

# HOUSE JOURNAL

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EIGHTY-EIGHTH LEGISLATURE, FOURTH CALLED SESSION

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## PROCEEDINGS

FIRST DAY — TUESDAY, NOVEMBER 7, 2023

In obedience of the proclamation of His Excellency, Greg Abbott, Governor of the State of Texas, convening the 88th Legislature, Fourth Called Session, to meet in special session at Austin, Texas, the seat of government, on this the 7th day of November 2023, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 5:30 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); Allison; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Cunningham; Darby; Dean; DeAyala; Dorazio; Flores; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Goodwin; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Jones, J.; Kacal; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Martinez; Metcalf; Meyer; Meza; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raymond; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner; VanDeaver; Vasut; Walle; Wilson; Zwiener.

Absent, Excused — Anchía; Anderson; Ashby; González, J.; King, K.; Manuel; Rosenthal; Troxclair.

Absent — Allen; Bailes; Bernal; Bucy; Canales; Craddick; Davis; Dutton; Gámez; Garcia; Gervin-Hawkins; González, M.; Guerra; Hayes; Hernandez; Herrero; Johnson, J.D.; Johnson, J.E.; Jones, V.; Longoria; Lopez, R.; Martinez Fischer; Moody; Raney; Reynolds; Sherman; Thierry; Vo; Wu.

The invocation was offered by Representative Metcalf as follows:

Dear heavenly Father, we want to thank you for this day. Thank you for the opportunity for each of us to represent our districts here in this chamber. As we move forward with the fourth called special session we ask that you grant us peace, grace, mercy, and guidance in the days ahead. We ask that you be with our families to keep them healthy and safe while we are away. In your name we pray. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Anchía on motion of Ortega.

Anderson on motion of S. Thompson.

Ashby on motion of Shine.

J. González on motion of Collier.

K. King on motion of Kuempel.

Manuel on motion of Ramos.

Rosenthal on motion of Wu.

Troxclair on motion of Thimesch.

### **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 the fourth extraordinary session of the 88th Legislature, to convene in the City of Austin, commencing at 5 p.m. on Tuesday, November 7, 2023, for the following purposes:

To consider and act upon the following:

Legislation relating to primary and secondary education, including the establishment of an education savings account program, the certification, compensation, and health coverage of certain public school employees, the public school finance system, special education in public schools, measures to support the education of public school students that include certain educational grant programs, reading instruction, and early childhood education, the provision of virtual education, and public school accountability.

Legislation related to school safety measures and related state funding mechanisms.

Legislation to do more to reduce illegal immigration by creating criminal offenses for illegal entry into this state from a foreign nation and illegal reentry or presence following denial of admission, exclusion, deportation, or removal; authorizing the removal of illegal

immigrants from Texas; and providing indemnification and immunity for public officials, employees, or contractors in connection with the foregoing.

Legislation to impede illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure, and additional funding for the Department of Public Safety for border security operations, including additional overtime expenses and costs due to an increased law enforcement presence to preserve public safety and security in the Colony Ridge development in Liberty County, Texas.

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 7th day of November 2023.

/s/Greg Abbott  
Governor

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

### **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.)

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Bailes on motion of Kacal.

Bernal on motion of Collier.

Bucy on motion of Neave Criado.

Canales on motion of Collier.

Craddick on motion of Price.

Davis on motion of Collier.

Gómez on motion of Collier.

Garcia on motion of Collier.

Gervin-Hawkins on motion of Collier.

M. González on motion of Collier.

Guerra on motion of Collier.

Hayes on motion of Isaac.

Hernandez on motion of Collier.

Herrero on motion of Collier.

J.D. Johnson on motion of Collier.

J.E. Johnson on motion of Collier.

V. Jones on motion of Collier.

Martinez Fischer on motion of Collier.

Moody on motion of Collier.

Raney on motion of Harless.

Reynolds on motion of Zwiener.

Sherman on motion of Neave Criado.

Thierry on motion of Collier.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative Geren moved that the house grant permission for all committees and subcommittees to meet while the house is in session for the duration of the Fourth Called Session.

