

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWENTY-NINTH DAY — THURSDAY, MARCH 3, 2011

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 59).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Pery; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Gallego.

The invocation was offered by Representative R. Anderson.

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

### REGULAR ORDER OF BUSINESS SUSPENDED

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

### CAPITOL PHYSICIAN

The speaker recognized Representative C. Howard who presented Dr. Joe Anzaldua of Sugar Land as the "Doctor for the Day."

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

**HR 288 - ADOPTED**

**(by Harless, Kolkhorst, Crownover, Truitt, Woolley, et al.)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 288**.

The motion prevailed.

The following resolution was laid before the house:

**HR 288**, Recognizing March 3, 2011, as Texas Federation of Republican Women Day at the Capitol.

**HR 288** was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 288** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Harless who introduced representatives of the Texas Federation of Republican Women.

(L. Gonzales in the chair)

**HR 595 - ADOPTED**

**(by S. Davis and Hochberg)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 595**.

The motion prevailed.

The following resolution was laid before the house:

**HR 595**, Recognizing March 3, 2011, as Rice University Day at the State Capitol.

**HR 595** was read and was adopted.

(Burkett in the chair)

**INTRODUCTION OF GUESTS**

The chair recognized Representative S. Davis who introduced representatives of Rice University.

**HR 645 - ADOPTED**

**(by T. Smith)**

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 645**.

The motion prevailed.

The following resolution was laid before the house:

**HR 645**, Recognizing March 3, 2011, as Tarrant County Day at the State Capitol.

**HR 645** was adopted.

**HR 583 - ADOPTED**  
(by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 583**.

The motion prevailed.

The following resolution was laid before the house:

**HR 583**, Honoring the Pasadena Volunteer Fire Department.

**HR 583** was read and was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 583** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Legler who introduced representatives of the Pasadena Volunteer Fire Department.

**HR 103 - ADOPTED**  
(by Laubenberg)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 103**.

The motion prevailed.

The following resolution was laid before the house:

**HR 103**, Recognizing March 3, 2011, as Lone Star Association of Charitable Clinics Day.

**HR 103** was read and was adopted.

On motion of Representative Carter, the names of all the members of the house were added to **HR 103** as signers thereof.

**HR 382 - ADOPTED**  
(by Turner, et al.)

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 382**.

The motion prevailed.

The following resolution was laid before the house:

**HR 382**, Recognizing March 3, 2011, as Texas Association of Black Personnel in Higher Education Day.

**HR 382** was read and was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 382** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Dukes who introduced representatives of the Texas Association of Black Personnel in Higher Education.

**HR 669 - ADOPTED  
(by Crownover)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 669**.

The motion prevailed.

The following resolution was laid before the house:

**HR 669**, Recognizing March 3, 2011, as Little Elm Day at the State Capitol.

**HR 669** was adopted.

**HR 177 - ADOPTED  
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 177**.

The motion prevailed.

The following resolution was laid before the house:

**HR 177**, Recognizing March 2011 as Professional Social Work Month.

**HR 177** was adopted.

**HR 676 - ADOPTED  
(by Lucio)**

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 676**.

The motion prevailed.

The following resolution was laid before the house:

**HR 676**, Honoring Dhani Jones for his NFL and media careers and his many philanthropic contributions.

**HR 676** was read and was adopted.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 676** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Lucio who introduced Dhani Jones and Jeff Blake.

**HR 664 - ADOPTED**  
**(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 664**.

The motion prevailed.

The following resolution was laid before the house:

**HR 664**, Recognizing March 3, 2011, as Sam Houston Day at the State Capitol.

**HR 664** was adopted.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 664** as signers thereof.

**HCR 28 - ADOPTED**  
**(by Branch and Cain)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 28**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 28**, In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

**HCR 28** was read and was unanimously adopted by a rising vote.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Branch who introduced family members and friends of Don Meredith.

(McClendon in the chair)

**HR 694 - ADOPTED**  
**(by Carter)**

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 694**.

The motion prevailed.

The following resolution was laid before the house:

**HR 694**, Recognizing the members of the Garland City Council on the occasion of their visit to the State Capitol on March 3, 2011.

**HR 694** was adopted.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 694** as signers thereof.

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 62** (by Workman), Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

**HR 16** (by Cook), Recognizing March 10, 2011, as Corsicana/Navarro County Day at the State Capitol.

**HR 360** (by McClendon), Congratulating Ira McNeil of San Antonio on his 100th birthday.

**HR 362** (by McClendon), Congratulating Rosemary Deen on her receipt of a 2009 Spirit Award from the San Antonio Metropolitan Chapter of Top Ladies of Distinction.

**HR 364** (by McClendon), Congratulating Dianne McNeil-Henderson on her retirement from the San Antonio Independent School District.

**HR 365** (by Hopson), Recognizing April 12, 2011, as Panola County Day at the State Capitol.

**HR 366** (by Craddick), Honoring Sam Gavin Gibbs of Midland for his induction into the Petroleum Hall of Fame.

**HR 367** (by Schwertner), Congratulating Garrett Matthew Betros of Cameron on achieving the rank of Eagle Scout.

**HR 370** (by Zedler, et al.), Congratulating the citizens of Burleson on their city's recognition as one of the 100 Best Communities for Young People.

**HR 376** (by D. Miller), Honoring Leadership Gillespie County for its promotion of civic leadership and volunteerism.

**HR 377** (by D. Miller), Recognizing the 45th annual Texas Legislative Conference in New Braunfels on March 24 and 25, 2011.

**HR 379** (by D. Miller), Honoring Leadership Bulverde-Spring Branch for its promotion of civic leadership and volunteerism.

**HR 381** (by Peña), Honoring Emilio De Los Santos III on being chosen as the recipient of the 2010 Dan Garcia Memorial Achievement Award presented by the Veterans County Service Officers Association of Texas.

**HR 416** (by Huberty), Congratulating Scott Frost of Atascocita on the occasion of his 46th birthday.

**HR 425** (by Marquez), Congratulating the El Paso High School girls' swimming team on winning the District 1-4A championship.

**HR 426** (by Marquez), Congratulating Major General Dana Pittard on his appointment as commanding general of Fort Bliss.

**HR 435** (by Cain), Recognizing the chartering of the Benjamin Clark Society of the Children of the American Revolution at Paris High School.

**HR 436** (by Landtroop), Congratulating the Garden City High School football team on winning the 2010 UIL Six-Man Division 1 state championship.

**HR 437** (by Landtroop), Recognizing CASA of the South Plains volunteers for their service to area children in need.

**HR 438** (by Landtroop), Congratulating Garden City High School in Glasscock ISD for its selection as a 2010 Blue Ribbon School and its receipt of TEA's "Exemplary" rating.

**HR 441** (by McClendon), Recognizing February 16, 2011, as Trucking Day at the State Capitol.

**HR 445** (by Cain), Congratulating Robert and Patsy Skidmore of Paris on their 50th wedding anniversary.

**HR 446** was withdrawn.

**HR 447** (by Schwertner), Congratulating the football team of Yoe High School in Cameron on its successful 2010 season.

**HR 448** (by V. Gonzales), Congratulating Judge Nelva Gonzales Ramos on her nomination to the U.S. District Court for the Southern District of Texas.

**HR 450** was withdrawn.

**HR 459** (by Sheffield), Commemorating the 50th wedding anniversary of Paul and Oralia Luna of Belton.

**HR 460** (by Sheffield), Congratulating Jesse and Rosa Garcia of Temple on their 50th wedding anniversary.

**HR 461** (by Sheffield), Congratulating the Reverend Tommy Davis and Marilyn Davis of Belton on their 50th wedding anniversary.

**HR 464** (by Marquez), Congratulating the Honorable Veronica Escobar of El Paso on her election as county judge of El Paso County.

**HR 467** (by Price), Recognizing May 21, 2011, as Armed Forces Day.

**HR 468** (by Price), Commemorating Memorial Day 2011.

**HR 470** (by Craddick), Honoring the O'Donnell First United Methodist Church on the 100th anniversary of its founding.

**HR 473** (by Hughes), Honoring Debra Sue Miers on her retirement as secretary of the Quitman Rotary Club and as director of Wood County Adult Probation.

**HR 474** (by Zerwas), Congratulating Lori L. Gunn on earning the 2010 Exceptional Service Award from the Katy Area Chamber of Commerce.

**HR 475** (by Zerwas), Congratulating Amegy Bank on being named the 2010 Business of the Year by the Katy Area Chamber of Commerce.

**HR 476** (by Zerwas), Congratulating Richard MacDonald on being named the 2010 Katy Area Chamber of Commerce Volunteer of the Year.

**HR 477** (by Zerwas), Congratulating the Honorable Bob Hebert on being named the 2010 Citizen of the Year by the Katy Area Chamber of Commerce.

**HR 480** (by Carter), Congratulating Steve and Cissy Powell of Dallas on their 50th wedding anniversary.

**HR 482** (by Gutierrez), Honoring musician Ramon Ayala for his work in presenting the annual Ramon Ayala Christmas Posada in Hidalgo.

**HR 486** (by Gallego), Congratulating Sue Zukowski of Alpine on her retirement from Sul Ross State University.

**HR 487** (by Gallego), Congratulating Glenn Ratliff of Monahans on his 100th birthday.

**HR 492** (by Gallego), Honoring the Del Rio High School Mariachi Band for performing at the State Capitol on the opening day of the 82nd Legislative Session.

**HR 502** (by Naishtat), Honoring Cindy Morphey of Austin for donating a kidney to a fellow Texan.

**HR 505** (by Carter), Commending Jack James for his exemplary service with the Garland Fire Department.

**HR 506** (by Carter), Congratulating E. Leon Carter on his receipt of the 2011 Martin Luther King, Jr., Justice Award from the Dallas Bar Association.

**HR 509** (by Cain), Congratulating Judge Lester Crutchfield and Irelene Crutchfield on their 50th wedding anniversary.

**HR 511** (by Dutton), Congratulating Patricia Lindsey on her retirement from the City of Houston Health and Human Services Department.

**HR 524** was withdrawn.

**HR 528** (by Aliseda), Recognizing March 29, 2011, as Goliad County Day at the State Capitol.

**HR 529** (by Cain), Congratulating Aaron and Melba Brannon of Sulphur Springs on their 65th wedding anniversary.

**HR 531** (by Madden), Welcoming members of the McDermott Scholars Program to the State Capitol.

**HR 533** (by Frullo), Congratulating Lonnie Balch on being named the 2011 Lubbock Area United Way Agency Volunteer of the Year.

**HR 535** (by Murphy), Commemorating the 19th anniversary of the Khojaly Massacre in Azerbaijan.

**HR 537** (by Flynn), Congratulating Ray and Euna Rugg of Canton on their 68th wedding anniversary.

**HR 539** (by Eiland), Honoring the Texas Physical Therapy Association.

**HR 541** (by T. Smith), Honoring Lois Steele Newsom of Donie.

**HR 545** (by Marquez), Recognizing the "Getting to the Heart of the Matter" program sponsored by The Arc of Texas.

**HR 546** (by Marquez), Honoring the City of El Paso for earning a 2011 Gold Leadership Circle Award from the Texas Comptroller Leadership Circle program in recognition of the city's online financial transparency.



**HR 547** (by Marquez), Commemorating the 125th anniversary of the founding of the El Paso YMCA.

**HR 550** (by Schwertner), Congratulating Blake A. Vanier on attaining the rank of Eagle Scout.

**HR 551** (by Rodriguez), Welcoming visitors from YMCAs across Texas to the State Capitol on February 23, 2011.

**HR 559** (by Straus), Commemorating the 20th anniversary of the Caring for Children Foundation of Texas and commending all those associated with that organization.

**HR 560** (by Martinez), Recognizing Dr. Audrey Jones for her contributions to the medical profession and her service to the Texas Legislature as Physician of the Day for February 23, 2011.

**HR 561** (by Martinez, et al.), Recognizing March 9, 2011, as Mid-Valley Day at the State Capitol.

**HR 563** (by Hopson), Congratulating the Carthage High School football team for winning its third consecutive UIL 3A Division 2 state championship.

**HR 564** (by Kuempel), Congratulating the football team of Byron P. Steele II High School in Cibolo on winning the UIL 5A Division II state championship.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 363** (by McClendon), In memory of Dorothy Dee Nicholson of San Antonio.

