

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

SECOND DAY — TUESDAY, JULY 9, 2013

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2).

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

Absent, Excused — Harless.

The speaker recognized Representative Flynn who introduced Dan Tarno, pastor, Grace Bible Fellowship Baptist Church, Canton, who offered the invocation as follows:

Most Holy and Righteous God, we come before you recognizing you as our great creator, the giver and sustainer of life, the one who assigns our time to be born and our time to die. You are the author of both our faith and our freedom of which we are most thankful. We have read that "eternal vigilance is the price of freedom." Let us forever be watchful for those who would take it away. We are mindful that "all that is necessary for evil to triumph is for good men to do nothing." Father, will you give to these, our elected officials, the continual wisdom and courage to seek your will as well as the will of the people as they govern today?

Great God, you have reminded us that if we, the people, who are called by your name will humble ourselves and pray, and seek your face, and turn from our wicked ways, that you will hear from heaven and forgive our sins and will heal our land. Father, our land needs a healing, our land needs a cleansing, and our land needs a revival of morality and righteousness. God, bring these things upon this great State of Texas and upon these dedicated leaders as well as upon us all.

We remember that you told us: "The whole duty of man is to love God and to keep his commandments." Lord, let us practice that as we seek to govern this democracy that you have given to us. "Righteous exalts a nation but sin is a reproach to any people."

We do not forget to thank you today for those who have both fought and died to defend this nation, and we thank you for Governor Perry and all who serve with him. For it is in the name of your son, our Savior Jesus Christ, that we ask these things. In Jesus' name, we pray. Amen.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Harless on motion of Kuempel.

CAPITOL PHYSICIAN

The speaker recognized Representative Workman who presented Dr. Julie Reardon of Austin as the "Doctor for the Day."

The house welcomed Dr. Reardon and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Hunter in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

(Speaker in the chair)

HR 17 - ADOPTED

(by J. Sheffield)

Representative J. Sheffield moved to suspend all necessary rules to take up and consider at this time **HR 17**.

The motion prevailed.

The following resolution was laid before the house:

HR 17, In memory of Sergeant Lance McLean of the Hood County Sheriff's Office.

HR 17 was read and was unanimously adopted by a rising vote.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 17** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Keffer who introduced family members and friends of Sergeant Lance McLean.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 2 ON SECOND READING

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

HB 2, A bill to be entitled An Act relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

Amendment No. 1

Representative S. Thompson offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) on page 5, between lines 25 and 26, by inserting the following:

(d) The prohibitions and requirements under Sections 171.043, 171.044, and 171.045(b) do not apply to an abortion performed when the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury.

Representative Laubenberg moved to table Amendment No. 1.

(Speaker pro tempore in the chair)

The motion to table prevailed by (Record 3): 90 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.(C); 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; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; 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; Ritter; Sanford; Schaefer; Sheets; 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; Anchia; 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; Johnson; King, S.; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker.

Absent, Excused — Harless.

Absent — Guillen; Oliveira; Riddle.

STATEMENTS OF VOTE

When Record No. 3 was taken, I was excused for important business in the district. I would have voted no.

Harless

When Record No. 3 was taken, I was in the house but away from my desk. I would have voted no.

Oliveira

Amendment No. 2

Representative S. Davis offered the following amendment to **HB 2**:

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

(1) Strike page 1, line 5, through page 3, line 13.

(2) On page 3, line 15, strike "Subchapters C and D" and substitute "Subchapter C".

(3) On page 5, line 8, between "condition" and ", it", insert "not described by Subsection (a-1)".

(4) On page 5, between lines 16 and 17, insert the following subsection:

(a-1) Notwithstanding Subsection (a), an abortion may be performed under Subsection (a)(1) or (2) if, in the physician's reasonable medical health judgment the medical condition caused by rape or an incestuous relationship forced on the woman that manifests after the post-fertilization age of the unborn child is 20 weeks or more presents a possibility of serious self-harm or suicide.

(5) On page 5, line 17, strike "A" and substitute "Except as provided by Subsection (a-1), a".

(6) On page 5, between lines 25 and 26, insert the following:

(d) The prohibitions and requirements under Sections 171.043, 171.044, and 171.045(b) do not apply to an abortion performed when the pregnancy is the result of rape or incest.

(7) Strike page 7, line 26, through page 12, line 23.

(8) On page 17, strike lines 1 and 2.

(9) On page 19, strike lines 5 through 12.

(10) Renumber SECTIONS of the bill accordingly.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a funeral:

Riddle on motion of Harper-Brown.

(Speaker in the chair)

HB 2 - (consideration continued)

Representative Laubenberg moved to table Amendment No. 2.

The motion to table prevailed by (Record 4): 89 Yeas, 56 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; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; 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; Ritter; Sanford; Schaefer; Sheets; 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; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; King, S.; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harless; Riddle.

Absent — Guillen.

STATEMENT OF VOTE

When Record No. 4 was taken, I was excused for important business in the district. I would have voted yes.

Harless

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 12:45 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 12:45 p.m. today, 3W.9, for a formal meeting, to set a calendar.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Cook on motion of Raymond.

Frullo on motion of Raymond.

Geren on motion of Raymond.

Hunter on motion of Raymond.

Kuempel on motion of Raymond.

D. Miller on motion of Raymond.

HB 2 - (consideration continued)

Amendment No. 3

Representative S. Turner offered the following amendment to **HB 2**:

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

(1) Strike page 2, line 16, through page 3, line 13.

(2) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 245.006(a), Health and Safety Code, is amended to read as follows:

(a) The department shall inspect an abortion facility at random, unannounced, and reasonable times as necessary, but not fewer than two times each month, to ensure compliance with this chapter and Subchapter B, Chapter 171.

