

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIRST DAY

(Continued)

(Friday, May 12, 2023)

AFTER RECESS

The Senate met at 10:28 a.m. and was called to order by the President.

PHYSICIAN OF THE DAY

Senator Hancock was recognized and presented Dr. Alfred Wettermark of Fort Worth as the Physician of the Day.

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

Minister Ross Ransleben, Smithville Church of Christ, offered the invocation as follows:

Our Father who art in heaven, hallowed is Your name. May Your kingdom come, may Your will be done on Earth as it is in heaven. We call upon You, God, who gave us this blessed land we call Texas. May her majestic forests and the cool rushing waters of her rivers teem with life. May the natural beauty of her landscapes continue to bear witness to Your majesty day after day and night after night. May we never grow tired of serving this blessed land and all of those who call it home. In humility, we ask for Your guidance, God, who being limitless in power and unmatched in authority, taught us that true leadership comes from the heart of a servant. On behalf of all the leaders who gather here this day, I ask for the strength to stand in the face of evil, for the wisdom to discern what is right and true, for the compassion to open our hearts to those who are different from us, for the humility to admit our mistakes, and for the perseverance to grow from them. God bless these men and women, and God bless Texas. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 12, 2023 - 1

The Honorable President of the Senate
Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 118

Cortez

Relating to health benefit plan coverage for certain tests to detect prostate cancer.

HB 322

Cortez

Relating to certain burdens of proof in determining a defendant's insanity in a criminal case.

HB 408

Collier

Relating to the eligibility requirements for a license to carry a handgun.

HB 895

Muñoz, Jr.

Relating to the use of extrapolation by a health maintenance organization or an insurer to audit claims.

HB 940

Dutton

Relating to the establishment of the private child care task force.

HB 993

Muñoz, Jr.

Relating to sheriff's department civil service systems in certain counties.

HB 997

Muñoz, Jr.

Relating to the authority of a municipality to prohibit police or fire department employees from circulating or signing certain employment petitions.

HB 1282

Plesa

Relating to county jailer training on interacting with veterans in the criminal justice system.

HB 1338

Raney

Relating to the participation of community-based organizations in workforce training programs funded by the skills development fund.

HB 1351

Hernandez

Relating to the distribution of funds designated for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

HB 1367

Vasut

Relating to the violation of certain laws and provisions of governing instruments by, and the recall by property owners of, a property owners' association board member.

HB 1487

Gerdes

Relating to the creation of a rural county law enforcement grant program.

HB 1529

Campos

Relating to procedures in certain suits affecting the parent-child relationship filed by the Department of Family and Protective Services.

HB 1577

Hull

Relating to changing the eligibility for mandatory supervision of an inmate serving a sentence for or previously convicted of certain assaults.

HB 1613

Shine

Relating to the provision of state aid to certain local governments to offset the cost of the exemption from ad valorem taxation of the residence homestead of a 100 percent or totally disabled veteran.

HB 1667

Jetton

Relating to the reporting of child abuse or neglect.

HB 1678

Jetton

Relating to a local remote learning program offered by a public school for certain students at risk of dropping out of school.

HB 1942

Leach

Relating to the regulation of sports wagering; requiring occupational permits; authorizing fees; imposing a tax; decriminalizing wagering on certain sports events; creating criminal offenses; providing administrative penalties.

HB 1985

Vasut

Relating to the service credit used in calculating longevity pay for certain judges and justices with prior full-time service as an associate judge.

HB 1990

Wu

Relating to requiring the Department of Family and Protective Services to notify certain individuals of changes to child abuse and neglect investigation reports.

HB 2019

Neave Criado

Relating to the statute of limitations for certain burglary offenses.

HB 2234

Thompson, Senfronia

Relating to certain policies and procedures for the placement and use of video cameras in certain classrooms, including classrooms that provide special education services.

HB 2242

Howard

Relating to the use of dynamic message signs for the Keep 'Em Safe Texas Gun Storage Campaign.

HB 2266

Leach

Relating to judicial review of certain local laws applicable to state license holders.

