

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-THIRD DAY

(Thursday, April 27, 2023)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by President Pro Tempore Hancock.

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

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

Pastor Tim Webb, Champion Fellowship, Brenham, offered the invocation as follows:

Dear Lord, by Your holy word, You have declared that all governments have been established by God for the purposes of rewarding those who do good, to be an avenger bringing wrath on those who practice evil. For, Lord, according to Your divine word we have been told what is expected of us and what You require of us, to do justice, to love kindness, and to walk humbly before the Lord. May You grant to this assembly Your divine wisdom, discernment, and courage to do what is right in the eyes of God for the benefit of the people. For one day, they will all give an account for how they stewarded their responsibility of governing. May they trust in the Lord with all their heart and lean not on their own understanding, but in all their ways may they acknowledge You, and You, O Lord, will make their paths straight. May You grant this assembly the courage to stand for truth. And may we work diligently to unite our state at a time when there are those who are passionately trying to divide us. And finally, may You grant them peace and comfort along the way so that they may stand strong. I pray all of this in the name of my Lord and savior Jesus Christ. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 27, 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 18 Slawson

Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services.

HB 159 Landgraf

Relating to the procedure by which a taxing unit is required to provide public notice of certain ad valorem tax-related information.

HB 290 Oliverson

Relating to multiple employer welfare arrangements.

HB 299 Murr

Relating to the creation of a voluntary accreditation for recovery housing; authorizing fees.

HB 527 Wu

Relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.

HB 1393 Frank

Relating to an optional service retirement annuity that provides an increasing annuity under the Employees Retirement System of Texas.

HB 1394 Moody

Relating to the eligibility to participate in certain drug court programs.

HB 1603 Guillen

Relating to the procedures governing the prosecution of misdemeanor offenses in the jurisdiction of the justice and municipal courts.

HB 1621 Moody

Relating to the continuation and operations of a health care provider participation program by the El Paso County Hospital District.

HB 1689 Murr

Relating to the use of county hotel occupancy tax revenue for an electronic tax administration system and the reimbursement of tax collection expenses.

- HB 1755** Button
Relating to the creation of the Lone Star Workforce of the Future Fund.
- HB 2194** Ordaz
Relating to establishing a "Made in Texas" labeling program; authorizing a civil penalty.
- HJR 107** Price
Proposing a constitutional amendment to increase the mandatory age of retirement for state justices and judges.
- HJR 125** Ashby
Proposing a constitutional amendment creating the broadband infrastructure fund to assist in the financing of broadband and telecommunications services projects in the state.
- HCR 86** Jetton
Expressing support for the strengthening of our partnership with Taiwan and for the expansion of Taiwan's role on the global stage.
- SB 349** Springer Sponsor: Anderson
Relating to county and municipal housing authority pet policies.
- SB 423** Paxton Sponsor: Wilson
Relating to the use of unmanned aircraft by the Texas military forces.
(Committee Substitute)
- SB 483** Johnson Sponsor: Johnson, Ann
Relating to the regulation of massage therapy.
(Amended)
- SB 1003** Johnson Sponsor: Smithee
Relating to disclosure requirements for health care provider directories maintained by certain health benefit plan issuers.
(Amended)
- SB 1008** Flores Sponsor: Buckley
Relating to establishing residency for purposes of admission into public schools.
- SB 1055** Nichols Sponsor: Clardy
Relating to the creation of a new university in Nacogdoches, Texas, within The University of Texas System and the allocation of the annual constitutional appropriation to certain agencies and institutions of higher education; abolishing Stephen F. Austin State University.
- SCR 28** Huffman Sponsor: Herrero
Urging Congress to repeal the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act.

Respectfully,

/s/Stephen Brown,
Chief Clerk
House of Representatives

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore 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.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:14 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 577 ON SECOND READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **CSSB 577** at this time on its second reading:

CSSB 577, Relating to regulation of food service establishments, retail food stores, mobile food units, roadside food vendors, temporary food service establishments, and food managers.

The motion prevailed.

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

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

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

Nays: Gutierrez.

**COMMITTEE SUBSTITUTE
SENATE BILL 577 ON THIRD READING**

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 577** be placed on its third reading and final passage.

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

Nays: Gutierrez.

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

PHYSICIAN OF THE DAY

Senator Eckhardt was recognized and presented Dr. Dana Sprute of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Middleton was recognized and introduced to the Senate the Texas City-LaMarque Chamber of Commerce Leadership Class and a Texas City delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1592 ON SECOND READING**

Senator LaMantia moved to suspend the regular order of business to take up for consideration **CSSB 1592** at this time on its second reading:

CSSB 1592, Relating to the composition of the radiation advisory board.

The motion prevailed.

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

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

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

Nays: Middleton.

**COMMITTEE SUBSTITUTE
SENATE BILL 1592 ON THIRD READING**

Senator LaMantia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1592** be placed on its third reading and final passage.

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

Nays: Middleton.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1884 ON SECOND READING**

Senator Flores moved to suspend the regular order of business to take up for consideration **CSSB 1884** at this time on its second reading:

CSSB 1884, Relating to identification of and sanctions against certain foreign actors.