(3) Renumber SECTIONS of the bill and cross-references to those SECTIONS accordingly.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Menéndez offered the following amendment to **HB 2**:

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

(1) On page 2, line 17, strike "Section 171.0031" and substitute "Sections 171.0031 and 171.0032".

(2) On page 3, between lines 13 and 14, insert the following new section:

Sec. 171.0032. REIMBURSEMENT. (a) The department shall provide financial reimbursement for expenses described by Subsection (b) to a woman who receives an abortion if:

(1) the woman's personal residence is located more than 30 miles from a facility at which an abortion may be performed or induced;

(2) the woman received a medical referral from a physician to a facility for the performance or inducement of an abortion; and

(3) the woman submits to the department an application for reimbursement on the form and in the manner prescribed by the department.

(b) The department shall provide financial reimbursement for travel to the facility at which an abortion may be performed or induced that is closest in proximity to the woman's personal residence and related expenses as provided by this subsection. The reimbursement must be for the period relative to the performance or inducement of the abortion and include the following expenses:

(1) round-trip travel from the woman's residence to the facility;

(2) meals;

(3) lodging;

(4) facility care; and

(5) medical care, including the performance or inducement of an abortion.

(c) The department shall provide financial reimbursement for expenses described by Subsection (b) at a rate that is at least equal to the rate authorized for the travel expenses of a department employee performing authorized official state business.

(d) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to administer this section.

(Cook, Frullo, Hunter, and Kuempel now present)

Representative Laubenberg moved to table Amendment No. 4.

(Harper-Brown in the chair)

(Geren now present)

The motion to table prevailed by (Record 5): 93 Yeas, 51 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.; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; 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; 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; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Harless; Riddle.

Absent, Excused, Committee Meeting — Miller, D.

STATEMENT OF VOTE

When Record No. 5 was taken, I was excused for important business in the district. I would have voted yes.

Harless

Amendment No. 5

Representative N. Gonzalez offered the following amendment to **HB 2**:

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

- (1) On page 1, line 5, strike "(a)".
- (2) On page 2, strike lines 7-15.
- (3) Strike page 17, line 19, through page 18, line 20.
- (4) On page 18, line 21, strike "(c)" and substitute "(b)".
- (5) On page 19, strike lines 1-4.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Eiland offered the following amendment to **HB 2**:

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

- (1) Strike page 2, line 16, through page 3, line 13.
- (2) On page 3, line 15, strike "Subchapters C and D" and substitute "Subchapter C".
- (3) Strike page 7, line 26, through page 12, line 23.
- (4) On page 17, strike lines 1-2.
- (5) On page 19, strike lines 5-12.
- (6) Renumber 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 6): 85 Yeas, 52 Nays, 3 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; Hilderbran; Huberty; Hughes; Hunter; Isaac; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lozano; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Price; Raney; Ratliff; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smithee; Springer; Stephenson; Stickland; Taylor; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; 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; Johnson; King, T.; Longoria; Lucio; Márquez; Martínez; Martínez Fischer; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Harless; Riddle.

Absent, Excused, Committee Meeting — Miller, D.

Absent — Kacal; Lewis; McClendon; Pitts; Smith; Thompson, E.

STATEMENTS OF VOTE

When Record No. 6 was taken, I was excused for important business in the district. I would have voted yes.

Harless

When Record No. 6 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

Amendment No. 7

Representative Anchia offered the following amendment to **HB 2**:

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

(1) On page 2, lines 3-4, strike "substantial and irreversible physical impairment of a major bodily function" and substitute "prevent serious harm to the health".

(2) On page 5, lines 6-8, strike "a serious risk of substantial and irreversible physical impairment of a major bodily function, other than a psychological condition" and substitute "to prevent serious harm to the woman's health".

(3) On page 5, lines 18-19, strike "a substantial and irreversible physical impairment of a major bodily function" and substitute "serious harm to the woman's health".

(4) On page 5, lines 21-22, strike "substantial and irreversible physical impairment of a major bodily function" and substitute "serious harm to her health".

(D. Miller now present)

Representative Laubenberg moved to table Amendment No. 7.

The motion to table prevailed by (Record 7): 88 Yeas, 57 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; 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; 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; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu; Zerwas.

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

Absent, Excused — Harless; Riddle.

STATEMENT OF VOTE

When Record No. 7 was taken, I was excused for important business in the district. I would have voted yes.

Harless

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of State Preservation Board business:

Geren on motion of Ritter.

HB 2 - (consideration continued)

Amendment No. 8

Representative Collier offered the following amendment to **HB 2**:

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

(1) On page 2, line 18, strike "PHYSICIAN; OFFENSE. (a)" and substitute "PHYSICIAN.".

(2) On page 3, strike lines 11-13.

(3) On page 12, line 12, between "171.063" and the period, insert "if the board finds that the person acted intentionally or with gross negligence".

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Howard offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) on page 2, line 21, between "privileges at" and "a hospital", by inserting "or a written transfer agreement with".

Representative Laubenberg moved to table Amendment No. 9.

The motion to table prevailed by (Record 8): 86 Yeas, 55 Nays, 2 Present, not voting.

Yeas — 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; Goldman; Gonzales; Gooden; Guillen; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Ritter; Sanford; Schaefer; Sheets; 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; Anchia; 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; Johnson; King, S.; Lewis; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Geren; Harless; Riddle.

Absent — Anderson; King, T.; Pickett.

STATEMENTS OF VOTE

When Record No. 8 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 8 was taken, I was excused for important business in the district. I would have voted yes.