**HR 371** (by Zedler), In memory of Kathleen Jeanne Jones Gilles of Arlington.

**HR 386** (by Patrick), In memory of James Edward Starrett of Arlington.

**HR 387** (by Patrick), In memory of Pearl Lilley Fincher of Spring.

**HR 388** (by Patrick), In memory of Ann Olson Ivey of Arlington.

**HR 389** (by Patrick), In memory of Michael Lee Gore of Arlington.

**HR 390** (by Patrick), In memory of Dr. Henry Ward Bendel, Jr., of Arlington.

**HR 391** (by Patrick), In memory of Judge Clyde Robert Ashworth of Arlington.

**HR 392** (by Patrick), In memory of Susan M. Jones of Arlington.

**HR 393** (by Patrick), In memory of Pantego mayor Dorothy Gail Aderholt.

**HR 394** (by Patrick), In memory of Mayfield Workman of Arlington.

**HR 395** (by Patrick), In memory of Wanda Faye Hart of Arlington.

**HR 396** (by Patrick), In memory of Johnnie Ray High, Jr., of Bedford.

**HR 397** (by Patrick), In memory of Margaret Bingham Galloway of Arlington.

**HR 398** (by Patrick), In memory of Alex Wilson of Arlington.

**HR 399** (by Patrick), In memory of longtime Arlington school administrator Roy Wood.

**HR 400** (by Patrick), In memory of Lieutenant Colonel (Ret.) Richard H. Rencurrel of Arlington.

**HR 401** (by Patrick), In memory of Barbara West of Keller.

**HR 402** (by Patrick), In memory of Nita Scheble Cox of Arlington.

**HR 403** (by Patrick), In memory of John E. Meek of Arlington.

**HR 404** (by Patrick), In memory of former Arlington mayor S. J. Stovall.

**HR 405** (by Patrick), In memory of Trent Thompson of Brownwood.

**HR 406** (by Patrick), In memory of William "Mike" McClellan of Arlington.

**HR 407** (by Patrick), In memory of Arlington police officer Craig Gordon Story.

**HR 408** (by Patrick), In memory of June James III of Arlington.

**HR 409** (by Patrick), In memory of Anna Waynette Vandergriff of Arlington.

**HR 427** (by Marquez), In memory of Irma Perez of El Paso.

**HR 431** (by Flynn), In memory of Harrison M. "Harry" Sewell of Mesquite.

**HR 440** (by McClendon), In memory of Lillie Mae Wilson Harris of San Antonio.

**HR 442** was withdrawn.

**HR 471** (by Hilderbran), In memory of Phyllis A. Baumgartner of Kerrville.

**HR 483** (by Straus), In memory of Janette Overton Dixon of San Antonio.

**HR 485** (by S. Davis, et al.), In memory of Joseph W. Samuels of Houston.

**HR 489** (by Gallego), In memory of Lon Felts, Jr., of Uvalde.

**HR 490** (by Gallego), In memory of Joyce Ann Probst of Alpine.

**HR 491** (by Gallego), In memory of Vernon Neal Billings of Val Verde County.

**HR 498** (by Pitts), In memory of longtime Legislative Budget Board analyst Val Shepperd of Austin.

**HR 500** (by Hardcastle), In memory of Texas Department of Public Safety Senior Corporal David Ralph Slaton of Bowie.

**HR 507** (by Schwertner), In memory of Makenzi Knickole Papasan of Leander.

**HR 512** (by Phillips), In memory of Donato P. Rodriguez, Jr.

**HR 518** (by Eiland), In memory of James Polk Simpson.

**HR 519** (by McClendon), In memory of Diana S. Dupre of San Antonio.

**HR 520** (by McClendon), In memory of Florence Alcoser of San Antonio.

**HR 530** was withdrawn.

**HR 542** (by Marquez), In memory of Hector Raul Bermudez of El Paso.

**HR 543** (by Marquez), In memory of Eugene Calabro, Sr., of El Paso.

**HR 544** (by Marquez), In memory of Magdalena Rodriguez Ybarra of El Paso.

**HR 552** (by Kolkhorst), In memory of John Henry Fuchs, Jr., of Huntsville.

**HR 568** (by Phillips, et al.), In memory of Gregory Scott Coleman of Austin.

The resolutions were unanimously adopted by a rising vote.

#### **NAMES ADDED**

On motion of Representative Gallego, the names of all the members of the house were added to **HR 486**, **HR 487**, **HR 489**, **HR 490**, **HR 491**, and **HR 492** as signers thereof.

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Creighton moved to suspend the five-day posting rule to allow the Select Committee on State Sovereignty to consider **HCR 18**, **HCR 50**, **HJR 34**, and **HJR 100** at 2 p.m. or upon adjournment in E2.010.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Select Committee on State Sovereignty, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HCR 18**, **HCR 50**, **HJR 34**, and **HJR 100**.

#### **RECESS**

At 11:55 a.m., the chair announced that the house would stand recessed until 1:45 p.m. today.

#### **AFTERNOON SESSION**

The house met at 1:45 p.m. and was called to order by the speaker.

#### **EMERGENCY CALENDAR HOUSE BILLS SECOND READING**

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

**CSHB 15 ON SECOND READING****(by S. Miller, Callegari, Harless, Kolkhorst, Patrick, et al.)**

**CSHB 15**, A bill to be entitled An Act relating to providing a sonogram before an abortion; providing penalties.

**Amendment No. 1**

Representative Alvarado offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by striking the enacting clause (line 4), page 1.

Pursuant to Rule 5, Section 28 of the House Rules, Representative Castro requested to extend speaking time on Amendment No. 1.

The request was not granted by (Record 60): 70 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Burnam; Callegari; Castro; Chisum; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hughes; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Laubenberg; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Orr; Otto; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aycock; Beck; Berman; Bohac; Brown; Burkett; Button; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Bonnen; Cain; Hopson; Lyne; Martinez Fischer; Patrick.

**STATEMENTS OF VOTE**

When Record No. 60 was taken, I was in the house but away from my desk. I would have voted no.

Cain

When Record No. 60 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

Representative S. Miller moved to table Amendment No. 1.

The motion to table prevailed by (Record 61): 106 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg.

## **Amendment No. 2**

Representative S. Miller offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 1, line 13, by striking "itself".

### **AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE D. HOWARD: I just want to ask a few questions to establish legislative intent regarding this exception for medical emergencies. **CSHB 15** states that a physician may perform an abortion without performing a sonogram only in a medical emergency. Is that correct?

REPRESENTATIVE S. MILLER: That is correct.

D. HOWARD: So the exception could include, now, life-threatening physical conditions that are not caused by a pregnancy, such as trauma like that which might occur in a car accident, or from being assaulted?

S. MILLER: Yes.

D. HOWARD: Or a life-threatening physical condition, such as a stroke, or ruptured spleen that results from some kind of pre-existing condition like heart disease?

S. MILLER: Yes.

D. HOWARD: So—thank you for clarifying this—I just want to make sure we're understanding that we're broadening the definition of medical emergency to include those that are not arising from the pregnancy itself.

### REMARKS ORDERED PRINTED

Representative D. Howard moved to print remarks between Representative S. Miller and Representative D. Howard.

The motion prevailed.

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Anchia offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 1, lines 12-13, strike "life-threatening physical condition caused by or arising from a pregnancy itself" and substitute "condition".

Representative S. Miller moved to table Amendment No. 3.

The motion to table prevailed by (Record 62): 99 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; Mallory Caraway.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 62. I intended to vote yes.

Lozano

**Amendment No. 4**

Representative Hernandez Luna offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 1, between lines 19 and 20, insert the following:

Sec. 171.052. APPLICABILITY. This subchapter does not apply to an abortion performed on a pregnant woman if:

(1) the woman's pregnancy is a result of a violation of Section 22.011 or 25.02, Penal Code, incest, or other violation of the Penal Code that:

(A) has been reported to law enforcement authorities; or

(B) has not been reported to law enforcement authorities because the woman reasonably believes that doing so would place the woman at risk of retaliation resulting in serious bodily injury; or

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Pursuant to Rule 5, Section 28 of the House Rules, Representative Lucio requested to extend speaking time on Amendment No. 1.

The request was not granted by (Record 63): 59 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Branch; Burnam; Castro; Chisum; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Howard, D.; Hughes; Johnson; Keffer; King, T.; Kolkhorst; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Button; Cain; Callegari; Carter; Christian; Cook; Craddock; Creighton; Crownover; Darby; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burkett; Geren; Hochberg; Otto; Peña; Smith, W.

#### STATEMENT OF VOTE

When Record No. 63 was taken, I was in the house but away from my desk. I would have voted no.

Geren

Representative S. Miller moved to table Amendment No. 4.

The motion to table prevailed by (Record 64): 97 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hopson; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; Peña.

#### STATEMENT OF VOTE

I was shown voting no on Record No. 64. I intended to vote yes.

Lozano

#### Amendment No. 5

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by adding the following new subsection on page 3, between line 9 and line 10:



(d) a physician or abortion provider fulfills the requirements of Section 171.014 and of this Section if the physician or abortion provider has not been furnished with copies of the applicable materials, and if the physician or abortion provider has made a good-faith effort to contact the Department for the purpose of requesting the materials.

Representative S. Miller moved to table Amendment No. 5.

The motion to table prevailed by (Record 65): 101 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Carter; Dutton; Hochberg; Isaac.

#### STATEMENTS OF VOTE

When Record No. 65 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 65 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

I was shown voting yes on Record No. 65. I intended to vote no.

Lozano

I was shown voting no on Record No. 65. I intended to vote yes.

Muñoz

### Amendment No. 6

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by inserting the following text on page 3, between line 9 and line 10:

Sec. 171.0522. Delivery by Referring Physician. A physician who refers a patient for abortion services but does not perform the abortion may deliver the materials described by Section 171.014 and Section 171.052, and such delivery shall substitute for delivery of the materials by the physician to perform the abortion.

(Solomons in the chair)

Representative S. Miller moved to table Amendment No. 6.

The motion to table prevailed by (Record 66): 101 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Gallego.

Absent — Hochberg.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 66. I intended to vote yes.

Lozano

I was shown voting no on Record No. 66. I intended to vote yes.

Muñoz

### **Amendment No. 7**

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

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

(2) On page 2, line 21, strike "." and substitute "; and".

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

(4) provide the pregnant woman on whom the abortion is to be performed with medically accurate information regarding methods of contraception.

Amendment No. 7 failed of adoption by (Record 67): 45 Yeas, 101 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Gallego.

Absent — Hochberg.

### **STATEMENTS OF VOTE**

I was shown voting no on Record No. 67. I intended to vote yes.

Farias

I was shown voting yes on Record No. 67. I intended to vote no.

Lozano

I was shown voting yes on Record No. 67. I intended to vote no.

Muñoz

### **Amendment No. 8**

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 3, line 11, strike "begins and" and substitute "begins,".

(2) On page 3, line 13, between "woman," and "the", insert "and after the physician who is to perform the abortion informs the pregnant woman of the woman's right under Section 171.055 to refuse the information under this subsection without penalty,".

Representative S. Miller moved to table Amendment No. 8.

The motion to table prevailed by (Record 68): 99 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons(C); Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg.

### **STATEMENTS OF VOTE**

I was shown voting no on Record No. 68. I intended to vote yes.

Lozano

I was shown voting no on Record No. 68. I intended to vote yes.

Muñoz

**Amendment No. 9**

Representative Martinez offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee report) as follows:

(1) On page 3, lines 14-15, strike "certified by a national registry of medical sonographers" and substitute "licensed by the department under Sec. 171.057".

(2) On page 4, strike proposed Section 171.053(b) and substitute the following:

(b) During a visit made to a facility to fulfill the requirements of Subsection (a), the facility and any person at the facility may not accept any form of payment, deposit, or exchange for the service required by Subsection (a).

(3) On page 7, between lines 9 and 10, insert a new Section 171.057, Health and Safety Code, and renumber subsequent proposed Sections accordingly:

Sec. 171.057. LICENSING OF SONOGRAPHERS PERFORMING ABORTIONS. The department shall issue rules for the licensing of sonographers performing abortions under the department's licensing authority under Chapter 401. The department may not adopt a rule that permits a person to be licensed by the department because of the person's performance on an examination administered by a non-governmental entity. Any licensing examination adopted by the department must test the examinee's knowledge of all state laws related to abortion.

(Branch in the chair)

Representative S. Miller moved to table Amendment No. 9.

The motion to table prevailed by (Record 69): 98 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Elkins; Hilderbran; Hochberg.

### STATEMENTS OF VOTE

When Record No. 69 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting no on Record No. 69. I intended to vote yes.

