the material and verified research. Quoting her again, but, you cannot just make arguments based on an unfounded opinion. I do think that one of the challenges is when you're talking about studies of race and sex and gender, sexuality, the scholarship that exists across the humanities and social sciences, by and large, does not support a conservative viewpoint. She goes on, not because it's based on a liberal or politicized opinion but that's what the principal archival or social scientific research has shown about a given topic. But it's not political, it's research. End quote. Professor Chávez says that excluding conservative viewpoints isn't political, it's just research. As she limits her comments to race, sex, gender, sexuality, but I suppose, and I suppose in that area that millennia of what humans have understood about these areas, that doesn't meet her threshold to be worthy of classroom discussion. And I don't think her perspective is limited to those arguments. What about extending that to economics where there is a perpetual return to socialist ideas that would empower government to care for their people and in the name of caring for their people take their liberties away? This didn't work too well in the Soviet Union or a host of other countries who cloaked tyranny in the name of many fine-sounding government programs. But all of that history does not qualify as research for many professors. We have to ask ourselves who is closing their eyes here. Who doesn't want to know the truth? It's always been, it's always been a belief in truth that tolerates the acceptance of other opinions. That's what higher ed used to be about, those who believe there is no truth. They don't want to know about it. And in this relativist age, the struggle is primarily between those who hold to some notion of truth that's discoverable and those who believe that all or most things are relative, that my truth is different from your truth. Thankfully, our founders knew better. They accepted the notion that there were enduring features to human nature and that that should inform the structure of our government. They believe that human nature was fallen, prone to error and arrogance. And because of that, they fashioned a government of checks and balances where power was divided and shared, where the people would have many entry points to express their opinion of the government and free speech to share that opinion with fellow citizens. Nowhere should that be more true than in the higher education setting. The belief that there is enduring truth to be discovered is what has made our university system the envy of the world. And when we see our universities closing themselves off to half of the political spectrum, ruling out conservative ideas and cloaking that censorship in the name of research, we can know that our universities are departing from what should be their fundamental mission. I bet everybody here knows what's engraved on the Tower at The University of Texas, just a few blocks away from here. You shall know the truth and the truth shall make you free. I bet we know who said that, some may not, of course, that was Jesus Christ. Would we engrave that if we were building the Tower today? I would say, no. And that illustrates the problem we are trying to address, at least in part, with this bill. Mr. President, I move final passage, Senate Bill 16.

SENATE BILL 1054 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1054** at this time on its second reading:

SB 1054, Relating to requirements for a trial in the contest of an election on a proposed constitutional amendment.

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

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

Absent-excused: King.

SENATE BILL 1054 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1054** be placed on its third reading and final passage.

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

Absent-excused: King.

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

SENATE BILL 975 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 975** at this time on its second reading:

SB 975, Relating to the procedures for the issuance of a personal identification certificate to a person whose driver's license is surrendered.

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

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

Absent-excused: King.

SENATE BILL 975 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 **SB 975** be placed on its third reading and final passage.

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

Absent-excused: King.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2424 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSSB 2424** at this time on its second reading:

CSSB 2424, Relating to the creation of the criminal offense of improper entry from a foreign nation.

The motion prevailed by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: King.

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2424** (senate committee printing) in SECTION 1 of the bill, immediately following added Section 38.20(f), Penal Code (page 2, between lines 1 and 2), by inserting the following appropriately lettered subsection:

() A law enforcement officer of the Department of Public Safety who arrests a person for an offense under this section shall, to the extent feasible, detain the person in a facility established under Operation Lone Star or a similar border security operation of this state.

The amendment to **CSSB 2424** 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, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: King.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 2424** (senate committee printing), in SECTION 1 of the bill, by amending proposed Section 38.20(e), Penal Code (page 1, between lines 52 and 59) to read as follows:

(e) For purposes of Subsection (d)(1), the Deferred Action for Childhood Arrivals federal program confers federal immigration benefits entitling the actor to lawful presence in the United States.

The amendment to **CSSB 2424** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

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

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

Absent-excused: King.

CSSB 2424 as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: King.

