

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

FIFTH DAY — SUNDAY, JUNE 23, 2013

The house met at 6:20 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 24).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Márquez; Vo.

Absent — Anchia; Burnam; Cortez; Eiland; Gonzalez, N.; Gutierrez; Johnson; King, T.; Oliveira; Perez; Rodriguez, J.; Walle.

### STATEMENT OF VOTE

When Record No. 24 was taken, I was present but my vote failed to register.

N. Gonzalez

(Burnam, Cortez, Eiland, and T. King now present)

### ADDRESS BY REPRESENTATIVE GIDDINGS

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

I would just like to ask the members to say a prayer in their own way, at their own time, for former president of South Africa, Nelson Mandela, who is in critical condition right now and who has taught us all a lot more about freedom and liberty. So, if you would, please say a prayer in your own time, in your own way, for former president of South Africa, Nelson Mandela. Members, if we could, Mr. Speaker, have a moment of silence.

### REMARKS ORDERED PRINTED

Representative Leach moved to print remarks by Representative Giddings.

The motion prevailed.

### LEAVES OF ABSENCE GRANTED

On motion of Representative Hunter and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

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

Anchia on motion of Strama.

Johnson on motion of Burnam.

(Gutierrez, Perez, J. Rodriguez, and Walle now present)

### UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

#### SB 23 ON THIRD READING

#### (Kolkhorst, Moody, Carter, and P. King - House Sponsors)

**SB 23**, A bill to be entitled An Act relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

**SB 23** was read third time earlier today.

Representative Kolkhorst moved to postpone consideration of **SB 23** until 7:15 p.m. today.

The motion prevailed by (Record 25): 93 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Vo.

Absent — Gonzalez, N.; Oliveira.

### STATEMENT OF VOTE

When Record No. 25 was taken, my vote failed to register. I would have voted no.

N. Gonzalez

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Zerwas on motion of Callegari.

### MAJOR STATE CALENDAR

#### HOUSE BILLS

#### SECOND READING

The following bills were laid before the house and read second time:

#### CSHB 60 ON SECOND READING

(by Laubenberg, Burkett, Harper-Brown, G. Bonnen, P. King, et al.)

**CSHB 60**, A bill to be entitled An Act relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

Representative Laubenberg moved to postpone consideration of **CSHB 60** until the end of today's calendar.

(N. Gonzalez now present)

Representative S. Turner moved to table the motion to postpone **CSHB 60**.

The motion to table was lost by (Record 26): 48 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Hernandez Luna; Herrero; Howard; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Nays — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Vo; Zerwas.

Absent — Burnam; Gutierrez; Oliveira; Rodriguez, J.

### STATEMENT OF VOTE

When Record No. 26 was taken, my vote failed to register. I would have voted yes.

J. Rodriguez

The motion to postpone **CSHB 60** prevailed by (Record 27): 92 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycok; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Hernandez Luna; Herrero; Howard; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Vo; Zerwas.

Absent — Burnam; Canales; Gutierrez; Nevárez; Oliveira; Rodriguez, J.

### STATEMENTS OF VOTE

When Record No. 27 was taken, my vote failed to register. I would have voted no.

Canales

When Record No. 27 was taken, I was in the house but away from my desk. I would have voted no.

Nevárez

When Record No. 27 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

### ADDRESS BY REPRESENTATIVE FARRAR ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Farrar who addressed the house on a matter of personal privilege, speaking as follows:

I am speaking to you because I am deeply disappointed in the events that took place at the State Affairs hearing on Thursday. In reaction to learning that the abortion regulation bills would be heard in committee, hundreds of women and men traveled to the capitol to speak out. As you all know, normally as the testimony on a bill goes on, our iPads show the number of remaining witnesses going down. On Thursday, though, that number kept creeping up. The vast numbers of witnesses, their willingness to travel across this immense state, and their patience while waiting hours to testify was nothing short of inspiring.

Those witnesses who got a chance to testify shared compelling stories made up of some of the most intimate details of their lives. Women shared their deeply personal stories publicly because they thought that in doing so, they could make a difference. Instead of leaving with the rewarding feeling that they had spoken on an issue important to them, these witnesses got the message from their state leaders that their personal stories were repetitive, and that they did not add to the discussion of the bill.

Members, in my nearly 20 years in the house, I have never seen anything like this—not this level of participation in a hearing, nor this level of disrespect for witnesses. I hate to think that those who came to testify will be discouraged from civic engagement in the future because of their experience at their Texas capitol this week. We owed it to those who had traveled from all over the state, and who had waited for 15 hours or more to testify, to give them a chance to speak. Cutting off their testimony arbitrarily makes a farce of the system.

Hearing public testimony on bills is an important part of our process. It gives us a chance to learn from the people who will be affected by the bills we consider. Testimony can show us how a change in the law will actually impact a person's life. Thus, public testimony is always important. In this case, the bills we are considering deal with a constitutional right, making public input all the more important. We should not turn people away.

Everything about the process related to these abortion regulation bills has smelled like partisan politics. First, each of these measures failed in the regular session. Adding these items to the call of the special session circumvents the democratic process set forth by our house rules.

Second, special sessions are about emergency items, and even then this legislation wasn't added to the call until the second half of the special session. Nothing about these bills is an emergency. Surely the expansive public opposition to the bills demonstrates that.

Third, these bills were set for the major state calendar in yet another move to rush them through the process. We know that the provisions in the bills are tough to swallow when even senate republicans had trouble accepting them. They had to meet unexpectedly behind closed doors for hours to work out an agreement. They stripped off a major provision of the bill for expediency before the senate finally passed the bill.

Proponents of the bill have failed to demonstrate any evidence that the regulations imposed by these bills are necessary, nor have they expressed any sign of responsible governance in ensuring that women will continue to be able to access safe and legal abortion care, which is a right protected by our constitution. They have also failed to demonstrate support from Texans as a whole.

If these measures are an emergency, why doesn't the medical community support them? Why have the Texas Medical Association, Texas Hospital Association, and American Congress of Obstetricians and Gynecologists put their opposition in writing in statements sent to us? If these measures are an

emergency, why did people show up in droves to oppose them at the State Affairs hearing? The committee report shows that 613 people registered on **HB 60**. A whopping 92 percent of them opposed the bill. If these measures are an emergency, why don't Texans as a whole support them?