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

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

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1884** (senate committee report) in SECTION 1 of the bill, by striking added Section 794.001(a)(5), Government Code (page 1, lines 43 through 45) and substituting the following:

(5) engaging in or aiding and abetting drug trafficking, human trafficking, or corruption across the Texas-Mexico border; and

The amendment to **CSSB 1884** was read and was adopted by a viva voce vote.

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

CSSB 1884 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

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

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

SENATE RESOLUTION 476

Senator Johnson offered the following resolution:

SR 476, Recognizing the Dallas Wings organization for its contributions to the community.

JOHNSON
ALVARADO
PARKER
WEST

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Johnson was recognized and introduced to the Senate representatives of the Dallas Wings, WNBA team, including President and CEO Greg Bibb, Head Coach Latricia Trammell, Vice-president of Social Responsibility LaDondra Wilson, Veronica Burton, and Lou Lopez Sénéchal.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1884 ON THIRD READING**

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1884** be placed on its third reading and final passage:

CSSB 1884, Relating to identification of and sanctions against certain foreign actors.

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

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

Nays: Alvarado, Eckhardt, Gutierrez, Johnson, LaMantia, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 2133 ON SECOND READING

Senator Miles moved to suspend the regular order of business to take up for consideration **CSSB 2133** at this time on its second reading:

CSSB 2133, Relating to emergency planning for the transportation of certain end stage renal disease facility patients during a declared disaster.

The motion prevailed.

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

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

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

Nays: Creighton, Hall, Hughes, Springer.

COMMITTEE SUBSTITUTE SENATE BILL 2133 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2133** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Hughes, Springer.

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

SENATE BILL 1864 ON SECOND READING

On motion of Senator Middleton and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1864** at this time on its second reading:

SB 1864, Relating to certain placements for children in the conservatorship of the Department of Family and Protective Services.

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

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

SENATE BILL 1864 ON THIRD READING

Senator Middleton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1864** be placed on its third reading and final passage.

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

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

SENATE BILL 2591 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2591** at this time on its second reading:

SB 2591, Relating to the appointment of the Department of Family and Protective Services and a child's parent or legal guardian as joint managing conservators for the child.

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

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

SENATE BILL 2591 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 2591** be placed on its third reading and final passage.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 2335 ON THIRD READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **CSSB 2335** at this time on its third reading and final passage:

CSSB 2335, Relating to the accreditation of public institutions of higher education.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1098 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 1098** at this time on its second reading:

CSSB 1098, Relating to the rights of a parent or guardian with a child in certain child-care facilities.

The motion prevailed.

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

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1098** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 42.04271, Human Resources Code (page 1, line 29), add the following new Subsection (a) and renumber subsequent subsections of added Section 42.04271, Human Resources Code, and correct any cross references to those subsections accordingly:

(a) This section applies only to a day-care center, group day-care home, before-school program, after-school program, school-age program, or registered family home.

(2) In SECTION 2 of the bill, in added Section 42.04271(a), Human Resources Code (page 1, line 30), strike "nonresidential".

(3) In SECTION 2 of the bill, in added Section 42.04271(a)(8)(B), Human Resources Code (page 1, lines 53-54), strike "only allowed to retain parts of the video recording depicting" and substitute "not allowed to retain any part of the video recording depicting a child who is not".

(4) In SECTION 2 of the bill, in added Section 42.04271(a)(9), Human Resources Code (page 1, line 60), strike "handbook".

(5) In SECTION 2 of the bill, in added Section 42.04271(b), Human Resources Code (page 2, line 10), strike "nonresidential".

(6) In SECTION 2 of the bill, in added Section 42.04271(d), Human Resources Code (page 2, line 17), strike "nonresidential".

(7) In SECTION 3 of the bill (page 2, line 22), strike "nonresidential".

(8) In SECTION 4 of the bill, strike "2025" and substitute "2023".

The amendment to **CSSB 1098** was read and was adopted by a viva voce vote.

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

CSSB 1098 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: West.

COMMITTEE SUBSTITUTE SENATE BILL 1098 ON THIRD READING

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1098** be placed on its third reading and final passage.

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

Nays: West.

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

(Senator Birdwell in Chair)

SENATE BILL 2069 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 2069** at this time on its third reading and final passage:

SB 2069, Relating to the required posting of signs regarding human trafficking penalties by certain schools.

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

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

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

The bill was read third time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **SB 2069** on third reading by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Sections 37.086(a), (b), and (c), Education Code, are amended to read as follows:

(a) In this section, "school" [~~+~~

~~[(1) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.~~

~~[(2) "School" means a public [or private] primary or secondary school.~~

(b) Each public school shall post warning signs of the increased penalties for trafficking of persons under Section 20A.02(b-1)(2), Penal Code, in a [~~at the following locations:~~

~~[(1) parallel to and along the exterior boundaries of the school's premises;~~

~~[(2) at each roadway or other way of access to the premises;~~

~~[(3) for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;~~

~~[(4) at each entrance to the premises; and~~

~~[(5) at] conspicuous place [places] reasonably likely to be viewed by all school employees and visitors [persons entering the premises].~~

(c) The agency, in consultation with the human trafficking prevention task force created under Section 402.035, Government Code, shall adopt rules regarding the [~~placement, installation, design, size,~~] wording[, ~~and maintenance procedures~~] for the warning signs required under this section and requiring [~~The rules must require~~] that each warning sign:

(1) include a description of the provisions of Section 20A.02(b-1), Penal Code, including the penalties for violating that section;

(2) be written in English and Spanish; and

(3) be at least 8-1/2 by 11 inches in size.