Lozano

### Amendment No. 10

Representative Walle offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee report) on page 4, lines 4-12, by striking proposed Section 171.053(b) and substituting the following:

(b) The department shall pay for the costs of the sonogram required under Subsection (a) as charged by the sonogram provider. The amount charged for a service required by Subsection (a) may not exceed the reimbursement rate established for the service by the Health and Human Services Commission for statewide medical reimbursement programs.

Representative S. Miller moved to table Amendment No. 10.

The motion to table prevailed by (Record 70): 105 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg.

### STATEMENT OF VOTE

I was shown voting no on Record No. 70. I intended to vote yes.

Lozano

#### Amendment No. 11

Representative Hernandez Luna offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 4, after line 12, by inserting the following:

(c) the pregnant woman may waive the requirements of subsection (a) by signing a waiver in substantially the following form:

"I understand that state law requires my physician, abortion provider, or certified sonographer to perform a live, real-time obstetric sonogram which displays images of the fetus or embryo in a quality consistent with current medical practice and in a manner in which I may view the images, and that my physician, abortion provider, or certified sonographer must provide a medical description of the dimensions of the embryo or fetus, including a description of the presence of cardiac activity, and the presence of arms, legs, external members, and internal organs. I understand that state law requires my physician, abortion provider, or certified sonographer must make audible the real-time heart auscultation and provide a simultaneous verbal explanation of the live, real-time heart auscultation. I hereby waive my right to receive this information, and I hereby affirm that if this information is offered, I will choose not to receive the information."

(d) a waiver executed by the pregnant woman under subsection (c) may substitute for the certification required by Section 171.054. A copy of the waiver shall be placed in the pregnant woman's medical file and retained in lieu of the certification under the procedures set forth in Section 171.054 (d).

Representative S. Miller moved to table Amendment No. 11.

The motion to table prevailed by (Record 71): 103 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla;

Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg.

### STATEMENT OF VOTE

I was shown voting no on Record No. 71. I intended to vote yes.

Lozano

#### Amendment No. 12

Representative Lucio offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 4, between lines 12 and 13, by inserting the following:

(c) The state shall pay the cost of providing the service required under Subsection (a), at no cost to the pregnant woman, if the woman's residence is not located within 45 miles of a health care provider, facility, or clinic included in the list described by Section 171.052(a)(3).

Representative S. Miller moved to table Amendment No. 12.

The motion to table prevailed by (Record 72): 101 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.



Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg; Peña.

### STATEMENT OF VOTE

I was shown voting no on Record No. 72. I intended to vote yes.

Lozano

### Amendment No. 13

Representative Dutton offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 11 and 12, insert the following:

Sec. 171.055. COLLEGE TUITION FOR UNBORN CHILD. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the state shall pay the unborn child's tuition for four years of enrollment at a college or university.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Representative S. Miller moved to table Amendment No. 13.

The motion to table prevailed by (Record 73): 106 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Gallego.

Absent — Hochberg; Menendez; Murphy.

### STATEMENT OF VOTE

I was shown voting no on Record No. 73. I intended to vote yes.

Lozano

(Speaker in the chair)

### Amendment No. 14

Representative Dutton offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 11 and 12, insert the following:

Sec. 171.055. HEALTH CARE FOR UNBORN CHILD. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the state shall provide, at no cost, health care for the unborn child until the child's 18th birthday.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Representative S. Miller moved to table Amendment No. 14.

The motion to table prevailed by (Record 74): 100 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King,

T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burkett; Hochberg; Murphy.

### STATEMENTS OF VOTE

When Record No. 74 was taken, my vote failed to register. I would have voted yes.

Burkett

I was shown voting no on Record No. 74. I intended to vote yes.

Lozano

### CSHB 15 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 15** under Rule 4, Section 32(c) and (f) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order and had read the following statement:

Representative Martinez Fischer raises a point of order against further consideration of the bill under Rule 4, Section 32(c) and (f) of the Texas House Rules and under various due process provisions of the Texas and United States Constitutions. Representative Martinez Fischer contends that the bill analysis accompanying the bill is materially or substantially misleading in that it fails to capture the effect of or conflict between the number of references to the phrase "medical emergency" contained in other statutory provisions. Representative Martinez Fischer also argues that the conflict between the definitions of the phrase "medical emergency" may raise issues conflicting with or violating due process provisions of the Texas or United States Constitutions. The chair thanks both parties for their thoughtful arguments.

The chair has reviewed the bill analysis and the bill. The chair believes that the analysis is not materially or substantially misleading. The bill analysis properly notes that the bill defines a "medical emergency" and properly notes that an exception to the sonogram requirement for a physician performing an abortion is a "medical emergency."

As to Representative Martinez Fischer's second point, due process violations, through many sessions, speakers have followed the plan of refusing to rule on constitutional points not related to legislative procedure by overruling the points directly then passing them on to the house for determination, in effect, on the vote involved. I will continue the plan. Accordingly, the chair respectfully overrules the points of order.

**Amendment No. 15**

Representative Dutton offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 11 and 12, insert the following:

Sec. 171.055. HEALTH CARE FOR UNBORN CHILD. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the state shall provide, at no cost, health care for the unborn child until the child's sixth birthday.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

**Amendment No. 16**

Representative Raymond offered the following amendment to Amendment No. 15:

Amend Amendment No. 15 to **CSHB 15** by Dutton on page 1, line 4, by striking "HEALTH CARE FOR UNBORN CHILD" and substituting "TEXAS PRO LIFE HEALTH PROGRAM".

Amendment No. 16 failed of adoption by (Record 75): 45 Yeas, 101 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hernandez Luna; Howard, D.; King, T.; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; Mallory Caraway.

Representative S. Miller moved to table Amendment No. 15.

The motion to table prevailed by (Record 76): 103 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burnam; Gutierrez; Hochberg; Marquez; Torres.

### STATEMENT OF VOTE

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

### Amendment No. 17

Representatives Marquez and Gonzalez offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 16 and 17, insert the following:

Sec. 171.056. INFORMATION RELATED TO VASECTOMY. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall notify the woman that she may apply for an order under Section 171.057.

Sec. 171.057. MANDATORY VASECTOMY. On an application under Section 171.056, a court shall order a man to undergo a vasectomy if it is shown that:

(1) the man is the father of the pregnant woman's child outside of marriage; and

(2) previous to the date of application, the man was a father to two or more other children by two or more other women outside of marriage.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

Representative S. Miller moved to table Amendment No. 17.

The motion to table prevailed by (Record 77): 99 Yeas, 37 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, S.; Deshotel; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Castro; Coleman; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Giddings; Gonzalez; Hernandez Luna; Hopson; Lavender; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle; White; Woolley.

Present, not voting — Mr. Speaker(C); Anchia; Johnson; Morrison.

Absent, Excused — Gallego.

Absent — Burnam; Crownover; Gutierrez; Harper-Brown; Hilderbran; Hochberg; King, T.; Smithee; Vo.

### STATEMENTS OF VOTE

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

When Record No. 77 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

### Amendment No. 18

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 16 and 17, insert the following:

Sec. 171.056. PATERNITY AND CHILD SUPPORT INFORMATION. (a) If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall provide the pregnant woman with a publication developed by the Title IV-D agency that provides information about paternity establishment and child support, including:

(1) the steps necessary for unmarried parents to establish legal paternity;

(2) the benefits of paternity establishment for children;

(3) the steps necessary to obtain a child support order;

(4) the benefits of establishing a legal parenting order; and

(5) financial and legal responsibilities of parenting.

(2) Renumber sections of Subchapter C, 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

(3) Insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Title IV-D agency shall publish the information required by Section 171.056, Health and Safety Code, as added by this Act, not later than the 60th day after the effective date of this Act.

Amendment No. 18 was adopted.

#### **Amendment No. 19**

Representative Castro offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, between lines 16 and 17, insert the following:

Sec. 171.056. MEDICAID APPLICATION AND INFORMATION. (a) In this section, "commission" means the Health and Human Services Commission.

(b) If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall provide the woman with:

(1) an application for expedited eligibility and enrollment in the state Medicaid program; and

(2) information regarding the state Medicaid program.

(c) The information required to be provided under Subsection (b)(2) must include:

(1) an explanation of the benefits and services available under the program, including prenatal services; and

(2) a toll-free telephone number for the commission that the woman may contact if the woman has a question regarding the program.

(d) The commission shall:

(1) publish the application and information required to be provided under Subsection (b); and

(2) make the application and information available to the physicians in this state.

(2) Renumber sections of Subchapter C, Chapter 171, Health and Safety Code, as added by the bill, and any cross-references appropriately.

(3) Insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Health and Human Services Commission shall publish the application and information required by Section 171.056, Health and Safety Code, as added by this Act, not later than the 60th day after the effective date of this Act.

Representative S. Miller moved to table Amendment No. 19.

The motion to table prevailed by (Record 78): 100 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg.

### **Amendment No. 20**

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee report) on page 6, between lines 16 and 17, by inserting the following new Section 171.056, Health and Safety Code, and renumber subsequent sections accordingly:

Sec. 171.056. ASSISTANCE FOR PREGNANT WOMAN DECLINING ABORTION AFTER SONOGRAM. If, after receiving the information required to be provided under Section 171.053, the pregnant woman declines to have an abortion, the physician who was to perform the abortion shall certify that fact to the department.



(b) On receipt of the physician's certificate, the department shall pay for all reasonable and necessary expenses for the medical care of the woman and unborn child, including the reasonable and necessary expenses of childbirth and post-delivery recovery. The department may not require the woman to use a particular health care provider.

(c) The department shall adopt rules to implement this section.

#### **AMENDMENT NO. 20 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE COLEMAN: Mr. Miller, in terms of the cost of government, do you believe that children being born with birth defects and low birth weight and disabled is something that is not appropriate to spend money on in this state?

REPRESENTATIVE S. MILLER: I believe that every, every life is precious.

COLEMAN: Well, if a life is precious, why isn't making sure that life is a precious and long and good one appropriate under the bill that you have, since you have brought forward a bill about life? At least that's what you—right? A bill about life and making sure that women don't have abortions?

S. MILLER: This amendment is not confined to just those narrow circumstances. It's the expenses incurred for the care of all women and unborn children, including reasonable necessary expenses at childbirth and post-delivery recovery. So it's very wide-sweeping—would cost a huge fiscal note, which at this time our budget would not—

COLEMAN: But, Mr. Miller, don't you believe that children are priceless? Or do you only believe they're priceless when nobody else has the responsibility for them?

S. MILLER: I don't believe it's the government's job to do all for everyone. There is some personal responsibility involved in the process.

COLEMAN: So answer this question then—why are you using the government to interfere in the lives of women and their decisions then, if you don't believe it's the government's job to provide for those things? You seem to think this is the government's job, so why don't you think it's the government's job to do those other things, Mr. Miller?

S. MILLER: This bill is about informed consent, making sure that the mother-to-be—it goes to the abortion provider—provide all the available information to her. I wouldn't call that an intrusion.

COLEMAN: Well, it appears to me that this bill has a cost, as well.

S. MILLER: Actually, there is no fiscal note on this bill. That's incorrect, there is no cost.

COLEMAN: But, Mr. Miller, then you've shoved an unfunded mandate on somebody else to pay for something that the state isn't paying for, in terms of a sonogram.

S. MILLER: I would beg to disagree. It doesn't do that either, Mr. Coleman.

COLEMAN: Well, tell me why it doesn't then.

S. MILLER: Okay, the standard medical care practice before any abortion is performed requires a sonogram to be performed. My bill does not create any more sonogram procedures. Those are being performed now.

COLEMAN: Then why do you have to require it under the law, sir, if it's already standard procedure?

S. MILLER: What the bill does is require that information be made available to the women.

COLEMAN: So do you believe that doctors don't make information available to their patients? They just do procedures and then walk away and throw the stuff in the trash?

S. MILLER: Exactly! Thank you for bringing that up, that was the exact testimony that we received in committee—women, who actually asked to view these sonograms and were denied, even though they paid for it out of their own pocket. That is the purpose of the bill.

COLEMAN: Well, I'm sorry, I think that must be one circumstance, because I don't believe that any doctor would keep their patient from viewing something that they paid for. You must have had the only person that happened to come into the committee.

S. MILLER: There was multiple testimony on that and actually there was testimony that they never were even able to talk to the doctor about the procedure.

COLEMAN: So they weren't even able to talk to the doctor about the abortion and that's the reason they—because they couldn't talk to the—about the sonogram or have the information, so they went on and had the abortion?