Make no mistake, it's not just people who feel strongly about the issue who oppose the bills. Texas voters as a whole see no need for them. A survey was conducted last week of a representative sample of registered voters in Texas. Forty-nine percent of those surveyed self-identify as republicans, 37 percent as democrats. Forty-six percent identify as conservative, 33 percent as moderate, and 15 percent as liberal. These voters expressed that 63 percent believe that the state already has enough restrictions on abortion. Seventy-one percent believe that the governor and legislature should be more focused on the economy and jobs. A majority—51 percent—oppose the legislation we will vote on today.

The truth is that these bills aren't about women's health, and they aren't about the will of the people. They are about winning republican primaries. One need only look at Lieutenant Governor Dewhurst's tweet that reveals his real motive to close abortion clinics to know that. Texas women deserve better than to be used as a tool in partisan politics.

The constituency of Texas expands beyond republican primary voters. The majority cannot ignore the rest of Texans. This isn't about what the state wants; it's about what republican primary voters want. Let me remind you that you also have to convince general election voters to vote for you. Texas women certainly won't forget to remind you of that.

#### **REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks by Representative Farrar.

The motion prevailed.

#### **CSHB 16 ON SECOND READING**

**(by Laubenberg, Flynn, Krause, Anderson, Leach, et al.)**

**CSHB 16**, A bill to be entitled An Act relating to abortion at or after 20 weeks post-fertilization.

#### **CSHB 16 - POINT OF ORDER**

Representative C. Turner raised a point of order against further consideration of **CSHB 16** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and submitted the following statement:

Representative C. Turner raised three points of order against further consideration of **CSHB 16** under Rule 4, Section 32(c) of the House Rules. The points of order are respectfully overruled.

Representative C. Turner first asserts that the bill analysis omits Subsections (a) and (b) of Section 1 of the bill. Section 1(a) of the bill states that the bill may be cited as the Preborn Pain Act. Section 1(b) contains legislative findings related to unborn children and the state's interest in protecting them. The bill analysis states that the bill "provides for the construction, [and] enforcement . . . of its provisions." Having reviewed the bill analysis and the bill, the chair concludes that this statement summarizes the contents of Section 1(a) and (b).

In his second point of order, Representative C. Turner asserts that the bill analysis's statement that "severe fetal abnormality" is "defined as a life-threatening physical condition that, in reasonable medical judgment, is incompatible with life outside the womb regardless of the provision of lifesaving medical treatment" is incomplete because it does not include a definition of "reasonable medical judgment." The bill adopts the definition of "severe fetal abnormality" from Section 285.202 of the Health and Safety Code, which provides a separate definition of "reasonable medical judgment." Having reviewed the bill, the chair concludes that the analysis complied with Rule 4, Section 32(c) of the House Rules and was not required to include the definition of the term "reasonable medical judgment."

In his third point of order, Representative C. Turner asserts that the bill analysis failed to mention in its second through seventh paragraphs that the bill amends the Health and Safety Code. Having reviewed the entire bill and bill analysis, the chair determines that the bill analysis complied with Rule 4, Section 32(c) of the House Rules and is not subject to a point of order for failing to expressly mention the Health and Safety Code in paragraphs two through seven.

Representative Laubenberg moved to postpone consideration of **CSHB 16** until the end of today's calendar.

The motion prevailed by (Record 28): 91 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guillen; Hernandez Luna; Howard; King, T.; Lucio; Martinez; McClendon; Menéndez; Miles; Muñoz; Naishtat; Perez; Pickett; Raymond; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Vo; Zerwas.

Absent — Burnam; Canales; Collier; Cortez; Farias; Guerra; Gutierrez; Herrero; Huberty; Longoria; Martinez Fischer; Moody; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Wu.

#### STATEMENTS OF VOTE

When Record No. 28 was taken, my vote failed to register. I would have voted no.

Canales

When Record No. 28 was taken, I was in the house but away from my desk.  
I would have voted no.

Collier

When Record No. 28 was taken, I was in the house but away from my desk.  
I would have voted no.

Cortez

When Record No. 28 was taken, I was in the house but away from my desk.  
I would have voted no.

Herrero

When Record No. 28 was taken, my vote failed to register. I would have  
voted no.

Moody

When Record No. 28 was taken, I was in the house but away from my desk.  
I would have voted no.

Nevárez

When Record No. 28 was taken, I was in the house but away from my desk.  
I would have voted no.

J. Rodriguez

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

### **MAJOR STATE CALENDAR SENATE BILLS SECOND READING**

The following bills were laid before the house and read second time:

#### **CSSB 5 ON SECOND READING (Laubenberg and Hilderbran - House Sponsors)**

**CSSB 5**, A bill to be entitled An Act relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

### **POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of the calendar under Rule 7, Section 15 of the House Rules on the grounds that a bill was considered before an eligible postponed matter.

The point of order was withdrawn.

Representative Laubenberg moved to postpone consideration of **CSSB 5** until after third reading consideration of **SB 23**.

The motion prevailed.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**SB 23 ON THIRD READING****(Kolkhorst, Moody, Carter, and P. King - House Sponsors)**

**SB 23**, A bill to be entitled An Act relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

**SB 23** was read third time earlier today and was postponed until this time.

Representative Kolkhorst moved to postpone consideration of **SB 23** until 8:30 p.m. today.

Representative S. Turner moved to table the motion to postpone **SB 23**.

The motion to table was lost by (Record 29): 35 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Collier; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guillen; Hernandez Luna; Herrero; Howard; King, T.; Lucio; Martinez; McClendon; Menéndez; Miles; Muñoz; Naishtat; Perez; Pickett; Raymond; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle.

Nays — Alonzo; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffler; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Vo; Zerwas.

Absent — Burnam; Canales; Cortez; Farias; Guerra; Gutierrez; Longoria; Martinez Fischer; Moody; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Wu.

**STATEMENTS OF VOTE**

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

When Record No. 29 was taken, my vote failed to register. I would have voted yes.