The amendment to **SB 2069** 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.

SB 2069 as amended was finally passed by the following vote: Yeas 21, Nays 10.

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

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

SENATE BILL 2248 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2248** at this time on its second reading:

SB 2248, Relating to guardianships for persons who are incapacitated; changing a fee.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2248** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in amended Section 1023.004(a), Estates Code (page 1, line 30), strike "certified mail, return receipt requested," and substitute "a qualified delivery method".

(2) In SECTION 2 of the bill, strike amended Section 1023.004(c), Estates Code (page 1, lines 33 through 36), and substitute the following:

(c) If a court made a motion to transfer a guardianship, the guardian shall be given notice by a qualified delivery method [~~certified mail~~] to appear and show cause why the guardianship should not be transferred.

(3) Strike SECTIONS 7, 8, and 9 of the bill, adding Section 1104.4015, Estates Code, and amending Sections 1104.405 and 1104.408(a), Estates Code (page 2, line 56, through page 3, line 24).

(4) In SECTION 16 of the bill, strike amended Section 1156.052(c), Estates Code (page 5, lines 46 through 48), and substitute the following:

(c) A person who makes an application to the court under this section shall send [~~mail~~] notice of the application by a qualified delivery method [~~certified mail~~] to all interested persons.

(5) In SECTION 16 of the bill, strike added Section 1156.052(d), Estates Code (page 5, lines 49 through 51), and substitute the following:

(d) Copies of the notices sent under Subsection (c) must be filed with the court with a copy of the proof of delivery receipt for each notice sent.

(6) Strike SECTIONS 22 and 23 of the bill, amending Sections 411.1386(d) and 411.1408(c), Government Code (page 6, line 52, through page 7, line 13).

(7) Strike SECTION 24 of the bill adding repealer language (page 7, lines 14 through 19).

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

SECTION ____ . Chapter 1002, Estates Code, is amended by adding Section 1002.0265 to read as follows:

Sec. 1002.0265. QUALIFIED DELIVERY METHOD. "Qualified delivery method" means delivery by:

(1) hand delivery by courier, with courier's proof of delivery receipt;

(2) certified or registered mail, return receipt requested, with return receipt;

or

(3) a private delivery service designated as a designated delivery service by the United States Secretary of the Treasury under Section 7502(f)(2), Internal Revenue Code of 1986, with proof of delivery receipt.

SECTION ____ . Section 1023.008, Estates Code, is repealed.

The amendment to **SB 2248** was read and was adopted by a viva voce vote.

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

SB 2248 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 2248 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2248** be placed on its third reading and final passage.

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

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

SENATE BILL 2208 ON THIRD READING

Senator Parker moved to suspend the regular order of business to take up for consideration **SB 2208** at this time on its third reading and final passage:

SB 2208, Relating to the venue for the prosecution of an election offense.

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

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

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2209 ON THIRD READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 2209** at this time on its third reading and final passage:

CSSB 2209, Relating to the disclosure of information in department files of fire fighters or police officers and civilian oversight boards in certain municipalities.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

SENATE BILL 1887 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1887** at this time on its second reading:

SB 1887, Relating to the requirements for the early college education program and the transfer of course credit among public institutions of higher education.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1887** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 29.908(b), Education Code, is amended to read as follows:

(b) The program must:

(1) provide for a course of study that enables a participating student to combine high school courses and college-level courses during grade levels 9 through 12;

(2) allow a participating student to complete high school and enroll in a program at an institution of higher education that will enable the student to, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either:

(A) an applied associate degree, as defined by Texas Higher Education Coordinating Board rule; or

(B) an academic associate degree, as defined by Texas Higher Education Coordinating Board rule, with a completed field of study curriculum developed under Section 61.823 that is transferable [at least 60 semester credit hours] toward a baccalaureate degree at one or more general academic teaching institutions, as defined by Section 61.003;

(3) include articulation agreements with colleges, universities, and technical schools in this state to provide a participating student access to postsecondary educational and training opportunities at a college, university, or technical school; and

(4) provide a participating student flexibility in class scheduling and academic mentoring.

SECTION 2. Section 51.4033, Education Code, is amended to read as follows:

Sec. 51.4033. REPORT OF NONTRANSFERABLE CREDIT. (a) Not later than May ~~March~~ 1 of each year and in the form prescribed by the coordinating board, each general academic teaching institution shall provide to the coordinating board and the legislature a report describing any courses in the Lower-Division Academic Course Guide Manual or its successor adopted by the coordinating board for which a student who transfers to the institution from another institution of higher education is not granted:

(1) academic credit at the receiving institution; or

(2) if the student has declared a major and has not changed majors, academic credit toward the student's major at the receiving institution.

