

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SEVENTH DAY

(Thursday, May 4, 2023)

The Senate met at 11:04 pursuant to adjournment and was called to order by Senator Birdwell.

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 Presiding Officer announced that a quorum of the Senate was present.

The Reverend Jeff Gantz, St. John's United Methodist Church, Richmond, offered the invocation as follows:

It is no casual thing, O God, what these women and men have come to do today. They have gathered seeking to make laws that will impact the future of a diverse people in this great state. So, I seek Your blessings as they go about this sacred work. Give them Your wisdom in the decisions they make, Your grace to help them seek resolutions and compromises, Your vision as they work towards creative solutions. I pray also, that Your hand would reach past these walls and touch the lives of their families and their support staff. Where there may be sickness, bring Your healing, where there is strife, Your peace, where there may be uncertainty, shine Your light, O God. And as You do, may we all respond to the tasks that You call us to be a part of with humble gratitude and sacred joy. 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.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Sergeant Robert Rangel of the Methodist Health System Police Department in Dallas.

The Senate rose in honor of Sergeant Rangel and welcomed its guest.

SENATE RESOLUTION 515

Senator Kolkhorst offered the following resolution:

SR 515, Recognizing Blinn College on the occasion of its 140th anniversary.

KOLKHORST
CREIGHTON
HUFFMAN
SCHWERTNER

The resolution was read.

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

On motion of Senator Kolkhorst, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Kolkhorst was recognized and introduced to the Senate a Blinn College District delegation including Chancellor Mary Hensley and Board of Trustees member Allison Bentke.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 4, 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 156 Moody

Relating to hearings by the Board of Pardons and Paroles regarding clemency matters.

HB 181 Johnson, Jarvis

Relating to the establishment of the sickle cell disease registry.

HB 191 Bernal

Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

HB 246 Swanson

Relating to establishing a pilot program for recording ballot counting activity.

HB 387 Bell, Cecil

Relating to the Texas State Guard uniform and insignia fund.

HB 410 Thompson, Senfronia

Relating to law enforcement policies regarding the issuance of citations for misdemeanors punishable by fine only and to a limitation on the authority to arrest a person for certain fine-only misdemeanors.

HB 613 Vasut

Relating to the imposition of charges by a governmental body for providing copies of public information under the public information law.

HB 715 Patterson

Relating to the operation of an electric bicycle in a state park.

HB 823 Allen

Relating to the eligibility of an inmate for certain occupational licenses and the practice of certain occupations by an inmate of the Texas Department of Criminal Justice.

HB 855 Gervin-Hawkins

Relating to the reimbursement of state employees for groceries consumed while traveling on official state business.

HB 963 Jetton

Relating to the transfer of money in the identification fee exemption account.

HB 1004 Shaheen

Relating to the prosecution of the offenses of trafficking of persons and compelling prostitution and to certain consequences of those offenses.

HB 1010 Turner

Relating to the insurable interest of certain persons providing care to individuals with disabilities in the life of those individuals.

HB 1225 Metcalf

Relating to the administration of certain required assessment instruments in paper format.

HB 1229 Harris, Cody

Relating to the collection and confidentiality of information regarding firearms and ammunition in agency foster homes; creating a civil penalty.

HB 1283 Oliverson

Relating to prescription drug formularies applicable to the Medicaid managed care program.

HB 1289 Campos

Relating to a training program for persons investigating suspected child abuse or neglect.

HB 1383 Rose

Relating to procedures in a criminal case after a defendant is found competent to stand trial and to consequences arising from certain violations of those procedures.

HB 1605 Buckley

Relating to instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and the extension of additional state aid to school districts for the provision of certain instructional materials; authorizing a fee.

HB 1617 Ordaz

Relating to notice for certain defendants regarding the unlawful possession or acquisition of a firearm or ammunition.

HB 1885 Canales

Relating to the authority of the Texas Transportation Commission to establish variable speed limits.

HB 1972 Campos

Relating to policies and procedures regarding children placed by the Department of Family and Protective Services in a residential treatment center or program.

HB 1979 Raney

Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

HB 2022 Leach

Relating to residential construction liability.

HB 2093 Manuel

Relating to the minimum duration of a protective order.

HB 2162 Dutton

Relating to reading instruction, assessment instruments, and interventions provided to public school students.

HB 2230 Canales

Relating to the determination of the sufficient balance of the economic stabilization fund for the purpose of allocating certain constitutional transfers of money to that fund and the state highway fund.

HB 2239 Troxclair

Relating to municipal regulation of the removal of an Ashe juniper tree.

HB 2271 Kacal

Relating to the protection of aquaculture operations.

HB 2351 Vo

Relating to renewal of an appointment as a volunteer deputy registrar.

HB 2470 Kuempel

Relating to prohibited adverse employment action against certain first responders based on mental illness.

HB 2533 Walle

Relating to the implementation of a statewide homeless data sharing network to share real time data on homelessness.

HB 2837 Schaefer

Relating to prohibiting a person or entity from surveilling, reporting, or tracking the purchase of firearms, ammunition, and accessories through the use of certain merchant category codes; imposing a civil penalty.

HB 3014 Harris, Caroline

Relating to the motor vehicle safety inspection of electric vehicles.

HB 3025 Vasut

Relating to the prosecution of the criminal offenses of aggravated kidnapping, kidnapping, and interference with child custody.

HB 3260 Herrero

Relating to the expunction of arrest records and files by a statutory county court.

HB 3615 Lambert

Relating to surcharges imposed for the use of a credit card.

HB 3712 Hernandez

Relating to authorizing a holder of a distributor's license to provide samples of malt beverages to retailers.

HB 3723 Gerdes

Relating to the establishment of the Rural Workforce Training Grant Program.

HB 3928 Toth

Relating to the screening of students for dyslexia and related disorders and a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.

HB 3990 Kacal

Relating to a study of existing surface water and groundwater interaction data and analyses.

HB 4085 Spiller

Relating to the payment by the state or a county of costs for certain mental health hearings or proceedings.

HB 4142 Thompson, Ed

Relating to the award of attorney's fees in an action to enforce a motor vehicle mortgagee's lien.

HB 4358 Allison

Relating to including digital teaching in the micro-credential certification program for public school educator continuing education.

HB 4437 Kuempel

Relating to the confidentiality of certain records containing applicant or student information that are held by the Texas Higher Education Coordinating Board.

HB 4827 Leo-Wilson

Relating to the prosecution of the offense of possessing or carrying a weapon in certain prohibited places associated with schools or educational institutions.

HB 5214 Spiller

Relating to actions brought by the attorney general on behalf of certain persons under the Texas Free Enterprise and Antitrust Act of 1983.

HB 5232 Spiller

Relating to civil penalties imposed for violations of the Texas Free Enterprise and Antitrust Act of 1983.

HJR 165 Muñoz, Jr.

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a military service member who is killed or fatally injured in the line of duty.

HJR 166 Thompson, Senfronia

Proposing a constitutional amendment allowing recovery of exemplary damages by parents or a person's estate for a homicide.

SB 1002 Schwertner Sponsor: Hernandez

Relating to the operation of public electric vehicle charging stations.

SB 1170 Perry Sponsor: Tepper

Relating to the initiation of customer choice by municipally owned utilities that provide electric service.

SB 1222 Zaffirini Sponsor: Kuempel

Relating to regulation of appraisers and the duties of the Texas Appraiser Licensing and Certification Board.

SB 1425 Perry Sponsor: Smithee

Relating to disbursements from the universal service fund for certain small and rural companies.

SB 1563 Creighton Sponsor: Metcalf

Relating to the eligibility of Sam Houston State University to receive formula funding for the Sam Houston State University College of Osteopathic Medicine.

SB 2038 Bettencourt Sponsor: Bell, Cecil

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

(Amended)

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

MESSAGE FROM THE GOVERNOR

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

May 4, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Gulf Coast Authority Board of Directors for terms to expire August 31, 2024:

Lamont E. Meaux
Stowell, Texas

Kevin M. Scott
Santa Fe, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott
Governor

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Jake Margo of Rio Grande City as the Physician of the Day.

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

SENATE RESOLUTION 514

Senator Eckhardt offered the following resolution:

SR 514, Recognizing Mt. Zion Baptist Church on the occasion of its 150th anniversary.

ECKHARDT
MILES

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Eckhardt, joined by Senator Miles, was recognized and introduced to the Senate members of the Mt. Zion Baptist Church including the Reverend Daryl L. Horton and Ella Johns Ellison.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer 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 Presiding Officer, at 11:49 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1315 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1315** at this time on its second reading:

CSHB 1315, Relating to the creation of the open burn pit registry fund and the issuance of specialty license plates to honor members of the United States armed forces exposed to open burn pits.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1315 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1315** 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 1853 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1853** at this time on its second reading:

CSSB 1853, Relating to certain procedures in a suit affecting the parent-child relationship for a child placed in the conservatorship of the Department of Family and Protective Services and the provision of community-based foster care.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1853** (senate committee printing) in SECTION 4 of the bill as in amended 264.152, Family Code, (page 2, line 69 through page 3, line 1) strike "or in the relinquishment avoidance program under Section 262.353".

The amendment to **CSSB 1853** 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 1853 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1853 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1853** 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.

HOUSE JOINT RESOLUTION 126 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 126** at this time on its second reading:

HJR 126, Proposing a constitutional amendment protecting the right to engage in farming, ranching, timber production, horticulture, and wildlife management.

The resolution was read second time.