Moody

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted yes.

Nevárez

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

The motion to postpone **SB 23** prevailed by (Record 30): 93 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guillen; Hernandez Luna; Herrero; Howard; King, T.; Lucio; Martinez; McClendon; Menéndez; Miles; Muñoz; Naishtat; Perez; Raymond; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Vo; Zerwas.

Absent — Canales; Cortez; Farias; Guerra; Gutierrez; Longoria; Martinez Fischer; Moody; Nevárez; Oliveira; Reynolds; Rodriguez, E.; Rodriguez, J.; Wu.

### STATEMENTS OF VOTE

When Record No. 30 was taken, my vote failed to register. I would have voted no.

Canales

When Record No. 30 was taken, I was in the house but away from my desk. I would have voted no.

Cortez

When Record No. 30 was taken, my vote failed to register. I would have voted no.

Moody

When Record No. 30 was taken, I was in the house but away from my desk. I would have voted no.

Nevárez

When Record No. 30 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

**CSSB 5 ON SECOND READING**  
**(Laubenberg and Hilderbran - House Sponsors)**

**CSSB 5**, A bill to be entitled An Act relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

**CSSB 5** was read second time earlier today and was postponed until this time.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of illness:

Oliveira on motion of Perez.

**CSSB 5 - (consideration continued)**

**Amendment No. 1**

Representative N. Gonzalez offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) On page 1, line 6, strike "medical evidence" and substitute "evidence, defined as the great preponderance of published peer-reviewed and scientifically based medical literature,".

(2) On page 1, line 11, strike "medical".

(3) On page 1, line 15, strike "medical".

(Ritter in the chair)

Representative Laubenberg moved to table Amendment No. 1.

The motion to table prevailed by (Record 31): 93 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Hernandez Luna; Howard; King, T.; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Burnam; Farias; Gutierrez; Herrero; Longoria; Rodriguez, J.

### STATEMENTS OF VOTE

When Record No. 31 was taken, I was temporarily out of the house chamber. I would have voted no.

Herrero

When Record No. 31 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

### Amendment No. 2

Representative S. Thompson offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) on page 5, between lines 23 and 24, by inserting the following:

(d) The prohibitions and requirements under Sections 171.042, 171.043, and 171.044(b) do not apply to an abortion performed when the pregnancy is the result of rape or incest.

(Harper-Brown in the chair)

Representative Laubenberg moved to table Amendment No. 2.

The motion to table prevailed by (Record 32): 86 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Elkins; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; King, T.; Kleinschmidt; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Callegari; Fallon; Farias; Farney; Guillen.

### STATEMENT OF VOTE

When Record No. 32 was taken, I was in the house but away from my desk. I would have voted yes.

Farney

#### Amendment No. 3

Representative Collier offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

- (1) On page 1, line 6, strike "substantial".
- (2) On page 1, line 11, strike "substantial".
- (3) On page 1, line 14, strike "substantial".

Representative G. Bonnen moved to table Amendment No. 3.

The motion to table prevailed by (Record 33): 92 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; King, T.; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

#### Amendment No. 4

Representative Howard offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) On page 2, lines 19-24, strike Subdivision (1) and substitute the following:

(1) must comply with 25 T.A.C. Section 139.56, relating to the protocol for managing medical emergencies and the transfer of patients to a hospital, or perform the abortion at a licensed abortion facility that complies with that section;  
and

(2) On page 12, line 21, between "centers" and the underlined period, insert the following:

, except that an abortion facility may comply with the standards relating to the protocol for managing medical emergencies and the transfer of patients to a hospital under 25 T.A.C. Section 139.56 in lieu of the standards relating to the transfer of patients requiring emergency care and admitting privileges under 25 T.A.C. Section 135.11(b)(19)

Amendment No. 4 failed of adoption by (Record 34): 47 Yeas, 94 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Nays — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — King, T.

### **Amendment No. 5**

Representative Howard offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike page 7, line 26, through page 8, line 12, and renumber subsequent subdivisions of that section accordingly.

(2) On page 9, between lines 21 and 22, insert the following:

Sec. 171.0611. APPLICABILITY TO MEDICAL ABORTION. This subchapter does not apply to:

(1) an abortion done with the intent to:

(A) save the life or preserve the health of an unborn child;

(B) remove a dead, unborn child whose death was caused by spontaneous abortion;

(C) remove an ectopic pregnancy; or

(D) treat a maternal disease or illness for which a prescribed drug, medicine, or other substance is indicated; or

(2) a person who gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug for the purpose of performing an abortion described by Subdivision (1).

**CSSB 5 - POINT OF ORDER**

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32 of the House Rules, asserting that the bill analysis omitted Subchapter d from its analysis. The chair has reviewed Subchapter d and the bill analysis and determines that page three of the bill analysis properly addresses Subchapter d under Rule 4, Section 32 of the House Rules. Therefore, the point of order is respectfully overruled.

**CSSB 5 - POINT OF ORDER**

Representative S. Thompson raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 9 and Rule 4, Section 11(b) of the House Rules on the grounds that the committee met while the house was in session without getting permission to meet.

The chair overruled the point of order and submitted the following statement:

Representative S. Thompson raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 9 and Rule 4, Section 11(b) of the House Rules, asserting that the Committee on State Affairs did not have permission to meet while the house was in session and did not properly post the time of its meeting. The point of order is respectfully overruled.

The Committee on State Affairs met while the house was in recess. It posted to meet at 1 p.m. on the day of its meeting, but actually convened at 1:16 p.m. Because the house was in recess, the committee did not need permission to meet while the house was in session, and, therefore, did not violate Rule 4, Section 9 of the House Rules. Further, because the committee met after the time for which it had posted its meeting, it did not contravene Rule 4, Section 11 of the House Rules.

Representative Laubenberg moved to table Amendment No. 5.

The motion to table prevailed by (Record 35): 91 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Herrero; King, T.

### STATEMENT OF VOTE

When Record No. 35 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

### CSSB 5 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Y. Davis raised a point of order against further consideration of **CSSB 5** under Rule 4, Section 32 of the House Rules, asserting that the bill analysis does not adequately detail Section 2 of the bill. The point of order is respectfully overruled.