(b) A report required by this section must indicate:

(1) the course name and type;

(2) which institution of higher education provided academic credit for the course; and

(3) the reason why the receiving institution did not grant academic credit for the course as described by Subsection (a), including whether the institution complied with the dispute resolution process under Section 61.826.

SECTION 3. Section 51.4034(a), Education Code, is amended to read as follows:

(a) Not later than May ~~March~~ 1 of each year and in the form prescribed by the coordinating board, each public junior college shall provide to the coordinating board and the legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college.

SECTION 4. Sections 61.003(11) and (12), Education Code, are amended to read as follows:

(11) "Degree program" means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student ~~him~~ to:

(A) a degree from a public senior college or university or a medical or dental unit; or

(B) an academic associate degree, as defined by board rule, or baccalaureate degree from a public junior college.

(12) "Certificate program" means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle the student ~~him~~ to:

(A) a certificate;

(B) an [5] associate degree, other than an academic associate degree, as defined by board rule, from a technical institute or junior college; or

(C) [~~5~~] documentary evidence, other than a degree, of completion of a course of study at the postsecondary level.

SECTION 5. Sections 61.822(b) and (c), Education Code, are amended to read as follows:

(b) Each institution of higher education shall adopt a core curriculum of no less than 42 semester credit hours, including specific courses comprising the curriculum. The core curriculum shall be consistent with the common course numbering system approved by the board and with the statement, recommendations, and rules issued by the board. An institution may have a core curriculum of other than 42 semester credit hours only if approved by the board. The board by rule may approve a core curriculum of fewer than 42 semester credit hours for an associate degree program if the board determines that the approval would facilitate the award of a degree or transfer of credit consistent with this subchapter.

(c) If a student successfully completes the [~~42-hour~~] core curriculum at an institution of higher education, that block of courses may be transferred to any other institution of higher education and must be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and may not be required to take additional core curriculum courses at the receiving institution unless the board has approved a larger core curriculum at the institution.

SECTION 6. Section 61.823, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) The board by rule may authorize a general academic teaching institution to adopt, for each field of study curriculum developed by the board for which the institution offers a degree program, a set of courses specific to that field of study, for a total of at least six semester credit hours or the equivalent, that must be completed as

part of the field of study curriculum for that institution. Each general academic teaching institution that adopts a set of courses for a field of study curriculum under this subsection shall post on the institution's Internet website in a manner easily accessible to students the set of courses with the associated course numbers under the common course numbering system.

(b) If a student successfully completes a field of study curriculum developed by the board, that block of courses may be transferred to a general academic teaching institution and, subject to completion of the set of courses adopted by the institution for that field of study under Subsection (a-1), must be substituted for that institution's lower division requirements for the degree program for the field of study into which the student transfers, and the student shall receive full academic credit toward the degree program for the block of courses transferred.

SECTION 7. Sections 61.826(c), (d), and (e), Education Code, are amended to read as follows:

(c) If an institution of higher education proposes to deny the application toward the institution's core curriculum or a field of study curriculum developed by the board under Section 61.823 of ~~does not accept~~ course credit earned by a student at another institution of higher education in the other institution's core curriculum or in a field of study curriculum, that institution must:

(1) ~~shall~~ give written notice to the student and the other institution of that institution's intent to deny ~~that~~ the application ~~transfer~~ of the course credit to the institution's core curriculum or field of study curriculum and the reasons for the proposed denial;

(2) ~~is denied. The two institutions and the student shall~~ attempt to resolve the application ~~transfer~~ of the course credit to the institution's core curriculum or field of study curriculum with the other institution and the student in accordance with this section and board rules;

(3) resolve the dispute not later than the 45th day after the date on which the student enrolls in that institution; and

(4) if ~~[-If]~~ the ~~transfer~~ dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned, ~~[within 45 days after the date the student received written notice of the denial, the institution that denies the transfer of the course credit shall]~~ notify the commissioner of higher education of its denial to apply the course credit to the institution's core curriculum or field of study curriculum and the reasons for the denial.

(d) Not later than the 20th business day after the date the commissioner of higher education receives notice of a dispute concerning the application of course credit to an institution of higher education's core curriculum or field of study curriculum under Subsection (c)(4), the ~~The~~ commissioner ~~of higher education~~ or the commissioner's designee shall make the final determination about the ~~[a]~~ dispute ~~[concerning the transfer of course credit]~~ and give written notice of the determination to the involved student and institutions. If the commissioner or the commissioner's designee determines that the institution may not deny the application of course credit described by Subsection (c) to the institution's core curriculum or field of study curriculum, the institution shall apply that course credit toward the institution's core

curriculum or field of study curriculum, as applicable. A determination by the commissioner or the commissioner's designee under this subsection is final and may not be appealed.

(e) The board shall:

(1) collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the commissioner of higher education or the commissioner's designee; and

(2) post on the board's Internet website a list of each case that is considered by the commissioner of higher education or the commissioner's designee under this section, including the disposition of the case.

SECTION 8. Section 61.827(b), Education Code, is amended to read as follows:

(b) In adopting rules regarding the recommended core curriculum developed under Section 61.822, the board shall appoint a committee to advise the board [use the negotiated rulemaking procedures] under Section 2001.031 [Chapter 2008], Government Code.