Harless

Amendment No. 10

Representative S. Turner offered the following amendment to **HB 2**:

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

(1) On page 2, line 20, between "(1)" and "must", insert "except as provided by Subsection (a-1)".

(2) On page 3, between lines 10 and 11, insert the following:

(a-1) A physician performing or inducing an abortion is not required to comply with Subsection (a)(1) if each hospital located not further than 30 miles from the location at which the abortion is performed or induced has a written policy that prohibits granting admitting privileges to a physician who performs or induces abortions outside of the hospital.

(Geren and Harless now present)

HB 2 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(b)(4) and Rule 4, Section 18 of the House Rules on the grounds that the committee report is incorrect and the committee minutes are incomplete.

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

During the consideration of **HB 2**, Representative Martinez Fischer raised a point of order under Rule 4, Section 32(b)(4) of the House Rules. That provision requires that a committee report must be in writing and shall contain "the date the committee made its recommendation." Representative Martinez Fischer argues that the record vote in committee on **HB 2** occurred on the morning of July 3, 2013, and, therefore, that the date on the committee report of July 2, 2013, the date the hearing commenced, is in error and requires that the bill be returned to committee. The point of order is respectfully overruled.

The situation of a house committee beginning deliberation of a bill or hearing on one day and continuing to the next is not unique. The limited dates that a legislature may convene often require house committee hearings to straddle two calendar days. Since at least 2001, house committees appear to have used as "the date the committee made its recommendation" (the requirement set out in Rule 4, Section 32(b)(4) of the House Rules) the date the committee hearing began rather than the date the record vote on a matter was taken (the position advanced by Representative Martinez Fischer). See, e.g., **HB 1374**, 77th Legislature (March 13, 2001, committee report dated on date committee hearing began and not on date of record vote in committee); **HB 2378**, 77th Legislature (April 4, 2001, committee report date on date committee hearing began and not on date of record vote in committee); **HB 3108**, 77th Legislature (April 17, 2001, committee report date on date committee hearing began and not on date of record vote in committee); **HB 1321**, 78th Legislature (March 26, 2003, committee report date on date committee hearing began and not on date of record vote in committee); **HB 770**, 78th Legislature (April 30, 2003, committee report date on date committee hearing began and not on date of record vote in committee); **HB 1557**, 80th Legislature (April 12, 2007, committee report date on date committee hearing began and not on date of record vote in committee); **HB 4471**, 81st Legislature (March 31, 2009, committee report date on date committee hearing began and not on date of record vote in committee); **SB 1581**, 82nd Legislature (May 20, 2011, committee report date on date committee hearing began and not on date of record vote in committee).

In considering these issues, it is the chair's opinion that the purpose of Rule 4, Section 32(b)(4) of the House Rules has been fulfilled. By using the date the committee hearing began as the date the committee made its recommendation, house committees, over the course of three speakers and an extended period of time, have allowed house staff and members of the public methods to link and review the information in committee reports, postings, and committee minutes. While this issue has never been raised before, members of the house are certainly free to amend the requirements of Rule 4, Section 32(b)(4) of the House Rules to allow any other explicit date to be placed in the committee reports, including the date of the record vote as suggested by Representative Martinez Fischer. Representative Martinez Fischer desires to appeal the ruling of the chair on this matter.

(Geren in the chair)

HB 2 - APPEAL OF POINT OF ORDER RULING

Pursuant to Rule 1, Section 9 of the House Rules, an appeal was made to the chair's ruling of the above point of order by the following 10 members: Representatives Martinez Fischer, S. Turner, Dutton, Dukes, Rose, J. Rodriguez, Canales, Miles, S. Thompson, and Walle. The question on whether the chair's ruling should be sustained was before the house.

The chair's ruling was sustained by (Record 9): 91 Yeas, 53 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; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; 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; Raymond; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Riddle.

Absent — Miles; Oliveira.

STATEMENT OF VOTE

I was shown voting no on Record No. 9. I intended to vote yes.

Kleinschmidt

Representative Laubenberg moved to table Amendment No. 10.

(Kolkhorst in the chair)

The motion to table prevailed by (Record 10): 89 Yeas, 54 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; Keffer; King, K.; King, P.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Ritter; Sanford; Schaefer; Sheets; 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; Anchia; 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; Johnson; King, S.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Riddle.

Absent — Kacal; King, T.; Orr.

Amendment No. 11

Representative Menéndez offered the following amendment to **HB 2**:

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

(1) On page 5, line 8, between "condition" and "it", insert "not described by Subsection (a-1)".

(2) On page 5, between lines 16 and 17, insert the following subsection:

(a-1) Notwithstanding Subsection (a), an abortion may be performed under Subsection (a)(1) or (2) if, in the physician's reasonable medical judgment:

(1) the psychological condition is a post-traumatic stress disorder caused by rape or an incestuous relationship forced on the woman that manifests after the post-fertilization age of the unborn child is 20 weeks or more and the disorder presents a possibility of serious self-harm or suicide; or

(2) the discontinuation of psychotropic medications prescribed for a preexisting psychological condition, because of the potential side effect risks of the medications to the fetus, would have such a debilitating effect on the woman's mental state as to present a possibility of self-harm or suicide.

(3) On page 5, line 17, strike "A" and substitute "Except as provided by Subsection (a-1), a".

HB 2 - POINT OF ORDER

Representative Reynolds raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(c) of the House Rules.

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

Representative Reynolds raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(c) of the House Rules, asserting that the bill analysis omits Section 1 of the bill. The point of order is respectfully overruled.