(President in Chair)

Senator Gutierrez offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **HJR 126** (senate committee report), in SECTION 1 of the resolution, in proposed Section 36 (a), Article I, Texas Constitution (page 1, lines 24 through 27), insert the following between the word "lease" and the period on line 27:
, including the right to cultivate cannabis for personal and commercial consumption

The amendment to **HJR 126** was read.

POINT OF ORDER

Senator Nichols raised a point of order that Floor Amendment No. 1 was not germane to the body of the bill.

POINT OF ORDER RULING

The President ruled that the point of order was well-taken and sustained.

HJR 126 was passed to third reading by the following vote: Yeas 31, Nays 0.

HOUSE JOINT RESOLUTION 126 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 126** be placed on its third reading and final passage.

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

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

HOUSE BILL 2308 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration **HB 2308** at this time on its second reading:

HB 2308, Relating to nuisance actions and other actions against agricultural operations.

The motion prevailed.

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

The bill was read second time.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2308** (senate committee report) as follows:

(1) In SECTION 2 of the bill, strike amended Section 251.002(1)(B), Agriculture Code (page 1, lines 37 and 38), and substitute the following:

(B) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;

(2) In the recital to SECTION 4 of the bill (page 3, line 1), strike "251.007" and substitute "251.008".

(3) In SECTION 4 of the bill, adding Section 251.007, Agriculture Code (page 3, line 2), strike "251.007. CONFLICT WITH OTHER STATUTES" and substitute "251.008. CONFLICT WITH OTHER LAW".

The amendment to **HB 2308** 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.

HB 2308 as amended was passed to third reading by a viva voce vote.

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

Nays: Johnson.

HOUSE BILL 2308 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2308** be placed on its third reading and final passage.

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

Nays: Johnson.

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

SENATE BILL 1850 ON SECOND READING

Senator Flores moved to suspend the regular order of business to take up for consideration **SB 1850** at this time on its second reading:

SB 1850, Relating to the presiding officer of the State Board of Veterinary Medical Examiners.

The motion prevailed.

Senators Hughes, Johnson, and Schwertner 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: Hughes, Johnson, Schwertner.

SENATE BILL 1850 ON THIRD READING

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1850** 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, Gutierrez, Hall, Hancock, Hinojosa, Huffman, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hughes, Johnson, Schwertner.

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

(Senator Flores in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1370 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSSB 1370** at this time on its second reading:

CSSB 1370, Relating to information contained in the annual financial audit of certain regional transportation authorities.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

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

Nays: Eckhardt, Gutierrez, Johnson, Miles, Zaffirini.

Present-not voting: West.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1370 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 1370** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

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

Nays: Eckhardt, Gutierrez, Johnson, Miles, Zaffirini.

Present-not voting: West.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5, Present-not voting 1. (Same as previous roll call)

(President in Chair)

ACKNOWLEDGMENTS

The President acknowledged and introduced to the Senate Coleman Kim and Amelia Kim, serving today as Honorary Senate Pages.

The Senate welcomed Coleman and Amelia.

SENATE BILL 2599 ON SECOND READING

Senator Springer, on behalf of Senator Bettencourt, moved to suspend the regular order of business to take up for consideration **SB 2599** at this time on its second reading:

SB 2599, Relating to the creation of the Harris County Municipal Utility District No. 594; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

Senator Kolkhorst asked to be recorded as "Present-not voting" on suspension of the regular order of business.

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

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

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

SENATE BILL 2599 ON THIRD READING

Senator Springer, on behalf of 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 2599** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3, Present-not voting 1. (Same as previous roll call)

SENATE BILL 2600 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 2600** at this time on its second reading:

SB 2600, Relating to the creation of the Firefly Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

Senator Kolkhorst asked to be recorded as "Present-not voting" 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 passage to engrossment except as follows:

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

SENATE BILL 2600 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 2600** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3, Present-not voting 1. (Same as previous roll call)

SENATE BILL 2037 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 2037** at this time on its third reading and final passage:

SB 2037, Relating to the regulation of platting and subdivisions of land by a municipality or county.

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

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

Nays: Alvarado, Blanco, Campbell, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, 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 1664 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1664** at this time on its second reading:

SB 1664, Relating to the establishment of the school safety technical advisory committee and the school safety accountability program.

The motion prevailed.

Senator Nichols 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 1664** (senate committee printing) in SECTION 1 of the bill, adding Subchapter H, Chapter 37, Education Code, as follows:

(1) In added Section 37.252(a)(1), Education Code (page 2, line 17), strike "nine" and substitute "six".

(2) In added Section 37.252(a)(1), Education Code (page 2, line 19), strike "one member from each of" and substitute "two members chosen from among".

(3) Strike added Section 37.252(a)(2), Education Code (page 2, lines 25 through 27), and substitute the following:

(2) four additional members appointed by the commissioner, including, from either a school district or open-enrollment charter school, at least one member who is a teacher, at least one principal of an elementary school campus, and at least one principal of a high school campus.

(4) Strike added Section 37.253(c), Education Code (page 2, lines 41 through 45), and substitute the following:

(c) The chief of school safety and security may lower a school district's or open-enrollment charter school's school safety score or school safety rating on a determination that the district's or school's score as reported under Section 37.254 is substantially inaccurate. A decision by the chief of school safety and security under this subsection is final and not subject to appeal.

(5) Strike added Section 37.254(a)(2), Education Code (page 2, lines 52 through 57), and substitute the following:

(2) based on an audit of campus school safety conducted by the district or school applying the metrics of assessment developed under Section 37.255.

(6) In added Section 37.254, Education Code (page 2, between lines 64 and 65), insert the following subsection:

(c) The agency shall keep confidential each campus school safety score assigned to a school campus under this section, including the application of each metric to that campus used in determining the score.

(7) Strike added Section 37.255, Education Code (page 2, line 65 through page 3, line 16), and renumber subsequent sections of added Subchapter H, Chapter 37, Education Code, and cross-references to those sections accordingly.

(8) In added Section 37.256(b), Education Code (page 3, line 25), strike "The" and substitute "Except as provided by Subsection (d), the".

(9) Strike added Section 37.256(b)(2)(B), Education Code (page 3, lines 32 through 34), and reletter subsequent paragraphs of the subdivision accordingly.

(10) Strike added Section 37.256(b)(2)(Q), Education Code (page 4, lines 10 and 11), and reletter subsequent paragraphs of the subdivision accordingly.

(11) Strike added Section 37.256(c), Education Code (page 4, lines 16 through 21), and substitute the following:

(c) In developing criteria for the metrics of assessment under Subsection (a), the agency shall account for differences among school district and open-enrollment charter school campuses, including by differentiating how metrics evaluated under Subsection (b)(2) are applied among campuses that:

(1) are located in rural, urban, or suburban areas;

(2) have older or more recently constructed facilities; and

(3) have or do not have student populations in which at least 40 percent of the students are:

(A) educationally disadvantaged; or

(B) students at risk of dropping out of school, as defined by Section

29.081(d).

(d) In developing criteria for metrics of assessment under Subsection (a), the agency shall prioritize harmonizing the criteria and metrics adopted for purposes of this section with any related school safety and security requirements adopted under S.B. 11, Acts of the 88th Legislature, Regular Session, 2023. The commissioner may waive the requirement of applying a metric otherwise required in conducting a school safety audit under Subsection (b) to the extent necessary for purposes of harmonizing school safety and security requirements applied to school districts and open-enrollment charter schools under this code.

(12) In added Section 37.258(b), Education Code (page 4, line 41), between "campus's" and "school", insert "self-reported".

(13) Strike added Section 37.258(b)(1), Education Code (page 4, line 43), and renumber subsequent subdivisions of the subsection accordingly.

(14) In added Section 37.258(c), Education Code (page 4, line 47), strike "exceeds standards," "meets standards," and substitute "meets standards".

(15) In added Section 37.259(b), Education Code (page 4, between lines 61 and 62), insert the following subdivision and renumber subsequent subdivisions of the subsection accordingly:

(3) specify a process for implementing the plan;

(16) In added Section 37.259, Education Code (page 5, between lines 16 and 17), insert the following subsections:

(g) Except as provided by this subsection and Subsections (h) and (i), the agency and a school district or open-enrollment charter school required to prepare a remediation plan shall keep that requirement, the remediation plan, and the implementation process for the plan confidential. The district or school may disclose information related to a remediation plan prepared under this section only as necessary for purposes of preparing and implementing the remediation plan and only to school personnel, who must keep the disclosed information confidential.

(h) Following the implementation of a remediation plan by the deadline established under Subsection (e), a school district or open-enrollment charter school may provide a written notice that the district or school was required to prepare a remediation plan under this section and has completed implementation of that plan to district or school employees and parents of or persons standing in parental relation to students enrolled in the district or school.

(i) The chief of school safety and security may publicly disclose that a school district or open-enrollment charter school has been assigned a final school safety rating of "does not meet standards" only if the chief determines by a preponderance of the evidence that the district or school, after receiving a preliminary school safety rating of "does not meet standards," is able but has refused to prepare or implement a remediation plan adequate to receive a revised school safety rating of "meets standards" under this section.

(17) In the section heading to added Section 37.260, Education Code (page 5, line 17), between "CONFIDENTIALITY" and the underlined period, insert "FROM PUBLIC DISCLOSURE".

(18) In added Section 37.262(a), Education Code (page 5, line 40), between "state" and the underlined period, insert ", unless disclosure of a campus's rating is prohibited under this subchapter".