REASON FOR VOTE

Senator Blanco submitted the following reason for vote on **CSSB 2424**:

As Legislators, we all want safer communities for our constituents and families. We all want to deter and stop criminal elements from crossing our border, but this bill criminalizes unaccompanied minors, victims of human trafficking, and asylum seekers and refugees. This bill will not make our communities safer and will not stop people from looking for a better life. Seeking asylum is a constitutionally-protected right but this bill would criminalize immigrants before they even have the opportunity for their asylum claim to be heard. I represent several counties in Far West Texas, including over 350 miles of the Texas-Mexico border. Along the border, 2 nations become 1 region that embraces a diverse and vibrant culture. And we are stronger for it. We are also safer for it. For many years, El Paso has ranked as one of the safest cities in the nation. Our border communities with strong immigrant ties know firsthand we are safe communities, not despite our immigrants, but because of them. We often hear that the United States was built by immigrants, but that's a half-truth — Immigrants continue to build the nation and shape our future. With over 4 million immigrants living in Texas, 1 out of every 6 Texans is an immigrant, and many more are part of immigrant families. It's who we are. More than 21 percent of the total Texas labor workforce is made up of Texas immigrants most heavily concentrated in education, healthcare, and social services, and contribute more than 8 billion dollars to our state economy. The United States has long been a welcoming safe haven for those forcibly displaced- and our country has been immeasurably better for it. Pushing the 2 million unauthorized immigrants who live, work, and pay taxes further into the shadows will have a chilling effect on our economy and immigrant community. With that, I, respectfully, will be voting no on Senate Bill 2424.

BLANCO

SENATE BILL 1464 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1464** at this time on its second reading:

SB 1464, Relating to prohibiting a retail seller of motor vehicles from imposing certain restrictions on the purchase of a motor vehicle.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1464** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike the heading to added Section 348.415, Finance Code (page 1, lines 26 and 27), and substitute the following:

Sec. 348.415. RESTRICTIONS ON MOTOR VEHICLE PURCHASES FUNDED OR FINANCED USING PROSPECTIVE BUYER'S OWN MONEY OR THIRD-PARTY FINANCING PROHIBITED.

(2) In added Section 348.415(a), Finance Code (page 1, line 28), strike "cash" and substitute "sale".

(3) In added Section 348.415(a), Finance Code (page 1, line 28), between "a" and "buyer", insert "prospective".

(4) In added Section 348.415(a)(1), Finance Code (page 1, line 30), between "the" and "buyer's", insert "prospective".

(5) In added Section 348.415(a)(2), Finance Code (page 1, line 31), between "lender" and the underlined period, insert "who is neither the retail seller nor affiliated with the retail seller".

(6) In added Section 348.415(b), Finance Code (page 1, line 33), strike "cash" and substitute "sale".

(7) In added Section 348.415(b)(2), Finance Code (page 1, line 35), between "lender" and the underlined period, insert "who is neither the retail seller nor affiliated with the retail seller".

The amendment to **SB 1464** 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:

Absent-excused: King.

SB 1464 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: Campbell, Hall, Hughes, Sparks.

Absent-excused: King.

SENATE BILL 1464 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 1464** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Campbell, Hall, Hughes, Sparks.

Absent-excused: King.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

**SENATE RULE 5.14(a) SUSPENDED
(Motion In Writing)**

Senator Hall offered the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14, the Intent Calendar rule, in order to move the Intent Calendar deadline to 5:30 p.m. today.

HALL

The Motion In Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

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

SB 2154 by Sparks

Relating to the creation of the West Plains Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

To Committee on Local Government.

SB 2602 by Schwertner

Relating to the creation of the Sandow 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.

SB 2603 by Creighton

Relating to the creation of the Montgomery County Municipal Utility District No. 216; 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.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 49** to Committee on Health and Human Services.
- HB 140** to Committee on Health and Human Services.
- HB 362** to Committee on Criminal Justice.
- HB 393** to Committee on Criminal Justice.
- HB 450** to Committee on Administration.
- HB 456** to Committee on Local Government.
- HB 471** to Committee on Business and Commerce.
- HB 639** to Committee on State Affairs.
- HB 729** to Committee on Health and Human Services.
- HB 796** to Committee on Local Government.
- HB 1058** to Committee on Finance.
- HB 1161** to Committee on Criminal Justice.
- HB 1228** to Committee on Local Government.
- HB 1315** to Committee on Transportation.
- HB 1382** to Committee on Local Government.
- HB 1488** to Committee on Health and Human Services.
- HB 1699** to Committee on Local Government.
- HB 1964** to Committee on Transportation.
- HB 2468** to Committee on Business and Commerce.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 12, 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 8 VanDeaver

Relating to the administration, coordination, and support of public higher education, including the public junior college state finance program and a Financial Aid for Swift Transfer (FAST) program to enable certain students to enroll at no cost to the student in dual credit courses offered by certain public institutions of higher education.

HB 25 Talarico

Relating to wholesale importation of prescription drugs in this state; authorizing a fee.

HB 64 Landgraf

Relating to the peace officers authorized to operate an authorized emergency vehicle used to conduct a police escort.

HB 90 Patterson

Relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.

HB 205 Moody

Relating to an application for a writ of habeas corpus based on certain relevant scientific evidence that was not available at the applicant's trial.

HB 367 Jetton

Relating to the powers and duties of the State Commission on Judicial Conduct.

