

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

THIRD DAY — WEDNESDAY, JULY 10, 2013

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

The roll of the house was called and a quorum was announced present (Record 27).

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

Absent — Naishtat.

The speaker recognized Representative Simmons who offered the invocation.

The speaker recognized Representative Zerwas 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 Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative White who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

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

(Naishtat now present)

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 2 ON THIRD READING
(by Laubenberg, Burkett, Harper-Brown, G. Bonnen, P. King, et al.)**

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

HB 2 - REMARKS

REPRESENTATIVE LAUBENBERG: This is the house bill that we all debated and voted on yesterday for at least 10 hours, and I'd like to move passage.

Amendment No. 1

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

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

SECTION _____. Section 162.301(2), Family Code, is amended to read as follows:

(2) "Child" means a child:

(A) who cannot be placed for adoption with appropriate adoptive parents without the provision of adoption assistance because of factors including ethnic background, age, membership in a minority or sibling group, the presence of a medical condition, or a physical, mental, or emotional disability; or

(B) whose mother declares in writing in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission, that, because of Section 245.010(a), Health and Safety Code, or Subchapters C and D, Chapter 171, Health and Safety Code, the mother chose not to or did not have access to a facility to exercise her right to an abortion at the time the child was born.

SECTION _____. Section 162.302(b), Family Code, is amended to read as follows:

(b) The legislature intends that the program benefit children residing in foster homes at state or county expense and children described by Section 162.301(2)(B) by providing them with the stability and security of permanent homes and that the costs paid by the state and counties for foster home care for the children be reduced.

AMENDMENT NO. 1 - REMARKS

REPRESENTATIVE MCCLENDON: There's been a lot of talk about abortion that might just be unnecessary because of thousands of parents who would just love to adopt a child. Members, if we're serious about taking care of children, please accept this amendment. It will make sure to include children born to mothers who have had no access, or where there was not availability for an abortion under this bill, to place them in the DSHS system—adoption assistance programs. If the mother determines not to keep the child once it's born. This program is already in place, and could help place those children in good care. Well, I'm here to tell you that, according to the Child Welfare League of America, that in 2010, there were 13,000 children in out-of-home care that were waiting to be adopted—13,000 children. This would help adoptive parents by giving the child Medicaid health care coverage, reimbursement for adoption-related expenses, and monthly payments to assist with the child's needs. If we don't accept this amendment, then we will be saying that the consequences of children born because of this bill doesn't matter; that the lives that we're saving are not worthy of good homes. I think that we have some questions from the back mic.

REPRESENTATIVE ROSE: Representative McClendon, would this put more children in the adoption assistance program?

MCCLENDON: Absolutely, yes.

ROSE: And won't this amendment have a cost to the state?

MCCLENDON: Well, not when you consider the potential cost to the state of these kids who are going to foster care. Furthermore, it's better that we send these kids to a loving, stable home than foster care. It is our intention always to try to find a home where the child would be loved rather than putting them in foster care. The cost of Medicaid births was not factored into the bill, either. It's supposedly a secondary, a tertiary impact, and so not analyzed by LBB for the fiscal note. You're talking about \$24.5 million in all funds, and \$10.1 million in GR—we're talking about real money, this is real money.

ROSE: Right, and Representative McClendon, why do we need to make sure these children are adopted? Don't you think the foster care system can take care of them?

MCCLENDON: Representative Rose, I can tell you that there are reliable studies that show that a stable and loving relationship with a primary caregiver is critical for healthy infant development. Many infants in the child welfare system lack these consistent relationships, and before they are placed out of homes, many of these infants have already been exposed to all kinds of adverse conditions. I can tell you of one family that I know of where the child—it's a beautiful child—and the mother is working with that child, and she knows that this child has been subjected to neglect, abuse, and domestic violence.

ROSE: Okay. Also, do you think this might help abandoned babies?

MCCLENDON: Yes, I agree. Texas does have a safe haven law—the first in the nation, so we do have something in Texas to be proud of—but abandonment of children still happens. It hasn't gone away, and allowing mothers of babies who cannot or choose not to keep their baby to participate in the adoption assistance program would help address this problem. We know from a study by the University of Houston that an average of more than seven babies are abandoned each year.

ROSE: So, are you saying this could be a pro-life amendment?

MCCLENDON: This would be, certainly, a pro-life amendment, and I think if we're going to ask for more children to come into this world, we should provide for them. If we are not going to let women control their own bodies anymore, then we ought to be able to ask the children who are coming into this world, we ought to be able to provide for them in some way, and we know that there are going to be lots of cases where their mothers just cannot, even though they may want to, they cannot take care of them. And we also know that lots of families who want to adopt may not be able to afford all the costs associated with adoption, and this bill will help everyone out. This is what we do when we truly care about the children in this state and about life.

ROSE: Thank you, Representative McClendon, I think you have a great pro-life amendment.

