

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

FIRST DAY — MONDAY, OCTOBER 9, 2023

In obedience of the proclamation of His Excellency, Greg Abbott, Governor of the State of Texas, convening the 88th Legislature, Third Called Session, to meet in special session at Austin, Texas, the seat of government, on this the 9th day of October 2023, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 1:06 p.m. the house was called to order by the Honorable Dade Phelan, speaker.

The roll of the house was called and a quorum was announced present (Record 1).

Present — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Dorazio.

The invocation was offered by the Very Reverend Daniel Liu, chaplain, as follows:

We look to you, God our creator, to guide us as we begin this session to deliberate for the good of the people we represent. We ask for our minds to be filled with the wisdom to see what will promote the common good while recognizing the dignity of each individual. We ask for our thoughts to be charitable so that we may resist rash judgment against our colleagues. We ask for

our ears to be quick to listen and to understand others' point of view. We ask for our tongues to speak with honesty, to build up and not to tear down, and to avoid gossip and slander.

Help us to remember that we are here to serve and not to be served, and that we are the created not the creator. We are grateful for the freedom we possess, and may we use this freedom to choose the truth that conforms to the law that you have written in our hearts. We ask all of these things with humble hearts, to you who are God forever and ever. Amen.

The chair recognized Representative Hefner who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today and tomorrow because of important business:

Dorazio on motion of Orr.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

The chair laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Sections 5 and 40, and Article IV, Section 8, of the Texas Constitution, do hereby call extraordinary session #3 of the 88th Legislature, to convene in the City of Austin, commencing at 1 p.m. on Monday, October 9, 2023, for the following purposes:

To consider and act upon the following:

Legislation providing education savings accounts for all Texas schoolchildren.

Legislation to do more to reduce illegal immigration by creating a criminal offense for illegal entry into this state from a foreign nation and authorizing all licensed peace officers to remove illegal immigrants from Texas.

Legislation to impede illegal entry into Texas by increasing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.

Legislation to impede illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure.

Legislation concerning public safety, security, environmental quality, and property ownership in areas like the Colony Ridge development in Liberty County, Texas.

Legislation prohibiting COVID-19 vaccine mandates by private employers.

The Secretary of State will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 5th day of October 2023.

/s/Greg Abbott
Governor

(SEAL)
Attested by:
/s/Jane Nelson
Secretary of State

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

C.E. Harris on motion of Troxclair.

HR 10 - ADOPTED (by Goldman)

Representative Goldman moved to suspend all necessary rules to take up and consider at this time **HR 10**.

The motion prevailed.

The following resolution was laid before the house:

HR 10, Reaffirming Texas' support for Israel and recognizing Israel's right to defend its citizens.

The chair recognized Representative Goldman who addressed the house, speaking as follows:

The state of Israel is at war and it's a very unusual war. They have got their own 9/11. The country that we had hoped, or thought, had the best security forces as far as not going to be surprised about anything was surprised. We've all seen it. It's horrific. It could happen anywhere if it happened in Israel.

This past weekend in Austin there was a music festival. I couldn't think of making a connection of how that could've happened here. A music festival where people were brutally murdered—kids and women were taken hostage and kids put in cages probably to never see their homes ever again or their families. How did we get here? Where do you hate someone that badly that you do this? Why is there hate in this world? Why is there hate in America? Why do people hate Black, brown, Jewish, Catholic? Why? And my opinion is because people lack education. Meaning, if you're born in a country or born in a territory and you're taught hate you're going to carry that hate most of your life.

We have to make this stop. We have to end the hate. There's not one person in this body I hate and I know that's very true for every other member. We don't hate one another. We disagree with another, we talk policy—but to hate so much that you want to kill, murder, dismember, parade a dead body around the streets? We have to do better as a society and I thank you for your support.

HR 10 was adopted by (Record 2): 147 Yeas, 0 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Dorazio; Harris, C.E.

STATEMENTS OF VOTE

When Record No. 2 was taken, I was shown voting yes. I intended to vote present, not voting.

Bhojani

When Record No. 2 was taken, I was shown voting yes but was absent because of important business in the district.

Ramos

HR 10 - NAMES ADDED

On motion of Representative Button, the names of all the members of the house were added to **HR 10** as signers thereof.

REMARKS ORDERED PRINTED

Representative Moody moved to print remarks by Representative Goldman on **HR 10**.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Goldman moved that the house grant permission for all committees and subcommittees to meet while the house is in session, through and including Thursday, October 12, pursuant to their committee postings.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

At 1:21 p.m., Representative Goldman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Thursday, October 12.

The motion prevailed.

Wednesday, October 11

(Martinez in the chair)

The chair called the house to order at 2:58 p.m. Wednesday, October 11.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2 - October 11.)

HOUSE AT EASE

At 3 p.m. Wednesday, October 11, the chair announced that the house would stand at ease.