HB 2297

Holland

Relating to compensation and leave for certain peace officers.

HB 2327

Goldman

Relating to an exception to the renewal requirement for agricultural and timber tax exemption registration numbers issued to or held by persons who are at least 65 years of age.

- HB 2476** Garcia
Relating to the adoption of a veterans' land bank program by the Texas State Affordable Housing Corporation.
- HB 2646** Johnson, Jarvis
Relating to the payment of certain fines and court costs by an inmate during a term of imprisonment or following release from the Texas Department of Criminal Justice.
- HB 2647** Sherman, Sr.
Relating to allowing the board of trustees of certain school districts to create a nonvoting student trustee position on the board.
- HB 2702** Guillen
Relating to payments associated with certain medical examinations under the workers' compensation system; imposing a fee.
- HB 2726** Klick
Relating to the practice of nursing, including disciplinary procedures of the Texas Board of Nursing; authorizing a fee.
- HB 3009** VanDeaver
Relating to the health care providers authorized to examine a person to determine whether the person is incapacitated for purposes of certain guardianship proceedings.
- HB 3220** Garcia
Relating to an assessment on the use of surplus government property to provide housing to homeless veterans.
- HB 3266** Frazier
Relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain devices intended to modify handguns.
- HB 3346** Jones, Jolanda
Relating to the administration of medication to certain persons in the custody of a sheriff.
- HB 3452** Jetton
Relating to complaints submitted to and sanctions issued by the State Commission on Judicial Conduct.
- HB 3603** Anderson
Relating to the payment of restitution by a person released on parole or to mandatory supervision.
- HB 3757** Wilson
Relating to the authority of a taxing unit other than a school district, county, municipality, or junior college district to establish a limitation on the amount of ad valorem taxes that the taxing unit may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses and to the information required to be included in a tax bill.
- HB 3810** Landgraf
Relating to certain notices provided to the Texas Commission on Environmental Quality by public water supply systems.

HB 3862

Goldman

Relating to information on the transfer of license plates included in an application for title and registration of a motor vehicle.

HB 3949

Raney

Relating to arbitration of certain controversies involving members of certain nonprofit entities.

HB 3957

Smith

Relating to the establishment of a rapid DNA analysis pilot program in certain counties.

HB 4217

Troxclair

Relating to the powers of certain public utility agencies; granting the power of eminent domain.

HB 4540

Longoria

Relating to certain benefits payable by the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.

HB 4837

Lopez, Ray

Relating to a veteran housing program established by the Texas Department of Criminal Justice.

HB 5081

Wilson

Relating to certain motor vehicle safety inspection fees.

HJR 25

Zwiener

Proposing a constitutional amendment to authorize the commissioners court of a county to exempt from ad valorem taxation by each political subdivision that taxes the property the portion of the assessed value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system.

HJR 102

Leach

Proposing a constitutional amendment authorizing the legislature to legalize wagering in this state on certain sporting events and requiring the legislature to dedicate to property tax relief at least 98 percent of the net state tax revenue generated from the wagering on sporting events.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

SENATE RESOLUTION 506

Senator Flores offered the following resolution:

WHEREAS, Members of Atascosa County law enforcement agencies demonstrated tremendous courage in the line of duty on June 2, 2022, when they risked their lives to stop an escaped prisoner and suspected murderer from fleeing the country; and

WHEREAS, The suspect was accused of killing a family of five in Centerville after he escaped from a prison transport bus on May 12; when Atascosa County Sheriff David Soward received word that the suspect could be headed to the area in an apparent attempt to reach the U.S.-Mexico border, he quickly mobilized his deputies for a large-scale manhunt, which involved constables and officers from the Pleasanton, Jourdanton, Poteet, and Lytle Police Departments, as well as DPS troopers and U.S. Marshals; and