HB 492 Craddick

Relating to the creation and operation of a mental health services district by the Midland County Hospital District of Midland County, Texas, and the Ector County Hospital District.

HB 728 Rose

Relating to the statewide interagency aging services coordinating council.

HB 1337 Hull

Relating to step therapy protocols required by health benefit plans for coverage of prescription drugs for serious mental illnesses.

HB 1422 Metcalf

Relating to daylight saving time.

HB 1805 Klick

Relating to the medical use of low-THC cannabis by patients with certain medical conditions.

HB 1825 Turner

Relating to the consumption, possession, and sale of alcoholic beverages at certain performing arts facilities owned by certain school districts.

HB 2970 Guillen

Relating to the municipal regulation of HUD-code manufactured homes.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 12, 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 165 Johnson, Ann

Relating to the prosecution of and punishment for an aggravated assault occurring as part of a mass shooting; increasing a criminal penalty.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet upon recess in the Press Room, 2E.9.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hall and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet upon recess at his desk.

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following Message from the Supreme Court of Texas was filed with the Secretary of the Senate:

THE SUPREME COURT OF TEXAS

April 11, 2023

MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH TEXAS LEGISLATURE, REGULAR SESSION:

I, NATHAN L. HECHT, Chief Justice of the Supreme Court of Texas, pursuant to Section 21.004, Government Code, do hereby submit the following written State of the Judiciary message, which was originally performed live as a speech in Austin, Texas, on April 5, 2023.

Respectfully submitted,

/s/Nathan L. Hecht

Chief Justice

THE STATE OF THE TEXAS JUDICIARY
AN ADDRESS TO THE PEOPLE OF TEXAS

The Honorable Nathan L. Hecht

Chief Justice

The Supreme Court of Texas

April 5, 2023

Members of the Judiciary, the Legislature, and the Executive Branch; distinguished guests here and viewing remotely;

My fellow Texans:

Welcome to the courtroom of the Supreme Court of Texas.

September 11, 2001, dawned like any other day. By evening, the twin towers of the World Trade Center lay in rubble and nearly 3,000 were dead. It was a defining moment. The world would never be the same. We quickly took important lessons from the tragedy, terrible as it was. Airport officials admitted a 9-11 could have happened long before with security so lax. Within weeks, President Bush signed TSA into law, and you could no longer stroll through an airport to your gate. IDs, boarding passes, and searched bags became mandatory. Security screening was immediately put in place here at the Texas Capitol. Those changes and many others became normal—the new normal we now take for granted.

COVID-19 struck, not as suddenly, but unrelentingly, wringing from us life and routine month after month, with more than 100 million cases and a million deaths in the U.S. to date. The pandemic was historic, a defining moment. The world will never be the same. That's certainly true of the justice system. Texas courts kept their doors open with participants joining proceedings remotely to minimize health risks. We've had to learn how to Zoom. We've had to learn to do jury trials in make-do facilities and to reduce resulting backlogs. We've had to learn . . . many things.

Former Michigan Chief Justice Bridget McCormack put it well: "This pandemic was not the disruption we wanted but it might have been the disruption we needed in courts to accelerate change in a way that can produce a justice system that's more accessible and more transparent and more efficient." America's civil justice system is still, after 85 years, very much a product of the 1938 Federal Rules of Civil Procedure, which are foundational in Texas and most other state courts. Our criminal justice system is still deeply rooted in 19th century practices. If we sat down to create a 21st century justice system from scratch, it would bear little resemblance to the system we have. Lawyers and judges resist change. To their credit, stability and predictability are virtues in the law. But obstinacy is not. In my 2019 State of the Judiciary, I reported that Texas' 3,200 judges had resolved 8.6 million cases the prior year—23 times the number of cases handled by all the federal courts in the country. In a small fraction of those—maybe 1/2 of 1%—procedures designed for felonies and complex civil cases assured justice. For the remaining *millions* of more straightforward cases, which also sought justice, those same procedures *impeded* a fair, cost-effective, and efficient resolution.

We have long known our justice system ill fits present realities. The public complains that going to court takes too long and costs too much. Our response has been slow and muted. By contrast, the marketplace turns on a dime. When COVID

prompted many households to want food delivered to their doorsteps, the market immediately responded, offering all sorts of convenient, reasonably priced food delivery systems, not simply insisting that people go to stores. The contrast between the justice "market" and economic markets is jolting. If the justice system were a business, and its customers had any choice, it would be in bankruptcy.

The pandemic *is*—and we must see it *as*—a defining moment, like 9-11, an impetus for innovation and change. I don't mean change for change's sake. And I certainly don't mean change for the worse. But we have long known that improvements can and should be made, and we have not adequately responded. Now should be the time for taking stock and taking action. "Never," in the words of Winston Churchill, "let a good crisis go to waste."