SECTION 9. Subchapter S, Chapter 61, Education Code, is amended by adding Section 61.834 to read as follows:

Sec. 61.834. TEXAS DIRECT ASSOCIATE DEGREE. A public junior college, public state college, or public technical college shall award a student a "Texas Direct" associate degree and include an appropriate notation on the student's transcript if the student completes a field of study curriculum developed by the board under Section 61.823 and:

(1) the college's core curriculum; or

(2) an abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions.

SECTION 10. This Act applies beginning with the 2023-2024 academic year.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment to **SB 1887** was read and was adopted by a viva voce vote.

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

SB 1887 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1887 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 1887** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2124 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2124** at this time on its second reading:

CSSB 2124, Relating to an advanced mathematics program for public school students in middle school.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2124 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2124** be placed on its third reading and final passage.

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

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

SENATE BILL 2017 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 2017** at this time on its second reading:

SB 2017, Relating to the regulation of hearing aids and the practices of audiology and the fitting and dispensing of hearing instruments.

The motion prevailed.

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

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

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

Nays: Middleton.

SENATE BILL 2017 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2017** be placed on its third reading and final passage.

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

Nays: Middleton.

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1970 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1970** at this time on its second reading:

CSSB 1970, Relating to the prosecution of certain criminal conduct involving a reckless driving exhibition or racing on a highway and to the forfeiture of contraband as a result of a reckless driving exhibition or racing on a highway.

The motion prevailed.

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

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1970** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Article 59.05, Code of Criminal Procedure, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Subject to Subsection (d-1), a [A] final conviction for an underlying offense is not a requirement for forfeiture under this chapter. An owner or interest holder may present evidence of a dismissal or acquittal of an underlying offense in a forfeiture proceeding, and evidence of an acquittal raises a presumption that the property or interest that is the subject of the hearing is nonforfeitable. This presumption can be rebutted by evidence that the owner or interest holder knew or should have known that the property was contraband.

(d-1) This subsection applies only to the forfeiture of contraband used or intended to be used in the commission of an offense under Section 545.420, Transportation Code, or any offense punishable under Section 42.03(d) or (e), Penal Code, the proceeds gained from the commission of that offense, and any property acquired with those proceeds. Notwithstanding Subsection (d), a final conviction for an underlying offense is required for the forfeiture of contraband to which this subsection applies. The court shall dismiss a forfeiture proceeding to which this subsection applies on proof of a dismissal or acquittal of the underlying offense regardless of whether the applicable owner or interest holder has satisfied any requirements under the Texas Rules of Civil Procedure in the forfeiture proceeding, including answering the state's civil complaint.

The amendment to **CSSB 1970** was read.

Senator Hall withdrew Floor Amendment No. 1.

CSSB 1970 was passed to engrossment by a viva voce vote.

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

Nays: Hall, Springer.

**COMMITTEE SUBSTITUTE
SENATE BILL 1970 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Hall, Springer.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 471 ON SECOND READING**

Senator Springer moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 471** at this time on its second reading:

CSSB 471, Relating to the investigation by the Texas Commission on Environmental Quality of certain complaints.

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

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

Nays: Gutierrez, Menéndez, Whitmire.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 9.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hall, Menéndez, Miles, West, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 471 ON THIRD READING**

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 471** be placed on its third reading and final passage.

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

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

Nays: Gutierrez, Menéndez, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hall, Menéndez, Miles, West, Whitmire.

SENATE BILL 2368 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 2368** at this time on its second reading:

SB 2368, Relating to the minimum number of instructional days provided by public schools.

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

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

Nays: Birdwell, Eckhardt, Gutierrez, LaMantia, Paxton, West, Whitmire.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2368** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 25.081(a), Education Code (page 1, line 29), between "Subsection" and "(b)" insert "(a-1) or".

(2) In SECTION 1 of the bill, in amended Section 25.081, Education Code (page 1, between lines 35 and 36), insert the following:

(a-1) Subsection (a)(1) does not apply to a school district with a student enrollment of less than 7,000.

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

SECTION _____. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0813 to read as follows:

Sec. 25.0813. MAINTENANCE OF FOUR-DAY SCHOOL WEEK SCHEDULE. Notwithstanding any other law, a school district that adopted a four-day school week schedule for the 2022-2023 school year may maintain a four-day school week schedule in each subsequent school year.

The amendment to **SB 2368** was read and was adopted by a viva voce vote.

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

SB 2368 as amended was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Birdwell, Eckhardt, Gutierrez, LaMantia, Paxton, West, Whitmire.

SENATE BILL 2368 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 2368** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Gutierrez, LaMantia, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

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

Nays: Birdwell, Gutierrez, LaMantia, Paxton, West.

(Senator Flores in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1705 ON THIRD READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **CSSB 1705** at this time on its third reading and final passage:

CSSB 1705, Relating to nominations by primary election by certain political parties.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 17, Nays 14.

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

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

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on State Affairs permission to meet while the Senate was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **SB 1979** today in the Press Room, 2E.9.