WHEREAS, Officers from these various agencies were posted at all highways and major roads headed south, and just before 10 p.m., Atascosa County Animal Control chief Henry Dominguez reported that he and a deputy sheriff had sighted the suspect, who was driving a stolen pickup truck and was armed with an AR-15-style rifle and a pistol; Officer Dominguez was instructed to follow the suspect, while other personnel drove ahead of the fleeing suspect to intercept him and deployed spikes in his path to puncture the vehicle's tires; and

WHEREAS, Before reaching the edge of Jourdanton, Jourdanton Police Chief Eric Kaiser successfully spiked all four of the vehicle's tires as the suspect attempted to evade law enforcement by driving into a field; the suspect fired his rifle at oncoming deputies before losing control of his vehicle and crashing into a utility pole and then a fence; after exiting the vehicle with a rifle in hand, the suspect was shot and killed, bringing his 22-day crime spree to an end; and

WHEREAS, The exceptional bravery displayed by the Atascosa County law enforcement officers was met with an outpouring of gratitude from the community, and Sheriff Soward awarded commendations to 14 officers; and

WHEREAS, The members of the Atascosa County law enforcement agencies went to heroic lengths to protect their community and prevent further violence, and in so doing, they exemplified the highest ideals of their profession; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby commend the officers in Atascosa County for their role in stopping an escaped convict and suspected murderer and extend to them sincere appreciation for their dedicated service; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the law enforcement units across Atascosa County as an expression of high regard by the Texas Senate.

SR 506 was read.

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

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

GUESTS PRESENTED

Senator Flores was recognized and introduced to the Senate members of the Atascosa County Sheriff's Office and the Jourdanton Police Department including Atascosa County Sheriff David Soward, Jourdanton Police Chief Eric Kaiser,

Atascosa County Captain Max Peralta, Atascosa County Lieutenant Investigator Wayne Stratton, Atascosa County Sergeant Investigator Tzu-Chi Chia, and Atascosa County Animal Control Chief Henry Dominguez.

The Senate welcomed its guests.

(Senator King in Chair)

SENATE RESOLUTION 546

Senator Campbell offered the following resolution:

SR 546, Recognizing May 2023 as Nurses Month.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Campbell, joined by Senators Menéndez, Kolkhorst, Bettencourt, and Birdwell, was recognized and introduced to the Senate Texas Nurses Association CEO Serena Bumpus.

The Senate welcomed its guest.

SENATE RESOLUTION 560

Senator Menéndez offered the following resolution:

SR 560, Recognizing the Clark High School girls' basketball team for winning a state championship.

MENÉNDEZ
CAMPBELL
GUTIERREZ
ZAFFIRINI

The resolution was read.

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

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

GUESTS PRESENTED

Senator Menéndez, joined by Senators West, Campbell, Hall, and Kolkhorst, was recognized and introduced to the Senate the 2023 UIL 6A Clark High School girls' basketball state championship team including team captains Ramsey Robledo and Natalie Huff; team members Bolu Odumosu, Sydney Pritchard, Raya Kolysko, Katherine Mika, Manal El-Jabsheh, Kaitlin Whitlock, Sarah Perales, Arianna Roberson, Kamryn Griffin, Jadeyn Perez, Emily Lopez, and Joi Gonzalez; Head Coach Rihana Houy; Assistant Coaches Michael Byrne and Jennifer Woods; and former Superintendent Brian Woods.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Flores was recognized and introduced to the Senate family members of former Atascosa County Sheriff Tommy Williams including Darrell and Sandy Hickey and John Merryman and Paige Merryman.

The Senate welcomed its guests, rose in honor of Tommy Williams, and extended its sympathy.

SENATE CONCURRENT RESOLUTION 53

The Presiding Officer laid before the Senate the following resolution:

SCR 53, Recognizing Mikael and Carolyn Garcia on the birth of their daughter, Mary Faustina Garcia.

SPARKS	KOLKHORST
ALVARADO	MIDDLETON
CREIGHTON	PARKER
ECKHARDT	PERRY
FLORES	SPRINGER
HINOJOSA	WEST
HUGHES	

The resolution was read.

On motion of Senator Sparks and by unanimous consent, the resolution was considered immediately and was adopted without objection.