As Chief Justice of the Supreme Court of Texas, I am required by law during each regular legislative session to report on the State of the Texas Judiciary. This is my fifth occasion to do so. Last time, in 2021, I concluded by saying: "We will defeat the pandemic. We will return to normal. For the Judiciary, it will be a new normal, one with even greater promises of justice for all." We are hard at work to fulfill that promise. We are gaining on it.

Electronic Participation in Court Proceedings

The first measure courts took to stay open in March 2020 was to conduct proceedings with participants joining remotely by electronic means, usually Zoom, a rarity before. Within a year, Texas courts had conducted almost 1 million Zoom hearings with more than 3.5 million participants.

Courts used Zoom simply to keep dockets moving amidst health risks of congregating in-person. What we did not expect—though we certainly should have—was that if parties don't have to take off work, arrange for child care, travel across town to a courthouse they have no other reason to visit, and spend hours waiting for their case to be called, just for a few minutes to try to protect their rights, they will show up much more often. Some trial judges reported that participation rates in high-volume dockets like child-custody and traffic cases flipped from 80% no-shows to 80% appearances. A legal system that would knowingly structure proceedings to make participation impossible for those most affected should be ashamed of itself—and should change.

Electronic participation is not right for every proceeding, like most jury trials, for example. And losing the benefits of in-person exchanges and the experience of the solemn awe of the courtroom carry their own costs. But for many hearings, the efficiencies clearly outweigh the drawbacks, and electronic participation has become standard procedure. It would be virtually impossible, for example, for visiting judges and lawyers willing to assist small border counties with increased dockets in Operation Lone Star if they had to travel across the State.

To bring structure and uniformity to this developing practice, the Texas Supreme Court adopted new Rules of Civil Procedure 21d and 500.10, and amended other rules, effective February 1. The rules set out when courts can permit or require participation in court proceedings by electronic means and the factors to be considered. The rules are the product of lengthy discussions among judges, lawyers, and the public, with legislative input. They balance the benefits and detriments of

electronic proceedings. And they can be nimbly modified as we gain more experience with this new normal in the justice system. The rules provide a solid foundation for its development.

Backlogs and Jury Trials

Our appellate courts are up-to-date with their work. COVID impacted their dockets at first. No longer. Throughout the pandemic, the Texas Supreme Court has held to its practice of deciding all argued cases by the end of June. The Court of Criminal Appeals has handled its work with its usual efficiency. The Courts of Appeals have kept current with the assistance of a strong legal staff that needs increased funding, which the Legislature should provide.

Trial courts are trending current except with cases that must be tried to a jury, and even there, they are gaining ground. In 2019, Texas courts tried roughly 9,000 cases to verdict. In the first year of the pandemic, we tried 239. We went from some 186 jury trials per week to 4. This was not for want of effort by courts. We could not responsibly summon to service jurors who feared for their health. But for some time now, jury trials have resumed safely. Setting trials settles cases. The clearance rate in criminal cases is now 101% in felony cases and 110% in misdemeanors—meaning courts are disposing of more cases than are being filed. And the rate is very close to that in civil cases—97%. The criminal district court backlog has been reduced by a remarkable 32%. Harris County district courts, specifically, are making progress. Trial judges are actively using visiting judges and emergency dockets to augment their efforts. Being completely current is the goal. Efficiencies prompted by COVID are becoming the new normal.

Data and Case Management

We need to know more about how this is happening. Texas collects aggregate, statewide court data, but data on case types, numbers of hearings, and other court operations are hard to come by. To understand where improvement or resources are needed, we must have case-level data. Courts nationwide have always lagged in collecting data on their activities. For a retailer, it would be like having monthly gross sales figures for the store versus knowing that product A is flying off the shelves while product B just sits there. Court operations and experiences vary across our very different and widespread 254 counties. Knowing how their court operations differ would help increase productivity. Funding for case-level court data collection is included in both general appropriations bills, Senate Bill 1 and House Bill 1. The new normal should be more information.

The Office of Court Administration, led by Megan LaVoie, recently launched a Uniform Case Management System for counties under 20,000 population, more than half the counties in Texas. This system will allow counties to more accurately report criminal data to appropriate databases and more easily report court-level data to the State.

Judicial Compensation

The gross inadequacy of compensation for Texas judges, a perennial issue, is once again critical. The base salary of Texas judges has not been raised since 2013. Considering inflation, it is now below 1981 levels. Texas is in next-to-last place in the nation, behind all states but West Virginia, and just behind Guam.