Section 2 of the bill provides that a physician who performs an abortion must provide the patient with a telephone number where she "may reach the physician, or other health care personnel employed by the physician or by the facility at which the abortion was performed with access to the woman's relevant medical records, 24 hours a day to request assistance for any complications that arise from the performance of the abortion or ask health-related questions regarding the abortion." The bill analysis states that the physician must provide the patient with "certain contact information for potential medical assistance needed after the abortion." Having reviewed the bill analysis and the bill, the chair determines that the bill analysis for Section 2 complies with the requirements of Rule 4, Section 32 of the House Rules. See 83 H.J. Reg. 3450 (2013).

### CSSB 5 - POINT OF ORDER

Representative Canales raised a point of order against further consideration of **CSSB 5**.

The point of order was withdrawn.

### Amendment No. 6

Representative M. González offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike page 12, lines 13-21, and substitute the following:

SECTION 4. Section 245.010, Health and Safety Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsection (c) to read as follows:

(a-1) Except as otherwise provided by Subsection (a-2), on or after September 1, 2014, the minimum standards for an abortion facility must be equivalent to the minimum standards adopted under Section 243.010 for ambulatory surgical centers.

(a-2) An abortion facility located more than 50 miles from the nearest other abortion facility must meet the minimum standards adopted under Subsection (c).

(c) The standards for a facility described by Subsection (a-2) may not be more stringent than Medicare certification standards, if any, for:

- (1) qualifications for professional and nonprofessional personnel;
  - (2) supervision of professional and nonprofessional personnel;
  - (3) medical treatment and medical services provided by an abortion facility and the coordination of treatment and services, including quality assurance;
  - (4) sanitary and hygienic conditions within an abortion facility;
  - (5) the equipment essential to the health and welfare of the patients;
  - (6) clinical records kept by an abortion facility; and
  - (7) management, ownership, and control of the facility.
- (2) Strike page 16, lines 26-27, and renumber subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly.

Representative Laubenberg moved to table Amendment No. 6.

The motion to table prevailed by (Record 36): 91 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; King, T.; Longoria; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Coleman; Guillen; Herrero; Lucio; Perez.

### STATEMENT OF VOTE

When Record No. 36 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

**Amendment No. 7**

Representative E. Rodriguez offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

- (1) On page 12, line 18, strike "2014" and substitute "2015".
- (2) On page 16, line 26, strike "~~2014~~" and substitute "2015".
- (3) On page 19, line 6, strike "2014" and substitute "2015".
- (4) On page 19, line 10, strike "2014" and substitute "2015".

**ADDRESS BY REPRESENTATIVE MCCLENDON**

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

Senator Leticia Van de Putte has had another situation in her family. Her father was killed in an automobile accident, and I would like to ask that the members stop where you are and let us say a little solemn prayer in memory of Leticia Van de Putte's father and pray for her and her family for strength. Amen.

**REMARKS ORDERED PRINTED**

Representative Canales moved to print remarks by Representative McClendon.

The motion prevailed.

**CSSB 5 - (consideration continued)**

Representative Laubenberg moved to table Amendment No. 7.

The motion to table prevailed by (Record 37): 92 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Herrero; King, T.; Nevárez.

**STATEMENTS OF VOTE**

When Record No. 37 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

When Record No. 37 was taken, I was in the house but away from my desk. I would have voted no.

Nevárez

**Amendment No. 8**

Representative Howard offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) on page 12, line 21, between "centers" and the underlined period, by inserting "except that an abortion facility may comply with 25 T.A.C. Section 139.48 instead of 25 T.A.C. Sections 135.51 and 135.52 regarding physical, environmental, and other construction standards".

Representative Laubenberg moved to table Amendment No. 8.

The motion to table prevailed by (Record 38): 92 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Howard; Longoria; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Burnam; Herrero; King, T.; Nevárez.

**STATEMENT OF VOTE**

When Record No. 38 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

**Amendment No. 9**

Representative Perez offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike SECTION 11 of the bill (page 19, lines 3-10) and substitute the following:

SECTION 11. (a) Sections 2-10 of this Act take effect 60 days after the publication in the Texas Register of a finding of fact made by the executive commissioner of the Health and Human Services Commission that the number of persons without health insurance coverage in this state is less than five percent of all persons in this state according to the most recent American Community Survey conducted by the United States Census Bureau or a similar survey conducted by a federal agency.

(b) The executive commissioner of the Health and Human Services Commission shall adopt the standards required by Section 245.010, Health and Safety Code, as amended by this Act, not later than the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(c) A facility licensed under Chapter 245, Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, until the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(2) On page 19, line 11, strike "This" and substitute "Except as provided by Section 11 of this Act, this".

(Speaker in the chair)

### POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of the calendar under Rule 6, Section 7 and Rule 6, Section 16 of the House Rules.

The speaker overruled the point of order and submitted the following statement:

Representative Martinez Fischer raised a point of order against further consideration of the calendar for June 23, 2013, under Rule 6, Section 7 and Rule 6, Section 16 of the House Rules. The point of order is respectfully overruled.

Representative Martinez Fischer observes that **SCR 2** is listed on the supplemental calendar under the heading "concurrent resolutions calendar." He asserts that, under Rule 6, **SCR 2** could only have been listed on either a local and consent calendar or on a resolutions calendar, but not under a calendar entitled "concurrent resolutions calendar." Earlier this session, and at least five times in the previous session, the house had before it a calendar consisting exclusively of one or more concurrent resolutions. In these instances, the calendar was entitled "concurrent resolutions calendar," rather than the more general term "resolutions calendar." Because this calendar was appropriately treated as a resolutions calendar in its placement in the order of business and in its consideration before the house, the chair concludes that adding the descriptor "concurrent" did not violate Rule 6, Sections 7 and 16 of the House Rules.

Representative Laubenberg moved to table Amendment No. 9.

The motion to table prevailed by (Record 39): 93 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Hernandez Luna; Herrero; Howard; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Guillen; Gutierrez; King, T.; Longoria.