Thursday, October 12

(Metcalf in the chair)

The chair called the house to order at 9:17 a.m. Thursday, October 12.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1 - October 12.)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:18 a.m. Thursday, October 12, adjourned until 10 a.m. today.

ADDENDUM

HOUSE DISTRICT 26

The following letter was submitted for inclusion in the journal:

October 3, 2023

The Honorable Dade Phelan
Speaker of the House
P.O. Box 2910
Austin, TX 78768-2910

Dear Speaker Phelan:

This letter serves as official notice that my term of active military service and the term of Fanny Jetton as Temporary Acting Representative for District 26 will end on October 5, 2023. Pursuant to Article XVI, Section 72, Texas Constitution, I will resume full duties and responsibilities of the office of State Representative for District 26 on October 6, 2023.

Sincerely,
/s/Jacey Jetton
State Representative
District Twenty-Six

**PERMANENT OFFICERS OF THE HOUSE APPOINTED
OATH OF OFFICE ADMINISTERED**

Speaker Phelan announced the appointment of permanent officers of the House of Representatives for the remainder of the Eighty-Eighth Legislature of the State of Texas and pursuant to Section 301.006, Government Code, the constitutional oath of office was administered to the following appointed officers:

October 5 - Assistant Sergeant-at-Arms Brianah Wallace

October 9 - Chaplain The Very Reverend Daniel Liu
Assistant Chaplain The Reverend Callan Sweeney

The following letter to the Assistant Sergeant-at-Arms was submitted for inclusion in the journal:

October 5, 2023

Brianah Wallace
Sergeant-at-Arms Office
Room 2W.7
Capitol Building

Via Hand Delivery

Dear Brianah:

Pursuant to Section 4.02, Housekeeping Resolution (H.R. 3, 88th Regular Session), I am appointing you to the House officer position of Assistant Sergeant-at-Arms, effective today, for the remainder of the 88th Legislature. Thank you for your service to the State of Texas.

Sincerely,
/s/Dade Phelan
Speaker of the House

The following letter to the Chaplain was submitted for inclusion in the journal:

October 5, 2023

The Very Reverend Daniel Liu
St. Mary Cathedral
203 East 10th Street
Austin, TX 78701

Via Hand Delivery

Dear Father Daniel:

Pursuant to Section 4.02, Housekeeping Resolution (H.R. 3, 88th Regular Session), I am appointing you to the House officer position of Chaplain, effective today, for the remainder of the 88th Legislature. Thank you for your service to the State of Texas.

Sincerely,
/s/Dade Phelan
Speaker of the House

The following letter to the Assistant Chaplain was submitted for inclusion in the journal:

October 5, 2023

The Reverend Callan Sweeney
St. Mary Cathedral
203 East 10th Street
Austin, TX 78701

Via Hand Delivery

Dear Father Callan:

Pursuant to Section 4.02, Housekeeping Resolution (H.R. 3, 88th Regular Session), I am appointing you to the House officer position of Assistant Chaplain, effective today, for the remainder of the 88th Legislature. Thank you for your service to the State of Texas.

Sincerely,
/s/Dade Phelan
Speaker of the House

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1 - October 11

HCR 5 (By Craddick), Congratulating Lorraine and Ray Perryman on receiving the Lifetime Achievement Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 6 (By Craddick), Congratulating Myndi Easter on receiving the Outstanding Fundraising Professional Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 7 (By Craddick), Congratulating the Young Women's Leadership Academy Interact Club on receiving the Outstanding Youth in Philanthropy Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 8 (By Craddick), Congratulating Steve Davidson on receiving the Outstanding Volunteer Fundraiser Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 9 (By Craddick), Congratulating Endeavor Energy Resources on receiving the Outstanding Philanthropic Business Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 10 (By Craddick), Congratulating the Mabee Foundation on receiving the Outstanding Philanthropic Foundation Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 11 (By Craddick), Congratulating the Black family on receiving the Outstanding Philanthropic Family Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 12 (By Craddick), Congratulating Glenn Rogers on receiving the Outstanding Philanthropist Award from the Association of Fundraising Professionals TX, Permian Basin Chapter.

To Resolutions Calendars.

HCR 13 (By Craddick), Commemorating the 50th anniversary of Discovery Operating in Midland.

To Resolutions Calendars.

HCR 14 (By Craddick), Congratulating Colton Coates on receiving a Judge Pat Baskin Family Volunteer of the Year Award.

To Resolutions Calendars.

HCR 15 (By Craddick), Congratulating Brian W. Stubbs on his receipt of the 2023 Outstanding Generations Graduate award.

To Resolutions Calendars.

HCR 16 (By Craddick), Congratulating Linda J. Cowden of Midland on receiving the 2023 Excellence in Governing Board Leadership Award.

To Resolutions Calendars.

HCR 17 (By Craddick), Congratulating Sharla and Bart Hotchkiss on their receipt of a 2023 Judge Pat Baskin Family Volunteer of the Year Award.

To Resolutions Calendars.