I was appointed to the district court in 1981, when federal district judges were paid \$2,500 more—5%—than a Dallas County district judge. Now a federal district judge is paid \$92,000 more—2/3—than the Texas district court base salary. One judge put it this way: dividing salary by case dispositions, federal district judges cost about \$400 per case, and Texas district judges only \$68 per case. Fault that simple formula if you will, it is an illustration of the huge discrepancy in compensation for which there is no rational basis.

The first 20 years I was on the bench, the Legislature regularly reviewed judicial compensation, raising it 11 times. Since 2000, the Judiciary has had only three pay raises. Inadequate compensation is the obvious reason for high attrition in the Judiciary. Of the 579 appellate and district judges serving during the 2020-2021 biennium, 90 left the judiciary on their own volition—a turnover rate of 16%. Constitutional qualifications for judges have increased, which is positive; but to raise those standards and increase workloads without commensurate increases in compensation is not right. We cannot expect to recruit top-notch lawyers to be judges when they not only must take a substantial pay cut leaving practice, they are faced with no reasonable hope for dependable raises.

The Judicial Compensation Commission, *created by the Legislature to assess judicial pay*, has recommended an 11% increase in the base salary each year of the next biennium. Senate Bill 802 by Chair Hughes and House Bill 2779 by Chair Leach would adopt that recommendation. In addition, House Bill 438 by Representative Schofield would institute a biennial cost-of-living increase—a COLA—for judicial compensation so that it would cease to be an issue every legislative session, just as Congress has done for federal judges. I urge the Legislature to both increase and stabilize judicial pay.

Business Courts

Judicial compensation is critical to legislation providing for specialty courts for business cases. Separating court dockets by case types is standard practice in Texas courts and throughout the country. For example, we separate felony dockets from misdemeanors and family from general civil. The Civil Justice Improvements Committee of the national Conference of Chief Justices, of which I served as president through the pandemic, has recommended that cases be separated by complexity for more efficient and fairer processing, benefitting parties and courts alike.

Business cases are often more complex than other civil cases, and handling them alongside simpler cases makes for serious inefficiencies. The costs and increased uncertainties of such litigation have led businesses to turn to arbitration and other dispute-resolution alternatives with the resulting lack of transparency and development of precedent. Many states have met this problem by providing specialized business courts.

The proposal is not without controversy here, though the Texas Judicial Council has endorsed a pilot project. Senate Bill 27 by Chair Hughes and House Bill 19 by Chair Leach, Chair Murr, and Chair Landgraf would provide permanent footing for the specialty courts. I believe business courts would benefit the Texas justice system, and I support their creation.

Judicial Work Product

Last May, we read a draft of U.S. Supreme Court Justice Samuel Alito's majority opinion in *Dobbs v. Jackson Women's Health Organization* that had been leaked to the press. The violation of confidentiality was unprecedented. Leaks of a court's internal operations disrupt deliberations, weaken judicial independence by subjecting judges to political pressure and intimidation, and threaten public trust and confidence in the courts. The Texas Judicial Council has requested the Legislature to make it a criminal offense to publicly distribute draft judicial opinions and work product before official release. Senate Bill 372 by Chair Huffman and HB 1741 by Chair Leach would do that. The Legislature should grant the Judicial Council's request. Stealing confidential court information should be criminal.

Bail

Beginning in 2017, Presiding Judge Keller and I, working with Chair Whitmire, urged reforms to the bail and pretrial release system so that a defendant who posed no risk of flight or violence would not be detained, while a defendant could be detained without bond when no conditions of release could reasonably assure his appearance in court and community safety. The latter required a constitutional amendment. A special session of the 87th Legislature passed Senate Bill 6, authored by Chair Huffman and Chair Smith. It is the most important change in bail in 100 years, providing background information on a defendant that must be used in making informed decisions on bail, and also requiring that bail decisions be sent to the Public Safety Report System in the Office of Court Administration. Already, 489,000 decisions have been reported. This session, the Senate Bill 6 authors propose additional improvements to bail in Senate Bill 1318 and House Bill 3400, which should be enacted. And Senate Joint Resolution 44 and House Joint Resolution 181, again by the same authors, would amend the Constitution to allow detention of high-risk defendants without bond as is done in at least 27 other states, the District of Columbia, and the federal courts. The proposed amendment would complete the reform efforts begun in 2017, and I support it.

Clean Slate

People charged with first-time, non-serious misdemeanors may have their records sealed, but only by court petition, an overly complex and expensive process. Senate Bill 499 by Senator Zaffirini and Chair Perry, and House Bill 1737 by Chair Leach, would allow eligible individuals to obtain sealing more easily through the use of electronic processing and without going to court and should be enacted.