S. MILLER: That's what the testimony was. Many of them relayed to the committee that they were rushed through the procedure, they never have met their doctor, they never got to question the doctor about the procedure, or the implications, or the possible side effects of it.

COLEMAN: So, in terms of informed consent, they knew they were going to get an abortion, they knew they had a sonogram, the sonogram would have stopped them from having an abortion, and so this bill is designed to do that, right?

S. MILLER: This bill is designed to make sure that the woman is fully informed about the medical procedure that she is about to have performed.

COLEMAN: But you had just said previously, when I had asked you the question, you said that, "Yes, that's the reason they went on and had the abortion." So it appears to me that you've admitted that this bill is for that purpose.

S. MILLER: The testimony in committee was that once the women saw a sonogram of a fetus the same age they aborted, many of those in the testimony regretted having the operation done. And testified, under oath, that if they had

seen and been able to see their sonogram, they would have made a different decision.

COLEMAN: I certainly do understand. That's why I support the amendment that Ms. Farrar has. I think that all life counts, including the life of someone who wants to be born in a way that they live a good life.

### REMARKS ORDERED PRINTED

Representative Coleman moved to print remarks between Representative S. Miller and Representative Coleman.

The motion prevailed.

Representative S. Miller moved to table Amendment No. 20.

The motion to table prevailed by (Record 79): 103 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Hochberg; King, T.

### Amendment No. 21

Representative Hernandez Luna offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 6 between lines 16 and 17, by inserting the following new Section 171.056, Health and Safety Code, and renumber subsequent section accordingly:

Sec. 171.056. INFORMATION AFTER SONOGRAM. If, after having a sonogram performed under this subchapter, the pregnant woman decides to have an abortion and the abortion is performed, the physician who performed the abortion shall provide the woman with a comprehensive list of health care providers, facilities, and clinics that offer family planning services at little or no cost. The information on family planning services shall be prepared by the department and the department shall provide the information upon request and without charge to the requestor. The woman shall certify by her signature that she received the information. The department shall prepare a form to be used to make this certification.

### CSHB 15 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 15** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative S. Miller moved to table Amendment No. 21.

The motion to table prevailed by (Record 80): 104 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego.

Absent — Burnam; Gutierrez; Hochberg; Martinez Fischer; Veasey; Villarreal.

### STATEMENTS OF VOTE

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

### **Amendment No. 22**

Representative Anchia offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 6, line 19, strike "only".

(2) On page 7, between lines 9 and 10, insert the following:

Sec. 171.0565. EXCEPTION FOR CERTAIN FETUSES. (a) In this section:

(1) "Irreversible condition" has the meaning assigned by Section 166.002.

(2) "Viable" has the meaning assigned by Section 170.001.

(b) A physician may perform an abortion without providing the sonogram required under Section 171.053 if the physician concludes in good faith according to the physician's best medical judgment that the fetus:

(1) has an irreversible condition, as previously identified by reliable diagnostic procedures and documented in the woman's medical file; and

(2) is not viable.

(c) This section does not prohibit a physician from performing a sonogram or any other diagnostic procedure necessary before or during the performance of an abortion.

### **LEAVE OF ABSENCE GRANTED**

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

Eissler on motion of Hunter.

### **CSHB 15 - (consideration continued)**

Representative S. Miller moved to table Amendment No. 22.

The motion to table prevailed by (Record 81): 98 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Larson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eissler; Gallego.

### **Amendment No. 23**

Representative Coleman offered the following amendment to **CSHB 15**:

Amend **CSHB 15** as follows:

1. On page 7, beginning on line 12, strike "shall be revoked under Chapter 164, Occupations Code" and insert "shall be referred for discipline to the Texas Medical Board or other appropriate professional oversight authority".

2. On page 7, beginning at line 15, strike "shall revoke the license" and insert "may assess a penalty against".

3. On page 7, line 17, insert the following between "subchapter" and the period: "which may include a fine, a censure, additional continuing education, or suspension of the provider's license".

Representative S. Miller moved to table Amendment No. 23.

The motion to table prevailed by (Record 82): 99 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Scott; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eissler; Gallego.

Absent — Shelton.

### LEAVE OF ABSENCE GRANTED

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

Chisum on motion of Hancock.

### CSHB 15 - (consideration continued)

#### Amendment No. 24

Representative Farrar offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 7, between line 17 and line 18, by adding the following text:

"Sec. 171.059. Notwithstanding any provision of this Subchapter, no government mandate or government-mandated procedure described in this Subchapter shall preclude any physician from acting in the best interest of the physician's patient, or take precedence over what the physician determines to be medically necessary."

Representative S. Miller moved to table Amendment No. 24.

The motion to table prevailed by (Record 83): 102 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Eissler; Gallego.

Absent — Branch; Eiland.

**Amendment No. 25**

Representative S. Miller offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 8, lines 21-25, by striking the text and substituting the following:

SECTION 8. Each provision of this Act and every application of this Act's provisions to any person or circumstance shall be construed as severable as a matter of state law. If any application of this Act to any person or circumstance is held invalid by any court, the valid applications shall be severed and remain in force.

Amendment No. 25 was adopted.

**Amendment No. 26**

Representative Hughes offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. (a) The legislature finds the following purposes and justifications for this law:

(1) States have "a substantial government interest justifying a requirement that a woman be apprised of the health risks of abortion and childbirth," including mental health considerations. Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 882 (1992). "It cannot be questioned that psychological well-being is a facet of health. Nor can it be doubted that most women considering an abortion would deem the impact on the fetus relevant, if not dispositive, to the decision. In attempting to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed. If the information the State requires to be made available to the woman is truthful and not misleading, the requirement may be permissible." Id.

(2) The consideration of an abortion's consequences to a fetus is not contingent on the consideration of the health of the mother. Rather, those considerations provide a stand-alone basis for informed consent legislation. There is "no reason why the State may not require doctors to inform a woman seeking an abortion of the availability of materials relating to the consequences to the fetus, even when those consequences have no direct relation to her health." Id.

(3) In addition to the state's substantial interest in promoting the health and well-being of a pregnant woman, the state also has a "profound interest in potential life" of the unborn fetus. Id. at 878; see also Gonzales v. Carhart, 550 U.S. 124, 125 (2007) (recognizing that the state has a legitimate interest "in protecting the life of the fetus that may become a child").

(4) A statute furthering a state's "legitimate goal of protecting the life of the unborn" by "ensuring a decision that is mature and informed" is permitted "even when in so doing the State expresses a preference for childbirth over abortion." Planned Parenthood, 505 U.S. at 883.



(5) In addition, the Supreme Court has held that "[r]egulations which do no more than create a structural mechanism by which the State, or the parent or guardian of a minor, may express profound respect for the life of the unborn are permitted, if they are not a substantial obstacle to the woman's exercise of the right to choose." Id. at 877. "Unless it has that effect on her right of choice, a state measure designed to persuade her to choose childbirth over abortion will be upheld if reasonably related to that goal." Id. at 878.

(6) "The State also has an interest in protecting the integrity and ethics of the medical profession." Washington v. Glucksberg, 521 U.S. 702, 731 (1997). An abortion performed without a medical professional's full disclosure to a pregnant woman of the impact on the fetus and the potential health consequences of an abortion could undermine the woman's trust in medical professionals. This Act is intended to protect the integrity and ethics of the medical profession by establishing clear requirements that are designed to ensure the health and informed consent of a pregnant woman who is contemplating an abortion.

(b) Therefore, it is the legislature's intent in enacting this Act to further the purposes stated in Subsection (a) of this section.

(c) Furthermore, with regard to the severability clause contained in this Act, the legislature finds:

(1) As the United States Supreme Court has explained, when reviewing an abortion statute, "the proper means to consider exceptions is by as-applied challenge." Gonzales, 550 U.S. at 167. Moreover, when reviewing abortion statutes, "[t]he latitude given facial challenges in the First Amendment context is inapplicable." Id. See also U.S. v. Salerno, 481 U.S. 739, 745 (1987) ("The fact that [a legislative Act] might operate unconstitutionally under some conceivable set of circumstances is insufficient to render it wholly invalid, since we have not recognized an 'overbreadth' doctrine outside the limited context of the First Amendment.").

(2) The United States Supreme Court has made the role of the court clear when reviewing statutes: "It is neither our obligation nor within our traditional institutional role to resolve questions of constitutionality with respect to each potential situation that might develop." Gonzales, 550 U.S. at 168. "[I]t would indeed be undesirable for this Court to consider every conceivable situation which might possibly arise in the application of complex and comprehensive legislation." Id. (quoting U.S. v. Raines, 362 U.S. 17, 21 (1960) (internal quotation marks omitted)). "For this reason, '[a]s-applied challenges are the basic building blocks of constitutional adjudication.'" Gonzales, 550 U.S. at 168 (quoting Richard Fallon, As-Applied and Facial Challenges and Third-Party Standing, 113 Harv. L. Rev. 1321, 128 (2000)).

(3) Severability must be considered not only with respect to certain clauses or provisions of a statute but also with respect to applications of a statute or provision when some of the applications are unconstitutional. See Norman J. Singer, Statutes and Statutory Construction, Section 44.02 (4th ed. rev. 1986).

(4) Severability clauses in federal statutes treat severability of clauses and applications the same. See, e.g., 2 U.S.C. Section 1438 ("If any provision of this chapter or the application of such provision to any person or circumstance is

held to be invalid, the remainder of this chapter and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby."); Section 1103 of the Social Security Act (42 U.S.C. Section 1303); Section 15 of the National Labor Relations Act (29 U.S.C. Section 165); Section 11 of the Railway Labor Act (45 U.S.C. Section 161); Section 14 of the Agricultural Adjustment Act (7 U.S.C. Section 614).

(5) Courts have treated severability of clauses and applications the same. See Robert L. Stern, Separability and Separability Clauses in the Supreme Court, 51 Harv. L. Rev. 76 (1937).

SECTION \_\_\_\_\_. The purposes of this Act are to:

(1) protect the physical and psychological health and well-being of pregnant women;

(2) provide pregnant women access to information that would allow a pregnant woman to consider the impact an abortion would have on the pregnant woman's fetus; and

(3) protect the integrity and ethical standards of the medical profession.

SECTION \_\_\_\_\_. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

(2) On page 8, strike lines 21-25.

(3) Renumber SECTIONS of the bill appropriately.

#### **AMENDMENT NO. 26 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MARTINEZ FISCHER: Representative Hughes, I was just curious, as a member of the committee, why didn't you ask those background and purpose facts back at the committee level?

REPRESENTATIVE HUGHES: I am not a member of the committee.

MARTINEZ FISCHER: You're not a member of the committee?

HUGHES: No, sir.

MARTINEZ FISCHER: So how is it that you are in a position to state what the background and purpose is if you weren't a member of the committee?

HUGHES: Well, this of course is a proposed amendment. This body will decide whether I'm in a position to do that. If we adopt this amendment, then we'll know the answer to that. I think, based on the debate we've heard and the issues we've talked about, this is very consistent with the bill's intent.

MARTINEZ FISCHER: Well, I respect your opinion, but I think I heard you earlier that this is like a background and purpose. And so if I heard wrong, then I apologize, but if you said that, I don't know how you can effectively say that if you weren't part of the committee process and part of the committee deliberations, and so I don't want to send a false impression that that amendment represents the mood of the committee, and those would have been the proposed findings in the background and purpose of the committee. Unless that's what the committee wanted to do. Since it didn't come out of the committee like that, I have to assume that it was neither thought of, or, more importantly, something they wanted to be part of the bill.

HUGHES: If this amendment becomes part of the bill, it will be an expression of this entire body's background and purpose for this act. It'll become part of this statute and we, as the house, members of the committee, and all the rest of us will be expressing our will. And that's how the system works, you know that.

MARTINEZ FISCHER: And so, we as a body accepting that, we don't, we're not going to supplant our judgment for that of the committee. We can't do that, I can't do that, you can't do that. Can you?

HUGHES: What's the question?

MARTINEZ FISCHER: The question is, when you say we may adopt this as a body as a statement of our belief in what this background and purpose is, but you're not suggesting that we can supplant our judgment for the committee's judgment? I mean, we're not doing this at the request of the committee, we're doing this in lieu of the committee, correct?

HUGHES: It will be no different than you asking the author of the bill questions for legislative intent, and those being reduced to writing and placed in the journal. That's the author's impression, based on your questions about intent. If they're placed in the journal, they of course can look at that. We want to make it stronger by putting it in the statute itself. I know that you, like I, have been frustrated when courts ignored the legislative intent. This is to avoid that from happening.