The amendment to **SB 1664** 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 1664 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: Nichols.

SENATE BILL 1664 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 1664** be placed on its third reading and final passage.

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

Nays: Nichols.

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 629 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 629** at this time on its second reading:

CSSB 629, Relating to the use of opioid antagonists on public and private school campuses and at or in transit to or from off-campus school events and to the permissible uses of money appropriated to a state agency from the opioid abatement account.

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 629 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 629** be placed on its third reading and final passage.

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

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

(Senator King in Chair)

SENATE BILL 887 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 887** at this time on its second reading:

SB 887, Relating to the creation of the Maxwell 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.

The motion prevailed.

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

Senator Kolkhorst asked to be recorded as "Present-not voting" on suspension of the regular order of business.

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

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

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

SENATE BILL 887 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 887** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3, Present-not voting 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1677 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1677** at this time on its second reading:

CSSB 1677, Relating to the establishment and administration of Health and Human Services Commission programs providing mental health services to certain individuals in this state.

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 1677 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1677** 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.

HOUSE BILL 1565 ON SECOND READING

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1565** at this time on its second reading:

HB 1565, Relating to the functions of the Texas Water Development Board and continuation and functions of the State Water Implementation Fund for Texas Advisory Committee.

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

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

HOUSE BILL 1565 ON THIRD READING

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1565** 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 1781 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1781** at this time on its second reading:

CSSB 1781, Relating to health coverage for school district and open-enrollment charter school employees under interlocal contracts.

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 1781 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1781** 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.

HOUSE BILL 998 ON SECOND READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **HB 998** at this time on its second reading:

HB 998, Relating to the provision of property owners' association insurance by the FAIR Plan Association in certain areas.

The motion prevailed.

Senators 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 third reading by a viva voce vote.

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

Nays: Hughes, Springer.

HOUSE BILL 998 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 **HB 998** 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, Hall, Hancock, Hinojosa, Huffman, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Hughes, Springer.

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

(President in Chair)

SENATE BILL 2627 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SB 2627** at this time on its second reading:

SB 2627, Relating to funding mechanisms to support the construction, maintenance, and modernization of dispatchable electric generating facilities.

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

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

Nays: Alvarado, Eckhardt, Hancock, Miles, West, Whitmire.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2627** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 34.0103(a), Utilities Code (page 2, line 3), after the period, add "An electric energy storage facility is not eligible for a loan under this section. The commission shall publish a list of the activities that constitute maintenance or modernization for the purposes of this section."

(2) In added Section 34.0103(c), Utilities Code (page 2, lines 8-9), strike "The commission shall evaluate an application for a loan under this section based on" and substitute "In evaluating an application for a loan under this section, the commission may consider any appropriate factor and shall consider".

(3) In added Section 34.0103(c)(5), Utilities Code (page 2, line 15), strike "and".

(4) In added Section 34.0103(c)(6), Utilities Code (page 2, line 18), strike the underlined period and substitute an underlined semicolon.

(5) In added Section 34.0103(c), Utilities Code (page 2, between lines 18 and 19), insert the following:

(7) access to resources essential for operating the facility for which the loan is requested, such as land, water, and reliable infrastructure, as applicable; and

(8) evidence of creditworthiness and ability to repay the loan on the terms established in the loan agreement, including the applicant's total assets, total liabilities, net worth, and credit ratings issued by major credit rating agencies.

(6) In added Section 34.0103(d), Utilities Code (page 2, line 21), strike "10" and substitute "100".

(7) In added Section 34.0104(b), Utilities Code (page 2, lines 55-56), strike "10 megawatts the construction of which does not begin before September" and substitute "100 megawatts and that does not meet the planning model requirements necessary to be included in the Capacity Demand and Reserves Report of the independent organization certified under Section 39.151 for the ERCOT power region before June".

(8) Strike added Section 34.0104(c), Utilities Code (page 2, line 59, through page 3, line 4), and substitute the following:

(c) The commission shall evaluate an application for a loan under this section based on:

(1) the applicant's:

(A) quality of services and management;

(B) efficiency of operations;

(C) history of electricity generation operations in this state and this country;

(D) resource operation attributes;

(E) ability to address regional and reliability needs;

(F) access to resources essential for operating the facility for which the loan is requested, such as land, water, and reliable infrastructure, as applicable; and

(G) evidence of creditworthiness and ability to repay the loan on the terms established in the loan agreement, including the applicant's total assets, total liabilities, net worth, and credit ratings issued by major credit rating agencies;

(2) the generation capacity and estimated construction costs of the facility for which the loan is requested; and

(3) any other factors the commission considers appropriate.

(9) In added Section 34.0104(d), Utilities Code (page 3, line 5), between "section" and "may not", insert "and grants provided under Section 34.0105, considered together.".

(10) In added Section 34.0104(g), Utilities Code (page 3, line 15), strike "five" and substitute "three".

(11) In the heading to added Section 34.0105, Utilities Code (page 3, line 38), between "BONUS" and the period, insert "GRANTS".

(12) Strike added Section 34.0105(c), Utilities Code (page 3, lines 50-58) and substitute the following:

(c) The commission may provide a grant under this section only for construction of a facility that:

(1) will have a generation capacity of at least 100 megawatts;

(2) does not meet the planning model requirements necessary to be included in the Capacity Demand and Reserves Report of the independent organization certified under Section 39.151 for the ERCOT power region before June 1, 2023; and

(3) is interconnected in the ERCOT power region not later than December 31, 2026, or, if the commission determines that extenuating circumstances justify a delay in the facility's completion, before a later date as specified by the commission that must be not later than June 1, 2027.

(d) The commission shall evaluate an application for a grant under this section based on:

(1) the applicant's:

(A) quality of services and management;

(B) efficiency of operations;

(C) history of electricity generation operations in this state and this country;

(D) resource operation attributes; and

(E) ability to address regional and reliability needs;

(2) the generation capacity and estimated construction costs of the facility for which the grant is requested; and

(3) any other factors the commission considers appropriate.

(13) In added Section 34.0105, Utilities Code (page 3, line 59), strike "(d)" and substitute "(e)".

(14) In added Section 34.0105, Utilities Code (page 3, between lines 61 and 62), insert the following:

(f) The commission may not provide a grant under this section of more than \$200,000 per megawatt of capacity provided by the facility.

(g) This section expires December 1, 2028.

Sec. 34.01055. LOAN AND GRANT RESTRICTIONS. (a) If the commission has more than four pending applications for loans to be made from the fund on the date the commission awards a loan, the amount of the loan awarded may not exceed 25 percent of the fund balance on that date.

(b) The commission may not provide a loan or a grant for a facility under this chapter if the facility will be used primarily to serve an industrial load or private use network.

(c) Each facility for which a loan or grant is provided under this chapter must participate in the ERCOT wholesale electricity market.

(d) The commission may provide:

(1) not more than five percent of the balance of the fund per biennium for loans for maintenance and modernization under Section 34.0103; and

(2) not more than 75 percent of the balance of the fund per biennium for loans for construction under Section 34.0104.

(15) In added Section 34.0106, Utilities Code (page 3, line 63), between "hold" and "the", insert "and invest".

(16) In added Section 34.0106, Utilities Code (page 4, line 1), strike the underlined period and substitute "over a full economic cycle".

(17) In added Section 34.0109, Utilities Code (page 5, lines 56-57), strike "before the commission adopts rules under this chapter".

SCHWERTNER
JOHNSON
MENÉNDEZ
ZAFFIRINI

The amendment to **SB 2627** 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 Schwertner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 2627** (senate committee printing) as follows:

(1) In SECTION 2 of the bill in added Section 34.0103(a), Utilities Code, (page 1, line 61) between "ERCOT power region." and "For the purpose" insert "For purposes of a loan under this subsection the commission may permit loan proceeds to be used for the construction of fuel transportation infrastructure."

(2) In SECTION 2 of bill in added Section 34.0103(d), Utilities Code, (page 2, line 23) immediately following the underlined period, insert "For purposes of a loan under this subsection the commission may permit loan proceeds to be used for the construction of fuel transportation infrastructure."

The amendment to **SB 2627** was read and was adopted by a viva voce vote.

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 2627** (senate committee report) in SECTION 2 of the bill, in added Section 34.0102, Utilities Code (page 1, between lines 56 and 57), by inserting the following:

(e) On or after January 1, 2029, the legislature may appropriate money from the fund to facilitate energy efficiency and demand response programs, including programs for residential and commercial customers.

The amendment to **SB 2627** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

SB 2627 as amended was passed to engrossment by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Hancock, Miles, West.

SENATE BILL 2627 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 **SB 2627** be placed on its third reading and final passage.

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

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

Nays: Eckhardt, Hancock, Miles, West.

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

SENATE JOINT RESOLUTION 93 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **SJR 93** at this time on its second reading:

SJR 93, Proposing a constitutional amendment providing for the creation of the Texas energy fund and the authorization of other funding mechanisms to support the construction, maintenance, and modernization of electric generating facilities.

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

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

Nays: Eckhardt, Hancock, Miles, West.

The resolution was read second time.

Senator Schwertner offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 93** (senate committee printing) in SECTION 1 of the resolution in added Section 49-q, Article III, Texas Constitution, as follows:

(1) In added Subsection (b) (page 1, line 33), strike "finance" and substitute "any entity to finance or incentivize".