GUEST PRESENTED

Senator Sparks was recognized and introduced to the Senate his Chief of Staff Mikael Garcia.

The Senate welcomed its guest.

(Senator Flores in Chair)

SENATE RESOLUTION 553

Senator King offered the following resolution:

SR 553, Recognizing the eighth class of Governor William P. Clements Jr. Scholars.

KING
CAMPBELL
HUGHES
KOLKHORST
MIDDLETON
PAXTON

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator King, joined by Senators Middleton, Paxton, and Hughes, was recognized and introduced to the Senate Governor William P. Clements Jr. Scholars including Olivia Alexander, Morghan Armenta, Sydney Baker, Cameron Castillo,

Mika'ele Castro, Mary Grace Davidson, Bailey Halbert, Noah Huerta, Jacquelyn Pillow, Zane Prince, Leah Shepherd, Trinity Smith, Madeline Tillman, and Romana Vargas.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 12, 2023

Austin, Texas

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

On January 19, 2023, I submitted the name of Robert P. Gauntt for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2027.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

May 12, 2023

Austin, Texas

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

On January 19, 2023, I submitted the name of Shelley S. Sweatt, Ed.D. for appointment to the Texas Woman's University Board of Regents for a term to expire February 1, 2027.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

HOUSE BILL 796 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 796** at this time on its second reading:

HB 796, Relating to the creation and maintenance by an appraisal district of a publicly available Internet database of information regarding protest hearings conducted by the appraisal review board established for the district.

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:

Absent-excused: Eckhardt.

HOUSE BILL 796 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 **HB 796** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

HOUSE BILL 1772 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 1772** at this time on its second reading:

HB 1772, Relating to the documentation required for the purchase of certain timber products; creating a criminal offense.

The motion prevailed.

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

The bill was read second time and was passed to 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: Creighton, Middleton.

Absent-excused: Eckhardt.

HOUSE BILL 1772 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1772** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Creighton, Middleton.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2777 ON SECOND READING**

On motion of Senator LaMantia and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2777** at this time on its second reading:

CSHB 2777, Relating to the contracting authority of the Parks and Wildlife Department.

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:

Absent-excused: Eckhardt.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2777 ON THIRD READING**

Senator LaMantia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2777** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

HOUSE BILL 4422 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4422** at this time on its second reading:

HB 4422, Relating to a study on enhancing border security outcomes through public safety, technological, and transportation infrastructure improvements near Texas-Mexico border crossings.

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:

Absent-excused: Eckhardt.

HOUSE BILL 4422 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 **HB 4422** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

HOUSE BILL 3437 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3437** at this time on its second reading:

HB 3437, Relating to the authority to approve change orders for certain contracts for the construction, repair, and renovation of water district facilities.

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:

Absent-excused: Eckhardt.

HOUSE BILL 3437 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3437** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

HOUSE BILL 3507 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3507** at this time on its second reading:

HB 3507, Relating to contracts for the construction, repair, and renovation of certain conservation and reclamation district facilities.

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:

Absent-excused: Eckhardt.

HOUSE BILL 3507 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3507** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

HOUSE BILL 1602 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 1602** at this time on its second reading:

HB 1602, Relating to performance criteria for the award of adult education and literacy funds.

The motion prevailed.

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

The bill was read second time and was passed to 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: Middleton.

Absent-excused: Eckhardt.

HOUSE BILL 1602 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 **HB 1602** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Middleton.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 1755 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **HB 1755** at this time on its second reading:

HB 1755, Relating to the creation of the Lone Star Workforce of the Future Fund.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Bettencourt, Campbell, King, Kolkhorst, Middleton, Schwertner.

Absent-excused: Eckhardt.

The bill was read second time and was passed to third reading by the following vote: Yeas 22, Nays 8.

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

Nays: Bettencourt, Campbell, Hall, Hughes, King, Kolkhorst, Middleton, Schwertner.

Absent-excused: Eckhardt.