MARTINEZ FISCHER: I sort of subscribe to the separation of powers, and I recognize that we have the ability to act right now and they have the ultimate decision when they interpret our acts, but I don't see in your amendment anywhere where it even dictates or suggests that this is the intention of the legislature. I'm looking at it, it's saying the legislature is making these findings, and I didn't realize that we made findings in statute.

HUGHES: As a matter of fact, you can look at Section 29.302 of the Education Code, where the legislature finds it is essential to the well-being and growth of the students who are deaf or hard of hearing that educational programs recognize the nature of deafness and hard of hearing condition and ensure all students who are deaf or hard of hearing have appropriate, ongoing, and fully accessible educational opportunities. We could go to the Health and Safety Code, Chapter 32, Chapters 85, 257, 361, and on and on. We could go to the Alcoholic

Beverage Code. There are three pages in Section 6.03 of background of legislative intent.

MARTINEZ FISCHER: Would you just help me understand, that if these are proposed findings, can you explain to me how we found, on page 4, line 18, how this bill protects the physical and psychological health and well being of a pregnant woman?

HUGHES: I would say that is based on the testimony heard in committee, as you described, and based on comments made by the author and other members from this podium and the back mic about how women testified before the committee that they wanted all the information before making this decision.

MARTINEZ FISCHER: Okay, and that will speak to their physical and psychological health and well being?

HUGHES: That will certainly be part of it, and it's about informed consent—women having all the facts before they make this big, big decision.

### REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Hughes and Representative Martinez Fischer.

The motion prevailed.

Amendment No. 26 was adopted. (The vote was reconsidered later today, and Amendment No. 26 was adopted by Record No. 89.)

(Brown in the chair)

### Amendment No. 27

Representative P. King offered the following amendment to **CSHB 15**:

Amend **CSHB 15** by inserting a new SECTION 4 and renumbering subsequent SECTIONS accordingly:

SECTION 4. Sec. 245.006(a), Health and Safety Code, is amended to read as follows:

Sec. 245.006 INSPECTIONS. (a) The department ~~may~~ shall inspect an abortion facility at reasonable times as necessary to ensure compliance with this chapter and Subchapter C, Chapter 171.

### Amendment No. 28

Representative Anchia offered the following amendment to Amendment No. 27:

Amend Amendment No. 27 to **CSHB 15** by P. King by adding the following item:

( ) Insert the following appropriately numbered SECTION to the bill and renumber SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. This Act does not make an appropriation. Section 245.006, Health and Safety Code, as amended by this Act takes effect only if a specific appropriation for the implementation of that provision is provided in a general appropriations act of the 82nd Legislature.

Representative P. King moved to table Amendment No. 28.

The motion to table prevailed by (Record 84): 100 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Ritter; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Chisum; Eissler; Gallego.

### **Amendment No. 29**

Representative Castro offered the following amendment to Amendment No. 27:

Amend Amendment No. 27 to **CSHB 15** by P. King on page 1, line 8, following "171." by inserting "The inspection must also ensure that the facility has taken appropriate measures to ensure that persons visiting the facility receive appropriate protection to access the facility."

Representative P. King moved to table Amendment No. 29.

The motion to table prevailed by (Record 85): 97 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison;

Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Chisum; Eissler; Gallego.

Absent — Peña.

Amendment No. 27 was adopted.

### **Amendment No. 30**

Representatives Sheets and Hughes offered the following amendment to **CSHB 15**:

Amend **CSHB 15** on page 1, line 13, by striking "caused by" and substituting "aggravated by, caused by,".

Amendment No. 30 was adopted.

### **Amendment No. 31**

Representative Veasey offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) on page 2, line 23, between the period and "The", by inserting "The department may not include in the list a health care provider, facility, or clinic that provides false, misleading, or deceptive health information."

Representative S. Miller moved to table Amendment No. 31.

The motion to table prevailed by (Record 86): 98 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts;

Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Ritter; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Chisum; Eissler; Gallego.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 86. I intended to vote no.

Hilderbran

#### Amendment No. 32

Representative Veasey offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 3, between lines 5 and 6, insert the following:

(c) A health care provider, facility, or clinic may not be included on the list described by Subsection (a)(3) unless the health care provider, facility, or clinic:

(1) clearly informs a client that the health care provider, facility, or clinic does not:

(A) perform abortions or provide abortion-related services; or

(B) make referrals to any abortion provider or to any provider of birth control;

(2) discloses, verbally and in writing, before providing a pregnancy test or counseling related to a pregnancy, that the health care provider, facility, or clinic is not qualified to diagnose or accurately date a pregnancy and inform the woman that only a licensed medical provider can confirm a pregnancy and provide medical advice about a pregnancy if the provider, facility, or clinic is not qualified to diagnose or accurately date a pregnancy;

(3) clarifies in advertising and consumer contacts that a pregnancy test provided at the health care provider, facility, or clinic is self-administered if the provider, facility, or clinic provides a self-administered pregnancy test; and

(4) informs persons who call or visit the health care provider, facility, or clinic that the provider, facility, or clinic is not a medical facility if the provider, facility, or clinic is not a medical facility.

(2) On page 3, line 6, strike "(c)" and substitute "(d)".

Representative S. Miller moved to table Amendment No. 32.

The motion to table prevailed by (Record 87): 98 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Chisum; Eissler; Gallego.

Absent — Davis, S.; Farias; Hartnett; King, T.

### **Amendment No. 33**

Representative Callegari offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) as follows:

(1) On page 1, line 23, between "shall" and the underlined semicolon, insert "in person and in a private, confidential setting".

(2) On page 2, line 2, between "Section 171.014" and the underlined semicolon, insert "and orally provide the woman the information required by Section 171.012(a)(1)".

(3) On page 2, line 3, between "(2)" and "inform", insert "orally".

Amendment No. 33 was adopted.

### **Amendment No. 34**

Representative Eiland offered the following amendment to **CSHB 15**:

Amend **CSHB 15** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 171.002, Health and Safety Code, is amended to read as follows:

Sec. 171.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Abortion" [~~"abortion"~~] means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus.



(2) "Medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman 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.

SECTION 2. Sections 171.012(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) Consent [~~Except in the case of a medical emergency, consent~~] to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion [~~or the referring physician~~] informs the pregnant woman on whom the abortion is to be performed of:

(A) the physician's name [~~of the physician who will perform the abortion~~];

(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;

(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; [~~and~~]

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

(A) provides [~~(D)~~] the pregnant woman with [~~has the right to review~~] the printed materials described by Section 171.014; and

(B) informs the pregnant woman[;] that those materials:

(i) have been provided by the [~~Texas~~] Department of State Health Services;

(ii) [~~and~~] are accessible on an Internet website sponsored by the department;

(iii) [~~and that the materials~~] 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) at least two hours before the abortion:

(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 ~~[(3) the woman certifies in writing]~~ before the abortion is performed, 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) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES. I ELECT \_\_\_ TO VIEW \_\_\_ NOT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION. I ELECT \_\_\_ TO HEAR \_\_\_ NOT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO \_\_\_ RECEIVE \_\_\_ NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

\_\_\_ BECAUSE 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.

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

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

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

SIGNATURE

DATE"

[that the information described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014]; [and]

(6) ~~(4)~~ 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 ~~(3)~~.

(b) The information required to be provided under Subsections (a)(1) and (2) may not be provided by audio or video recording and must be provided:

(1) orally by telephone or in person; and

(2) at least 24 hours before the abortion is to be performed.

(c) When providing the information under Subsection (a)(3) ~~(a)(2)(D)~~, the physician or the physician's agent must provide the pregnant woman with the address of the Internet website on which the printed materials described by Section 171.014 may be viewed as required by Section 171.014(e).

SECTION 3. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Sections 171.0121 and 171.0122 to read as follows:

Sec. 171.0121. VIEWING PRINTED MATERIALS AND SONOGRAM IMAGE; HEARING HEART AUSCULTATION OR VERBAL EXPLANATION. (a) A pregnant woman may choose not to view the printed materials provided under Section 171.012(a)(3) after she has been provided the materials.

(b) A pregnant woman may choose not to view the sonogram images required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(c) A pregnant woman may choose not to hear the heart auscultation required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) 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;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

(e) The physician and the pregnant woman are not subject to a penalty under this chapter solely because the pregnant woman chooses not to view the printed materials or the sonogram images, hear the heart auscultation, or receive the verbal explanation, as described by this section.

Sec. 171.0122. EXCEPTION FOR MEDICAL EMERGENCY. A physician may perform an abortion without obtaining informed consent under this subchapter in a medical emergency. A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the 30th day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

SECTION 4. Section 171.013(a), Health and Safety Code, is amended to read as follows:

(a) The ~~[If the woman chooses to view the materials described by Section 171.014, the]~~ physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the pregnant woman ~~[her]~~ at least 24 hours before the abortion is to be performed and shall direct the pregnant woman to the Internet website required to be published under Section 171.014(e). The ~~[A]~~ physician or the physician's agent may furnish the materials to the pregnant woman by mail if the materials are mailed, restricted delivery to addressee, at least 72 hours before the abortion is to be performed.

SECTION 5. Section 171.015, Health and Safety Code, is amended to read as follows:

Sec. 171.015. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. The informational materials must include ~~[either]~~:

(1) geographically indexed materials designed to inform the pregnant woman of public and private agencies and services that:

(A) are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(i) a comprehensive list of adoption agencies;

(ii) a description of the services the adoption agencies offer;

~~[and]~~

(iii) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; and

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

(B) do not provide abortions or abortion-related services or make referrals to abortion providers; and

(C) are not affiliated with organizations that provide abortions or abortion-related services or make referrals to abortion providers; and ~~or~~

(2) a toll-free, 24-hour telephone number that may be called to obtain an oral list and description of agencies described by Subdivision (1) that are located near the caller and of the services the agencies offer.

SECTION 6. Section 164.055(a), Occupations Code, is amended to read as follows:

(a) The board may take an appropriate disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code. The board may refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section or chapter.

SECTION 7. The purposes of this Act include, but are not limited to:

(1) protecting the physical and psychological health and well-being of pregnant women;

(2) providing pregnant women access to information that would allow her to consider the impact an abortion would have on her unborn child; and

(3) protecting the integrity and ethical standards of the medical profession.

SECTION 8. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of the Act are severable.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Representative S. Miller moved to table Amendment No. 34.

The motion to table prevailed by (Record 88): 113 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets;

Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Anchia; Burnam; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Oliveira; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal.

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

Absent, Excused — Chisum; Eissler; Gallego.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 88. I intended to vote no.

Lozano

I was shown voting yes on Record No. 88. I intended to vote no.

Muñoz

(Speaker in the chair)

### Amendment No. 26 - Vote Reconsidered

Representative Martinez Fischer moved to reconsider the vote by which Amendment No. 26 was adopted.

The motion to reconsider prevailed.

Amendment No. 26 was adopted by (Record 89): 101 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Eissler; Gallego.

Absent — King, T.

**CSHB 15**, as amended, was passed to engrossment by (Record 90): 103 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chisum; Eissler; Gallego.

Absent — King, S.

#### STATEMENTS OF VOTE

When Record No. 90 was taken, I was excused because of important business. I would have voted yes.

Eissler

When Record No. 90 was taken, my vote failed to register. I voted yes.

On Thursday, March 3, 2011, I was sitting at my desk on the floor of the Texas House of Representatives when I cast an aye vote (Record No. 90) for **HB 15** on second reading. Upon adjournment, I was informed that my vote had not registered.

S. King

#### REASON FOR VOTE

This bill makes no exceptions for victims of rape or incest. This bill makes no exceptions for a woman who is carrying a fetus that isn't viable and will not survive after birth. This bill also intrudes into the doctor-patient relationship,

dictating that a doctor must perform a vaginal probe procedure, whether or not the doctor thinks that is medically necessary. And, ultimately, politicians in Austin should not make decisions that should be between a woman, her doctor, her family, and her God.

Anchia

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on Article III, during bill referral today, Appropriations Committee Room.

### FIVE-DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five-day posting rule to allow the Committee on Business and Industry to consider **HB 1196** and **HB 1228** at 2 p.m. or upon final adjournment Monday, March 7 in E2.016.

The motion prevailed.

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to consider house budget recommendations for Article II at 8 a.m. Monday, March 7 in E1.030.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Efficiency and Reform, during bill referral today, E1.014.

County Affairs is cancelled.

Select Committee on State Sovereignty, upon adjournment today, E2.010.

### COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative L. Taylor requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

### SCR 23 - ADOPTED (Hochberg - House Sponsor)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **SCR 23**.

The motion prevailed.

The following resolution was laid before the house:



**SCR 23**, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 2, 2011, and ending on Monday, March 7, 2011.

**SCR 23** was adopted. (See Record No. 53, House Journal, 82nd Regular Session (2011), page 468)

**HR 700 - ADOPTED  
(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 700**.

The motion prevailed.

The following resolution was laid before the house:

**HR 700**, Congratulating Michelle Wittenburg on her 40th birthday.

**HR 700** was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 700** as signers thereof.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Appropriations, 8 a.m. Monday, March 7, E1.030, for a public hearing, to consider house budget recommendations for Article II.

Business and Industry, 2 p.m. or upon final adjournment Monday, March 7, E2.016, for a public hearing, to consider **HB 1196**, **HB 1228**, and posted items.

**PROVIDING FOR ADJOURNMENT**

Representative Legler moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, March 7.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Geren in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 10:03 p.m., adjourned until 1 p.m. Monday, March 7.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 124** (By Legler), Relating to payment for health care services and participation in a health care system.

To Select State Sovereignty.

**HB 144** (By Laubenberg), Relating to payment for health care services and participation in a health care system.

To Select State Sovereignty.

**HB 203** (By Hughes), Relating to payment for health care services and participation in a health care system.

To Select State Sovereignty.

**HB 254** (By Hilderbran), Relating to establishing the Texas Derby.

To Licensing and Administrative Procedures.

**HB 256** (By Hilderbran), Relating to state-issued certificates of franchise authority to provide cable service and video service.

To State Affairs.

**HB 257** (By Hilderbran), Relating to the periods for presumed abandonment of certain unclaimed personal property.

To Business and Industry.

**HB 258** (By Gonzalez), Relating to the amount of the state traffic fine.

To Ways and Means.

**HB 394** (By V. Gonzales), Relating to the authority of certain counties to provide health care services.

To Border and Intergovernmental Affairs.

**HB 419** (By Villarreal), Relating to the automatic enrollment of certain women in the demonstration project for women's health care services.

To Human Services.

**HB 1008** (By Lewis), Relating to the State of Texas entering into the Interstate Medicaid Reform Compact.

To Select State Sovereignty.

**HB 1021** (By Guillen), Relating to considering ownership interests of disabled persons in determining whether a business is a historically underutilized business for purposes of state contracting.

To State Affairs.

**HB 1037** (By Otto), Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

To Environmental Regulation.

**HB 1126** (By Burnam), Relating to the control of emissions from crude oil and condensate storage tanks in certain areas of this state.

To Environmental Regulation.

**HB 1138** (By Rodriguez), Relating to the expansion of the Women's Health Program demonstration project and implementation of related outreach activities.

To Public Health.

**HB 1147** (By W. Smith), Relating to notice by a governmental entity regarding certain geospatial data products.

To Technology.

**HB 1152** (By Guillen), Relating to payments by the comptroller of public accounts to employees, vendors, annuitants, and other recipients of state-issued payments through the electronic funds transfer system or by electronic pay card.

To Ways and Means.

**HB 1153** (By Paxton), Relating to public access to financial and tax rate information of political subdivisions.

To Ways and Means.

**HB 1478** (By Woolley), Relating to the extension of the women's health program demonstration project.

To Public Health.

**HB 1554** (By Thompson), Relating to immunity for reporting insurance fraud.

To Insurance.

**HB 1555** (By Thompson), Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.

To Public Education.

**HB 1556** (By Burnam), Relating to a prohibition on the issuance of a drilling permit for an oil or gas well that is proposed to be located within a specified distance of a public school.

To Energy Resources.

**HB 1557** (By Reynolds), Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.

To Higher Education.

**HB 1558** (By Reynolds), Relating to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities.

To Environmental Regulation.

**HB 1559** (By S. Davis), Relating to a prohibition on the destruction of certain court documents.

To Judiciary and Civil Jurisprudence.

**HB 1560** (By Scott), Relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.

To Economic and Small Business Development.

**HB 1561** (By Orr), Relating to the authority of a municipality to implement a photographic traffic signal enforcement system and impose civil penalties.

To Urban Affairs.

**HB 1562** (By Guillen), Relating to authorizing state agencies to establish a four-day workweek.

To State Affairs.

**HB 1563** (By Flynn), Relating to the period of time between certain local option elections to legalize or prohibit the sale of alcoholic beverages.

To Licensing and Administrative Procedures.

**HB 1564** (By Coleman), Relating to the authority of the Harris County Hospital District to appoint, contract for, or employ physicians.

To County Affairs.

**HB 1565** (By Coleman), Relating to the employment of physicians by hospital districts.

To County Affairs.

**HB 1566** (By Coleman), Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

To County Affairs.

**HB 1567** (By Coleman), Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

To County Affairs.

**HB 1568** (By Coleman), Relating to the authority of certain local governmental entities in certain populous counties to appoint, contract for, or employ physicians.

To County Affairs.

**HB 1569** (By Coleman), Relating to the authority of a dental hygienist to provide services in certain facilities and schools.

To Public Health.

**HB 1570** (By Murphy), Relating to training for deputy voter registrars.  
To Elections.

**HB 1571** (By S. Miller), Relating to the operation and movement of motorcycles during periods of traffic congestion.  
To Homeland Security and Public Safety.

**HB 1572** (By Lozano), Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.  
To Environmental Regulation.

**HB 1573** (By Gallego), Relating to certain pretrial and post-trial procedures in a criminal case.  
To Criminal Jurisprudence.

**HB 1574** (By Garza), Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.  
To State Affairs.

**HB 1575** (By Garza), Relating to personal property that is exempt from garnishment, attachment, execution, or other seizure.  
To Business and Industry.

**HB 1576** (By Garza), Relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.  
To Ways and Means.

**HB 1577** (By Anchia), Relating to the sunset review of regional tollway authorities.  
To Transportation.

**HB 1578** (By Brown), Relating to energy aggregation by state agencies.  
To State Affairs.

**HB 1579** (By Brown), Relating to information resources technologies of state agencies.  
To State Affairs.

**HB 1580** (By Brown), Relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.  
To State Affairs.

**HB 1581** (By Brown), Relating to the regulation of dental assistants.  
To Public Health.

**HB 1582** (By Farias), Relating to authorization for the operation in certain counties of an educator preparation program with an internship program component.  
To Public Education.

**HB 1583** (By Farias), Relating to safety equipment requirements for certain cyclists; providing a penalty.  
To Homeland Security and Public Safety.

**HB 1584** (By Farias), Relating to an electronic means for voters to determine the status of ballots submitted by mail.

To Elections.

**HB 1585** (By Farias), Relating to certain eligibility requirements of the Teach for Texas Loan Repayment Assistance Program.

To Higher Education.

**HB 1586** (By Hunter), Relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

To Culture, Recreation, and Tourism.

**HB 1587** (By Eissler), Relating to the evaluation of public school teachers.

To Public Education.

**HB 1588** (By Eissler), Relating to the establishment, operation, and funding of open-enrollment charter schools.

To Public Education.

**HB 1589** (By Eissler), Relating to the study of productivity and cost-effectiveness in public education.

To Public Education.

**HB 1590** (By Turner), Relating to a suspension of the imposition of certain fees under certain conditions.

To Appropriations.

**HB 1591** (By Turner), Relating to reporting regarding state fees by the comptroller and in the general appropriations bill.

To Appropriations.

**HB 1592** (By Legler), Relating to the members of the State Securities Board.

To Pensions, Investments, and Financial Services.

**HB 1593** (By Isaac), Relating to the inclusion of a candidate's e-mail address on an official application for a place on the ballot.

To Elections.

**HB 1594** (By Isaac), Relating to disposition of fines imposed by certain municipalities for traffic violations.

To Transportation.

**HB 1596** (By Isaac), Relating to documentation acceptable as proof of identification for voting.

To Select Voter Identification and Voter Fraud.

**HB 1597** (By Menendez), Relating to a temporary increase in the rate of the state sales and use tax and dedicating the amount of the temporary increase to the foundation school fund.

To Ways and Means.

**HB 1599** (By Rodriguez), Relating to the sale of prison-made products to nonprofit organizations.

To Corrections.

**HB 1600** (By Rodriguez), Relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land.

To Ways and Means.

**HB 1601** (By Price), Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

To Criminal Jurisprudence.

**HB 1602** (By Zedler), Relating to reporting requirements regarding the provision of an abortion or treatment for complications resulting from the provision of an abortion; creating criminal offenses; providing penalties.

To State Affairs.

**HB 1603** (By Zedler), Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.

To Public Education.

**HB 1604** (By Guillen), Relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

To County Affairs.

**HB 1605** (By Guillen), Relating to the use of telemonitoring in the medical assistance program.

To Public Health.

**HB 1606** (By Guillen), Relating to the designation of a qualified transportation benefit as a supplemental optional benefits program for state employees by the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

**HB 1607** (By Guillen), Relating to the lease of certain state parking facilities to other persons.

To State Affairs.

**HB 1608** (By Strama), Relating to participation in and contributions to the state employee charitable campaign by retired state employees.

To Pensions, Investments, and Financial Services.

**HB 1609** (By L. Gonzales), Relating to the repeal of the driver responsibility program.

To Homeland Security and Public Safety.

**HB 1610** (By L. Gonzales), Relating to employment termination procedures applicable to a teacher who is convicted of a felony.

To Public Education.

**HB 1611** (By L. Gonzales), Relating to notice of contract renewal or nonrenewal provided by a school district to teachers employed under a term contract.

To Public Education.

**HB 1612** (By Crownover), Relating to the regulation of the practice of dental hygiene.

To Public Health.

**HB 1613** (By Gooden), Relating to regulation of traffic in a conservation and reclamation district by a commissioners court.

To Transportation.

**HB 1614** (By Gooden), Relating to fees for process server certification.

To Judiciary and Civil Jurisprudence.

**HB 1615** (By Brown), Relating to the administering of medications to children in certain facilities; providing criminal penalties.

To Human Services.

**HB 1616** (By Geren), Relating to the reporting of political contributions and expenditures.

To Elections.

**HB 1617** (By Deshotel), Relating to uniform law on secured transactions.

To Business and Industry.

**HB 1618** (By Callegari), Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

To Government Efficiency and Reform.

**HB 1620** (By Menendez), Relating to the deadline for providing notice to public school teachers regarding renewal or nonrenewal of term contracts.

To Public Education.

**HB 1621** (By Truitt), Relating to the licensing and regulation of diagnostic imaging facilities and fluoroscopy-guided pain management procedure centers; providing penalties.

To Public Health.

**HB 1623** (By Villarreal), Relating to certain information regarding paternity required to be provided to certain pregnant women and mothers of newborns.

To Public Health.

**HB 1624** (By Castro), Relating to health education curriculum and instruction in public schools.

To Public Education.

**HB 1625** (By Brown), Relating to the renewal of electrical sign apprentice licenses.

To Licensing and Administrative Procedures.

**HB 1626** (By Flynn), Relating to the use of alternate electronic reporting databases for over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine.

To Homeland Security and Public Safety.

**HB 1627** (By Flynn), Relating to the eligibility requirements of election judges.

To Elections.



**HB 1628** (By Larson), Relating to the crediting of appropriated funds from the collection of taxes imposed on the sale of sporting goods.

To Ways and Means.

**HB 1629** (By Anchia), Relating to energy efficiency goals and public information regarding energy efficiency programs.

To Energy Resources.

**HB 1630** (By Thompson), Relating to funding the TEXAS grant program at public institutions of higher education.

To Higher Education.

**HB 1631** (By Thompson), Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.

To Insurance.

**HB 1632** (By L. Gonzales), Relating to the dates by which public school teachers must provide notification of resignation from employment.

To Public Education.

**HB 1633** (By Bonnen), Relating to a person's ability to read and write in English as a qualification for service as a petit juror.

To Judiciary and Civil Jurisprudence.

**HB 1634** (By Bonnen), Relating to the applicability of certain unfunded mandates on political subdivisions.

To Government Efficiency and Reform.

**HB 1635** (By Paxton), Relating to exceptions to the prohibition of certain fees for a future transfer of residential real property.

To Business and Industry.

**HB 1636** (By Paxton), Relating to certain financial requirements of regional tollway authorities.

To Transportation.

**HB 1637** (By Hamilton), Relating to the professions regulated by the Texas Real Estate Commission.

To Licensing and Administrative Procedures.

**HB 1638** (By Aliseda), Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

To Criminal Jurisprudence.