SENATE BILL 2038 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 2038** at this time on its second reading:

SB 2038, Relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

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

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

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

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2038** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 42, Local Government Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR
RESIDENT FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area designated as an industrial district under Section 42.044; or

(3) in an area subject to a strategic partnership agreement entered into under Section 43.0751.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

(b) The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277, Election Code, applies to a petition requesting removal under this subchapter.

Sec. 42.104. PETITION REQUIREMENTS. (a) A petition requesting release under this subchapter must be signed by:

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election; or

(2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district.

(b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.

(c) A signature collected under this section must be in writing.

(d) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

(1) metes and bounds; or

(2) lot and block number, if there is a recorded map or plat.

Sec. 42.105. RESULTS OF PETITION. (a) A petition requesting removal under this subchapter shall be verified by the municipal secretary or other person responsible for verifying signatures.

(b) The municipality shall notify the residents and landowners of the area described by the petition of the results of the petition. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.102.

(c) If a resident or landowner obtains the number of signatures on the petition required under Section 42.104 to release the area from the municipality's extraterritorial jurisdiction, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(d) If a municipality fails to take action to release the area under Subsection (c) by the later of the 45th day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30th day after the date the municipality receives the petition, the area is released by operation of law.

(e) Notwithstanding Section 42.021, an area released from a municipality's extraterritorial jurisdiction under this section does not become part of the extraterritorial jurisdiction of another municipality on release, unless the owner or owners of the area request that the area be included in the other municipality's extraterritorial jurisdiction.

SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM
EXTRATERRITORIAL JURISDICTION

Sec. 42.151. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area designated as an industrial district under Section 42.044; or

(3) in an area subject to a strategic partnership agreement entered into under Section 43.0751.

Sec. 42.152. AUTHORITY TO REQUEST ELECTION FOR RELEASE. (a) A resident of an area in a municipality's extraterritorial jurisdiction may request the municipality to hold an election in accordance with this subchapter to vote on the question of whether to release the area from the municipality's extraterritorial jurisdiction by filing with the municipality a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date.

(b) A resident may not request another election on the question of releasing the same or substantially same area from the municipality's extraterritorial jurisdiction before the second anniversary of the date the municipality receives a petition filed under Subsection (a).

(c) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

(1) metes and bounds; or

(2) lot and block number, if there is a recorded map or plat.

Sec. 42.153. ELECTION. (a) Except as provided by Section 42.156, a municipality shall order an election on the question of whether to release an area from the municipality's extraterritorial jurisdiction to be held on the first uniform election date that falls on or after the 90th day after the date the municipality receives a petition that complies with Section 42.152.

(b) The municipality shall hold the election ordered under this section in the area described by the petition at which the qualified voters of the area described by the petition may vote on the question of the release.

(c) An election ordered under this section must be held in the same manner as general elections of the municipality. The municipality shall pay for the costs of holding the election.

Sec. 42.154. RESULTS OF ELECTION. (a) The governing body of a municipality shall canvass the election returns for an election held under this subchapter in accordance with Chapter 67, Election Code.

(b) Not later than 48 hours after the canvass of an election held under this subchapter, the municipality shall notify the residents of the area proposed to be released from the municipality's extraterritorial jurisdiction of the results of the election. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.152.

Sec. 42.155. RELEASE OF AREA AS RESULT OF ELECTION. (a) If at the election held under this subchapter a majority of qualified voters of the area to be released approve the proposed release, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(b) If the municipality fails to take action to release the area under Subsection (a) by the later of the next meeting of the municipality's governing body or the 15th day after the canvass date for the election, the area is released by operation of law.

(c) Notwithstanding Section 42.021, an area released from a municipality's extraterritorial jurisdiction under this section does not become part of the extraterritorial jurisdiction of another municipality on release, unless the owner or owners of the area request that the area be included in the other municipality's extraterritorial jurisdiction.

Sec. 42.156. VOLUNTARY RELEASE. Instead of holding an election under Section 42.153, the municipality may voluntarily release the area for which the election is to be held from the municipality's extraterritorial jurisdiction before the date on which the election would have been held under Section 42.153(a).

SECTION 2. Section 42.021, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) An annexation commenced after January 1, 2023, does not expand the extraterritorial jurisdiction of a municipality unless contemporaneously with the annexation the owner or owners of the area that would be included in the municipality's extraterritorial jurisdiction as a result of the annexation request that the area be included in the municipality's extraterritorial jurisdiction.

SECTION 3. Section 242.001, Local Government Code, is amended by adding Subsection (j) to read as follows:

(j) If an area subject to an agreement under Subsection (c) is removed from a municipality's extraterritorial jurisdiction, the agreement is terminated and the county is the political subdivision authorized to regulate subdivisions in the removed area.

SECTION 4. A municipality shall release extraterritorial jurisdiction acquired from an annexation commenced after January 1, 2023, as necessary to comply with Section 42.021(e), Local Government Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2023.

The amendment to **SB 2038** was read and was adopted by a viva voce vote.

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

SB 2038 as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1581 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1581** at this time on its second reading:

CSSB 1581, Relating to the establishment of the Texas Health Insurance Mandate Advisory Collaborative; authorizing a fee.

