

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-NINTH DAY**  
(Tuesday, May 23, 2023)

The Senate met at 11:49 p.m. pursuant to adjournment and was called to order by the President.

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

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

Senator Perry offered the invocation as follows:

Heavenly Father, we thank You for the God that You are. We thank that You love us in spite of ourselves. We thank You for the eternal plan You've laid out. We also recognize that we're on the tail end of a long session and that we just ask and we hope and pray that as we look back to this session, we'll see Your hand all in it, that You'll see where You had influence, and that we took that influence. We just ask that as we finish up the next few days that we do the people's business and we do it in Your way. And we also recognize that it's a witness and a testimony. I thank You for the friendships, the family that an elected official community is in the Senate Chamber. I thank You for the opportunity to serve. I thank You that of those the people that have answered the call to serve that only You can make. I pray that we keep this in a way that's God-honoring as we finish up. In Jesus' name. Amen.

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

The motion prevailed without objection.

## PHYSICIAN OF THE DAY

Senator Flores was recognized and presented Dr. Donna Campbell of New Braunfels as the Physician of the Day.

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

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**CONCLUSION OF MORNING CALL**

The President at 11:50 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 100 ON THIRD READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 100** at this time on its third reading and final passage:

**CSHB 100**, Relating to public education and public school finance, including the rights, certification, and compensation of public school educators, contributions by a public school to the Teacher Retirement System of Texas, and an education savings account program for certain children.

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 third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 890 ON THIRD READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 890** at this time on its third reading and final passage:

**CSHB 890**, Relating to parental rights and public school responsibilities regarding instructional materials.

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

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

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

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

**HOUSE BILL 900 ON THIRD READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 900** at this time on its third reading and final passage:

**HB 900**, Relating to the regulation of library materials sold to or included in public school libraries.

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

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

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

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

**HOUSE BILL 3708 ON THIRD READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 3708** at this time on its third reading and final passage:

**HB 3708**, Relating to creating an allotment under the Foundation School Program for school districts that allow non-enrolled students to participate in University Interscholastic League activities.

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

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

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

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

**HOUSE BILL 4082 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 4082** at this time on its third reading and final passage:

**HB 4082**, Relating to the purposes for which a municipality or county may issue an anticipation note or certificate of obligation.

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

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

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

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

### **HOUSE BILL 3137 ON THIRD READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 3137** at this time on its third reading and final passage:

**HB 3137**, Relating to prohibited local regulation with respect to a firearm or air gun.

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

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

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

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

### **HOUSE BILL 1848 ON THIRD READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **HB 1848** at this time on its third reading and final passage:

**HB 1848**, Relating to a study by the secretary of state on the feasibility of central counting stations complying with federal standards for facilities that contain sensitive information.

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

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

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

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

### **HOUSE BILL 2102 ON THIRD READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 2102** at this time on its third reading and final passage:

**HB 2102**, Relating to the establishment of a new open-enrollment charter school campus by certain charter holders and to the expansion of an open-enrollment charter school.

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

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

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1588 ON SECOND READING**

The President laid before the Senate **CSHB 1588**, sponsored by Senator Middleton, on its second reading. The bill had been read second time, amended, and further consideration postponed to a time certain of 9:00 p.m. today:

**CSHB 1588**, Relating to funding of excess losses and operating expenses of the Texas Windstorm Insurance Association; authorizing an assessment; authorizing a surcharge.

Question: Shall **CSHB 1588** as amended be passed to third reading?

**CSHB 1588** as amended was passed to third reading by the following vote: Yeas 17, Nays 13, Present-not voting 1.

Yeas: Bettencourt, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, King, Kolkhorst, Middleton, Nichols, Schwertner, Sparks, Springer, Whitmire, Zaffirini.

Nays: Alvarado, Birdwell, Blanco, Eckhardt, Gutierrez, Hughes, Johnson, LaMantia, Menéndez, Parker, Paxton, Perry, West.

Present-not voting: Miles.

**HOUSE BILL 5202 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 5202** at this time on its second reading:

**HB 5202**, Relating to a central database containing information about offenders who have committed certain violent offenses.

The motion prevailed.

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

The bill was read second time and was passed to 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.

**HOUSE BILL 5202 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 5202** be placed on its third reading and final passage.