HOUSE BILL 1755 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 **HB 1755** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Bettencourt, Campbell, King, Kolkhorst, Middleton, Schwertner.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

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

Nays: Bettencourt, Campbell, Hall, Hughes, King, Kolkhorst, Middleton, Schwertner.

Absent-excused: Eckhardt.

HOUSE BILL 3273 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3273** at this time on its second reading:

HB 3273, Relating to public notice of the availability on the Internet of property-tax-related information.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3273** (senate committee report) as follows:

(1) Strike SECTION 2 of the bill (page 1, line 37, through page 2, line 13) and renumber the SECTIONS of the bill accordingly.

(2) In the recital to SECTION 3 of the bill (page 2, line 14), strike "Effective January 1, 2024,".

(3) In SECTION 4 of the bill, amending Section 26.05(d-1), Tax Code (page 3, line 9), between "26.04(e-2)" and the semicolon, insert "or published or posted the notice required by Section 26.04(e-6)".

(4) In SECTION 7 of the bill (page 3, line 39), strike "Except as otherwise provided by this Act, the" and substitute "The".

(5) In SECTION 8 of the bill (page 3, line 43), strike "Except as otherwise provided by this Act, this" and substitute "This".

The amendment to **HB 3273** was read and was adopted by a viva voce vote.

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

Absent-excused: Eckhardt.

HB 3273 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:

Absent-excused: Eckhardt.

HOUSE BILL 3273 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 **HB 3273** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

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 58, SB 68, SB 294, SB 435, SB 602, SB 604, SB 840, SB 888, SB 1021, SB 1319, SB 1373, SB 1401, SB 1457, SB 1484, SB 1603, SB 1650, SB 1732, SB 2085.

HB 279, HB 1535, HB 1555, HB 1922, HB 2460, HB 2759, HB 3290.

HOUSE BILL 4553 ON SECOND READING

Senator Johnson moved to suspend the regular order of business to take up for consideration **HB 4553** at this time on its second reading:

HB 4553, Relating to the eligibility of certain entities for services and commodity items provided by the Department of Information Resources and statewide technology centers.

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 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: Nichols.

Absent-excused: Eckhardt.

HOUSE BILL 4553 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4553** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Nichols.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 4964 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 4964** at this time on its second reading:

HB 4964, Relating to the sale, possession, or consumption of alcoholic beverages at the Texas State History Museum.

The motion prevailed.

Senators Hughes and Perry 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, Perry.

Absent-excused: Eckhardt.

HOUSE BILL 4964 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 **HB 4964** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Hughes, Perry.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

HOUSE BILL 3647 ON SECOND READING

Senator LaMantia moved to suspend the regular order of business to take up for consideration **HB 3647** at this time on its second reading:

HB 3647, Relating to the imposition by the Department of Public Safety of administrative and civil consequences for certain criminal convictions.

The motion prevailed.

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

The bill was read second time.

Senator LaMantia offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3647** (senate committee report) in SECTION 1 of the bill, in added Section 521.042(f), Transportation Code (page 1, line 27), between "Subsection (g)" and the underlined comma, by inserting "and Chapter 706".

The amendment to **HB 3647** was read and was adopted by a viva voce vote.

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

Absent-excused: Eckhardt.

HB 3647 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: Creighton.

Absent-excused: Eckhardt.

HOUSE BILL 3647 ON THIRD READING

Senator LaMantia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3647** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Creighton.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 3007 ON SECOND READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 3007** at this time on its second reading:

HB 3007, Relating to the authority of the Benbrook Water Authority to issue bonds.

The motion prevailed.

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

The bill was read second time and was passed to 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, Middleton.

Absent-excused: Eckhardt.

HOUSE BILL 3007 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3007** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Hughes, Middleton.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

HOUSE BILL 3060 ON SECOND READING

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3060** at this time on its second reading:

HB 3060, Relating to the regulation of recycling and recycled products.

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:

Absent-excused: Eckhardt.