#### **Amendment No. 10**

Representative M. González offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike SECTION 11 of the bill (page 19, lines 3-10) and substitute the following:

SECTION 11. (a) Sections 2-10 of this Act take effect 60 days after the publication in the Texas Register of a finding of fact made by the executive commissioner of the Health and Human Services Commission that the number of repeat teen pregnancies in this state is less than 15 percent of all teen pregnancies in this state as determined by the Centers for Disease Control and Prevention.

(b) The executive commissioner of the Health and Human Services Commission shall adopt the standards required by Section 245.010, Health and Safety Code, as amended by this Act, not later than the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(c) A facility licensed under Chapter 245, Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, until the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(2) On page 19, line 11, strike "This" and substitute "Except as provided by Section 11 of this Act, this".

Representative Laubenberg moved to table Amendment No. 10.

The motion to table prevailed by (Record 40): 93 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Canales; King, T.; Kleinschmidt; Longoria.

### **Amendment No. 11**

Representative Allen offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike SECTION 11 of the bill (page 19, lines 3-10) and substitute the following:

SECTION 11. (a) Sections 2-10 of this Act take effect 60 days after the publication in the Texas Register of a finding of fact made by the executive commissioner of the Health and Human Services Commission that the state is not ranked among the five states with the highest teen birth rates, as determined by the Centers for Disease Control and Prevention or other federal agency.

(b) The executive commissioner of the Health and Human Services Commission shall adopt the standards required by Section 245.010, Health and Safety Code, as amended by this Act, not later than the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(c) A facility licensed under Chapter 245, Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, until the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(2) On page 19, line 11, strike "This" and substitute "Except as provided by Section 11 of this Act, this".

Representative Laubenberg moved to table Amendment No. 11.

The motion to table prevailed by (Record 41): 93 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — King, T.; Longoria; Miller, D.

### **Amendment No. 12**

Representative E. Rodriguez offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike SECTION 11 of the bill (page 19, lines 3-10) and substitute the following:

SECTION 11. (a) Sections 2-10 of this Act take effect 60 days after the publication in the Texas Register of a finding of fact made by the executive commissioner of the Health and Human Services Commission that the rate of teen pregnancy in this state is less than the median rate of teen pregnancy in the United States, as determined by the Centers for Disease Control and Prevention or other federal agency.

(b) The executive commissioner of the Health and Human Services Commission shall adopt the standards required by Section 245.010, Health and Safety Code, as amended by this Act, not later than the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(c) A facility licensed under Chapter 245, Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, until the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(2) On page 19, line 11, strike "This" and substitute "Except as provided by Section 11 of this Act, this".

(Leach in the chair)

Representative Laubenberg moved to table Amendment No. 12.

(Speaker in the chair)

The motion to table prevailed by (Record 42): 94 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Hernandez Luna; Herrero; Howard; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Wallé; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Gutierrez; King, T.; Longoria.

### **Amendment No. 13**

Representative Alonzo offered the following amendment to **CSSB 5**:

Amend **CSSB 5** (house committee printing) as follows:

(1) Strike SECTION 11 of the bill (page 19, lines 3-10) and substitute the following:

SECTION 11. (a) Sections 2-10 of this Act take effect 60 days after the publication in the Texas Register of a finding of fact made by the executive commissioner of the Health and Human Services Commission that the total number of persons without health insurance coverage in this state is fewer than one million according to the most recent American Community Survey conducted by the United States Census Bureau or a similar survey conducted by a federal agency.

(b) The executive commissioner of the Health and Human Services Commission shall adopt the standards required by Section 245.010, Health and Safety Code, as amended by this Act, not later than the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(c) A facility licensed under Chapter 245, Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, until the expiration of six months after the effective date of Sections 2-10 of this Act described in Subsection (a) of this section.

(2) On page 19, line 11, strike "This" and substitute "Except as provided by Section 11 of this Act, this".

Representative Laubenberg moved to table Amendment No. 13.

The motion to table prevailed by (Record 43): 93 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Hernandez Luna; Herrero; Howard; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Gutierrez; King, T.; Kleinschmidt; Longoria.

### **CSSB 5 - MOTION FOR PREVIOUS QUESTION**

Representative Hughes moved the previous question on the passage to third reading of **CSSB 5**.

The motion was seconded by Representatives Frank, Perry, Murphy, Hughes, Burkett, White, P. King, Stickland, Harper-Brown, Taylor, Zedler, Leach, E. S. Turner, Creighton, R. Sheffield, Klick, Orr, Smithee, Capriglione, Flynn, Toth, R. Miller, Krause, E. Thompson, Carter, Geren, Goldman, Fallon, Schaefer, Lavender, Stephenson, Springer, Isaac, Fletcher, Bohac, Parker, Perry, Callegari, Pitts, D. Bonnen, G. Bonnen, Simmons, and Riddle.

The motion for the previous question prevailed by (Record 44): 92 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Alonzo; Alvarado; Burnam; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Hernandez Luna; Herrero; Howard; Lucio; Martinez; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Pickett; Raymond; Reynolds; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; Márquez; Oliveira; Vo; Zerwas.

Absent — Allen; Canales; Collier; Cortez; Guillen; Gutierrez; King, T.; Longoria; Martinez Fischer; Nevárez; Perez; Rodriguez, E.; Rodriguez, J.; Rose.

### STATEMENTS OF VOTE

When Record No. 44 was taken, I was temporarily out of the house chamber. I would have voted no.

Collier

When Record No. 44 was taken, I was temporarily out of the house chamber. I would have voted no.

Nevárez

When Record No. 44 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of illness:

T. King on motion of Eiland.

Longoria on motion of Guerra.

E. Rodriguez on motion of Moody.

### CSSB 5 - (consideration continued)

**CSSB 5** was passed to third reading by (Record 45): 97 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Martinez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Alonzo; Alvarado; Burnam; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Hernandez Luna; Howard; Lucio; McClendon; Menéndez; Miles; Moody; Naishtat; Raymond; Reynolds; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Johnson; King, T.; Longoria; Márquez; Oliveira; Rodriguez, E.; Vo; Zerwas.

Absent — Allen; Canales; Collier; Cortez; Gutierrez; Martinez Fischer; Nevárez; Perez; Rodriguez, J.; Rose.