Permission to meet was granted by (Record 2): 85 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allison; Bell, C.; Bell, K.; Bonnen; Bowers; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Cook; Cortez; Cunningham; Darby; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Holland; Howard; Hull; Hunter; Isaac; Jetton; Kacal; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Martinez; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Perez; Price; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Nays — Bhojani; Bryant; Cole; Collier; Flores; Goodwin; Hinojosa; Johnson, A.; Jones, J.; Meza; Morales, C.; Morales Shaw; Neave Criado; Ordaz; Ortega; Plesa; Ramos; Romero; Rose; Talarico; Thompson, S.; Turner; Walle; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Anderson; Ashby; Bailes; Bernal; Bucy; Canales; Craddick; Davis; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Guerra; Hayes; Hernandez; Herrero; Johnson, J.D.; Johnson, J.E.; Jones, V.; King, K.; Manuel; Martinez Fischer; Moody; Raney; Reynolds; Rosenthal; Sherman; Thierry; Troxclair.

Absent — Allen; Dean; Dutton; Longoria; Lopez, R.; Thompson, E.; Vo; Wu.

### STATEMENTS OF VOTE

When Record No. 2 was taken, I was shown voting yes. I intended to vote no.

Campos

When Record No. 2 was taken, I was shown voting no. I intended to vote yes.

Rose

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Longoria on motion of Neave Criado.

R. Lopez on motion of Neave Criado.

Vo on motion of Collier.

### PROVIDING FOR ADJOURNMENT

At 5:44 p.m., Representative Guillen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages, the house adjourn until 12 p.m. Friday, November 10 in memory of Kirk Morales of San Antonio.

The motion prevailed.

### Wednesday, November 8

(Metcalf in the chair)

The chair called the house to order at 2:30 p.m. Wednesday, November 8.

### 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 - November 8.)

### HOUSE AT EASE

At 2:31 p.m. Wednesday, November 8, the chair announced that the house would stand at ease.

### Friday, November 10

The chair called the house to order at 8:57 a.m. Friday, November 10.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

## **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 - November 10.)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 9 a.m. Friday, November 10, adjourned until 12 p.m. today.

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### **ADDENDUM**

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#### **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**

**HB 1** (By Buckley), Relating to primary and secondary education, including the certification, compensation, and health coverage of certain public school employees, the public school finance system, special education in public schools, the establishment of an education savings account program, measures to support the education of public school students that include certain educational grant programs, reading instruction, and early childhood education, the provision of virtual education, and public school accountability.

To Select Educational Opportunity and Enrichment.

**HB 3** (By Jetton, Bonnen, Cain, DeAyala, and Kitzman), Relating to an appropriation to provide funding for the construction, operation, and maintenance of border barrier infrastructure and border security operations, including funding for additional overtime expenses and costs due to certain increased law enforcement presence.

To Appropriations.

**HB 4** (By Spiller, Hefner, and K. Bell), Relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions, and authorizing or requiring under certain circumstances the removal of persons who violate those prohibitions; creating criminal offenses.

To State Affairs.

**List No. 1 - November 8**

**HB 2** (By K. King), Relating to measures for ensuring safety and security in public schools, including the establishment of a school safety grant program and a school safety plan implementation grant program, and the allocation of certain constitutional transfers of money to the state school safety fund, the economic stabilization fund, and the state highway fund.

To Select Educational Opportunity and Enrichment.

**HJR 1** (By K. King), Proposing a constitutional amendment creating the state school safety fund to provide ongoing financial support for projects that ensure the safety of public schools in this state and providing for the transfer of certain general revenues to that fund, the economic stabilization fund, and the state highway fund.

To Select Educational Opportunity and Enrichment.

**List No. 1 - November 10**

**SB 1** to Select Educational Opportunity and Enrichment.

**SB 2** to Select Educational Opportunity and Enrichment.

**SB 3** to Appropriations.

**SB 4** to State Affairs.

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, November 10, 2023

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1** Creighton

Relating to the establishment of an education savings account program.

**SB 2** Creighton

Relating to a local optional teacher designation system implemented by a school district, the basic allotment and guaranteed yield under the public school finance system, and certain allotments under the Foundation School Program; making an appropriation.

**SB 3** Huffman

Relating to an appropriation to provide funding for the construction, operation, and maintenance of border barrier infrastructure and border security operations, including funding for additional overtime expenses and costs due to certain increased law enforcement presence.

**SB 4**

Perry

Relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions, and authorizing or requiring under certain circumstances the removal of persons who violate those prohibitions; creating criminal offenses.

Respectfully,

Patsy Spaw

Secretary of the Senate