Section 1(a) of the bill contains legislative findings related to unborn children and the state's interest in protecting them, and Section 1(b) contains a severability clause. The bill analysis states that the bill "provides for the construction, enforcement, and severability of its provisions." Having reviewed the bill analysis and the bill, the chair concludes that this statement summarizes the contents of Section 1 and complies with the requirements of Rule 4, Section 32(c) of the House Rules. See 83 H.J. 1st C.S. 1193 (2013).

Representative Laubenberg moved to table Amendment No. 11.

The motion to table prevailed by (Record 11): 91 Yeas, 53 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; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; 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; Ritter; Sanford; Schaefer; Sheets; 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; Anchia; 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; Johnson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Riddle.

Absent — Guillen; King, T.

Amendment No. 12

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

Amend **HB 2** as follows:

(1) On page 5, between lines 25 and 26, insert the following:

(d) The prohibitions and requirements under Sections 171.043, 171.044, and 171.045(b) do not apply to an abortion performed on a minor if the minor or her legal representative verifies to the treating physician that she did not receive effective instruction relating to human sexuality provided in compliance with Section 28.004(e), Education Code, that was sufficient to inform her of the potential risks of pregnancy and complications that could affect her medical condition.

(2) On page 16, strike lines 5-16 and substitute the following:

(19) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order, as provided by Section 33.003 or 33.004, Family Code, authorizing the minor to consent to the abortion, unless:

(A) the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian; or

(B) the minor verifies to the physician that she did not receive effective instruction relating to human sexuality provided in compliance with Section 28.004(e), Education Code, that was sufficient to inform her of the potential risks of pregnancy and complications that could affect her medical condition; or

(3) Add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill and any cross-references to those SECTIONS accordingly:

SECTION _____. Section 28.004, Education Code, is amended by amending Subsections (e) and (i) and adding Subsection (o) to read as follows:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted infections [~~diseases~~], or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:

(1) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for [~~unmarried~~] persons of school age;

(2) devote sufficient [~~more~~] attention to abstinence from sexual activity to emphasize the importance of abstinence [~~than to any other behavior~~];

(3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, abortion, sexually transmitted infections [~~diseases~~], infection with human immunodeficiency virus, [~~or~~] acquired immune deficiency syndrome, and the emotional distress that may be [~~trauma~~] associated with adolescent sexual activity that results in a sexually transmitted infection or an unintended pregnancy;

(4) direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, abortion, sexually transmitted infections [~~diseases~~], [~~and~~] infection with human immunodeficiency virus, and [~~or~~] acquired immune deficiency syndrome; [~~and~~]

(5) present age-appropriate information in accordance with national standards;

(6) be evidence-based;

(7) provide age-appropriate information about the effectiveness of methods approved by the United States Food and Drug Administration for reducing the risk of contracting sexually transmitted infections, including human immunodeficiency virus, and preventing unintended pregnancy;

(8) promote healthy relationships and decision-making skills such as strategies:

(A) to promote effective communication between adolescents and their parents and other family members or their legal guardians;

(B) to develop healthy relationships; and

(C) to develop healthy life skills, including goal-setting, responsible decision making, refusal and negotiation, and effective communication; and

(9) for middle, junior high, and high school students, discuss the district's dating violence policy adopted under Section 37.0831 [~~teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content].~~

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) a summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent that the instruction is required by [~~of the instructional requirements under~~] state law to:

(A) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for persons of school age; and

(B) devote sufficient attention to abstinence from sexual activity to emphasize the importance of abstinence;

(2) a statement of whether the instruction is considered by the district to be abstinence-only instruction or comprehensive instruction, including an explanation of the difference between those types of instruction and a specific statement regarding whether the student will receive information on contraception and condom use;

(3) [~~2~~] a statement of the parent's right to:

(A) review curriculum materials as provided by Subsection (j); and

(B) remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(4) [~~3~~] information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(o) In this section:

(1) "Abstinence-only instruction" means instruction that does not include information about preventing pregnancy, abortion, sexually transmitted infections, infection with human immunodeficiency virus, or acquired immune deficiency syndrome through any means other than total abstinence from sexual activity.

(2) "Evidence-based" means information verified or supported by research that is:

(A) conducted in compliance with accepted scientific methods;

(B) published in peer-reviewed journals, if appropriate;

(C) recognized as medically accurate, objective, and complete by mainstream professional organizations and agencies with expertise in the relevant field, including the federal Centers for Disease Control and Prevention and the United States Department of Health and Human Services; and

(D) proven through rigorous, scientific evaluation to achieve positive outcomes on measures of sexual risk behavior or its health consequences.

SECTION _____. (a) A school district that uses instructional materials that do not reflect the requirements prescribed by Section 28.004(e), Education Code, as amended by this Act, shall also use appropriate supplemental instructional materials as necessary to comply with those requirements.

(b) A school district that permits a person not employed by the district to present one or more components of the district's human sexuality instruction must require the person to comply with the requirements prescribed by Section 28.004(e), Education Code, as amended by this Act.

(Riddle now present)

Representative Laubenberg moved to table Amendment No. 12.

The motion to table prevailed by (Record 12): 93 Yeas, 45 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, T.; Kleinschmidt; Klick; 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; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Longoria; Lucio; Márquez; Martinez Fischer; McClendon; Menéndez; Miles; Muñoz; Oliveira; Perez; Raymond; Reynolds; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent — Allen; Cortez; Farrar; King, S.; Martinez; Moody; Naishtat; Nevárez; Rodriguez, E.

STATEMENTS OF VOTE

When Record No. 12 was taken, I was in the house but away from my desk.
I would have voted no.

Allen

When Record No. 12 was taken, I was in the house but away from my desk.
I would have voted no.

Cortez

When Record No. 12 was taken, I was in the house but away from my desk.
I would have voted no.