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

Nays: Hall.

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

**(Senator Flores in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 7 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 7** at this time on its second reading:

**CSHB 7**, Relating to measures to address public safety threats in this state presented by transnational criminal activity, including by establishing a Texas Border Force, and to compensate persons affected by those threats; increasing criminal penalties; creating criminal offenses.

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

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

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

The bill was read second time.

Senator Blanco offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 7** (senate committee report) in SECTION 1.02 of the bill, in added Section 411.0285, Government Code (page 2, between lines 44 and 45), by inserting the following:

(d) Funds used to purchase technology and equipment described by Subsection (a) are considered funds expended for border security for purposes of reporting requirements in the General Appropriations Act, and the Legislative Budget Board may prescribe the form and manner of reporting the relevant budgeted and expended amounts and performance indicator results.

The amendment to **CSHB 7** 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 Birdwell offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 7** (senate committee report) in SECTION 1.02 of the bill, in added Section 411.0283(3), Government Code (page 1, line 60), by striking "conducting border security operations" and substituting "in border security operations led by the border force".

The amendment to **CSHB 7** 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 Birdwell offered the following amendment to the bill:

### Floor Amendment No. 3

Amend **CSHB 7** (senate committee report) as follows:

(1) In SECTION 1.02 of the bill, in the heading to added Section 411.0286, Government Code (page 2, line 45), after "PATROL", add "OR MILITARY".

(2) In SECTION 1.02 of the bill, in added Section 411.0286, Government Code (page 2, line 49), between "Protection" and "for", insert "or a member of the armed forces of the United States".

(3) Strike SECTION 1.03 of the bill (page 3, line 4, through page 3, line 28) and renumber the SECTIONS of ARTICLE 1 of the bill accordingly.

The amendment to **CSHB 7** 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.

Senator King offered the following amendment to the bill:

### Floor Amendment No. 4

Amend **CSHB 7** (senate committee report) as follows:

(1) In SECTION 1.02 of the bill, in added Section 411.0283, Government Code (page 1, line 53), between "OPERATIONS." And "The border force", insert "(a)".

(2) In SECTION 1.02 of the bill, immediately following added Section 411.0283, Government Code (page 2, between lines 12 and 13), insert the following: Only commissioned officers of the border force may carry out the duties assigned to a commissioned peace officer. An employee of the border force who is not a commissioned peace officer may:

(1) Act in support of a commissioned peace officer; and

(2) Engage in support and infrastructure operations of the border force.

The amendment to **CSHB 7** 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.

Senator Birdwell offered the following amendment to the bill:

### Floor Amendment No. 5

Amend **CSHB 7** (senate committee report) by:

(1) Striking ARTICLE 4 of the bill, foreign terrorist organizations (page 5, line 22 through page 10, line 30);

(2) By striking ARTICLE 5 of the bill, landowner compensation for property damage caused by certain criminal activities (page 10, line 31 through page 12, line 1);

(3) Renumber the ARTICLES of the bill and the SECTIONS of those ARTICLES as appropriate.

The amendment to **CSHB 7** 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.

Senator Huffman offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

#### ARTICLE . BORDER REGION COURT PROGRAM

SECTION .01. Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

#### SUBCHAPTER H. BORDER PROTECTION COURT GRANT PROGRAM

Sec. 72.201. DEFINITIONS. In this subchapter:

(1) "Border-related offense" means an offense:

(A) associated with or involving:

(i) a person unlawfully entering or attempting to enter this state by crossing the Texas-Mexico border at any place other than at a port of entry;

(ii) the smuggling of individuals or contraband across the Texas-Mexico border; or

(iii) an operative of a transnational cartel;

(B) similar to an offense described by Paragraph (A) that the office by rule defines as a border-related offense for purposes of this subchapter; or

(C) for which the office has determined prosecutions have significantly increased as a result of Operation Lone Star.

(2) "Border region" has the meaning assigned by Section 772.0071.

Sec. 72.202. GRANT PROGRAM. (a) From money appropriated for that purpose, the office shall establish and administer a grant program to support the operation of courts in the border region with the adjudication of border-related offenses.

(b) In addition to other funds appropriated by the legislature and for purposes of administering and funding the grant program, the office may:

(1) seek and apply for any available federal funds; and

(2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure resources are available to achieve the purpose described by Subsection (a).