### STATEMENTS OF VOTE

When Record No. 45 was taken, I was in the house but away from my desk. I would have voted no.

Canales

When Record No. 45 was taken, I was temporarily out of the house chamber. I would have voted no.

Collier

When Record No. 45 was taken, I was temporarily out of the house chamber. I would have voted no.

Nevárez

When Record No. 45 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

### REASON FOR VOTE

Although I am strongly in support of the provisions contained in the legislation and am pro-women's health, there are several concerns about the bill and process. Without some of the amendments to improve the bill, and the fact that the motion for the previous question was adopted, we did not allow the process to complete and, therefore, did not allow further vetting of the bill. We prevented the body from working on amendments that could have impacted the legislation in different ways. I am in favor of provisions of the bill; however, we should not in good conscience create law that would limit access to legal health care services. If clinics close in regions throughout the state, this could result in limiting access to critical services. As a legislature, we need to focus on women's health care and prenatal care by making it more accessible and affordable. I will continue to work to ensure we accomplish the goals set out for the betterment of our communities.

Muñoz

### REMARKS ORDERED PRINTED

Representative Farrar moved to print all remarks on **CSSB 5**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of the debate on **CSSB 5** on second reading.]

**SB 23 ON THIRD READING****(Kolkhorst, Moody, Carter, and P. King - House Sponsors)**

**SB 23**, A bill to be entitled An Act relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

**SB 23** was read third time earlier today, postponed until 7:15 p.m. today, and was again postponed until this time.

**Amendment No. 1**

Representative Dutton offered the following amendment to **SB 23**:

Amend **SB 23** on third reading as follows:

(1) In amended Section 1, Article 37.071, Code of Criminal Procedure, as amended on second reading by Floor Amendment No. 1 by Schaefer, on page 2, lines 25-26 of the amendment, strike "40 years" and substitute "28 years".

(2) In amended Section 508.145(b), Government Code, as amended on second reading by Floor Amendment No. 1 by Schaefer, on page 3, line 12 of the amendment, strike "40 calendar years" and substitute "28 [~~40~~] calendar years".

Representative Kolkhorst moved to table Amendment No. 1.

The motion to table prevailed.

**Amendment No. 2**

On behalf of Representative Nevárez, Representative Dutton offered the following amendment to **SB 23**:

Amend **SB 23** on third reading in amended Section 508.145(b), Government Code, as amended on second reading by Floor Amendment No. 1 by Schaefer, by striking "40 calendar years" and substituting "30 [~~40~~] calendar years".

(Speaker pro tempore in the chair)

Representative Kolkhorst moved to table Amendment No. 2.

The motion to table prevailed.

**Amendment No. 3**

On behalf of Representative Burnam, Representative Dutton offered the following amendment to **SB 23**:

Amend **SB 23** on third reading in amended Section 508.145(b), Government Code, as amended on second reading by Floor Amendment No. 1 by Schaefer, by striking "40 calendar years" and substituting "25 [~~40~~] calendar years".

Representative Kolkhorst moved to table Amendment No. 3.

The motion to table prevailed.

**Amendment No. 4**

On behalf of Representative S. Turner, Representative Dutton offered the following amendment to **SB 23**:

Amend **SB 23** on third reading by striking the SECTION of the bill that addresses the applicability of the change in law made by the Act and substituting the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. The change in law made by this Act applies to:

(1) a criminal action for which a final conviction exists on the effective date of this Act if the defendant is serving a sentence of life without parole for the offense and was younger than 18 years of age at the time the offense was committed; and

(2) any other criminal action that is pending, on appeal, or commenced on or after the effective date of this Act, regardless of whether the criminal action is based on an offense committed before, on, or after that date.

Representative Kolkhorst moved to table Amendment No. 4.

The motion to table prevailed.

#### **Amendment No. 5**

On behalf of Representative Canales, Representative Dutton offered the following amendment to **SB 23**:

Amend **SB 23** on third reading in SECTION 1 of the bill, immediately following Section 12.31(b), Penal Code, by adding the following:

(c) Notwithstanding Subsection (a)(2) or any other law, an individual may not be sentenced to life without parole if the individual committed the capital felony offense when 17 years of age unless the legislature has established an innocence commission that has the duty to make a thorough review or investigation of all cases in which an innocent person was convicted and exonerated, including convictions vacated based on a plea to time served, to:

(1) identify the causes of wrongful convictions;

(2) ascertain errors and defects in the laws, rules, proof, and procedures applied in prosecuting the defendant's case at issue or implicated by each identified cause of wrongful convictions;

(3) identify errors and defects in the criminal justice process in this state generally, using peer-reviewed research, expert analysis, and demographic data;

(4) consider and develop solutions and methods to correct the identified errors and defects through legislation, rule, or procedural changes; and

(5) identify procedures, programs, and educational or training opportunities demonstrated to eliminate or minimize the causes of wrongful convictions and prevent the future occurrence of wrongful convictions and resulting executions.

Representative Kolkhorst moved to table Amendment No. 5.

The motion to table prevailed.

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

Representative McClendon offered the following amendment to **SB 23**:

Amend **SB 23** of the first called special session of the 83rd Legislature (house committee report) by adding the following appropriately numbered SECTION to the bill, and renumbering the subsequent SECTIONS of the bill appropriately:

The appropriately numbered section to read as follows:

**SB 23** will expire on August 31, 2015 unless before that date the State of Texas establishes an Innocence or Exoneration Review Commission to evaluate, investigate, and prevent wrongful convictions.

Representative Kolkhorst moved to table Amendment No. 6.

The motion to table prevailed by (Record 46): 89 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Zedler.

Nays — Alonzo; Alvarado; Coleman; Dukes; Dutton; Howard; Martinez; McClendon; Muñoz; Naishtat; Pickett; Ritter.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Anchia; Johnson; King, T.; Longoria; Márquez; Oliveira; Rodriguez, E.; Vo; Zerwas.

Absent — Allen; Burnam; Canales; Collier; Cortez; Davis, Y.; Deshotel; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Lucio; Martinez Fischer; Menéndez; Miles; Moody; Nevárez; Perez; Raymond; Reynolds; Rodriguez, J.; Rose; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Workman; Wu.