**HB 1639** (By Dutton), Relating to the recovery of attorney's fees in foreclosure actions by property owners' associations.

To Business and Industry.

**HB 1640** (By Dutton), Relating to the prosecution of and punishment for the offense of official oppression.

To Criminal Jurisprudence.

**HB 1641** (By Dutton), Relating to the creation of a commission to study capital punishment in Texas and to a moratorium on executions.

To Criminal Jurisprudence.

**HB 1642** (By Zerwas), Relating to the sexual assault program fund and to the fee imposed on certain sexually oriented businesses.

To Ways and Means.

**HB 1643** (By Zerwas), Relating to development agreements governing land in a municipality's extraterritorial jurisdiction.

To Land and Resource Management.

**HB 1644** (By Zerwas), Relating to health benefit plan coverage for certain tests for the early detection of cardiovascular disease in certain children.

To Insurance.

**HB 1645** (By Zerwas), Relating to efficiencies and cost-savings in the health and human services and other related regulatory agencies, including the state medical assistance and child health plan programs.

To Appropriations.

**HB 1646** (By Gallego), Relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

To Criminal Jurisprudence.

**HB 1647** (By Gallego), Relating to discovery in a criminal case.

To Criminal Jurisprudence.

**HB 1648** (By W. Smith), Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.

To Environmental Regulation.

**HB 1649** (By Marquez), Relating to the enforcement of building code standards for new residential construction in the unincorporated area of a county; providing a fee.

To County Affairs.

**HB 1650** (By Hopson), Relating to a preference in governmental purchasing for building materials offered by resident bidders.

To Government Efficiency and Reform.

**HB 1651** (By Alonzo), Relating to the North Oak Cliff Municipal Management District.

To Urban Affairs.

**HB 1652** (By Alonzo), Relating to collective bargaining by firefighters and police officers.

To Urban Affairs.

**HB 1653** (By Alonzo), Relating to the inclusion of optometrists, therapeutic optometrists, and ophthalmologists in the health care provider networks of Medicaid managed care organizations.

To Public Health.

**HB 1654** (By Castro), Relating to the creation of a commission to study drowsy driving.

To Transportation.

**HB 1655** (By Y. Davis), Relating to the preference given by state agencies to goods offered by bidders in this state or manufactured, produced, or grown in this state or in the United States.

To State Affairs.

**HB 1656** (By Y. Davis), Relating to the purchase of iron, steel, and manufactured goods made in the United States for state construction projects.

To State Affairs.

**HB 1657** (By Y. Davis), Relating to the reporting of health care associated infections.

To Public Health.

**HB 1658** (By Y. Davis), Relating to the refund of a cash bond to a defendant in a criminal case.

To Criminal Jurisprudence.

**HB 1659** (By Y. Davis), Relating to conditions of employment for an employee of certain sheriff's departments.

To County Affairs.

**HB 1660** (By Y. Davis), Relating to the provision of video programming service to consumers.

To Business and Industry.

**HB 1661** (By Y. Davis), Relating to the provision of Internet service to consumers.

To Technology.

**HB 1662** (By S. King), Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

To Higher Education.

**HB 1663** (By S. King), Relating to the regulation of the practice of nursing.

To Public Health.

**HB 1664** (By S. King), Relating to the authority of the Texas Commission on Environmental Quality to require metering of certain water uses in connection with a water conservation plan submitted by certain applicants for or holders of a water right.

To Natural Resources.

**HB 1665** (By S. King), Relating to the notification requirements regarding certain land use regulations in an area near military facilities.

To Land and Resource Management.

**HB 1666** (By Castro), Relating to the prosecution of the offense of online harassment.

To Criminal Jurisprudence.

**HB 1667** (By Harper-Brown), Relating to the authority of the Texas Department of Motor Vehicles to contract with certain entities to provide a department service.

To Transportation.

**HB 1668** (By Harper-Brown), Relating to authority for school districts to provide public notice by posting the notice on the district's Internet website.

To Public Education.

**HB 1669** (By Harper-Brown), Relating to the establishment of an electric motor vehicle mileage fee pilot program by the Texas Department of Motor Vehicles.

To Transportation.

**HB 1670** (By Coleman), Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

To Criminal Jurisprudence.

**HB 1671** (By Marquez), Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

To State Affairs.

**HB 1672** (By Jackson), Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

To Public Education.

**HB 1673** (By Jackson), Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

To Licensing and Administrative Procedures.

**HB 1674** (By Jackson), Relating to procedures for establishment, modification, and enforcement of child support obligations.

To Judiciary and Civil Jurisprudence.

**HB 1675** (By Naishtat), Relating to the fee for a personal identification certificate for a homeless individual.

To Homeland Security and Public Safety.

**HB 1676** (By Hochberg), Relating to certain penalties on personal property tax delinquencies.

To Ways and Means.

**HB 1677** (By Rodriguez), Relating to the administration and funding of retirement systems for firefighters in certain municipalities.

To Pensions, Investments, and Financial Services.

**HB 1678** (By Burkett), Relating to the appointment of a county election administrator.

To Elections.

**HB 1679** (By Burkett), Relating to aid provided to certain voters; providing criminal penalties.

To Elections.

**HB 1680** (By Geren), Relating to self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

To Licensing and Administrative Procedures.

**HB 1681** (By Harless), Relating to the composition of the Finance Commission of Texas.

To Pensions, Investments, and Financial Services.

**HB 1682** (By Weber), Relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.

To Public Education.

**HB 1683** (By Fletcher), Relating to specialized license plates and parking placards for vehicles of persons with disabilities.

To Transportation.

**HB 1684** (By Fletcher), Relating to the regulation of fireworks in areas annexed by a municipality for limited purposes.

To Urban Affairs.

**HB 1685** (By Fletcher), Relating to a credit against the ad valorem taxes imposed by certain taxing units on commercial or industrial real property based on the cost of constructing a building on the property.

To Ways and Means.

**HB 1686** (By Fletcher), Relating to the discharge of a surety's liability on a bail bond in a criminal case.

To Criminal Jurisprudence.

**HB 1688** (By Raymond), Relating to the right of a municipality to require that a certificated telecommunications utility bear the expense of relocating a utility facility.

To State Affairs.

**HB 1690** (By Flynn), Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

To Ways and Means.

**HB 1691** (By Flynn), Relating to the licensing and regulation of motor vehicle towing, booting, and storage.

To Licensing and Administrative Procedures.

**HB 1692** (By Flynn), Relating to the dismissal of complaints against property tax professionals.

To Licensing and Administrative Procedures.

**HB 1693** (By Cain), Relating to the jurisdiction of, civil fees assessed by, and administration of the county court at law of Lamar County.

To Judiciary and Civil Jurisprudence.

**HB 1694** (By Coleman), Relating to the purchasing and contracting authority of counties.

To County Affairs.

**HB 1695** (By Zedler), Relating to the deadline for providing notice to public school teachers regarding renewal or nonrenewal of term contracts and termination of probationary contracts.

To Public Education.

**HB 1696** (By Zedler), Relating to the authority of the attorney general to investigate election-related offenses.

To Elections.

**HB 1697** (By P. King), Relating to the eligibility of certain overseas voters to receive a full ballot.

To Elections.

**HB 1698** (By W. Smith), Relating to representation of certain state agencies by the office of the attorney general in certain law suits.

To Licensing and Administrative Procedures.

**HB 1699** (By Menendez), Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

To Pensions, Investments, and Financial Services.

**HB 1701** (By Legler), Relating to an exemption from the physical demonstration of proficiency portion of the proficiency examination to obtain or renew a concealed handgun license for certain persons.

To Homeland Security and Public Safety.

**HB 1702** (By Martinez Fischer), Relating to reporting donations received by a school district and public school campus.

To Public Education.

**HB 1703** (By Martinez Fischer), Relating to the schedule for administration of state-administered assessment instruments in public schools.

To Public Education.

**HB 1704** (By Martinez Fischer), Relating to a pilot project to assess public school students by alternative methods.

To Public Education.

**HB 1705** (By Martinez Fischer), Relating to providing a parent of a public school student with notice of student performance in the parent's native language.

To Public Education.

**HB 1706** (By Gutierrez), Relating to the punishment for the offense of criminal mischief.

To Criminal Jurisprudence.

**HB 1707** (By Gutierrez), Relating to the punishment for the offense of theft.

To Criminal Jurisprudence.

**HB 1708** (By Gutierrez), Relating to the regulation of funeral directing and embalming.

To Public Health.

**HB 1709** (By Dukes), Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.

To Human Services.

**HB 1710** (By Dukes), Relating to the creation of the Rio de Vida Planning and Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Urban Affairs.

**HB 1711** (By J. Davis), Relating to disaster remediation contracts; providing penalties.

To Economic and Small Business Development.

**HB 1712** (By Christian), Relating to the creation of a public integrity unit in the office of the attorney general to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud.

To State Affairs.

**HB 1713** (By Christian), Relating to payment of expenses for certain elections.

To Elections.

**HB 1714** (By Laubenberg), Relating to the Rockwall County Juvenile Board.

To Corrections.

**HB 1715** (By Laubenberg), Relating to the rights of victims of property crimes.

To Criminal Jurisprudence.

**HB 1716** (By Garza), Relating to regulations on certain complementary and alternative health care services.

To Public Health.

**HB 1717** (By Garza), Relating to the selection of the board of directors of an appraisal district.

To Ways and Means.

**HB 1718** (By Garza), Relating to consolidation of emergency services districts in certain counties.

To County Affairs.

**HB 1719** (By Rodriguez), Relating to the regulation of health care interpreters.

To Public Health.

**HB 1721** (By Lucio), Relating to protective orders for certain victims of stalking or sexual assault.

To Criminal Jurisprudence.

**HB 1722** (By Lucio), Relating to the prosecution and punishment of offenses related to the failure to stop or report certain crimes committed against a child.

To Criminal Jurisprudence.

**HB 1723** (By Lucio), Relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.

To Criminal Jurisprudence.

**HB 1724** (By Hamilton), Relating to economically driven mobility projects.

To Transportation.

**HB 1725** (By Hernandez Luna), Relating to the maximum number of registered voters contained in a county election precinct.

To Elections.

**HB 1726** (By Hernandez Luna), Relating to the creation of DNA records for the DNA database system and to an offense involving the release of a DNA sample to an unauthorized recipient.

To Corrections.

**HB 1727** (By Brown), Relating to the sale and leaseback of certain state property.

To State Affairs.

**HB 1729** (By Keffer), Relating to the sale of surplus leased land by a governmental entity to a private party.

To State Affairs.

**HB 1730** (By Ritter), Relating to the vested ownership interest in groundwater beneath the surface and the right to produce that groundwater.

To Natural Resources.

**HB 1731** (By Ritter), Relating to the management of groundwater resources in this state and the rights of landowners in groundwater.

To Natural Resources.

**HB 1732** (By Ritter), Relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.

To Natural Resources.

**HB 1733** (By Ritter), Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Ways and Means.

**HB 1734** (By Ritter), Relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.

To Natural Resources.



**HB 1735** (By Bohac), Relating to the requirement of orange frames on certain speed limit signs erected by a municipality.

To Transportation.

**HB 1736** (By Bohac), Relating to the penalty for illegally passing stationary authorized emergency vehicles.

To Transportation.

**HB 1737** (By Bohac), Relating to the installation of a speed feedback sign by a property owners' association.

To Transportation.

**HB 1739** (By Walle), Relating to required workers' compensation insurance coverage for building and construction contractors.

To State Affairs.

**HB 1740** (By Walle), Relating to providing information to parents regarding changes in state law affecting public school students.

To Public Education.

**HB 1741** (By Walle), Relating to a parental involvement pilot program in certain school districts.

To Public Education.

**HB 1742** (By Harper-Brown), Relating to the authority of a regional transportation authority to create a local government corporation.

To Transportation.

**HB 1743** (By Martinez Fischer), Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

To Homeland Security and Public Safety.

**HB 1744** (By Allen), Relating to health benefit plan coverage for certain children diagnosed with autism spectrum disorder.

To Insurance.

**HB 1745** (By Coleman), Relating to the authority of certain municipalities to impose term limits on the members of their governing bodies.

To Urban Affairs.

**HB 1747** (By Veasey), Relating to retaliation as an unlawful employment practice.

To Economic and Small Business Development.

**HB 1748** (By Kuempel), Relating to the refund of a cash bond to a defendant in a criminal case.

To Criminal Jurisprudence.

**HB 1749** (By Kuempel), Relating to county roads mistakenly established and maintained by an adjoining county.

To Transportation.