Class C Diversion

The number of cases against juveniles in justice and municipal courts remains high with more than 36,300 non-traffic Class C misdemeanor cases filed last year. The Texas Youth Diversion and Early Intervention Act would allow local governments to adopt youth diversion plans with a wide range of strategies on the front end of a case where they are most effective, rather than only on the back end as part of a conviction or deferred disposition. This would bring municipal and justice court practice in line with juvenile courts. The Act is set out in Senate Bill 1505 by Senator Zaffirini and Chair Perry, and in House Bill 3186 by Chair Leach, which the Legislature should pass.

NICS Reporting

The federal Bipartisan Safer Communities Act signed last summer requires that background checks by federally licensed sellers of firearms include mental health adjudications of juveniles 16 and older, but Texas has not had a centralized source for reporting such information to NICS, the national clearing house. Senate Bill 728 by Chair Huffman corrects this problem and was the first bill passed out of the Senate this session. Companion legislation is Senate Bill 1184 by Senator Eckhardt and House Bill 2780 by Chair Leach. This reporting improvement will help the federal gun legislation achieve its purpose and should be enacted.

Access to Justice

The pandemic's burdens have fallen especially hard on Texans of limited means, including children. Increasing access to justice continues to be a priority of the Judiciary, joined fully by the Legislature and the Executive Branch. Texas efforts have been completely bipartisan. Access to justice is about good government, not politics. Texas lawyers have helped by providing free legal services *pro bono publico*—for the public good—but the need is far too great. The Legislature has included in this session's budgets, as it has before, appropriations for basic civil legal services for some five million Texans who qualify for them, including specifically veterans and victims of domestic violence. The Texas Access to Justice Commission has requested additional funding to provide legal services focused on youth, and to support kiosks located throughout the State to provide those who qualify for legal services with easier electronic access to legal aid providers and courts.

We have called the difference between the need for legal services for the poor and their availability "the justice gap." With as many as 90% of those who qualify going unserved, it is more a justice *chasm*. The Commission, with the Bar's expertise and assistance, is exploring ways to expand delivery of legal services, as many other states are. As I have said, justice for only those who can afford it is neither justice *for* all nor justice *at* all. Lessons learned from the pandemic can advance us toward justice for all.

Children's Commission

The Children's Commission established by the Texas Supreme Court in 2007 and now led by Jamie Bernstein continues to provide invaluable resources and training for lawyers and judges in child-welfare cases. Resources explain how parents can productively participate in such cases, the rights of fathers, and the roles of the various participants—attorneys ad litem, guardians ad litem, parents' attorneys, judges, and prosecutors. The Commission is piloting projects for handling cases involving trauma and creating early intervention liaisons to better connect child-protection courts and service providers.

Funding, administration, and oversight of appointed counsel in the tens of thousands of child-protection cases filed every year falls almost entirely upon Texas counties, with legal representation of parents and children varying widely. The Judicial Council has called for legal representation in those cases to be funded by the state. Senate Bill 2120 by Senator Zaffirini and Senator Sparks would accomplish this objective and should be enacted.

The Children's Commission has for years been a "go-to" resource and authority for both the Legislature and the Judiciary in cases involving families and children. I am very proud of the Commission's work.

Judicial Commission on Mental Health

The Texas Judicial Commission on Mental Health is celebrating its fifth anniversary, having been created in 2018 by an historic joint order of the Texas Supreme Court and the Court of Criminal Appeals. The Commission, led by Kristi Taylor, has become a model for other states. The Commission's recommendations for emergency detention and competency restoration are in Senate Bill 2479 by Senator Zaffirini and House Bill 5088 by Chair Moody, and should be enacted.

Over its five years, the Commission has convened annual summits attended by more than 5,000 judges and court stakeholders. It has created and distributed almost 5,500 bench books and code books. And it has developed an online forms bank with 75 mental health law forms. The Commission has led in the formation of more than 38 mental health courts in Texas and has provided best practices and forms to assist with early identification of individuals with mental illness entering courts, ways to facilitate treatment, and assistance in navigating courts. The Commission has urged legislative proposals focusing on youth with mental health needs in juvenile and family law cases, in collaboration with the Children's Commission. I urge the Legislature to enact these proposals. As with the Children's Commission, I am extremely proud of the Mental Health Commission's work.

Judicial Independence

I have laid out some of the Judiciary's initiatives, many prompted by the pandemic's demands on courts and lessons learned, along with areas in which we seek the assistance of the Legislature and the Executive Branch. In all, the Judiciary is responding to its users, to make its processes more accessible and fair to all. We have long known that the key to a better public appreciation of the function of the Judiciary is stronger civics education in the schools, as former Justice Sandra Day O'Connor has advocated for many years. The public must understand the differences between the Judiciary and its sister branches, how the justice system is designed, and how courts must operate differently from the political branches. Senate Bill 1954 by Senator Zaffirini would require specific civics education on the Judicial Branch and should be enacted.