HOUSE BILL 3060 ON THIRD READING

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3060** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

(President in Chair)

HOUSE BILL 2755 ON SECOND READING

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2755** at this time on its second reading:

HB 2755, Relating to the minimum instruction requirement for the boater education program and the disposition and use of money received by the Parks and Wildlife Department from the boater education program.

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:

Absent-excused: Eckhardt.

HOUSE BILL 2755 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 **HB 2755** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

(Senator King in Chair)

HOUSE BILL 3731 ON SECOND READING

Senator Flores moved to suspend the regular order of business to take up for consideration **HB 3731** at this time on its second reading:

HB 3731, Relating to the Bandera County River Authority and Groundwater District.

The motion prevailed.

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

The bill was read second time and was passed to 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: Middleton.

Absent-excused: Eckhardt.

HOUSE BILL 3731 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 **HB 3731** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Middleton.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

(President in Chair)

SENATE BILL 2628 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **SB 2628** at this time on its second reading:

SB 2628, Relating to requiring medical clearance before admission to an inpatient mental health facility.

The motion prevailed.

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

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2628** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 575, Health and Safety Code, is amended by adding Section 575.004 to read as follows:

Sec. 575.004. MEDICAL EXAMINATION BEFORE ADMISSION. Any medical examination or assessment required to be conducted within 24 hours of a person being admitted to a mental health facility under this subtitle must be conducted in person.

SECTION 2. This Act takes effect September 1, 2023.

The amendment to **SB 2628** was read and was adopted by a viva voce vote.

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

Absent-excused: Eckhardt.

SB 2628 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: Gutierrez, Miles, West.

Absent-excused: Eckhardt.

SENATE BILL 2628 ON THIRD READING

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2628** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Gutierrez, Miles, West.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

HOUSE BILL 1809 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 1809** at this time on its second reading:

HB 1809, Relating to the establishment of the commercial oyster mariculture advisory board.

The motion prevailed by a viva voce vote.

Senators Hall, Hughes, and Parker 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: Hall, Hughes, Parker.

Absent-excused: Eckhardt.

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

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

CSHB 19, Relating to the creation of a specialty trial court to hear certain cases; authorizing fees.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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.

Nays: Gutierrez, Johnson, Miles, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 19** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 25A.017(j), Government Code (page 9, line 7), strike "The" and substitute "Subject to Subsection (k), the".

(2) In SECTION 1 of the bill, in added Section 25A.017, Government Code (page 9, between lines 10 and 11), insert the following:

(k) All personnel, including the business court clerk, appointed under this section are employees of the Office of Court Administration of the Texas Judicial System and are state employees for all purposes, including accrual of leave time, insurance benefits, retirement benefits, and travel regulations.

(3) In SECTION 1 of the bill, strike added Section 25A.0171, Government Code (page 9, lines 11 through 14), and substitute the following appropriately numbered section in and renumber subsequent sections of added Chapter 25A, Government Code, accordingly:

Sec. 25A. . . ADMINISTRATIVE ATTACHMENT TO OFFICE OF COURT ADMINISTRATION; REPORT. (a) The business court is administratively attached to the Office of Court Administration of the Texas Judicial System.

(b) The Office of Court Administration of the Texas Judicial System shall provide administrative support to the business court as necessary to enable the business court to carry out its duties under this chapter.

(c) The Office of Court Administration of the Texas Judicial System may employ personnel necessary to provide administrative support to the business court under this chapter.

(d) Only the business court may exercise the duties of the business court under this chapter. Except as otherwise provided by this chapter, the Office of Court Administration of the Texas Judicial System does not have any authority or responsibility related to the duties of the business court under this chapter.

(e) Not later than December 1 of each year, the Office of Court Administration of the Texas Judicial System shall submit to the legislature a report on the number and types of cases heard by the business court in the preceding year.

The amendment to **CSHB 19** was read and was adopted by a viva voce vote.

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

Absent-excused: Eckhardt.

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 19** (senate committee report) in SECTION 1 of the bill, in added Section 25A.006(e), Government Code (page 5, line 69), between "may not remove" and "the action", by inserting "or transfer".

The amendment to **CSHB 19** was read and was adopted by a viva voce vote.