Farrar

When Record No. 12 was taken, I was in the house but away from my desk.
I would have voted yes.

S. King

When Record No. 12 was taken, I was in the house but away from my desk.
I would have voted no.

Moody

When Record No. 12 was taken, I was in the house but away from my desk.
I would have voted no.

Naishtat

When Record No. 12 was taken, I was in the house but away from my desk. I would have voted no.

E. Rodriguez

Amendment No. 13

Representative Herrero offered the following amendment to **HB 2**:

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

(1) On page 10, line 8, between "physician" and the underlined semicolon, insert the following:

who:

(A) has the ability to:

(i) assess the duration of the pregnancy accurately; and

(ii) diagnose an ectopic pregnancy;

(B) is capable of providing surgical intervention in the case of an incomplete abortion or severe bleeding or has made arrangements for another qualified physician to provide the care described by this paragraph and has documented those arrangements in the woman's medical record;

(C) is able to assure patient access to a medical facility equipped to provide a blood transfusion and resuscitation; and

(D) has read and understood the prescribing information for the use of the abortion-inducing drug as provided by the drug manufacturer in accordance with the requirements of the United States Food and Drug Administration

(2) On page 10, strike lines 14-18 and substitute the following:

(b) A person may provide, prescribe, or administer the abortion-inducing drug:

(1) in the dosage amount prescribed by the clinical management guidelines defined by the American Congress of Obstetricians and Gynecologists Practice Bulletin as those guidelines existed on January 1, 2013; or

(2) according to an evidence-based regimen.

(3) Strike page 10, line 24, through page 11, line 8, and substitute the following:

(d) The physician who gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug shall:

(1) fully explain the procedure to the pregnant woman, including:

(A) explaining whether the physician is using the abortion-inducing drug:

(i) in accordance with the United States Food and Drug Administration regimen described on the final printed label;

(ii) in a dosage amount described by Subsection (b)(1); or

(iii) in accordance with an evidence-based regimen; and

(B) if using the dosage amount described by Subsection (b)(1) or an evidence-based regimen:

(i) specifying that the dosage or regimen used differs from the United States Food and Drug Administration dosage or regimen described on the final printed label; and

(ii) providing detailed information on the dosage or regimen being used;

(2) provide the pregnant woman with:

(A) the final printed label of the abortion-inducing drug;

(B) a copy of the drug manufacturer's medication guide for the abortion-inducing drug;

(C) a copy of the drug manufacturer's patient agreement; and

(D) a telephone number by which the woman 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 administration or use of the abortion-inducing drug or ask health-related questions regarding the administration or use of the abortion-inducing drug;

(3) obtain the patient's signature for and sign the patient agreement described by Subdivision (2)(C); and

(4) record the drug manufacturer's package serial number in the woman's medical record.

Representative Laubenberg moved to table Amendment No. 13.

The motion to table prevailed by (Record 13): 93 Yeas, 53 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.; King, T.; Kleinschmidt; Klick; 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; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; 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; Johnson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Simpson; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent — Sheffield, J.

Amendment No. 14

Representative Miles offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) on page 10, between lines 13 and 14, by inserting the following:

(a-1) Subsection (a) does not apply to a physician who sells, dispenses, administers, provides, or prescribes an abortion-inducing drug to a pregnant woman who is a victim of rape or incest if the probable gestational age of the unborn child is at least 49 days.

(Ritter in the chair)

Representative Laubenberg moved to table Amendment No. 14.

The motion to table prevailed by (Record 14): 90 Yeas, 53 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; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; 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, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; 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; Johnson; King, T.; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu; Zerwas.

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

Absent — Guillen; Kolkhorst; Longoria; Sheffield, J.

Amendment No. 15

Representatives M. González, Martinez, and Muñoz offered the following amendment to **HB 2**:

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

(1) On page 12, strike lines 15-23 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) On page 17, strike lines 1-2 and renumber subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly.

Representative Laubenberg moved to table Amendment No. 15.

The motion to table prevailed by (Record 15): 91 Yeas, 54 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; 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; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Sanford; Schaefer; Sheets; 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; Anchia; 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; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent — Guillen; Huberty.

Amendment No. 16

Representative Dukes offered the following amendment to **HB 2**:

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

- (1) On page 5, between lines 25 and 26, insert the following:

(d) The Department of Family and Protective Services may waive the prohibitions and requirements under Section 171.043, 171.044, and 171.045(b) in accordance with Section 262.310, Family Code.

(2) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. (a) Subchapter D, Chapter 262, Family Code, is amended by adding Section 262.310 to read as follows:

Sec. 262.310. WAIVER FOR CERTAIN PREGNANT WOMEN. Unless the Department of Family and Protective Services provides a waiver authorizing a pregnant woman to obtain an abortion after the date the post-fertilization age of the unborn child is 20 weeks, the department shall allow a woman to voluntarily deliver a child who appears to be not more than one year old to a designated emergency infant care provider.

SECTION _____. Section 262.301(1), Family Code, is amended to read as follows:

(1) "Designated emergency infant care provider" means:

(A) an emergency medical services provider;

(B) a police station;

(C) a fire station;

(D) a hospital; or

(E) ~~(C)~~ a child-placing agency licensed by the Department of Family and Protective ~~[and Regulatory]~~ Services under Chapter 42, Human Resources Code, that:

(i) agrees to act as a designated emergency infant care provider under this subchapter; and

(ii) has on staff a person who is licensed as a registered nurse under Chapter 301, Occupations Code, or who provides emergency medical services under Chapter 773, Health and Safety Code, and who will examine and provide emergency medical services to a child taken into possession by the agency under this subchapter.