#### STATEMENTS OF VOTE

When Record No. 46 was taken, I was temporarily out of the house chamber. I would have voted no.

Collier

When Record No. 46 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

When Record No. 46 was taken, I was temporarily out of the house chamber. I would have voted present, not voting.

Nevárez

When Record No. 46 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

When Record No. 46 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

When Record No. 46 was taken, my vote failed to register. I would have voted yes.

Workman

**SB 23** was passed by (Record 47): 95 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Martinez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Alonzo; Alvarado; Coleman; Davis, Y.; Dutton; Guerra; McClendon; Reynolds; Strama.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Anchia; Johnson; King, T.; Longoria; Márquez; Oliveira; Rodriguez, E.; Vo; Zerwas.

Absent — Allen; Burnam; Canales; Collier; Cortez; Deshotel; Dukes; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Gutierrez; Hernandez Luna; Herrero; Kleinschmidt; Lucio; Martinez Fischer; Menéndez; Miles; Moody; Naishtat; Nevárez; Perez; Raymond; Rodriguez, J.; Rose; Smithee; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

#### STATEMENTS OF VOTE

When Record No. 47 was taken, I was temporarily out of the house chamber. I would have voted no.

Collier

When Record No. 47 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

I was shown voting no on Record No. 47. I intended to vote yes.

Guerra

When Record No. 47 was taken, I was temporarily out of the house chamber. I would have voted yes.

Herrero

When Record No. 47 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

When Record No. 47 was taken, I was temporarily out of the house chamber. I would have voted present, not voting.

Nevárez

When Record No. 47 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

When Record No. 47 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

**CONSTITUTIONAL AMENDMENTS CALENDAR  
SENATE JOINT RESOLUTIONS  
SECOND READING**

The following resolutions were laid before the house and read second time:

**SJR 2 ON SECOND READING  
(Phillips, Pitts, Pickett, Lavender, et al. - House Sponsors)**

**SJR 2**, A joint resolution proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund, to provide for the transfer of certain general revenue to the state highway fund and the dedication of that revenue, and to authorize the payment of the principal and interest on certain highway improvement bonds from other money deposited to the state highway fund.

**Amendment No. 1**

Representatives Phillips, Darby, Murphy, Taylor, Orr, Pickett, Anderson, Simmons, G. Bonnen, Ratliff, Villalba, Perry, Harper-Brown, Pitts, and Kacal offered the following amendment to **SJR 2**:

Amend **SJR 2** (house committee printing) as follows:

(1) On page 2, line 3, between "roadways" and the period, insert "other than toll roads".

(2) On page 2, line 14, strike "\$6 billion" and substitute "one-third of the maximum authorized balance of the economic stabilization fund, as provided by Subsection (g) of this section, for the state fiscal biennium preceding the biennium during which the transfer under Subsection (c) of this section is to be made".

(3) On page 2, line 22, strike "\$6 billion" and substitute "one-third of the maximum authorized balance of the economic stabilization fund, as provided by Subsection (g) of this section, for the state fiscal biennium preceding the biennium during which the transfer under Subsection (c) of this section is to be made".

(4) On page 3, strike lines 22 through 27 and substitute:

(e) Revenue transferred to the state highway fund under Section 49-g(c) of this article may be appropriated to pay the principal of and interest on bonds issued under this section.

(5) On page 4, strike line 10 and substitute:  
from certain money transferred to the state highway fund.

(6) On page 4, strike line 25 and substitute:  
highway improvement bonds from certain money transferred to the state

**AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE TAYLOR: Representative Phillips, I've enjoyed working with you on this, and I think this is a good amendment. Just for legislative intent, I want to establish something that is not actually very clear from when this was originally passed in 1987. And that is that you're referencing Article III, part 49-g(g), as you're referencing how we calculate the 10 percent cap, and now you're going to calculate the 10 percent cap and a one-third trigger.

REPRESENTATIVE PHILLIPS: Correct.

TAYLOR: And so, how is that GR estimate made?

PHILLIPS: Well, that GR estimate is made not just with GR, but they spend multiple accounts—like the federal highway fund goes in that. So it's a multiple of different amounts of money that's plugged into that besides just GR. So it's a higher amount than GR. And currently, it's planned to be \$14.4 billion is what it's set at this next biennium. And I would say that I think it's been very clear how the comptroller's treated this, and we would continue that.

TAYLOR: Okay, so just for clarification, the revenue number that is used to estimate the cap, and now the trigger—the 10 percent cap and the one-third trigger, that is now a GR number, but it's much bigger than the GR number that we're used to using that we get as an estimate from the comptroller. It's a much larger number; today, approximately about 50 percent bigger than the actual GR number.

PHILLIPS: Correct, and for legislative intent, we would expect—and it's our legislative intent that that would be, the calculation as it's been made this last biennium and the previous biennium—that it would continue to be that amount that that 10 percent is applied to or this one-third trigger.

### REMARKS ORDERED PRINTED

Representative Taylor moved to print remarks between Representative Phillips and Representative Taylor.

The motion prevailed.

Amendment No. 1 was adopted.

### Amendment No. 2

Representative McClendon offered the following amendment to **SJR 2**:

Amend **SJR 2** (house committee printing) as follows:

- (1) On page 2, strike lines 1 through 3 and substitute "(g) of this section."
- (2) On page 4, lines 7 through 8, strike "state highway fund and the dedication of that revenue," and substitute "state highway fund,".
- (3) On page 4, line 23, strike "state highway fund and the dedication of that revenue," and substitute "state highway fund,".

Representative Phillips moved to table Amendment No. 2.

The motion to table prevailed by (Record 48): 91 Yeas, 7 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Deshotel; Dutton; Geren; Martinez; McClendon; Menéndez; Raymond.

Present, not voting — Mr. Speaker; Bonnen, D.(C); Hilderbran.

Absent, Excused — Anchia; Johnson; King, T.; Longoria; Márquez; Oliveira; Rodriguez, E.; Vo; Zerwas.