(2) Strike added Subsection (d) (page 1, lines 39-48), and substitute the following:

(d) The Texas energy fund consists of:

(1) money credited, appropriated, or transferred to the fund by or as authorized by the legislature;

(2) revenue that the legislature dedicates for deposit to the credit of the fund;

(3) the returns received from the investment of the money in the fund; and

(4) gifts, grants, and donations contributed to the credit of the fund.

(3) On page 1, between lines 48 and 49, insert the following subsections and reletter subsequent subsections of the section accordingly:

(e) The reasonable expenses of managing the Texas energy fund's assets shall be paid from the fund.

(f) The legislature by a provision of a general appropriations act may provide for the transfer to the general revenue fund of money that is subject to this section.

SCHWERTNER
JOHNSON
MENÉNDEZ
ZAFFIRINI

The amendment to **SJR 93** was read and was adopted by a viva voce vote.

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

SJR 93 as amended was passed to engrossment by the following vote: Yeas 27, Nays 4.

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

Nays: Eckhardt, Hancock, Miles, West.

SENATE JOINT RESOLUTION 93 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 **SJR 93** be placed on its third reading and final passage.

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

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

Nays: Eckhardt, Hancock, Miles, West.

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

COMMITTEE SUBSTITUTE SENATE BILL 2460 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 2460** at this time on its second reading:

CSSB 2460, Relating to the provision of certain electricity services.

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

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

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

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 2460 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2460** be placed on its third reading and final passage.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1557 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration **CSSB 1557** at this time on its second reading:

CSSB 1557, Relating to providing for an election by the parent of a student who was victimized by a public school employee to transfer the student to another public school campus or receive funding for the student to attend private school.

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

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 252 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business and Senate Rule 5.14(a) to take up for consideration **CSSB 252** at this time on its second reading:

CSSB 252, Relating to the licensing of certain veterans by the Texas Commission on Law Enforcement and the hiring of those veterans by political subdivisions.

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

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

Nays: Creighton, Middleton, Parker.

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, Middleton, Parker.

**COMMITTEE SUBSTITUTE
SENATE BILL 252 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 252** be placed on its third reading and final passage.

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

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

Nays: Creighton, Middleton, Parker.

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

(Senator Flores in Chair)

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 664, SB 1004, SB 1115, SB 1207, SB 1372, SB 1730, SB 1859, SB 2232, SB 2233, SB 2284.

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

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b) to permit the introduction of bills and resolutions as follows:

SCR 48 by Hall, Directing the Texas Facilities Commission to name the new transit amenity center at 207 W. 14th Street in the Capitol Complex the "Lead On! Transit Amenity" in honor of Justin Dart.

SCR 49 by Flores, Designating September 24 as Captain Henry T. Waskow Day for a 10-year period ending in 2033.

The Motion In Writing was read and prevailed without objection.

SENATE BILL 423 WITH HOUSE AMENDMENT

Senator Paxton called **SB 423** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 423** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the use of unmanned aircraft by the Texas military forces.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 423.002(a), Government Code, is amended to read as follows:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, including a person who:

(A) is a professor, employee, or student of the institution; or

(B) is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) as part of an operation, exercise, or mission of any branch of:

(A) the United States military; or

(B) the Texas military forces as defined by Section 437.001;

(4) if the image is captured by a satellite for the purposes of mapping;

(5) if the image is captured by or for an electric or natural gas utility or a telecommunications provider:

(A) for operations and maintenance of utility or telecommunications facilities for the purpose of maintaining utility or telecommunications system reliability and integrity;

(B) for inspecting utility or telecommunications facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;

(C) for assessing vegetation growth for the purpose of maintaining clearances on utility or telecommunications easements; and

(D) for utility or telecommunications facility routing and siting for the purpose of providing utility or telecommunications service;

(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;

(7) pursuant to a valid search or arrest warrant;

(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;

(B) for the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;

(C) for the purpose of investigating the scene of:

(i) a human fatality;

(ii) a motor vehicle accident causing death or serious bodily injury to a person; or

(iii) any motor vehicle accident on a state highway or federal interstate or highway;

(D) in connection with the search for a missing person;

(E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life;

(F) of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities; or

(G) of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security;

(9) if the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:

(A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;

(B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or

(C) conducting routine air quality sampling and monitoring, as provided by state or local law;

(10) at the scene of a spill, or a suspected spill, of hazardous materials;

(11) for the purpose of fire suppression;

(12) for the purpose of rescuing a person whose life or well-being is in imminent danger;

(13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;

(14) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

(15) of public real property or a person on that property;

(16) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;

(17) in connection with oil pipeline safety and rig protection;

(18) in connection with port authority surveillance and security;

(19) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002, Occupations Code, provided that no individual is identifiable in the image;

(20) if the image is captured by a professional engineer licensed under Subchapter G, Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003, Occupations Code, provided that no individual is identifiable in the image; or

(21) if:

(A) the image is captured by an employee of an insurance company or of an affiliate of the company in connection with the underwriting of an insurance policy, or the rating or adjusting of an insurance claim, regarding real property or a structure on real property; and

(B) the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured.

SECTION 2. 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 was read.

Senator Paxton moved to concur in the House amendment to **SB 423**.

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

Nays: Eckhardt.

SENATE BILL 1523 WITH HOUSE AMENDMENT

Senator Blanco called **SB 1523** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1523** (house committee report) on page 1 as follows:

(1) On line 8, strike "If the board determines" and substitute "If, before the 180th day after the date the board's official investigation of a complaint is commenced, the board determines in accordance with rules adopted under this section".

(2) On line 14, strike "that" and substitute "to implement this section and".

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

SECTION _____. Rules adopted under Section 801.2052, Occupations Code, as added by this Act, may not take effect until September 1, 2025.

The amendment was read.

Senator Blanco moved to concur in the House amendment to **SB 1523**.

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

SENATE BILL AND RESOLUTIONS ON FIRST READING

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

SB 2629 by Creighton

Relating to the authority of the Roman Forest Public Utility District No. 4 for road projects; providing authority to issue bonds.

To Committee on Local Government.

SCR 48 by Hall

Directing the Texas Facilities Commission to name the new transit amenity center at 207 W. 14th Street in the Capitol Complex the "Lead On! Transit Amenity" in honor of Justin Dart.

To Committee on Administration.

SCR 49 by Flores

Designating September 24 as Captain Henry T. Waskow Day for a 10-year period ending in 2033.

To Committee on Administration.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 18 to Committee on State Affairs.

HB 19 to Committee on Jurisprudence.

HB 59 to Committee on Water, Agriculture, and Rural Affairs.

HB 71 to Committee on Transportation.

HB 73 to Committee on State Affairs.

HB 108 to Committee on Transportation.

HB 158 to Committee on Business and Commerce.

HB 229 to Committee on Transportation.

HB 376 to Committee on State Affairs.

HB 433 to Committee on Transportation.

HB 438 to Committee on Finance.

HB 621 to Committee on Education.

HB 625 to Committee on Health and Human Services.

HB 660 to Committee on Jurisprudence.

HB 718 to Committee on Transportation.

HB 730 to Committee on Health and Human Services.

HB 755 to Committee on Health and Human Services.

HB 875 to Subcommittee on Higher Education.

HB 1039 to Committee on Business and Commerce.

HB 1361 to Subcommittee on Higher Education.

HB 1392 to Committee on Finance.

HB 1455 to Committee on Jurisprudence.

HB 1552 to Committee on State Affairs.

HB 1578 to Committee on Health and Human Services.

HB 1588 to Committee on Business and Commerce.

HB 1603 to Committee on Criminal Justice.

HB 1605 to Committee on Education.

HB 1634 to Committee on Local Government.

HB 1683 to Committee on Health and Human Services.

HB 1709 to Committee on Criminal Justice.

HB 1718 to Committee on Finance.

HB 1745 to Committee on State Affairs.

HB 1747 to Committee on Business and Commerce.

HB 1766 to Committee on Local Government.
HB 1876 to Committee on Health and Human Services.
HB 1890 to Committee on Health and Human Services.
HB 1971 to Committee on Water, Agriculture, and Rural Affairs.
HB 2014 to Committee on Jurisprudence.
HB 2026 to Subcommittee on Higher Education.
HB 2073 to Committee on Business and Commerce.
HB 2087 to Committee on Criminal Justice.
HB 2108 to Subcommittee on Higher Education.
HB 2134 to Committee on Business and Commerce.
HB 2154 to Committee on Criminal Justice.
HB 2177 to Subcommittee on Higher Education.
HB 2207 to Committee on Finance.
HB 2334 to Committee on Business and Commerce.
HB 2508 to Committee on Water, Agriculture, and Rural Affairs.
HB 2557 to Committee on Health and Human Services.
HB 2620 to Committee on Criminal Justice.
HB 2701 to Committee on Local Government.
HB 2741 to Committee on Criminal Justice.
HB 2746 to Committee on Business and Commerce.
HB 2818 to Committee on Water, Agriculture, and Rural Affairs.
HB 2926 to Committee on Business and Commerce.
HB 3216 to Committee on Natural Resources and Economic Development.
HB 3301 to Committee on Local Government.
HB 3390 to Committee on Business and Commerce.
HB 3447 to Committee on Finance.
HB 3453 to Committee on Natural Resources and Economic Development.
HB 3456 to Committee on Health and Human Services.
HB 3524 to Committee on Health and Human Services.
HB 3668 to Committee on Business and Commerce.
HB 3698 to Committee on Jurisprudence.
HB 3741 to Committee on Transportation.
HB 3772 to Committee on Business and Commerce.
HB 3849 to Committee on Local Government.
HB 3852 to Committee on Criminal Justice.
HB 3899 to Committee on Local Government.
HB 4034 to Committee on Finance.
HB 4128 to Committee on Jurisprudence.
HB 4141 to Committee on Finance.
HB 4375 to Committee on Education.
HB 4381 to Committee on Finance.
HB 4390 to Committee on Natural Resources and Economic Development.
HB 4451 to Committee on Natural Resources and Economic Development.
HB 4520 to Committee on Finance.
HB 4550 to Committee on Local Government.
HB 4553 to Committee on Business and Commerce.