I must add this. I grow concerned that political divisions among us threaten the judicial independence essential to the rule of law. President Trump notably criticized a court ruling as being by "an Obama judge". Chief Justice John Roberts responded that there is no such thing, "only an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them." The exchange prompted a response from Rhode Island Democratic Senator Sheldon Whitehouse, rated one of the most liberal members of Congress. He agreed with the President, sort of: "In spite of my distaste for Trump's attacks on our judiciary," Whitehouse wrote in an op-ed piece, "on this one, the facts are with Trump." Except that, he said, the facts show that Republican judicial appointees in general, and those on the Roberts Court in particular, "show[] no respect for precedent, federalism, originalism or judicial restraint." In other words: the Judiciary certainly deserves to be attacked—only by me, not you. So the Left and Right, and leaders in both the Executive and Legislative Branches, are in agreement: judges are not independent, and shouldn't be; they should take sides—my side.

Last night, the most expensive state court election in American history came to an end in Wisconsin. The total spent? \$45 million—\$25 per vote. Press accounts of the race abound. One reports that the winning candidate "was especially open about her politics during the campaign" while her opponent "downplayed his political views" throughout the campaign. The same account states that the winner's campaign "relied more than any in history on the Democratic Party of Wisconsin's financial support, so much so that [she] vowed to recuse herself" from its cases. That story was by NPR, not Fox. The election of the judge is hailed or decried as a political event, not a judicial one. It will not be a one-off. The message to the public is unmistakable, loud, and clear: judges take sides, and they should.

Judges are certainly not beyond criticism. After all, we criticize each other in our opinions. Criticizing public officials is a time-honored tradition in this country. Judges are not exempt and should not be. But with much sharper rhetoric, threats of violence against judges, their families, and even their neighborhoods have also increased. Judges are not independent of the accountability all public officials owe the people for their stewardship of power. But for the Judiciary, the measure of fidelity is different. The Executive and Legislative Branches must uphold the Constitution, of course, but they must also answer to their constituents for shaping and effectuating social policy and the popular will. Judges have no constituencies. They account to the people for their adherence to the rule of law. When judges follow the law, even against the popular will of the time—*especially* against the popular will of the time—they have done their job. When judicial accountability is measured by whether a judge decides cases the way people *like*—the way *some* people like—and what they *like* is different from what the law *is*—the pressure is on the judge to surrender independence, and the law, to popular will—to take sides. That pressure destroys the rule of law essential to justice for all. We must oppose it in every form at all costs.

Conclusion

I am in my 42nd year of judicial service, and in my 35th on the Texas Supreme Court, the longest in Texas history. I have been elected to the Court seven times. As past President of the national Conference of Chief Justices and past Chair of the National Center for State Courts, I have been privileged to work every day with judges across the country to ensure the justice system is working for all. I will tell you this: the people of Texas can take deep pride in their judges—municipal judges, justices of the peace, county judges, district judges, courts of appeals justices, and my colleagues on the high courts. They have stood to the historic challenges of the COVID-19 pandemic. They are anxious to make lessons learned a reality, the new normal.

The Texas Judiciary is committed to upholding the rule of law. It is committed to a court system that is fair, efficient, and just, interpreting and applying the law guided by fixed principles. And it is committed to a justice system that is accessible to all, regardless of means. That, my fellow Texans, is the State of the Texas Judiciary, and my message is that the Third Branch will pursue these commitments, working together with the Legislative and Executive Branches, in every way it can for the good of the people of Texas.

God bless you, and may God bless Texas.

CO-AUTHORS OF SENATE BILL 13

On motion of Senator Paxton, Senators Campbell and Flores will be shown as Co-authors of **SB 13**.

CO-AUTHORS OF SENATE BILL 200

On motion of Senator Eckhardt, Senators LaMantia, Middleton, and Parker will be shown as Co-authors of **SB 200**.

CO-AUTHOR OF SENATE BILL 202

On motion of Senator Eckhardt, Senator Parker will be shown as Co-author of **SB 202**.

CO-AUTHOR OF SENATE BILL 261

On motion of Senator Springer, Senator Flores will be shown as Co-author of **SB 261**.

CO-AUTHOR OF SENATE BILL 349

On motion of Senator Springer, Senator Zaffirini will be shown as Co-author of **SB 349**.

CO-AUTHOR OF SENATE BILL 502

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-author of **SB 502**.

CO-AUTHOR OF SENATE BILL 533

On motion of Senator Paxton, Senator Zaffirini will be shown as Co-author of **SB 533**.

CO-AUTHORS OF SENATE BILL 544

On motion of Senator Blanco, Senators Menéndez and Paxton will be shown as Co-authors of **SB 544**.

CO-AUTHOR OF SENATE BILL 701

On motion of Senator Alvarado, Senator Miles will be shown as Co-author of **SB 701**.