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

Absent-excused: Eckhardt.

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 19** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Sections 25A.002 and 25A.010, Government Code (page 2, lines 65 and 66, and page 7, lines 35 through 39), renumber subsequent sections of added Chapter 25A, Government Code, and update any cross-references to those sections accordingly.

(2) In SECTION 1 of the bill, in added Section 25A.008(a)(3), Government Code (page 6, lines 66 and 67), strike "appointed for at least five years before appointment" and substitute "elected for at least five years preceding the beginning of the judge's term".

(3) In SECTION 1 of the bill, strike added Section 25A.009, Government Code (page 7, lines 11 through 34), and substitute the following:

Sec. 25A.009. ELECTION AND TERMS OF JUDGES; PRESIDING JUDGE; EXCHANGE OF BENCHES. (a) The qualified voters in the geographic boundaries of each business court division shall elect a judge to serve for that division. The judge shall hold the office for a term of four years.

(b) Not later than the seventh day after the first day of a term, the business court judges by majority vote shall select a judge of the court to serve as administrative presiding judge for the duration of the term. If a vacancy occurs in the position of administrative presiding judge, the remaining business court judges shall select a judge of the court to serve as administrative presiding judge for the remainder of the unexpired term as soon as practicable.

(c) To promote the orderly and efficient administration of justice, the business court judges may exchange benches and sit and act for each other in any matter pending before the court.

(4) In SECTION 1 of the bill, in added Section 25A.017(c), Government Code (page 8, line 41), strike "appointed" and substitute "elected".

(5) In SECTION 1 of the bill, in added Section 25A.017(d), Government Code (page 8, line 47), strike "appointed" and substitute "elected".

(6) In SECTION 4 of the bill (page 10, line 25), strike "(a)".

(7) Strike Subsection (b) of SECTION 4 of the bill (page 10, lines 29 through 34).

(8) Strike SECTION 6 of the bill (page 10, lines 37 through 44) and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 19** was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Alvarado, Blanco, 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.

Absent-excused: Eckhardt.

CSHB 19 as amended was passed to third reading by the following vote: Yeas 24, Nays 6.

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.

Nays: Gutierrez, Johnson, Miles, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

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

The motion prevailed by the following vote: Yeas 24, Nays 6.

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.

Nays: Gutierrez, Johnson, Miles, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Alvarado and by unanimous consent, the remarks regarding **CSHB 19** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks will be printed in an addendum to this day's Journal.

SENATE BILL 1195 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 1195** at this time on its second reading:

SB 1195, Relating to the duty of the attorney general to prosecute certain criminal offenses.

The motion prevailed by the following vote: Yeas 17, Nays 13.

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

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

Absent-excused: Eckhardt.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 13. (Same as previous roll call)

HOUSE BILL 1809 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 **HB 1809** be placed on its third reading and final passage:

HB 1809, Relating to the establishment of the commercial oyster mariculture advisory board.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Hall, Hughes, Parker.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

HOUSE BILL 567 ON SECOND READING

Senator Miles moved to suspend the regular order of business to take up for consideration **HB 567** at this time on its second reading:

HB 567, Relating to discrimination on the basis of hair texture or protective hairstyle associated with race.

The motion prevailed.

Senator 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 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: Schwertner.

Absent-excused: Eckhardt.

HOUSE BILL 567 ON THIRD READING

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Schwertner.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 4018 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSHB 4018** at this time on its second reading:

CSHB 4018, Relating to the use of Parks and Wildlife Department land for carbon sequestration or similar ecosystem services projects.

The motion prevailed.

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

The bill was read second time and was passed to 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: Hall, Middleton.

Absent-excused: Eckhardt.

COMMITTEE SUBSTITUTE HOUSE BILL 4018 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 **CSHB 4018** be placed on its third reading and final passage.

(Amended)

Respectfully,
/s/Stephen Brown,
Chief Clerk
House of Representatives

(Senator Bettencourt in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1605 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 1605** at this time on its second reading:

CSHB 1605, 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.