(c) The grants awarded under this subchapter may be used for the reimbursement of costs associated with the operation of a court, including the:

(1) salary of a visiting judge appointed under Chapter 74;

(2) salary and benefits of an associate judge, court coordinator, court administrator, court reporter, and court interpreter;

(3) salary and benefits of district and county clerk staff;

(4) travel costs and other expenses incurred by court personnel and judges in the performance of their duties;

(5) cost of equipment necessary for personnel dedicated to the processing and adjudicating of border-related offenses;



(6) fees and related expenses for the appointment of counsel to represent an indigent defendant under Chapter 26, Code of Criminal Procedure, or the costs to operate a public defender's office or managed assigned counsel program under that chapter, as those fees and expenses relate to the adjudication of border-related offenses; or

(7) salary, benefits, and related expenses of prosecution personnel.

Sec. 72.203. RULES. (a) The office shall adopt rules for the administration and operation of the grant program established under this subchapter.

(b) In adopting the rules, the office shall:

(1) conduct a study of the data collected for this purpose or otherwise available on crime, arrests, detentions, and convictions to identify offenses for which prosecutions have increased as a result of Operation Lone Star; and

(2) solicit from governmental officials, community leaders, and other interested persons in the border region information necessary to identify the courts of the region needing financial assistance.

(c) The rules must include:

(1) administrative provisions for grants awarded under this subchapter, including:

(A) eligibility criteria for grant applicants, including criteria to limit eligibility to those applicants experiencing an increase in caseloads;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants;

(2) methods for tracking the effectiveness of grants and the efficiency of the applicants receiving grants; and

(3) procedures for reporting caseload data at least annually, including caseload data necessary to update the study described by Section 72.2055.

Sec. 72.204. GRANT AMOUNTS. The amount of a grant awarded under this subchapter may not exceed the amount set by the General Appropriations Act.

Sec. 72.205. REPORTING REQUIREMENTS FOR GRANT RECIPIENTS. The recipient of a grant awarded under this subchapter shall submit to the office an annual report on the grant money spent during the year covered by the report and the purposes for which that money was spent.

Sec. 72.2055. ANNUAL REPORT BY OFFICE. Annually, the office shall update the study conducted under Section 72.203(b)(1) using caseload data required to be reported under the rules adopted under Section 72.203(c).

Sec. 72.206. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to pay the costs of administering the grant program.

SECTION .02. As soon as practicable after the effective date of this article, the Office of Court Administration of the Texas Judicial System shall with respect to Subchapter H, Chapter 72, Government Code, as added by this article:

(1) adopt rules as necessary to implement the subchapter; and

(2) establish the grant program required by the subchapter.

The amendment to **CSHB 7** 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. 6.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **CSHB 7** (senate committee report) as follows:

(1) In SECTION 7.01 of the bill, in added Section 421.112(2), Government Code (page 13, line 14), following the underlined semicolon, strike "and".

(2) In SECTION 7.01 of the bill, in added Section 421.112, Government Code, strike added Subdivision (3) (page 13, lines 15 through 18) and substitute the following:

(3) the payment of staff salaries and benefits and the payment of operational expenses related to providing law enforcement services, emergency services, detention services, and court administration services;

(4) the construction and maintenance of temporary border security infrastructure, including temporary walls, barriers, fences, wires, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry; and

(5) any other activity that the office determines necessary to address offenses that are committed in the border region or are related to transnational criminal activity.

(3) In SECTION 7.01 of the bill, following added Section 421.112, Government Code (page 13, between lines 18 and 19), insert the following:

Sec. 421.113. ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any funds appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

The amendment to **CSHB 7** 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. 7.

Senator Birdwell offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSHB 7** (senate committee report) in SECTION 8.01 of the bill, in added Section 794.001, Government Code (page 13, line 25), by striking "shall" and substituting "may".

The amendment to **CSHB 7** 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. 8.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSHB 7** (senate committee report) as follows:

(1) In SECTION 1.02 of the bill, in the heading to added Section 411.0287, Government Code (page 2, line 54), between "TRAINING" and the underlined period, insert "REQUIRED".