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

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

Nays: Alvarado, Eckhardt, Gutierrez, Hall, Hughes, Johnson, LaMantia, Menéndez, Paxton, Schwertner, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1581** (senate committee printing) in SECTION 1 of the bill, in added Section 38.454(a), Insurance Code (page 2, between lines 33 and 34, by inserting the following subdivisions and renumbering subsequent subdivisions accordingly:

(5) the mandate is expected to reduce:

(A) instances of premature death; or

(B) economic loss associated with disease;

(6) health benefit plans offered in this state currently deny access to a relevant benefit or service;

The amendment to **CSSB 1581** was read and was adopted by a viva voce vote.

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

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1581** (senate committee printing) in SECTION 1 of the bill, in added Section 38.455, Insurance Code (page 2, line 57), between "38.453" and the underlined comma, by inserting "or, if the collaborative receives a request under that section during a regular legislative session, not later than 45 days after the collaborative receives the request".

The amendment to **CSSB 1581** was read and was adopted by a viva voce vote.

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

CSSB 1581 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

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

Nays: Alvarado, Eckhardt, Gutierrez, Hall, Hughes, Johnson, LaMantia, Menéndez, Paxton, Schwertner, West, Whitmire, Zaffirini.

**SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)**

Senator Springer submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill:

SB 2620 by Springer, Relating to authorizing certain political subdivisions to change the date on which their general election for officers is held.

SPRINGER

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 2618 by Creighton

Relating to the powers, duties, territory, and governance of the Westwood Magnolia Parkway Improvement District.

To Committee on Local Government.

SB 2619 by Creighton

Relating to the powers and duties of the Stanley Lake Municipal Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.

To Committee on Local Government.

SB 2620 by Springer

Relating to authorizing certain political subdivisions to change the date on which their general election for officers is held.

To Committee on State Affairs.

HOUSE BILLS ON FIRST READING

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

HB 63 to Committee on Health and Human Services.

HB 98 to Committee on Education.

HB 185 to Committee on Education.

HB 290 to Committee on Health and Human Services.

HB 623 to Committee on Local Government.

HB 679 to Committee on Business and Commerce.

HB 683 to Subcommittee on Higher Education.
HB 833 to Committee on Local Government.
HB 964 to Committee on Criminal Justice.
HB 1114 to Subcommittee on Higher Education.
HB 1242 to Committee on Natural Resources and Economic Development.
HB 1275 to Committee on Transportation.
HB 1363 to Committee on Business and Commerce.
HB 1636 to Subcommittee on Higher Education.
HB 1761 to Committee on Water, Agriculture, and Rural Affairs.
HB 1989 to Committee on Local Government.
HB 2071 to Committee on Local Government.
HB 2194 to Committee on Business and Commerce.
HB 2453 to Committee on Business and Commerce.
HB 2459 to Committee on Natural Resources and Economic Development.
HB 2460 to Committee on Water, Agriculture, and Rural Affairs.
HB 2466 to Committee on Natural Resources and Economic Development.
HB 2544 to Committee on Health and Human Services.
HB 2574 to Committee on Business and Commerce.
HB 2664 to Committee on Administration.
HB 2871 to Subcommittee on Higher Education.
HB 2891 to Committee on Education.
HB 3053 to Committee on Local Government.
HB 3125 to Committee on Transportation.
HB 3993 to Subcommittee on Higher Education.

SENATE BILL 2038 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2038** be placed on its third reading and final passage.

SB 2038, Relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

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

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

Nays: Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Local Government might meet immediately upon adjournment today in the Betty King Committee Room, 2E.20.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Campbell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet upon adjournment today at the brass rail.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:06 p.m. agreed to adjourn, pending the receipt of committee reports, until 11:00 a.m. Monday, May 1, 2023.

CO-AUTHOR OF SENATE BILL 490

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-author of **SB 490**.

CO-AUTHOR OF SENATE BILL 551

On motion of Senator Johnson, Senator Eckhardt will be shown as Co-author of **SB 551**.

CO-AUTHOR OF SENATE BILL 577

On motion of Senator Springer, Senator West will be shown as Co-author of **SB 577**.

CO-AUTHOR OF SENATE BILL 726

On motion of Senator Kolkhorst, Senator Zaffirini will be shown as Co-author of **SB 726**.

CO-AUTHOR OF SENATE BILL 1098

On motion of Senator Paxton, Senator Zaffirini will be shown as Co-author of **SB 1098**.

CO-AUTHOR OF SENATE BILL 1145

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

CO-AUTHOR OF SENATE BILL 1248

On motion of Senator Flores, Senator Zaffirini will be shown as Co-author of **SB 1248**.

CO-AUTHOR OF SENATE BILL 1592

On motion of Senator LaMantia, Senator West will be shown as Co-author of **SB 1592**.

CO-AUTHOR OF SENATE BILL 1864

On motion of Senator Middleton, Senator West will be shown as Co-author of **SB 1864**.

CO-AUTHOR OF SENATE BILL 1884

On motion of Senator Flores, Senator Hinojosa will be shown as Co-author of **SB 1884**.

CO-AUTHOR OF SENATE BILL 1966

On motion of Senator Alvarado, Senator West will be shown as Co-author of **SB 1966**.