HB 4563 to Committee on Natural Resources and Economic Development.
HB 4565 to Committee on Natural Resources and Economic Development.
HB 4660 to Committee on Natural Resources and Economic Development.
HB 4700 to Committee on Local Government.
HB 4885 to Committee on Natural Resources and Economic Development.
HB 4972 to Committee on Veteran Affairs.
HB 5016 to Committee on Water, Agriculture, and Rural Affairs.
HB 5146 to Subcommittee on Higher Education.
HB 5148 to Subcommittee on Higher Education.
HB 5291 to Committee on Jurisprudence.
HB 5318 to Committee on Local Government.
HB 5320 to Committee on Local Government.
HB 5339 to Committee on Local Government.
HB 5347 to Committee on Local Government.
HB 5348 to Committee on Local Government.
HB 5350 to Committee on Local Government.
HB 5355 to Committee on Local Government.
HB 5362 to Committee on Local Government.
HB 5366 to Committee on Local Government.
HCR 42 to Committee on Administration.
HJR 27 to Committee on Finance.
HJR 111 to Committee on Finance.

SENATE BILL 1509 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 1509** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1509** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the service retirement eligibility and benefits of certain members of the Employees Retirement System of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 814.103(a) and (a-1), Government Code, are amended to read as follows:

(a) Except as provided by Subsection (a-1) or (b), the standard service retirement annuity for service credited in the elected class of membership is an amount equal to the number of years of service credit in that class, times 2.3 percent of \$140,000 ~~[the state base salary, excluding longevity pay payable under Section 659.0445 and as adjusted from time to time, being paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a)].~~

(a-1) Except as provided by Subsection (b), the standard service retirement annuity for service credited in the elected class of membership for a member of the class under Section 812.002(a)(3) whose effective date of retirement is on or after

September 1, 2019, is an amount equal to the number of years of service credit in that class, times 2.3 percent of the state salary, excluding longevity pay payable under Section 659.0445 [~~and as adjusted from time to time~~], being paid in accordance with Section 659.012 to a district judge who has the same number of years of contributing service credit as the member on the member's last day of service as a district or criminal district attorney, as applicable.

SECTION 2. Section 814.109, Government Code, is repealed.

SECTION 3. The change in law made by this Act to Section 814.109, Government Code, applies only to an individual who retires on or after the effective date of this Act. An individual who retires before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 4. 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.

Floor Amendment No. 1 on Third Reading

Amend **SB 1509** on third reading by striking SECTION 1 of the bill and renumbering remaining sections accordingly.

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 1509**.

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

SENATE BILL 1238 WITH HOUSE AMENDMENTS

Senator Nichols called **SB 1238** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1238** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to broadband development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 490I.0101(a) and (b), Government Code, are amended to read as follows:

(a) For purposes of this chapter, subject to Subsection (b), "broadband service" means Internet service with the capability of providing a:

(1) [a download] speed of not less than 25 megabits per second for a download [~~or faster~~]; [~~and~~]

(2) [an upload] speed of not less than three megabits per second for an upload; and

(3) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements [~~or faster~~].

(b) If the Federal Communications Commission adopts standards [~~upload or download threshold speeds~~] for advanced telecommunications capability under 47 U.S.C. Section 1302 that are different than those specified by Subsection (a), the comptroller by rule may require Internet service to be capable of matching the [~~providing download or upload speeds that match that~~] federal standards [~~threshold~~] in order to qualify under this chapter as "broadband service."

SECTION 2. Sections 490I.0105(a), (b), (c), (d), (f), (k), (l), (n), (o), and (p), Government Code, are amended to read as follows:

(a) The broadband development office shall create, update annually, and publish on the comptroller's Internet website a map classifying each broadband serviceable location [~~designated area~~] in this state as:

(1) an unserved location [~~eligible area~~], if[+:

[(A) fewer than 80 percent of the addresses in] the location does not [~~designated area~~] have access to reliable broadband service capable of providing the speeds described by Section 490I.0101(a); [and

[(B) the federal government has not awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area; or]

(2) an underserved location [~~ineligible area~~], if the location is not an unserved location but does not[+:

[(A) 80 percent or more of the addresses in the designated area] have access to reliable broadband service with the capability of providing:

(A) a speed of not less than 100 megabits per second for a download;

(B) a speed of not less than 20 megabits per second for an upload; and

(C) a network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements; or

(3) a served location if the location is neither an unserved nor an underserved location [~~(B) the federal government has awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area]~~.

(b) The comptroller by rule may establish new threshold speeds for a location to qualify as an underserved location if the comptroller has required Internet service to be capable of matching federal standards to qualify as broadband service under Section 490I.0101(b) [~~determine the scope of a designated area under Subsection (a)]~~.

(c) After creation of the initial map described in Subsection (a), the office may evaluate the usefulness of the standards for unserved and underserved locations [~~eligible and ineligible areas~~] outlined in Subsection (a) and, if appropriate, make a recommendation to the legislature to revise the standards.

(d) The map required by Subsection (a) must organize broadband serviceable locations into designated areas and display for each area:

(1) the number of broadband service providers that serve the [~~each designated~~] area;

(2) [~~for each eligible area~~], an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service; [~~and~~]

(3) each public school campus ~~[in this state]~~ with an indication of whether the public school campus has access to broadband service; and

(4) the number and percentage of unserved, underserved, and served locations within the area.

(f) Except as provided by Subsection (g), the office shall use the best available data, including information available from the Federal Communications Commission, to create or update the map.

(k) A person who contracts under Subsection (i) may not provide services in this state to ~~[for]~~ a broadband provider ~~[in this state]~~ before the second anniversary of the last day the contract is in effect.

(l) The office shall establish criteria for determining whether a broadband serviceable location ~~[designated area]~~ should be reclassified as an unserved or underserved location ~~[eligible area or an ineligible area]~~. The criteria must include an evaluation of Internet speed test and reliability data ~~[and information on end user addresses. The criteria may also include community surveys regarding the reliability of Internet service, where available].~~

(n) A broadband service provider or political subdivision may petition the office to reclassify a broadband serviceable location ~~[designated area on the map as an eligible area or ineligible area]~~. The office shall provide notice of each accepted ~~[the]~~ petition to each affected broadband service provider and political subdivision by posting ~~[that provides broadband service to the designated area and post]~~ notice of the petition on the comptroller's Internet website.

(o) Not later than the 45th day after the date that the office posts ~~[a broadband provider receives]~~ notice under Subsection (n), each affected broadband service ~~[the]~~ provider or political subdivision may ~~[shall]~~ provide information to the office showing whether the broadband serviceable location ~~[designated area]~~ should or should not be reclassified.

(p) Not later than the 75th day after the date that the office posts the ~~[a broadband provider receives]~~ notice under Subsection (n), the office shall determine whether to reclassify the broadband serviceable location ~~[designated area]~~ on the map and update the map as necessary. A determination made by the office under this subsection is not a contested case for purposes of Chapter 2001.

SECTION 3. Section 490I.0106, Government Code, is amended to read as follows:

Sec. 490I.0106. BROADBAND DEVELOPMENT PROGRAM. (a) The broadband development office shall establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to and adoption of broadband service ~~[in designated areas determined to be eligible areas by the office under Section 490I.0105].~~

(a-1) The office may award grants, low-interest loans, and other financial incentives to applicants for eligible broadband infrastructure projects designed to provide qualifying broadband service to unserved and underserved locations. For the purposes of this subsection, an eligible broadband infrastructure project includes a project in which not less than 80 percent of the broadband serviceable locations to be served by the project are unserved and underserved locations.

(a-2) The office may award grants, low-interest loans, and other financial incentives to applicants for middle-mile broadband infrastructure projects.

(a-3) The office may award grants, low-interest loans, and other financial incentives to applicants for projects not involving the deployment of broadband infrastructure that expand the accessibility, affordability, or adoption of broadband service, including education, training, community outreach, remote learning or telehealth facilities, equipment purchases, or any other use permitted by the applicable funding source.

(b) The office shall establish eligibility and award ~~[and publish]~~ criteria for making awards under this chapter for each applicable notice of funds availability. The comptroller by rule may prescribe the manner in which the office shall provide notice to applicants of the applicable criteria ~~[Subsection (a)].~~ In establishing eligibility and award criteria, the ~~[The]~~ office shall:

(1) take into consideration grants and other financial incentives awarded by the federal government for the deployment of broadband service ~~[in a designated area];~~

(2) prioritize the applications of applicants that will expand access to and adoption of broadband service in designated ~~[eligible]~~ areas in which the highest ~~[lowest]~~ percentage of broadband serviceable locations are unserved or underserved locations; ~~[addresses have access to broadband service; and]~~

(3) prioritize the applications of applicants that will expand access to broadband service in public and private primary and secondary schools and institutions of higher education;

(4) give preference to an applicant that provided the information requested by the office under Section 490I.0105 or 490I.01061; and

(5) take into consideration whether an applicant has forfeited federal funding for defaulting on a project to deploy qualifying broadband service.