(2) In SECTION 1.02 of the bill, immediately after added Section 411.0287, Government Code (page 2, between lines 63 and 64), insert the following:

(c) Any officer or employee who performs duties in connection with a border security operation of the border force shall complete a training on federal immigration law with respect to a person's right to seek asylum and appropriate procedures for affording a person that right.

MENÉNDEZ	JOHNSON
ALVARADO	LAMANTIA
ECKHARDT	WHITMIRE
GUTIERREZ	ZAFFIRINI

The amendment to **CSHB 7** was read.

On motion of Senator Birdwell, Floor Amendment No. 9 was tabled by the following vote: Yeas 19, Nays 12.

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

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

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 10**

Amend **CSHB 7** (senate committee report) in SECTION 1.02 of the bill, immediately after added Section 411.0289, Government Code (page 3, between lines 3 and 4), by inserting the following:

Sec. 411.0290. INTERPRETER SERVICES REQUIRED FOR BORDER SECURITY OPERATIONS. The border force shall ensure that interpreter services are available to officers and employees of the border force during any border security operation, including during the apprehension of a person suspected of violating 8 U.S.C. Section 1325(a). The border force may employ interpreters or contract for interpreter services as necessary to ensure immediate availability of the services during a border security operation.

MENÉNDEZ	JOHNSON
ALVARADO	LAMANTIA
ECKHARDT	WHITMIRE
GUTIERREZ	ZAFFIRINI

The amendment to **CSHB 7** was read.

On motion of Senator Birdwell, Floor Amendment No. 10 was tabled by the following vote: Yeas 19, Nays 12.

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

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

**(President in Chair)**

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 11**

Amend **CSHB 7** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . COMPLIANCE WITH FEDERAL IMMIGRATION LAW BY  
LOCAL GOVERNMENT

SECTION \_\_\_\_ . Chapter 752, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. COMPLIANCE WITH FEDERAL IMMIGRATION LAW BY  
LOCAL GOVERNMENT

Sec. 752.081. AUTHORITY TO COMPLY. (a) In this section, "local government" means a municipality, county, special purpose district, or any other political subdivision of this state.

(b) Notwithstanding any other law, a local government may comply with federal immigration law, regardless of whether a state officer is directing the local government to act otherwise.

MENÉNDEZ	JOHNSON
ALVARADO	LAMANTIA
ECKHARDT	WHITMIRE
GUTIERREZ	ZAFFIRINI

The amendment to **CSHB 7** was read.

On motion of Senator Birdwell, Floor Amendment No. 11 was tabled by the following vote: Yeas 19, Nays 12.

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

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

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 12**

Amend **CSHB 7** (senate committee printing) as follows:

(1) In SECTION 2.01 of the bill, immediately following added Section 38.20(c), Penal Code (page 4, between lines 13 and 14), insert the following appropriately lettered subsection and reletter subsequent subsections and references to those subsections accordingly:

( ) It is a defense to prosecution under this section that the actor was coerced to commit the offense by a peace officer or member of the Texas Border Force under Subchapter B-2, Chapter 411, Government Code, in violation of Section 39.08.

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

SECTION 2. \_\_. Chapter 39, Penal Code, is amended by adding Section 39.08 to read as follows:

Sec. 39.08. COERCION TO COMMIT IMPROPER ENTRY FROM FOREIGN NATION. (a) A person who is a peace officer or member of the Texas Border Force under Subchapter B-2, Chapter 411, Government Code, commits an offense if the person knowingly coerces a person to engage in conduct constituting an offense under Section 38.20.

(b) An offense under this section is a Class A misdemeanor.

MENÉNDEZ	JOHNSON
ALVARADO	LAMANTIA
ECKHARDT	WHITMIRE
GUTIERREZ	ZAFFIRINI

The amendment to **CSHB 7** was read.

On motion of Senator Birdwell, Floor Amendment No. 12 was tabled by the following vote: Yeas 19, Nays 12.

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

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

**CSHB 7** as amended was passed to third reading by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1243 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 1243** at this time on its second reading:

**CSHB 1243**, Relating to conduct constituting the criminal offense of illegal voting; increasing a criminal penalty.

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

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

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

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

**RECESS**

On motion of Senator Whitmire, the Senate at 1:34 a.m. Wednesday, May 24, 2023, recessed until 10:00 a.m. today.