CO-AUTHOR OF SENATE BILL 1970

On motion of Senator Bettencourt, Senator Zaffirini will be shown as Co-author of **SB 1970**.

CO-AUTHOR OF SENATE BILL 2133

On motion of Senator Miles, Senator West will be shown as Co-author of **SB 2133**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 479 by Middleton, In memory of Mason Anthony Nelson.

SR 480 by Middleton, In memory of Samuel Felix Mixon.

SR 482 by Middleton, In memory of Ronald Anthony Maceo.

SR 483 by Middleton, In memory of Michael Charles Pistone.

SR 484 by Middleton, In memory of Nancy Lefeber Hughes.

SR 487 by Middleton and Creighton, In memory of Kenneth David Clark.

SR 490 by Eckhardt and Campbell, In memory of Steven Harold Murdock.

SR 491 by Middleton, In memory of Patricia Ann LeMay Hocking.

Congratulatory Resolutions

SR 449 by Parker, Recognizing fifth grade students from The Covenant School in Dallas.

SR 478 by Eckhardt, Recognizing Thomas McGaha on the occasion of his retirement.

SR 481 by Middleton, Recognizing Michael Culling on the occasion of his retirement.

SR 485 by Middleton, Recognizing Tanya Moore, Dustin Carrillo, and Jesse Neace of Alvin Independent School District for their lifesaving actions.

SR 486 by Middleton, Recognizing the Pearland Little League All-Stars for advancing to the Little League World Series.

SR 488 by Johnson, Recognizing AADC (Aromatic L-Amino Acid Decarboxylase) Deficiency Awareness Day.

SR 489 by Middleton, Recognizing Bob Ford on his induction into the Texas Radio Hall of Fame.

SR 492 by LaMantia, Recognizing The University of Texas Rio Grande Valley chess program.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:00 a.m. Monday, May 1, 2023, adjourned 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 27, 2023

WATER, AGRICULTURE, AND RURAL AFFAIRS — **SB 1348**

CRIMINAL JUSTICE — **CSSB 1896, CSSB 1402, CSSB 1166**

BUSINESS AND COMMERCE — **CSSB 2250, CSSB 2016, CSSB 1268**

HEALTH AND HUMAN SERVICES — **HB 446, HB 49**

TRANSPORTATION — **CSSB 1716**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 2530**

BUSINESS AND COMMERCE — **CSSB 365**

EDUCATION — **SB 1489, SB 1506, SB 2403, CSSB 1567, CSSB 2304, CSSB 1557, SB 1664, CSSB 1471, CSSB 668, CSSB 595**

April 28, 2023

BUSINESS AND COMMERCE — **CSSB 2105**

LOCAL GOVERNMENT — **CSSB 2595, CSSJR 64, SB 2600, SB 2599, SB 2604, SB 2605, SB 2597, SB 2596, SB 2585, SB 2588, SB 2584, SB 887, SB 2572, SB 2574, SB 2577, SB 1187**

BUSINESS AND COMMERCE — **CSSB 114**

STATE AFFAIRS — **CSSB 232, CSSB 1979**

HEALTH AND HUMAN SERVICES — **CSSB 1853**

LOCAL GOVERNMENT — **CSSB 2575**

WATER, AGRICULTURE AND RURAL AFFAIRS — **CSSB 758**

BUSINESS AND COMMERCE — CSSB 1393

BILLS ENGROSSED

April 27, 2023

SB 187, SB 188, SB 246, SB 403, SB 427, SB 469, SB 471, SB 490, SB 577, SB 622, SB 638, SB 699, SB 720, SB 726, SB 760, SB 773, SB 849, SB 943, SB 983, SB 1087, SB 1098, SB 1144, SB 1214, SB 1219, SB 1242, SB 1248, SB 1334, SB 1367, SB 1379, SB 1412, SB 1433, SB 1447, SB 1449, SB 1475, SB 1529, SB 1565, SB 1592, SB 1607, SB 1644, SB 1645, SB 1646, SB 1658, SB 1705, SB 1778, SB 1817, SB 1837, SB 1864, SB 1884, SB 1887, SB 1969, SB 1970, SB 1985, SB 1999, SB 2005, SB 2017, SB 2038, SB 2052, SB 2069, SB 2101, SB 2106, SB 2124, SB 2133, SB 2146, SB 2192, SB 2193, SB 2208, SB 2209, SB 2214, SB 2248, SB 2258, SB 2277, SB 2292, SB 2335, SB 2350, SB 2368, SB 2474, SB 2493, SB 2538, SB 2566, SB 2571, SB 2576, SB 2583, SB 2591, SB 2603

BILLS AND RESOLUTIONS ENROLLED

April 27, 2023

SB 349, SB 1008, SB 1055, SCR 28, SR 449, SR 476, SR 478, SR 479, SR 480, SR 481, SR 482, SR 483, SR 484, SR 485, SR 486, SR 487, SR 488, SR 489, SR 490, SR 491, SR 492

SENT TO GOVERNOR

April 27, 2023

SB 838

SIGNED BY GOVERNOR

April 28, 2023

SCR 32, SCR 37