(c) Notwithstanding Subsection (b)(2), the office may establish criteria that take into account a cost benefit analysis for awarding money to the ~~[eligible]~~ areas described by that subdivision.

(d) The office may not:

(1) favor a particular broadband technology in awarding grants, loans, or other financial incentives;

(2) ~~[award grants, loans, or other financial incentives to a broadband provider that does not report information requested by the office under Section 490I.0105;~~

~~[(3)]~~ award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for a broadband serviceable location ~~[an eligible area]~~ if an eligible ~~[a]~~ commercial provider of broadband service has submitted an application for the same location; ~~[eligible area; or]~~

(3) ~~[(4)]~~ take into consideration distributions from the state universal service fund established under Section 56.021, Utilities Code, when deciding to award grants, loans, or other financial incentives; or

(4) except as provided by Section 490I.01061, award a grant, loan, or other financial incentive for deployment of last-mile broadband service for a location that is subject to a federal commitment to deploy qualifying broadband service on the date the application is submitted or during the application process.

(e) The office shall:

(1) post on the comptroller's Internet website information about the application process and the receipt of awards and shall update that information as necessary; and

(2) post on the comptroller's Internet website for at least 30 days information from each accepted application, including the applicant's name, the area targeted for expanded broadband service access or adoption by the application, and any other information the office considers relevant or necessary~~[, for a period of at least 30 days before the office makes a decision on the application].~~

(f) During the 30-day posting period described by Subsection (e) for an application, the office shall accept from any interested party, other than a broadband service provider that does not report information requested by the office under Section 490I.0105 or 490I.01061, a written protest of the application relating to whether the applicant or project is eligible for an award or should not receive an award based on the criteria prescribed by the office.

(g) Notwithstanding any deadline for submitting an application, if the office upholds a protest submitted under Subsection (f) on the grounds that one or more of the broadband serviceable locations are not eligible to receive funding under this chapter ~~[addresses in an eligible area subject to the application have access to broadband service]~~, the applicant may resubmit the application without the challenged locations ~~[addresses]~~ not later than 30 days after the date that the office upheld the protest.

(h) The office shall establish and publish criteria for award recipients. The criteria must include requirements that grants, loans, and other financial incentives awarded through the program for the deployment of broadband infrastructure may be used only for capital expenses, purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service.

(i) An award granted under this section does not affect the eligibility of a telecommunications provider to receive support from the state universal service fund under Section 56.021, Utilities Code.

SECTION 4. Chapter 490I, Government Code, is amended by adding Section 490I.01061 to read as follows:

Sec. 490I.01061. EXISTING FEDERAL FUNDING; REPORTING REQUIREMENTS. (a) The broadband development office may award a grant, loan, or other financial incentive for deployment of last-mile broadband service for a location that is subject to a federal commitment to deploy qualifying broadband service if:

(1) federal funding is forfeited or the recipient of the federal funding is disqualified from receiving the funding; and

(2) the location otherwise may receive funding under the program.

(b) An applicant for an award under this chapter that has been awarded federal funding directly and has entered into an enforceable commitment to deploy broadband services in a location shall provide to the office information the office may require regarding:

- (1) the existing enforceable commitment; and
- (2) the proposed deployment of broadband.

SECTION 5. Section 490I.0107(b), Government Code, is amended to read as follows:

(b) In developing the state broadband plan, the office shall:

(1) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services and technology access;

~~(2) [consider the policy recommendations of the governor's broadband development council];~~

~~[(3)]~~ favor policies that are technology-neutral and protect all members of the public;

~~[(4)]~~ explore state and regional approaches to broadband development; and

~~[(5)]~~ examine broadband service needs related to:

(A) public safety, including the needs of state agencies involved in the administration of criminal justice, as that term is defined by Article 66.001, Code of Criminal Procedure;

(B) public education and state and local education agencies, including any agency involved in the electronic administration of an assessment instrument required under Section 39.023, Education Code; and

(C) public health, including the needs of state agencies involved in the administration of public health initiatives such as the Health and Human Services Commission and the Department of State Health Services.

SECTION 6. Sections 490I.0110(b) and (h), Government Code, are amended to read as follows:

(b) The broadband development office board of advisors is composed of 10 members, appointed as follows:

(1) two members appointed by the governor, including:

(A) one member to represent the Texas Economic Development and Tourism Office; and

~~(B) one member of the public with experience in telecommunications or [to represent nonprofit corporations that work on the expansion, adoption, affordability, and use of] broadband service;~~

(2) three members appointed by the lieutenant governor, including:

(A) one member who resides in an urban area;

(B) one member to represent the public primary and secondary education community; and

(C) one member who resides in a county that:

(i) is adjacent to an international border;

(ii) is located not more than 150 miles from the Gulf of Mexico;

and

(iii) has a population of more than 60,000;

(3) three members appointed by the speaker of the house of representatives, including:

(A) one member who resides in a rural area;

(B) one member to represent the health and telemedicine industry; and

(C) one member to represent the public higher education community;

(4) the comptroller or the comptroller's designee; and

(5) one nonvoting member appointed by the broadband development office to represent the office.

(h) The ~~[Beginning one year after the effective date of the Act enacting this chapter, the]~~ board of advisors shall meet at least semiannually ~~[once every other month]~~ with representatives from the broadband development office for the purpose of advising the work of the office in implementing the provisions of this chapter.

SECTION 7. The following provisions of the Government Code are repealed:

(1) Section 490I.0101(c); and

(2) Section 490I.0105(m).

SECTION 8. 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.

Floor Amendment No. 1

Amend **CSSB 1238** (house committee report) as follows:

(1) On page 8, line 24, between "award" and "or", insert ", is designed to provide broadband service to a served location,".

(2) On page 9, lines 2 and 3, strike "are not eligible to receive funding under this chapter" and substitute "in a project area subject to the application are served locations".

(3) On page 9, line 5, between "challenged" and "locations" insert "broadband serviceable".

The amendments were read.

Senator Nichols moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1238** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Schwertner, King, Johnson, and Zaffirini.

SENATE BILL 10 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 10** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 10** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to contributions to, benefits from, and the administration of systems and programs administered by the Teacher Retirement System of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 821, Government Code, is amended by adding Section 821.0065 to read as follows:

Sec. 821.0065. ACTUARIAL SOUNDNESS FOR BENEFIT ENHANCEMENTS. For purposes of Section 67-a, Article XVI, Texas Constitution, the retirement system is actuarially sound if, based on the most recent actuarial valuation of the system, the amount of contributions and actuarially determined payments to the system are sufficient to cover the normal cost of the system and to amortize the unfunded actuarial accrued liability of the system within 30 years.

SECTION 2. Subchapter H, Chapter 824, Government Code, is amended by adding Sections 824.703 and 824.704 to read as follows:

Sec. 824.703. GAIN SHARING COST-OF-LIVING ADJUSTMENT. (a) For each fiscal year that begins on or after September 1, 2028, the retirement system shall make a cost-of-living adjustment payable to eligible annuitants receiving a retirement or death benefit annuity payment only if the retirement system's average rate of return on the investment of the system's assets during the preceding five fiscal years, expressed as a percentage rate, is equal to or exceeds seven percent.

(b) Subject to Subsection (c), the amount of the cost-of-living adjustment provided by Subsection (a) is an amount equal to the annuitant's monthly annuity payment for the month the adjustment is effective multiplied by a percentage rate that is computed by:

(1) determining the average rate of return on the investment of the system's assets during the preceding five fiscal years, expressed as a percentage rate;

(2) subtracting five percentage points from the percentage rate determined under Subdivision (1);

(3) multiplying the resulting difference under Subdivision (2) by 50 percent;
and

(4) rounding down to the nearest one-tenth of a percent.

(c) The amount of the cost-of-living adjustment provided by Subsection (a) may not exceed two percent of an annuitant's monthly annuity payment.

(d) Except as provided by Subsection (f), a person is eligible to receive a cost-of-living adjustment under this section if the person is, on the effective date of the adjustment and disregarding any forfeiture of benefits under Section 824.601, an annuitant that:

(1) is eligible to receive:

(A) a standard service or disability retirement annuity payment;

(B) an optional service or disability retirement annuity payment as either a retiree or beneficiary;

(C) an annuity payment under Section 824.402(a)(3) or (4);

(D) an annuity payment under Section 824.502; or

(E) an alternate payee annuity payment under Section 804.005;

(2) became eligible to receive the annuity payment described by Subdivision (1) at least three years before the first day of the fiscal year in which the adjustment is made; and

(3) is living on the effective date of the adjustment.

(e) Notwithstanding Subsection (d)(2), a beneficiary eligible to receive an optional service or disability retirement annuity payment on the effective date of a cost-of-living adjustment under this section is eligible to receive the adjustment if:

(1) the beneficiary meets the requirements of Subsections (d)(1) and (d)(3); and

(2) either the beneficiary or the retiree who selected the optional service or disability retirement annuity payment became eligible to receive the annuity payment at least three years before the first day of the fiscal year in which the adjustment is made.

(f) An adjustment made under this section does not apply to payments under:

(1) Section 824.203(d), relating to retirees who receive a standard service retirement annuity in an amount fixed by statute;

(2) Section 824.304(a), relating to disability retirees with less than 10 years of service credit;

(3) Section 824.304(b)(2), relating to disability retirees who receive a disability annuity in an amount fixed by statute;

(4) Section 824.404(a), relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute;

(5) Section 824.501(a), relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(6) Section 824.804(b), relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts.