CO-AUTHOR OF SENATE BILL 957

On motion of Senator Alvarado, Senator Bettencourt will be shown as Co-author of **SB 957**.

CO-AUTHOR OF SENATE BILL 989

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

CO-AUTHOR OF SENATE BILL 1071

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-author of **SB 1071**.

CO-AUTHOR OF SENATE BILL 1112

On motion of Senator Schwertner, Senator Zaffirini will be shown as Co-author of **SB 1112**.

CO-AUTHOR OF SENATE BILL 1403

On motion of Senator Parker, Senator Creighton will be shown as Co-author of **SB 1403**.

CO-AUTHORS OF SENATE BILL 1562

On motion of Senator Hancock, Senators Kolkhorst, Parker, and Zaffirini will be shown as Co-authors of **SB 1562**.

CO-AUTHOR OF SENATE BILL 1854

On motion of Senator Paxton, Senator Zaffirini will be shown as Co-author of **SB 1854**.

CO-AUTHORS OF SENATE BILL 1911

On motion of Senator Bettencourt, Senators Creighton and Hall will be shown as Co-authors of **SB 1911**.

CO-AUTHOR OF SENATE BILL 1933

On motion of Senator Bettencourt, Senator Creighton will be shown as Co-author of **SB 1933**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 24

On motion of Senator Parker, Senator Paxton will be shown as Co-author of **SCR 24**.

CO-SPONSORS OF HOUSE CONCURRENT RESOLUTION 94

On motion of Senator Campbell, Senators Menéndez, Paxton, Sparks, and Zaffirini will be shown as Co-sponsors of **HCR 94**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

HCR 94 (Campbell), In memory of entrepreneur and philanthropist Red McCombs of San Antonio.

Congratulatory Resolutions

SCR 43 by Flores, Recognizing the 2023 Texas A&M University System policy interns.

SR 400 by Schwertner, Congratulating William Kornhoff for achieving the rank of Eagle Scout.

SR 401 by Blanco, Recognizing the 13th annual Día de la Mujer Latina conference.

HCR 100 (Johnson), Congratulating Texas Impact on its 50th anniversary.

Official Designation Resolution

SR 405 by Zaffirini, Recognizing April 12, 2023, as Three Rivers Day.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:13 p.m. agreed to recess, pending the receipt of committee reports, until 11:00 a.m. tomorrow.

RECESS

Pursuant to a previously adopted motion, the Senate at 10:59 a.m. recessed until 11:00 a.m. today.

APPENDIX

COMMITTEE REPORTS

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

April 12, 2023

EDUCATION — **CSSB 1396**

TRANSPORTATION — **CSSB 1387**

STATE AFFAIRS — **CSSB 2284, CSSB 1097, SB 998, SB 1556, SB 1375, SB 1725, SB 2186, SB 1512, SB 1513, SB 926, SB 2275, SB 250**

FINANCE — **SB 1232, CSHB 1**

CRIMINAL JUSTICE — **SB 1551, SB 1973, SB 1401, SB 1653, SB 374, SB 1346, SB 1960, SB 1585**

ADMINISTRATION — **SCR 24**

BUSINESS AND COMMERCE — **CSSB 1659**

EDUCATION — **CSSB 17**

BUSINESS AND COMMERCE — **CSSB 1119, CSSB 2119, SB 986, CSSB 1212**

BILLS ENGROSSED

April 12, 2023

SB 16, SB 62, SB 158, SB 261, SB 280, SB 322, SB 341, SB 348, SB 349, SB 423, SB 477, SB 483, SB 502, SB 533, SB 540, SB 594, SB 600, SB 604, SB 612, SB 667, SB 694, SB 702, SB 761, SB 767, SB 790, SB 829, SB 947, SB 952, SB 957, SB 975, SB 989, SB 1002, SB 1013, SB 1053, SB 1054, SB 1070, SB 1076, SB 1088, SB 1112, SB 1120, SB 1122, SB 1167, SB 1180, SB 1245, SB 1246, SB 1250, SB 1260, SB 1289, SB 1305, SB 1325, SB 1332, SB 1333, SB 1373, SB 1413, SB 1418, SB 1420, SB 1425, SB 1439, SB 1444, SB 1457, SB 1464,

SB 1509, SB 1524, SB 1527, SB 1568, SB 1588, SB 1603, SB 1612, SB 1614, SB 1699, SB 1717, SB 1727, SB 1741, SB 1746, SB 1751, SB 1801, SB 1820, SB 1835, SB 1854, SB 1859, SB 1869, SB 1900, SB 1914, SB 1929, SB 1965, SB 2150

RESOLUTIONS ENROLLED

April 12, 2023

SR 400, SR 401, SR 402, SR 403, SR 404, SR 405