SECTION _____. Section 262.302(a), Family Code, is amended to read as follows:

(a) A designated emergency infant care provider shall, without a court order, take possession of a child who appears to be one year ~~[60 days]~~ old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

(3) Renumber SECTIONS of the bill and cross-references to those SECTIONS accordingly.

Representative Laubenberg moved to table Amendment No. 16.

LEAVE OF ABSENCE GRANTED

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

Geren on motion of Moody.

HB 2 - (consideration continued)

The motion to table prevailed by (Record 16): 90 Yeas, 53 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; 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.; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; 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; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; 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; Johnson; King, T.; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Geren.

Absent — Guillen; Morrison; Raney.

Amendment No. 17

Representative S. Turner offered the following amendment to **HB 2**:

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

(1) On page 12, strike lines 15 through 23 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 constructed before January 1, 2014, that does not receive adequate funding from state sources to ensure compliance with the standards adopted under Subsection (a-1) 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) On page 17, strike lines 1 and 2 and renumber subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly.

(3) On page 19, between lines 12 and 13, insert the following:

(c) A facility licensed under Chapter 245, Health and Safety Code, and constructed before January 1, 2014, that receives adequate funding from state sources to ensure compliance with the standards adopted under Section 245.010(a-1), Health and Safety Code, as added by this Act, shall comply with those standards not later than one year after the date the facility receives the funding.

LEAVE OF ABSENCE GRANTED

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

Farias on motion of Moody.

HB 2 - (consideration continued)

REMARKS ORDERED PRINTED

Representative Farrar moved to print all remarks on **HB 2**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of the debate on **HB 2**.]

Representative Laubenberg moved to table Amendment No. 17.

(Geren now present)

The motion to table prevailed by (Record 17): 95 Yeas, 51 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.; King, T.; 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; Zerwas.

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

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

Absent, Excused — Farias.

Amendment No. 18

Representative Howard offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) on page 12, line 23, 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. 18.

The motion to table prevailed by (Record 18): 92 Yeas, 54 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, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

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

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

Absent, Excused — Farias.

STATEMENT OF VOTE

I was shown voting yes on Record No. 18. I intended to vote no.

S. King

Amendment No. 19

Representative Collier offered the following amendment to **HB 2**:

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

(1) On page 2, line 18, strike "PHYSICIAN; OFFENSE. (a)" and substitute "PHYSICIAN.".

(2) On page 3, strike lines 11-13.

(3) On page 12, line 12, between "171.063" and the period, insert "if the board finds that the person acted intentionally or with gross negligence".

Representative Laubenberg moved to table Amendment No. 19.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of family business:

Longoria on motion of Rose.

HB 2 - (consideration continued)

The motion to table prevailed by (Record 19): 94 Yeas, 51 Nays, 2 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; 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; Zerwas.

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

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

Absent, Excused — Farias; Longoria.

Amendment No. 20

Representative Gutierrez offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) by adding the following subsection, appropriately numbered, to SECTION 10 of the bill and renumbering subsequent subsections of that SECTION accordingly:

() If some or all of the provisions of this Act are ever temporarily or permanently restrained or enjoined by judicial order, the party challenging this Act shall recover litigation costs from this state. This state shall pay litigation costs regardless of a subsequent determination by an appellate court. A party described by this section may recover litigation costs from the state if the party prevails in a trial or appellate court.

(Speaker in the chair)

Representative Laubenberg moved to table Amendment No. 20.

The motion to table prevailed by (Record 20): 97 Yeas, 49 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.; King, T.; 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; Raymond; 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; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farias; Longoria.

Amendment No. 21

Representative Farrar offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) by adding the following SECTION, appropriately numbered, to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. In addition to amounts previously appropriated to the Department of State Health Services by **SB 1**, Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act), \$6,800,000 is appropriated out of the general revenue fund to the department for the state fiscal biennium ending August 31, 2015, for the purpose of paying costs associated with entering into a contract with premier medical providers to study ways to prevent maternal and fetal deaths that result from complications during pregnancy, to prepare a report based on the study for the 84th Legislature, and to provide a copy of the report to the governor, lieutenant governor, and speaker of the house of representatives.

Representative Laubenberg moved to table Amendment No. 21.

The motion to table prevailed by (Record 21): 92 Yeas, 54 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, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farias; Longoria.

Amendment No. 22

Representative Dutton offered the following amendment to **HB 2**:

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

(1) Strike SECTION 11 of the bill (page 19, lines 5-12) and substitute the following:

SECTION 11. (a) Sections 2-10 of this Act take effect 60 days after publication in the Texas Register of a finding of fact made by the attorney general that the state has abolished the use of the death penalty as a punishment available on final conviction of a criminal offense.

(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 13, strike "This" and substitute "Except as provided by Section 11 of this Act, this".

(Longoria now present)

Amendment No. 22 - Point of Order

Representative Simpson raised a point of order against further consideration of Amendment No. 22 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

Representative Simpson raised a point of order against further consideration of Amendment No. 22 to **HB 2** under Rule 11, Sections 2 and 3 of the House Rules. The point of order is respectfully overruled.

Representative Simpson asserts that the amendment was not germane to the bill and would impermissibly change the purpose of the bill because the amendment affects Texas's death penalty, but the bill does not relate to the death penalty. The amendment provides that Sections 2 through 10 of the bill would not take effect until "60 days after publication in the Texas Register of a finding of fact . . . that the state has abolished the use of the death penalty . . ." Because the amendment merely places a condition on when the bill's provisions take effect, without separately compelling any action, it does not violate Rule 11's requirements that amendments be germane and consistent with a bill's original purpose. See Rule 11, Sections 2 and 3 of the House Rules; see also **HB 866**, 83rd Legislature (taking effect "on any date not later than September 1, 2015, on which the commissioner of education obtains a specified waiver from the application of federal law or regulation or receives written notification that a waiver is not required"); **SB 1386**, 83rd Legislature (failing to take effect because certain other legislation failed to pass); **HB 1112**, 82nd Legislature ("Section 13 has no effect if the attorney general issues an opinion prohibiting a member of the governing body of a municipality from serving as a director of an authority."); **SB 1436**, 80th Legislature (transferring responsibilities to an agency contingent upon legislation appropriating \$6.1 million to that agency).