Sec. 824.704. COST-OF-LIVING ADJUSTMENT: JANUARY 2024. (a) The retirement system shall make an additional one-time cost-of-living adjustment payable to annuitants receiving a monthly death or retirement benefit annuity, as provided by this section.

(b) Subject to Subsection (c) and except as provided by Subsection (d), to be eligible for the adjustment, a person must be, on the effective date of the adjustment and disregarding any forfeiture of benefits under Section 824.601, an annuitant eligible to receive:

(1) a standard service or disability retirement annuity payment;

(2) an optional service or disability retirement annuity payment as either a retiree or beneficiary;

(3) an annuity payment under Section 824.402(a)(3) or (4);

(4) an annuity payment under Section 824.502; or

(5) an alternate payee annuity payment under Section 804.005.

(c) If the annuitant:

(1) is a retiree, or is a beneficiary under an optional service or disability retirement payment plan, to be eligible for the adjustment under this section:

(A) the annuitant must be living on the effective date of the adjustment;
and

(B) the effective date of the retirement of the member of the retirement system on whose service the annuity is based must have been on or before December 31, 2020;

(2) is a beneficiary under Section 824.402(a)(3) or (4) or 824.502, to be eligible for the adjustment:

(A) the annuitant must be living on the effective date of the adjustment;
and

(B) the date of death of the member of the retirement system on whose service the annuity is based must have been on or before December 31, 2020; or

(3) is an alternate payee under Section 804.005, the annuitant is eligible for the adjustment only if the effective date of the election to receive the annuity payment was on or before December 31, 2020.

(d) An adjustment made under this section does not apply to payments under:

(1) Section 824.203(d), relating to retirees who receive a standard service retirement annuity in an amount fixed by statute;

(2) Section 824.304(a), relating to disability retirees with less than 10 years of service credit;

(3) Section 824.304(b)(2), relating to disability retirees who receive a disability annuity in an amount fixed by statute;

(4) Section 824.404(a), relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute;

(5) Section 824.501(a), relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(6) Section 824.804(b), relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts.

(e) An adjustment under this section must be made beginning with an annuity payable for the month of January 2024.

(f) The amount of the adjustment provided under this section is calculated by multiplying the amount of the monthly benefit subject to the adjustment by the following percentage rate, as applicable:

(1) for annuitants described by Subsection (c)(1):

(A) if the retiree's effective date of retirement was before January 1, 2004, six percent;

(B) if the retiree's effective date of retirement was on or after January 1, 2004, but before January 1, 2014, four percent; and

(C) if the retiree's effective date of retirement was on or after January 1, 2014, but before January 1, 2021, two percent;

(2) for annuitants described by Subsection (c)(2):

(A) if the member's date of death was before January 1, 2004, six percent;

(B) if the member's date of death was on or after January 1, 2004, but before January 1, 2014, four percent; and

(C) if the member's date of death was on or after January 1, 2014, but before January 1, 2021, two percent; and

(3) for annuitants described by Subsection (c)(3):

(A) if the annuitant's date of election was before January 1, 2004, six percent;

(B) if the annuitant's date of election was on or after January 1, 2004, but before January 1, 2014, four percent; and

(C) if the annuitant's date of election was on or after January 1, 2014, but before January 1, 2021, two percent.

(g) The board of trustees shall determine the eligibility for and the amount of any adjustment in monthly annuities in accordance with this section.

SECTION 3. Section 825.402, Government Code, is amended to read as follows:

Sec. 825.402. RATE OF MEMBER CONTRIBUTIONS. The rate of contributions for each member of the retirement system is:

(1) five percent of the member's annual compensation or \$180, whichever is less, for service rendered after August 31, 1937, and before September 1, 1957;

(2) six percent of the first \$8,400 of the member's annual compensation for service rendered after August 31, 1957, and before September 1, 1969;

(3) six percent of the member's annual compensation for service rendered after August 31, 1969, and before the first day of the 1977-78 school year;

(4) 6.65 percent of the member's annual compensation for service rendered after the last day of the period described by Subdivision (3) and before September 1, 1985;

(5) 6.4 percent of the member's annual compensation for service rendered after August 31, 1985, and before September 1, 2014;

(6) 6.7 percent of the member's annual compensation for service rendered after August 31, 2014, and before September 1, 2015;

(7) 7.2 percent of the member's annual compensation for service rendered after August 31, 2015, and before September 1, 2016;

(8) 7.7 percent of the member's annual compensation for service rendered after August 31, 2016, and before September 1, 2017;

(9) for compensation paid on or after September 1, 2017, and before September 1, 2019, the lesser of:

(A) 7.7 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for the 2015 fiscal year;

(10) for compensation paid on or after September 1, 2019, and before September 1, 2021, the lesser of:

(A) 7.7 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2);

(11) for compensation paid on or after September 1, 2021, and before January ~~September~~ 1, 2024 ~~2023~~, the lesser of:

(A) eight percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to eight percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2); and

(12) for compensation paid on or after January ~~September~~ 1, 2024 ~~2023~~, the lesser of:

(A) nine ~~8.25~~ percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to nine ~~8.25~~ percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2).

SECTION 4. Section 825.404(a-2), Government Code, is amended to read as follows:

(a-2) The state contribution required by Subsection (a) is:

(1) for the fiscal years beginning on September 1, 2019, and September 1, 2020, 7.5 percent of the aggregate annual compensation of all members of the retirement system during the applicable fiscal year;

(2) for the fiscal year beginning on September 1, 2021, 7.75 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year;

(3) for the fiscal year beginning on September 1, 2022, eight percent of the aggregate annual compensation of all members of the retirement system during that fiscal year; and

(4) for the fiscal year beginning on September 1, 2023, and each subsequent fiscal year, nine ~~8.25~~ percent of the aggregate annual compensation of all members of the retirement system during that fiscal year.

SECTION 5. Subchapter E, Chapter 825, Government Code, is amended by adding Section 825.4042 to read as follows:

Sec. 825.4042. ACTUARIALLY DETERMINED PAYMENTS. (a) In addition to the state contributions required by this subtitle, each fiscal year the state shall make an actuarially determined payment in the amount necessary to amortize the system's unfunded actuarial liabilities by not later than the fiscal year ending August 31, 2054.

(b) Before each regular legislative session, the retirement system shall provide the Legislative Budget Board with the amount necessary to make the actuarially determined payment required under Subsection (a). The director of the Legislative

Budget Board, under the direction of the Legislative Budget Board, shall include that payment in the general appropriations bill prepared for introduction at each regular legislative session under Section 322.008. This section expires September 1, 2055.

SECTION 6. (a) Subject to Subsections (e) and (i) of this section and Section 821.006, Government Code, and except as provided by Subsection (g) of this section, the Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by this section.

(b) The supplemental payment is payable not later than February 2024 and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c) The amount of the supplemental payment is equal to \$5,000.

(d) The supplemental payment is payable without regard to any forfeiture of benefits under Section 824.601, Government Code. The Teacher Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e) To be eligible for the supplemental payment, a person must be, for the calendar month immediately prior to the calendar month in which the Teacher Retirement System of Texas issues the one-time supplemental payment in accordance with Subsection (b) of this section, an annuitant who is:

(1) at least 70 years of age; and

(2) eligible to receive:

(A) a standard retirement annuity payment;

(B) an optional retirement annuity payment as either a retiree or beneficiary;

(C) a life annuity payment under Section 824.402(a)(4), Government Code;

(D) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code; or

(E) an alternate payee annuity payment under Section 804.005, Government Code.

(f) The supplemental payment is in addition to the guaranteed number of payments under Section 824.204(c)(3) or (4), Section 824.308(c)(3) or (4), or Section 824.402(a)(3), Government Code, and may not be counted as one of the guaranteed monthly payments.

(g) The supplemental payment does not apply to payments under:

(1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;

(2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts;

(3) Section 824.501(a), Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(4) Section 824.404(a), Government Code, relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

(h) The board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

(i) The Teacher Retirement System of Texas is required to make a one-time supplemental payment of benefits under this section only if the board of trustees of the Teacher Retirement System of Texas finds that the legislature appropriated money to the retirement system in an amount sufficient to provide the supplemental payment. The amount appropriated by the legislature to provide the supplemental payment must be in addition to the amount the state is required to contribute to the retirement system under Section 825.404, Government Code, as amended by this Act.

(j) If the board of trustees of the Teacher Retirement System of Texas determines that the appropriation provided by the legislature for the one-time supplemental payment of benefits under this section is different from the amount required to issue the supplemental payment, the comptroller, after the end of the fiscal year, shall make adjustments in the teacher retirement fund and the general revenue fund so that the total transfers during the year equal the total amount of the funds required for the supplemental payment. This transfer of funds is in addition to and separate from the amount the state is required to contribute to the retirement system under Section 825.404, Government Code, as amended by this Act.

SECTION 7. This Act takes effect January 1, 2024, but only if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, authorizing the legislature to provide cost-of-living adjustments or other benefit enhancements to eligible annuitants of the Teacher Retirement System of Texas and providing a one-time transfer of funds for contributions, actuarially determined payments, and benefit enhancements is approved by the voters. If that proposed constitutional amendment is not approved by the voters, this Act has no effect.