Absent — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Kleinschmidt; Lucio; Martinez Fischer; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Reynolds; Rodriguez, J.; Rose; Smithee; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

### STATEMENTS OF VOTE

When Record No. 48 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 48 was taken, I was temporarily out of the house chamber. I would have voted yes.

Nevárez

When Record No. 48 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

### Amendment No. 3

Representative Harper-Brown offered the following amendment to **SJR 2**:

Amend **SJR 2** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. Article VIII, Texas Constitution, is amended by adding Section 7-e to read as follows:

Sec. 7-e. (a) Except as provided by Subsection (b) of this section, the comptroller of public accounts shall deposit to the credit of the state highway fund 33-1/3 percent of the amount by which the net revenue derived in a state fiscal year from the taxes authorized by Chapter 152, Tax Code, or its successor, and imposed on the sale or rental of a motor vehicle in this state exceeds the amount of the net revenue derived from those taxes in the state fiscal year ending August 31, 2013.

(b) The net revenue to which Subsection (a) of this section applies does not include any revenue described by that subsection that, under general law in effect on January 1, 2013, was required to be deposited to the credit of a fund outside the general revenue fund from which money could be appropriated only for a purpose that decreases the rates of, or reduces reliance on, ad valorem taxes imposed to fund public schools. To the extent general law continues to require the deposit of that revenue in that manner and limit the appropriation of that revenue to that purpose, the requirement and limitation prevail over Subsection (a) of this section.

(2) On page 4, line 8, between "revenue," and "and to", insert "to dedicate certain tax revenue to the state highway fund,".

(3) On page 4, line 10, strike "other" and substitute "certain".

(4) Strike page 4, line 16, and substitute the following:

(c) Section 7-e, Article VIII, of this constitution takes effect September 1, 2015.

(d) This temporary provision expires January 1, 2016.

(5) On page 4, line 23, between "revenue," and "and to", insert "to dedicate certain tax revenue to the state highway fund,".

(6) On page 4, line 25, strike "other" and substitute "certain".

Amendment No. 3 was adopted.

**SJR 2**, as amended, was passed to third reading by (Record 49): 86 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Clardy; Cook; Creighton; Crownover; Dale; Darby; Deshotel; Fallon; Farney; Fletcher; Flynn; Goldman; Gonzales; Gooden; Guerra; Guillen; Harper-Brown; Hilderbran; Hughes; Hunter; Isaac; Kacal; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Leach; Lozano; Martinez; Menéndez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Carter; Craddick; Davis, J.; Davis, S.; Dutton; Eiland; Elkins; Frank; Frullo; Geren; Harless; Huberty; Krause; Lewis; McClendon; Ritter; Stickland.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Anchia; Johnson; King, T.; Longoria; Márquez; Oliveira; Rodriguez, E.; Vo; Zerwas.

Absent — Allen; Alonzo; Alvarado; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dukes; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Gutierrez; Hernandez Luna; Herrero; Howard; Keffer; Lucio; Martinez Fischer; Miles; Moody; Nevárez; Perez; Reynolds; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

**STATEMENTS OF VOTE**

When Record No. 49 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 49 was taken, I was temporarily out of the house chamber. I would have voted yes.

Giddings

I was shown voting yes on Record No. 49. I intended to vote no.

Gooden

I was shown voting no on Record No. 49. I intended to vote yes.

Huberty

When Record No. 49 was taken, I was temporarily out of the house chamber. I would have voted no.

Nevárez

When Record No. 49 was taken, I was in the house but away from my desk. I would have voted no.

J. Rodriguez

## RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

### SCR 2

#### (Raymond - House Sponsor)

**SCR 2**, Authorizing a proposed interim agreement between the parties of a lawsuit regarding individuals with intellectual disabilities and related conditions residing in or at risk of being admitted to nursing facilities.

**SCR 2** was adopted by (Record 50): 99 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Guillen; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Martinez; McClendon; Menéndez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Naishtat; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Riddle; Ritter; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Thompson, E.; Toth; Turner, E.S.; Villalba; Workman; Zedler.

Nays — Capriglione; Dutton; Schaefer; Simpson; Stickland; White.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Anchia; Johnson; King, T.; Longoria; Márquez; Oliveira; Rodriguez, E.; Vo; Zerwas.

Absent — Allen; Alonzo; Burnam; Canales; Collier; Cortez; Davis, Y.; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Gutierrez; Hernandez Luna; Herrero; Howard; Lucio; Martinez Fischer; Miles; Moody; Nevárez; Perez; Reynolds; Rodriguez, J.; Rose; Strama; Taylor; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Walle; Wu.

## STATEMENTS OF VOTE

When Record No. 50 was taken, I was temporarily out of the house chamber. I would have voted yes.

Herrero

When Record No. 50 was taken, I was temporarily out of the house chamber. I would have voted yes.

Nevárez

When Record No. 50 was taken, I was in the house but away from my desk. I would have voted yes.

J. Rodriguez

When Record No. 50 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **CSHB 60 ON SECOND READING**

**(by Laubenberg, Burkett, Harper-Brown, G. Bonnen, P. King, et al.)**

**CSHB 60**, A bill to be entitled An Act relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

**CSHB 60** was read second time earlier today and was postponed until this time.

Representative Laubenberg moved to postpone consideration of **CSHB 60** until 10 a.m. Thursday, July 4.

The motion prevailed.

#### **CSHB 16 ON SECOND READING**

**(by Laubenberg, Flynn, Krause, Anderson, Leach, et al.)**

**CSHB 16**, A bill to be entitled An Act relating to abortion at or after 20 weeks post-fertilization.

**CSHB 16** was read second time earlier today and was postponed until this time.

Representative Laubenberg moved to postpone consideration of **CSHB 16** until 12 a.m. Thursday, July 4.

The motion prevailed.

### **ADJOURNMENT**

The chair announced that the house would adjourn until 6:46 a.m. today, Monday, June 24.

The motion prevailed.

The house accordingly, at 4:30 a.m. Monday, June 24, adjourned until 6:46 a.m. today.

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### **ADDENDUM**

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### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 1****SB 2, SB 3, SB 4**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**June 21**Appropriations - **SJR 2**Human Services - **SCR 2**State Affairs - **HB 16, HB 60, SB 5**