HCR 18 (By Craddick), Congratulating Jim and Sandy Hall on receiving the 2023 Sam Houston Award from the Texas Public Policy Foundation.

To Resolutions Calendars.

HCR 19 (By Craddick), Congratulating the Anwar family on receiving the West Texan by Nature award from the Sibley Nature Center.

To Resolutions Calendars.

HR 4 (By Meyer), In memory of Barry Gerard Andrews of Dallas.

To Resolutions Calendars.

HR 5 (By Meyer), In memory of Kenneth Dewayne Phillips of Dallas.

To Resolutions Calendars.

HR 6 (By Herrero), Honoring Pastor Elias R. Vasquez and Emma Vasquez of First Christian Church in Alice for their service.

To Resolutions Calendars.

HR 7 (By Herrero), In memory of Ramiro Humberto Gamboa Sr. of Corpus Christi.

To Resolutions Calendars.

HR 8 (By Herrero), Congratulating Hector A. Sanchez of the U.S. Marine Corps on his promotion to the rank of Sergeant Major.

To Resolutions Calendars.

HR 9 (By Herrero), In memory of Joel Mungia of Robstown.

To Resolutions Calendars.

HR 11 (By Hull), Recognizing October 2023 as Domestic Violence Awareness Month.

To Resolutions Calendars.

HR 12 (By Hull), Recognizing October 2024 as Domestic Violence Awareness Month.

To Resolutions Calendars.

HR 13 (By M. González), Recognizing the sister city relationship between the cities of San Elizario and Socorro, Texas, and Macharaviaya, Spain.

To Resolutions Calendars.

HR 14 (By Guillen), Congratulating Roel A. and Celia R. Saenz Elementary in Roma on its selection as a 2023 National Blue Ribbon School by the U.S. Department of Education.

To Resolutions Calendars.

HR 15 (By Guillen), Congratulating Falls City Elementary School on its selection as a 2023 National Blue Ribbon School by the U.S. Department of Education.

To Resolutions Calendars.

HR 17 (By Turner), Congratulating the varsity chorale ensemble of Timberview High School in Mansfield ISD on being invited to perform at Carnegie Hall in New York.

To Resolutions Calendars.

HR 18 (By Turner), In memory of Joseph Gerald "Gerry" Hebert.

To Resolutions Calendars.

List No. 2 - October 11

HCR 1 (By Oliverson), Calling for the thorough investigation of the Colony Ridge development in Liberty County and expressing support for legislation that prohibits illegal immigrants from purchasing land in communities across Texas.

To State Affairs.

HCR 2 (By Oliverson), Urging the Texas attorney general to file suit against the federal government for injunctive relief from the Border Patrol's practice of destroying barriers placed by Texas along its international border.

To State Affairs.

HCR 3 (By J. González), Directing the Texas Facilities Commission to name the building being constructed in Phase Two of the Texas Capitol Complex Master Plan at the northwest corner of Congress Avenue and 15th Street the Irma Rangel Building.

To State Affairs.

HCR 4 (By C. Bell), Directing the Texas Department of Public Safety to consider opening a Driver License Mega Center in Magnolia.

To Homeland Security and Public Safety.

HCR 20 (By Raymond), Urging the U.S. Congress to propose and submit to the states for ratification a federal balanced budget amendment to the U.S. Constitution.

To State Affairs.

HCR 21 (By Schaefer), Demanding the federal government to declare foreign drug cartels as foreign terrorist organizations.

To State Affairs.

HCR 22 (By Leo-Wilson), Designating Galveston as the Juneteenth Capital of Texas for a 10-year period ending in 2033.

To Culture, Recreation, and Tourism.

HCR 23 (By Isaac), Designating April as Promise Month for a 10-year period ending in 2033.

To Culture, Recreation, and Tourism.

HCR 24 (By Oliverson), Authorizing the State Preservation Board to approve the construction of a replica of the National Life Monument at the State Capitol Complex.

To Culture, Recreation, and Tourism.

HR 16 (By Tinderholt), Extending a formal apology to Attorney General Ken Paxton.

To State Affairs.

List No. 1 - October 12

HB 5 (By Guillen), Relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

To State Affairs.

HB 11 (By Oliverson and Wilson), Relating to the procedure following the apprehension of an undocumented individual by the Department of Public Safety for illegal entry into this state from Mexico during certain declared disasters; creating a criminal offense.

To State Affairs.

HB 14 (By Cook), Relating to the punishment for the criminal offense of operation of a stash house; increasing a criminal penalty.

To State Affairs.

HB 23 (By Geren), Relating to the creation of the criminal offense of improper entry from a foreign nation.

To State Affairs.

HB 83 (By Cain), Relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

To State Affairs.

HB 114 (By Bumgarner), Relating to creation of the criminal offense of improper entry from foreign nation.

To State Affairs.

HB 117 (By Lujan), Relating to the punishment for the criminal offense of operation of a stash house; increasing a criminal penalty.

To State Affairs.