Floor Amendment No. 1

Amend **CSSB 10** (house committee printing) as follows:

- (1) On page 1, line 14, strike "30" and substitute "a period not to exceed 31".
- (2) On page 1, line 22, strike "average" and substitute "annualized".
- (3) On page 2, line 7, strike "average" and substitute "annualized".
- (4) On page 4, between lines 14 and 15, insert the following:

(g) If the retirement system is required by this section to make a cost-of-living adjustment, the board of trustees shall establish the effective date of the adjustment.
- (5) On page 14, line 14, strike "This" and substitute "(a) Except as provided by Subsection (b) of this section, this".
- (6) On page 14, lines 19 and 20, strike "contributions, actuarially determined payments, and".
- (7) On page 14, line 20, between "enhancements" and "is", insert "and for contributions and actuarially determined payments to eliminate the unfunded accrued actuarial liabilities of the retirement system".
- (8) On page 14, immediately after line 22, insert the following:

(b) Regardless of whether the constitutional amendment described by Subsection (a) of this section is approved by the voters, this subsection and Section 6 of this Act, providing a one-time supplemental payment of retirement or death benefits to certain annuitants of the Teacher Retirement System of Texas, take effect September 1, 2023.

Floor Amendment No. 5

Amend **CSSB 10** (house committee report) on page 7, between lines 23 and 24, by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 825, Government Code, is amended by adding Section 825.1085 to read as follows:

Sec. 825.1085. BIENNIAL REPORT ON EFFECTS OF INFLATION. Not later than January 1 of each odd-numbered year, the retirement system shall submit a written report to the legislature that contains an analysis of the effects that increased inflation has had on annuitants of the system during the preceding state fiscal biennium.

The amendments were read.

Senator Huffman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 10** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Kolkhorst, Campbell, Nichols, and Hinojosa.

(President in Chair)

SENATE RESOLUTION 520

Senator Bettencourt offered the following resolution:

SR 520, In memory of Alan D. Vera.

The resolution was read.

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

On motion of Senator Bettencourt, **SR 520** was adopted by a rising vote of the Senate.

In honor of the memory of Alan D. Vera, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Bettencourt, joined by Senators Hall and Middleton, was recognized and introduced to the Senate friends of Alan Vera including Ed Johnson, Mike Sullivan, Steve Munisteri, Cindy Siegel, Lucy Trainor, Russel Heider, Eric Opiela, and Michael Wolfe.

The Senate welcomed its guests and extended its sympathy.

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 immediately upon recess today in the Press Room, 2E.9.

SENATE RULES SUSPENDED
(Posting Rules)

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

CO-AUTHORS OF SENATE BILL 252

On motion of Senator Alvarado, Senators Bettencourt, Birdwell, Eckhardt, and Menéndez will be shown as Co-authors of **SB 252**.

CO-AUTHORS OF SENATE BILL 629

On motion of Senator Menéndez, Senators Bettencourt and Zaffirini will be shown as Co-authors of **SB 629**.

CO-AUTHOR OF SENATE BILL 1282

On motion of Senator Springer, Senator Sparks will be shown as Co-author of **SB 1282**.

CO-AUTHOR OF SENATE BILL 1557

On motion of Senator Parker, Senator Middleton will be shown as Co-author of **SB 1557**.

CO-AUTHOR OF SENATE BILL 1664

On motion of Senator West, Senator Blanco will be shown as Co-author of **SB 1664**.

CO-AUTHOR OF SENATE BILL 1850

On motion of Senator Flores, Senator West will be shown as Co-author of **SB 1850**.

CO-AUTHOR OF SENATE BILL 1853

On motion of Senator Kolkhorst, Senator West will be shown as Co-author of **SB 1853**.

CO-AUTHOR OF SENATE BILL 2615

On motion of Senator Menéndez, Senator Campbell will be shown as Co-author of **SB 2615**.

CO-AUTHOR OF SENATE BILL 2627

On motion of Senator Schwertner, Senator Bettencourt will be shown as Co-author of **SB 2627**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 25

On motion of Senator Johnson, Senator Menéndez will be shown as Co-author of **SJR 25**.

CO-SPONSOR OF HOUSE BILL 4

On motion of Senator Hughes, Senator Parker will be shown as Co-sponsor of **HB 4**.

CO-SPONSOR OF HOUSE BILL 1315

On motion of Senator Hinojosa, Senator West will be shown as Co-sponsor of **HB 1315**.

CO-SPONSOR OF HOUSE BILL 1565

On motion of Senator Perry, Senator West will be shown as Co-sponsor of **HB 1565**.

CO-SPONSOR OF HOUSE BILL 2308

On motion of Senator Perry, Senator Blanco will be shown as Co-sponsor of **HB 2308**.

CO-SPONSOR OF HOUSE BILL 2484

On motion of Senator LaMantia, Senator Parker will be shown as Co-sponsor of **HB 2484**.

CO-SPONSOR OF HOUSE BILL 2545

On motion of Senator Johnson, Senator Middleton will be shown as Co-sponsor of **HB 2545**.

CO-SPONSOR OF HOUSE BILL 2575

On motion of Senator Hancock, Senator Miles will be shown as Co-sponsor of **HB 2575**.

CO-SPONSOR OF HOUSE BILL 2871

On motion of Senator Paxton, Senator West will be shown as Co-sponsor of **HB 2871**.

CO-SPONSORS OF HOUSE JOINT RESOLUTION 126

On motion of Senator Perry, Senators Blanco, Hughes, Middleton, and West will be shown as Co-sponsors of **HJR 126**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 516 by Springer, In memory of Mary O. Horn.

SR 518 by Springer, In memory of Bradley Theodore Wolf.

Congratulatory Resolutions

SR 517 by Springer, Recognizing Elizabeth Watkins for receiving a Governor's Volunteer of the Year Award.

SR 519 by Schwertner, Recognizing Huntsville Municipal Airport for receiving a Texas Aviation Conference award.

RECESS

On motion of Senator Zaffirini, the Senate at 3:26 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 4, 2023

FINANCE — **HB 2674, HB 2691**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **HB 1949, HB 2575, HB 2489**

FINANCE — **CSHB 1595**

REDISTRICTING — **HB 4559, HB 1000**

LOCAL GOVERNMENT — **SB 2512, HB 2371**

FINANCE — **CSHJR 3**

CRIMINAL JUSTICE — **CSHB 2899**

EDUCATION — **SB 979**

WATER, AGRICULTURE, AND RURAL AFFAIRS — **HB 692, HB 1333, HB 1535, HB 1555, HB 1761, HB 2109, HB 2388, HB 2460, HB 2759, HB 3065**

EDUCATION — **SB 2029**

LOCAL GOVERNMENT — **CSSB 1787**

HEALTH AND HUMAN SERVICES — **HB 624**

BILLS AND RESOLUTION ENGROSSED

May 4, 2023

**SB 252, SB 629, SB 887, SB 1370, SB 1664, SB 1677, SB 1781, SB 1850, SB 1853,
SB 2037, SB 2460, SB 2599, SB 2600, SB 2627, SJR 93**

BILLS AND RESOLUTIONS ENROLLED

May 4, 2023

**SB 423, SB 1002, SB 1170, SB 1222, SB 1425, SB 1509, SB 1523, SB 1563,
SR 514, SR 515, SR 516, SR 517, SR 518, SR 519, SR 520**

SENT TO GOVERNOR

May 4, 2023

**SB 240, SB 664, SB 1004, SB 1115, SB 1207, SB 1372, SB 1730, SB 1859,
SB 2232, SB 2233, SB 2284**

**In Memory
of
Alan D. Vera
Senate Resolution 520**

WHEREAS, Family and friends have suffered an immeasurable loss with the untimely passing of Alan Vera of Houston on May 4, 2023, at the age of 75, having recently celebrated his birthday on April 20 in the House Elections Committee; and

WHEREAS, Before beginning his successful business career, Alan Vera graduated magna cum laude from Loyola University with a degree in political and military science; Alan valiantly served his country as an airborne ranger in the United States Army from 1970 to 1974 and received multiple awards and unit citations for his service; during the Vietnam War, Mr. Vera completed 22 nighttime jumps behind enemy lines; and

WHEREAS, After his military career, Alan Vera served as the president and chief executive officer of Quest Business Agency beginning in 1984; he received many honors over the course of his distinguished business career recognizing his success and innovations in his field, including such accolades as Marketer of the Year from the American Marketing Association and Vendor of the Year from FedEx Retail Operations; and

WHEREAS, Alan Vera was one of the original founders of True the Vote and served as the Ballot Security chairman for the Harris County Republican Party since 2014; he worked with members of both chambers of the Texas Legislature to write legislation to improve election integrity and was named Volunteer of the Year for Senate District 7 by the State Republican Executive Committee; Mr. Vera and his wife, Colleen, were honored with the Lifetime Achievement Award presented by the Harris County Republican Party at the Lincoln Reagan Dinner on March 23, 2022; Mr. Vera credited his strong Christian faith for the good he had accomplished in his life; and

WHEREAS, Although his journey on this earth ended too soon, Mr. Vera found great fulfillment in his work at the State Capitol, where he was present at the time of his passing to contribute his testimony on election integrity bills; Alan Vera made a positive impact in the lives of countless people through his compassion, empathy, and kindness, and his memory will forever be cherished by his family and friends and by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby pay tribute to the life of Alan D. Vera and extend sincere condolences to the members of his family: his wife, Colleen Vera; his seven children; his six beautiful grandchildren; and his many loving extended relatives; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Alan Vera.

BETTENCOURT