Representative Laubenberg moved to table Amendment No. 22.

The motion to table prevailed by (Record 22): 96 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.; Davis, S.; 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.; King, T.; 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; 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; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Longoria; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Muñoz; Naishtat; Nevárez; Oliveira; Perez; Raymond; Reynolds; Rodríguez, E.; Rodríguez, J.; Rose; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

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

Absent, Excused — Farias.

Absent — Moody.

Amendment No. 23

Representative Giddings offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly:

SECTION _____. Section 171.012(a), Health and Safety Code, is amended to read as follows:

(a) Consent to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion informs the pregnant woman on whom the abortion is to be performed of:

(A) the physician's name;

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage; and

(ii) the potential danger to a subsequent pregnancy and of infertility; ~~and~~

~~[(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;]~~

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying the child to term;

(2) the physician who is to perform the abortion or the physician's agent informs the pregnant woman that:

(A) medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(B) the father is liable for assistance in the support of the child without regard to whether the father has offered to pay for the abortion; and

(C) public and private agencies provide pregnancy prevention counseling and medical referrals for obtaining pregnancy prevention medications or devices, including emergency contraception for victims of rape or incest;

(3) the physician who is to perform the abortion or the physician's agent:

(A) provides the pregnant woman with the printed materials described by Section 171.014; and

(B) informs the pregnant woman that those materials:

(i) have been provided by the Department of State Health Services;

(ii) are accessible on an Internet website sponsored by the department;

(iii) describe the unborn child and list agencies that offer alternatives to abortion; and

(iv) include a list of agencies that offer sonogram services at no cost to the pregnant woman;

(4) before any sedative or anesthesia is administered to the pregnant woman and at least 24 hours before the abortion or at least two hours before the abortion if the pregnant woman waives this requirement by certifying that she currently lives 100 miles or more from the nearest abortion provider that is a facility licensed under Chapter 245 or a facility that performs more than 50 abortions in any 12-month period:

(A) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers performs a sonogram on the pregnant woman on whom the abortion is to be performed;

(B) the physician who is to perform the abortion displays the sonogram images in a quality consistent with current medical practice in a manner that the pregnant woman may view them;

(C) the physician who is to perform the abortion provides, in a manner understandable to a layperson, a verbal explanation of the results of the sonogram images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of external members and internal organs; and

(D) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers makes audible the heart auscultation for the pregnant woman to hear, if present, in a quality consistent with current medical practice and provides, in a manner understandable to a layperson, a simultaneous verbal explanation of the heart auscultation;

(5) before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed and before any sedative or anesthesia is administered, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(a)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) TEXAS LAW REQUIRES THAT I RECEIVE A SONOGRAM PRIOR TO RECEIVING AN ABORTION.

(4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW THE SONOGRAM IMAGES.

(5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR THE HEARTBEAT.

(6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO HEAR AN EXPLANATION OF THE SONOGRAM IMAGES UNLESS I CERTIFY IN WRITING TO ONE OF THE FOLLOWING:

___ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

___ I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

___ MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

(7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

(8) FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER THAT IS A FACILITY LICENSED UNDER CHAPTER 245 OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD ONLY:

I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER THAT IS A FACILITY LICENSED UNDER CHAPTER 245 OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD, I WAIVE THE REQUIREMENT TO

WAIT 24 HOURS AFTER THE SONOGRAM IS PERFORMED BEFORE RECEIVING THE ABORTION PROCEDURE. MY PLACE OF RESIDENCE IS: _____.

SIGNATURE

DATE";

(6) before the abortion is performed, the physician who is to perform the abortion receives a copy of the signed, written certification required by Subdivision (5); and

(7) the pregnant woman is provided the name of each person who provides or explains the information required under this subsection.

Representative Laubenberg moved to table Amendment No. 23.

The motion to table prevailed by (Record 23): 93 Yeas, 54 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, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farias.

Amendment No. 24

Representative Dukes offered the following amendment to **HB 2**:

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

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly:

SECTION _____. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02419 to read as follows:

Sec. 531.02419. ELIGIBILITY OF CERTAIN PERSONS FOR CERTAIN BENEFIT PROGRAMS. Unless the department provides a waiver authorizing a pregnant woman to obtain an abortion after the date the post-fertilization age of the unborn child is 20 weeks, to the extent permitted under federal law and notwithstanding any other law, once a pregnant woman who is eligible for Medicaid under Section 32.02472, Human Resources Code, is at least 20 weeks pregnant, each family member of the woman who is also a member of the woman's household is eligible for benefits under the following programs:

(1) the temporary assistance for needy families program under Chapter 31, Human Resources Code;

(2) the Medicaid program under Chapter 32, Human Resources Code;
and

(3) the supplemental nutrition assistance program under Chapter 33, Human Resources Code.

(b) The changes in law made by this section apply to an initial determination or redetermination of eligibility of a person for benefits under the temporary assistance for needy families program under Chapter 31, Human Resources Code, the medical assistance program under Chapter 32, Human Resources Code, or the supplemental nutrition assistance program under Chapter 33, Human Resources Code, that is made on or after the effective date of this section.