The motion prevailed by the following vote: Yeas 21, Nays 9.

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

Nays: Alvarado, Blanco, Gutierrez, Hall, Kolkhorst, Menéndez, Miles, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1605** (senate committee printing) in SECTION 55 of the bill, providing effective dates, as follows:

(1) In Subsection (a) of the SECTION (page 22, line 69, and page 23, line 1), strike "Subsections (b) and (c)" and substitute "Subsection (b)".

(2) In Subsection (b) of the SECTION (page 23, line 7), strike "and".

(3) In Subsection (b) of the SECTION (page 23, line 8), between "Act," and "take", insert "and Section 322.0082, Government Code, as added by this Act,".

(4) Strike Subsection (c) of the SECTION (page 23, lines 9 and 10).

The amendment to **CSHB 1605** was read and was adopted by a viva voce vote.

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

Absent-excused: Eckhardt.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1605** (senate committee report) in SECTION 4 of the bill, adding Section 22.05125, Education Code, by striking Subsection (b)(2) (page 3, lines 27 through 29), and substituting the following:

(2) the teacher reasonably believed the instruction delivered by the teacher conformed with the instructional material used.

The amendment to **CSHB 1605** was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Alvarado, Blanco, 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.

Absent-excused: Eckhardt.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 1605** (senate committee report) in SECTION 13 of the bill, amending Section 31.003, Education Code (page 5, line 59), by striking "any provision of this chapter" and substituting "a provision of this chapter that the commissioner or agency is responsible for implementing".

The amendment to **CSHB 1605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Eckhardt.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 1605** (senate committee report) as follows:

(1) In SECTION 22 of the bill, in amended Section 31.022(a), Education Code (page 9, line 45), between "board" and "must", insert "may review the material and".

(2) In SECTION 23 of the bill, in amended Section 31.023(a)(1), Education Code (page 11, between lines 6 and 7), insert the following appropriately lettered paragraph and reletter subsequent paragraphs of the subdivision accordingly:

() requiring the agency to review materials if the State Board of Education requests by a majority vote that the material be reviewed by the agency;

(3) In SECTION 23 of the bill, in amended Section 31.023(b)(3), Education Code (page 10, line 19), strike "and".

(4) In SECTION 23 of the bill, in amended Section 31.023(b)(4), Education Code (page 10, line 22), between "31.1011(a)(1)(B)" and the open bracket, insert the following:

; and

(5) the instructional material to be made publicly available for review

The amendment to **CSHB 1605** 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. 4 except as follows:

Absent-excused: Eckhardt.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 1605** (senate committee report), immediately following added Section 31.0271(b)(2), Education Code (page 16, between lines 15 and 16), by inserting the following subsection:

(c) Except as provided by Subsection (b), open education resource instructional materials made available under this section may not remain available once amended or modified unless the material as amended or modified is reviewed under Section 31.023 and included on the list of approved instructional materials maintained by the State Board of Education under Section 31.022.

The amendment to **CSHB 1605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5 except as follows:

Absent-excused: Eckhardt.

CSHB 1605 as amended was passed to third reading by the following vote: Yeas 22, Nays 8.

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

Nays: Alvarado, Blanco, Gutierrez, Hall, Menéndez, Miles, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 566 by Springer, In memory of Albina Ann Mages Schmitz.

SR 559 by Springer and Parker, In memory of Mary O. Horn.

Congratulatory Resolutions

SCR 50 by Hinojosa, Recognizing the Bazan family on the occasion of the 50th anniversary of Taco Olé.

SR 561 by Perry, Recognizing Tommy Wayne Engelke on the occasion of his retirement.

SR 562 by West, Recognizing Diorene Thomas on the occasion of her 80th birthday.

Official Designation Resolution

SCR 51 by Hughes, Recognizing May 11, 2023, as American Heritage Girls Day.

ADJOURNMENT

On motion of Senator Zaffirini, the Senate at 3:25 p.m. adjourned, in memory of Shawn Michael Snider, until 3:28 p.m. today.