**HB 1750** (By Darby), Relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.

To Transportation.

**HB 1751** (By Hartnett), Relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

To Natural Resources.

**HB 1753** (By Gallego), Relating to the threshold amount at which public utilities are required to report a transaction.

To State Affairs.

**HB 1754** (By Gallego), Relating to the reorganization of powers and duties among entities in this state that provide representation to indigent defendants in criminal cases and to the reorganization of funding sources for indigent defense.

To Criminal Jurisprudence.

**HB 1755** (By Callegari), Relating to the authority of a groundwater conservation district to adopt different rules for the management of groundwater resources located in different areas of the district.

To Natural Resources.

**HB 1756** (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1757** (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1758** (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1759** (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1760** (By Rodriguez), Relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1761** (By Harper-Brown), Relating to instructions included on balloting materials for a ballot to be voted by mail.

To Elections.

**HB 1762** (By Harper-Brown), Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

To Transportation.

**HB 1763** (By Harper-Brown), Relating to the timely transfer of certain inmates from county jails to the Texas Department of Criminal Justice.

To Corrections.

**HB 1764** (By Harper-Brown), Relating to the periods for presumed abandonment of certain unclaimed personal property.

To Business and Industry.

**HB 1765** (By S. Miller), Relating to an emergency public service messaging network.

To Homeland Security and Public Safety.

**HB 1766** (By Crownover), Relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

To Pensions, Investments, and Financial Services.

**HB 1767** (By Muñoz), Relating to the enforcement of county subdivision regulations prohibiting more than one residential dwelling on each subdivision lot.

To County Affairs.

**HB 1768** (By Muñoz), Relating to the regulation of roadside vendors and solicitors in certain counties.

To County Affairs.

**HB 1769** (By Muñoz), Relating to the enforcement of building code standards for new residential construction in the unincorporated area of a county; providing a fee.

To County Affairs.

**HB 1770** (By Madden), Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.

To Corrections.

**HB 1771** (By Madden), Relating to the establishment of the Specialty Courts Advisory Council.

To Judiciary and Civil Jurisprudence.

**HB 1772** (By L. Taylor), Relating to the regulation of certain exclusive provider benefit plans.

To Insurance.

**HB 1773** (By L. Taylor), Relating to the eligibility of certain overseas voters to receive a full ballot.

To Elections.

**HB 1774** (By L. Taylor), Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.  
To State Affairs.

**HB 1775** (By Allen), Relating to a study on waste reduction and a statewide waste reduction plan.  
To Environmental Regulation.

**HB 1776** (By Lozano), Relating to contracts between dentists and health maintenance organizations or insurers.  
To Insurance.

**HB 1777** (By Lozano), Relating to requiring dental support for a child subject to a child support order.  
To Judiciary and Civil Jurisprudence.

**HB 1778** (By C. Howard), Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.  
To Natural Resources.

**HB 1779** (By Naishtat), Relating to an exemption from private security regulation for social workers engaged in the practice of social work.  
To Human Services.

**HB 1780** (By Price), Relating to exemptions from jury service.  
To Judiciary and Civil Jurisprudence.

**HB 1781** (By Price), Relating to obsolete or redundant reporting requirements applicable to state agencies.  
To Government Efficiency and Reform.

**HB 1782** (By Farias), Relating to a report on efforts made by the Department of Family and Protective Services to place children in adoptive homes.  
To Human Services.

**HB 1783** (By Farias), Relating to creating a portal on the comptroller's Internet website related to obesity and wellness.  
To Public Health.

**HB 1784** (By Farias), Relating to requiring an interagency memorandum of understanding regarding the Public Assistance Reporting Information System and the use of data from that system.  
To Human Services.

**HB 1785** (By Farias), Relating to requiring the comptroller to assess ways to expand the provision of information about the federal earned income tax credit.  
To Ways and Means.

**HB 1786** (By Farias), Relating to the availability of certain information concerning dropout prevention on a district's Internet website.  
To Public Education.

**HB 1787** (By Farias), Relating to establishing a restorative justice pilot program for juvenile offenders in certain counties.

To Corrections.

**HB 1788** (By Farias), Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.

To Culture, Recreation, and Tourism.

**HB 1789** (By Farias), Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

To Elections.

**HB 1790** (By Guillen), Relating to a limitation on the sales and use tax imposed on a boat.

To Ways and Means.

**HB 1793** (By Gutierrez), Relating to the practice of cosmetology.

To Licensing and Administrative Procedures.

**HB 1794** (By Gutierrez), Relating to the exemption from ad valorem taxation of motor vehicles leased for noncommercial use by persons 65 years of age or older.

To Ways and Means.

**HB 1795** (By Aliseda), Relating to permits issued for moving certain oil well servicing or drilling machinery.

To Transportation.

**HB 1796** (By Paxton), Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

To Ways and Means.

**HB 1797** (By Naishtat), Relating to the licensing and practice of social work.

To Human Services.

**HB 1798** (By Reynolds), Relating to districts in certain municipalities.

To Natural Resources.

**HB 1799** (By Bonnen), Relating to the exemption of certain real estate professionals from registration as property tax consultants.

To Licensing and Administrative Procedures.

**HB 1800** (By Bonnen), Relating to the detection and reporting of unauthorized immigration, the collection and dissemination of information concerning unauthorized immigration, and the enforcement of certain laws governing immigration.

To State Affairs.

**HB 1801** (By Menendez), Relating to notice of utility rate increases.

To State Affairs.

**HB 1802** (By Kleinschmidt), Relating to the registration and regulation of equine dental technicians, advertising by veterinarians and equine dental technicians, and the confidentiality of investigation files maintained by the State Board of Veterinary Medical Examiners; providing penalties.

To Agriculture and Livestock.

**HB 1803** (By Hancock), Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

To Insurance.

**HB 1804** (By Hancock), Relating to certificates of insurance required for certain plumbing contractors.

To Licensing and Administrative Procedures.

**HB 1805** (By Huberty), Relating to a public school student's eligibility for a public education grant to attend another public school.

To Public Education.

**HB 1806** (By Flynn), Relating to fishing tournament fraud; providing penalties.

To Culture, Recreation, and Tourism.

**HB 1808** (By Cook), Relating to the continuation and functions of the State Soil and Water Conservation Board.

To Agriculture and Livestock.

**HB 1810** (By Burnam), Relating to the repeal of the driver responsibility program and to the replacement of the revenue derived from the driver responsibility program through an increase in the tax on cigarettes.

To Homeland Security and Public Safety.

**HB 1811** (By Burnam), Relating to the establishment of a program for the collection, transportation, recycling, and disposal of mercury-containing lights.

To Environmental Regulation.

**HB 1812** (By Phillips), Relating to the type of newspaper required for publication of notice in certain counties.

To Government Efficiency and Reform.

**HB 1814** (By Lucio), Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

To Natural Resources.

**HB 1815** (By Hilderbran), Relating to competition in the electric utility market of certain municipalities.

To State Affairs.

**HB 1816** (By C. Howard), Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.

To Public Health.

**HB 1817** (By Gonzalez), Relating to protective orders.

To Judiciary and Civil Jurisprudence.

**HB 1820** (By R. Anderson), Relating to the number of hours certain employees must work to be eligible to participate in the Texas Municipal Retirement System.

To Pensions, Investments, and Financial Services.

**HB 1821** (By R. Anderson), Relating to the delivery of subdivision information by a property owners' association to purchasers.

To Business and Industry.

**HB 1824** (By Price), Relating to the management of groundwater production by groundwater conservation districts.

To Natural Resources.

**HB 1825** (By Price), Relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

To Natural Resources.

**HB 1826** (By McClendon), Relating to the use of unapproved or disapproved insurance or health maintenance organization forms.

To Insurance.

**HB 1827** (By McClendon), Relating to the ability of a nonexempt employee to participate in certain academic, extracurricular, and developmental activities of the employee's child.

To Business and Industry.

**HB 1828** (By V. Gonzales), Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

To Border and Intergovernmental Affairs.

**HB 1829** (By Naishtat), Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.

To Public Health.

**HB 1830** (By Naishtat), Relating to the method of delivery of certain notices sent by statutory probate court associate judges.

To Judiciary and Civil Jurisprudence.

**HB 1831** (By Hartnett), Relating to public school child care.

To Public Education.

**HB 1832** (By Ritter), Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.

To Natural Resources.

**HB 1833** (By Shelton), Relating to notice requirements for certain hearings and meetings of the board of trustees of a school district.

To Public Education.

**HB 1834** (By Shelton), Relating to elimination of certain requirements for increasing community awareness of prekindergarten programs offered by or in partnership with school districts.

To Public Education.

**HB 1835** (By Hartnett), Relating to trusts.

To Judiciary and Civil Jurisprudence.

**HB 1836** (By Hughes), Relating to the sale of fireworks on and before Texas Independence Day.

To County Affairs.

**HB 1837** (By Hartnett), Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.

To Judiciary and Civil Jurisprudence.

**HB 1838** (By Eiland), Relating to the repeal of franchise tax rates.

To Ways and Means.

**HB 1839** (By Phillips), Relating to excluding a provider of recreational classes that do not lead to an educational credential from regulation as a career school or college.

To Higher Education.

**HB 1840** (By Phillips), Relating to the creation of the grain producer indemnity fund.

To Agriculture and Livestock.

**HB 1841** (By Hartnett), Relating to the taxability of Internet hosting.

To Ways and Means.

**HB 1842** (By Coleman), Relating to prior approval of residential property insurance rates of certain insurers.

To Insurance.

**HB 1843** (By Guillen), Relating to the discontinuation of management and efficiency reviews by the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

**HB 1844** (By Guillen), Relating to storage of local government records by the Texas State Library and Archives Commission.

To Culture, Recreation, and Tourism.

**HB 1845** (By Castro), Relating to counseling in response to alcoholic beverage violations by students at public and private institutions of higher education.

To Higher Education.

**HB 1846** (By Guillen), Relating to state interventions and sanctions under the public school accountability system.

To Public Education.

**HB 1847** (By Farrar), Relating to an additional fee for the disposal of construction or demolition waste.

To Environmental Regulation.



**HB 1848** (By Farrar), Relating to the use of environmentally sensitive cleaning products in primary and secondary schools.

To Public Education.

**HB 1849** (By Farrar), Relating to a franchise tax deduction for the cost of certain sustainable commercial buildings.

To Ways and Means.

**HCR 23** (By Raymond), Memorializing Congress to propose and submit to the states for ratification an amendment to the United States Constitution to provide for a federal balanced budget.

To Select State Sovereignty.

**HCR 25** (By T. Smith), Urging Congress to remove confidentiality mandates for minors from family planning services programs operating under Title X of the Public Health Service Act and Medicaid.

To Public Health.

**HJR 103** (By Fletcher), Proposing a constitutional amendment authorizing the legislature to provide for a credit against the ad valorem taxes imposed by certain taxing units on commercial or industrial real property based on the cost of constructing a building on the property.

To Ways and Means.

**HJR 106** (By Christian), Proposing a constitutional amendment giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud.

To State Affairs.

**HJR 107** (By Ritter), Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Ways and Means.

**HR 675** (By Jackson), Honoring Sergeant Jack Walker for his valiant service in the United States Army during World War II.

To Rules and Resolutions.

**HR 677** (By Marquez), Congratulating Robert and Carol Callis of El Paso on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 678** (By Marquez), Congratulating El Paso native John Skelton on his outstanding football accomplishments.

To Rules and Resolutions.

**HR 679** (By Morrison), Recognizing March 8, 2011, as Victoria Day at the State Capitol.

To Rules and Resolutions.

**HR 681** (By Landroop), Honoring Johnny Mac and Jeanne Brown of Wellman for the establishment of the Remember Alex Brown Foundation.

To Rules and Resolutions.

**HR 682** (By Shelton), Commemorating the 100th birthday of the leader of the Dawoodi Bohra community, His Holiness Dr. Syedna Mohammed Burhanuddin.

To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 1203** (By Harper-Brown), Relating to idling the diesel engine of a school bus while the bus is parked at a public school or in a school crossing zone.

To Transportation.

**HB 1431** (By Strama), Relating to the selection of candidates for the State Board of Education through a unitary primary election.

To Elections.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**March 2**

Criminal Jurisprudence - **HB 215**

State Affairs - **HB 15**

### ENROLLED

**March 2 - HCR 49, HCR 70, HCR 175**

### SENT TO THE GOVERNOR

**March 2 - HCR 175**

### SIGNED BY THE GOVERNOR

**March 2 - HCR 175**