(c) This section takes effect November 1, 2013.

SECTION _____. (a) Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02472 to read as follows:

Sec. 32.02472. MEDICAL ASSISTANCE FOR CERTAIN PREGNANT WOMEN TO COVER COSTS RELATED TO CHILDBIRTH. Unless the department provides a waiver authorizing a pregnant woman to obtain an abortion after the date the post-fertilization age of the unborn child is 20 weeks, the department shall provide medical assistance to cover the costs related to prenatal care and childbirth for a pregnant woman:

(1) whose income is less than or equal to 250 percent of the federal poverty level; and

(2) who attempted to obtain an abortion but was denied the abortion because at the time she sought the abortion the post-fertilization age of the unborn child was 20 weeks or more.

(b) The changes in law made by this section apply to an initial determination or redetermination of eligibility of a person for medical assistance under Chapter 32, Human Resources Code, that is made on or after the effective date of this section.

(c) This section takes effect November 1, 2013.

SECTION _____. (a) Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.0048 to read as follows:

Sec. 302.0048. ELIGIBILITY FOR CHILD CARE BENEFITS FUNDED UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT. Unless the department provides a waiver authorizing a pregnant woman to obtain an abortion after the date the post-fertilization age of the unborn child is 20 weeks,

to the extent permitted under federal law and to the extent the woman is not otherwise eligible, once a pregnant woman who is eligible for Medicaid under Section 32.02472, Human Resources Code, is at least 20 weeks pregnant, the woman is eligible to receive child care funded wholly or partly from money received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. Section 9858 et seq.) for each of her dependent children for the duration of the woman's pregnancy.

(b) This section takes effect November 1, 2013.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

(2) On page 19, line 13, strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

(3) On page 19, lines 15-16, strike "Constitution. If" and substitute "Constitution, but if".

Representative Laubenberg moved to table Amendment No. 24.

The motion to table prevailed by (Record 24): 95 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.; 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, S.; King, T.; 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; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farias.

Absent — Guillen; King, P.

STATEMENT OF VOTE

When Record No. 24 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

Amendment No. 25

Representative Herrero offered the following amendment to **HB 2**:

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

(1) On page 12, strike lines 15-16 and substitute the following:

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

(2) On page 12, between lines 23 and 24, insert the following:

(a-1) An abortion facility constructed before January 1, 2014, that stops providing abortion services because it is unable to meet the minimum standards described by Subsection (a) shall receive state funds for a minimum of one year so that the facility may continue to provide services that do not include abortions. The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this subsection.

Representative Laubenberg moved to table Amendment No. 25.

The motion to table prevailed by (Record 25): 94 Yeas, 51 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; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; 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; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farias.

Absent — Frullo; Guillen.

Amendment No. 26

Representative S. King offered the following amendment to **HB 2**:

Amend **HB 2** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0732 to read as follows:

Sec. 531.0732. PUBLIC EDUCATION PROGRAM REGARDING UNEXPECTED PREGNANCIES. (a) The commission shall develop a public education program regarding the impact and consequences for women and men of unexpected pregnancies.

(b) The public education program developed under Subsection (a) shall include strategies to encourage the biological fathers of children of unexpected pregnancies to support the mothers of those children in order to reduce the occurrence of abortions and the use of abortion facilities in the state.

(c) The commission may consult any state agency, council, or task force in the performance of its duties under this section. On request of the commission, a state agency, council, or task force shall assist the commission with the commission's duties under this section. The commission may establish a task force, composed of members appointed by the executive commissioner, to study the impact and consequences of unexpected pregnancies, to provide recommendations on the public education program, and to implement this section.

(d) Not later than December 1 of each even-numbered year, the commission shall report its findings and recommendations regarding the implementation of the public education program to the legislature.

(e) The commission must implement this section using existing resources, and may not accept any private donations or contract with any health care provider, facility, or advocacy group to implement this section.

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0733 to read as follows:

Sec. 531.0733. STUDY REGARDING EFFECT OF CERTAIN LEGISLATION. (a) The commission shall conduct an ongoing study to gather data regarding:

(1) the effects of **HB 2** and **SB 1**, Acts of the 83rd Legislature, 2nd Called Session, 2013, or similar legislation of the 83rd Legislature, 2nd Called Session, on licensed abortion facilities, access to abortion services in the state, and the number of abortions performed in the state; and

(2) the administrative penalties that are assessed as a result of the legislation.

(b) Not later than December 1 of each even-numbered year, the commission shall report the results of the study, its findings, and recommendations to the legislature.

(c) The commission must implement this section using existing resources, and may not accept any private donations or contract with any health care provider, facility, or advocacy group to implement this section.

Amendment No. 26 was withdrawn.

HB 2 was passed to engrossment by (Record 26): 98 Yeas, 49 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; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farias.

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 advance the bill, we did not allow the legislative process to take its course. At different stages in committee or on the floor we prevented the body from proposing amendments that could have impacted the legislation in different ways. I am in favor of provisions of the bill; however, we cannot in good conscience further legislative intent at the expense of impacting 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. We also need to improve and facilitate adoption procedures for the betterment of all. I will continue to work to ensure we accomplish the goals set out for the betterment of our communities.

Muñoz

HR 25 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 25**.

The motion prevailed.

The following resolution was laid before the house:

HR 25, Congratulating Lela and Vernon Johnson of Houston on their 66th wedding anniversary.

HR 25 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 25** as signers thereof.

ADJOURNMENT

Representative Bell moved that the house adjourn until 10 a.m. tomorrow in memory of Craig Ray Artze of Magnolia.

The motion prevailed.

The house accordingly, at 8:41 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

July 7

State Affairs - **HB 2**