REPRESENTATIVE SHEETS: Ms. McClendon, I'm just trying to understand your amendment. I'm reading subsection (b), and it says, "The legislature intends that the program benefit children residing in foster homes at state or county expense," and then this is the addition you're adding, "and children described by Section 162.301(2)(B)." What is that?

MCCLENDON: Let me find it. Representative Sheets, where were you reading?

SHEETS: I was reading the very bottom of your amendment, subsection (b).

MCCLENDON: Okay.

SHEETS: And it's referencing Section 162.301(2)(B), what is that? To clarify my question, what I'm trying to get at is, are you talking about children that are in foster care? Are you intending this to be for children who are in foster care?

MCCLENDON: Yes.

SHEETS: Okay, and what benefits do we already provide for children that are in foster care and adoptive placement from CPS?

MCCLENDON: Well, when children are in foster care, the state is pretty generous in helping those families who are able to have and want to put the children in foster care. The program for foster care provides sources for adoption assistance. They have Title 4 English recognition requirements; they have state adoption assistance requirements; they have requirements for nonrecurring adoption expenses such as step-parent adoptions, such as international adoptions; they have a definition for special needs kids, and you'd be surprised at the number of special needs kids that are—

SHEETS: Yes, ma'am, and I'm assuming we're getting close to the time limit, and what I really want to get at is what additional benefits are we providing to these children through this amendment that we currently aren't providing them?

MCCLENDON: Well, you are providing and encouraging the possibility of more children being adopted, and we're encouraging the parents of the children to find another way to take care of the children. I know that there are many people who have abortions, but there are also those who do not have abortions who would like to have them, but they cannot get access.

SHEETS: I'm just trying to understand your amendment. Is there a distinguishing feature of this amendment as compared to what we're already doing for the children that are in adoptive placement or foster placement? Are we creating a separate class for those whose mothers make this assertion? I'm just trying to understand what the purpose of the amendment is—what we're trying to do and what we actually do with this.

MCCLENDON: This amendment will help adoptive parents by giving the child Medicaid health care coverage, reimbursement for adoption-related expenses, and monthly payments to assist with the child's needs.

SHEETS: Right, and I guess that's my confusion, because we're already providing these services, and I'm trying to understand what additional services are we providing them through your amendment?

MCCLENDON: The services that would be provided through this amendment is that this would help adoptive parents by giving the child Medicaid health care coverage, reimbursement for adoption-related expenses, and monthly payments to assist with the child's needs.

SHEETS: But they already receive those, don't they, ma'am?

MCCLENDON: No, they don't receive all of this.

SHEETS: They don't?

MCCLENDON: No.

SHEETS: Because I'm in the process of adopting children, and I'm receiving a lot of these benefits for my children right now, and so I'm just trying to understand what additional benefits we're receiving here for these families.

MCCLENDON: You are to be commended for adopting a child; and I don't know if you're adopting it through DSHS or where, but I'm very impressed with you for adopting a child who is certainly in need of a loving family. I'm presenting this bill because I want to encourage parents who may want to not take care of their children because they cannot to put those kids up for adoption, because when they do that, they are going to receive this coverage that I'm telling you about, and hopefully, this would happen.

SHEETS: Thank you, ma'am.

REPRESENTATIVE NAISHTAT: Representative McClendon, you mentioned the figure of 13,000 right at the beginning of your remarks—is that the number of children who are currently waiting to be adopted?

MCCLENDON: Yes, 13,000.

NAISHTAT: 13,000 right now in Texas?

MCCLENDON: Right now—we're talking about all of America. This is from the Child Welfare League of America, because in 2010, they found that there were 13,000 children in out-of-home care that were waiting to be adopted.

NAISHTAT: And we all understand that if this bill passes and gets signed into law, that we can expect thousands, thousands of babies to be born who would need assistance from the state in terms of foster care-related costs.

MCCLENDON: Absolutely.

NAISHTAT: There's no question about that, is there?

MCCLENDON: No question about that. It's always the intention of the state to put children into foster care, but then they'll prefer that the kids would be adopted by loving parents. The wish always is that an adoptive parent would come forth and get the children.

NAISHTAT: And so, what your bill does, in very simple terms, is create an opportunity through which the state would cover some of the costs for thousands of babies who would be born, because of this legislation, born into low-income families who, for that reason and others, would end up having to place these babies in other settings to be brought up. This provides a little bit of assistance to help the thousands of newborns who will be born because of this legislation.

MCCLENDON: Exactly.

NAISHTAT: I think you have an excellent and important amendment.

MCCLENDON: And, Mr. Naishtat, we know that when we have only five clinics that would be available throughout the state there will be many children who are not wanted, that would need to be adopted, that would be, as they call it, wards of the state.

REPRESENTATIVE GIDDINGS: Representative McClendon, are you aware of a study done by the supreme court's commission on children and youth? It was, I suppose, released about a year ago, and one of the things that report focuses on is the difficulty and the challenges that are faced by children in foster care. You would agree, I think, that they face many, many challenges.

MCCLENDON: They absolutely do, and many foster homes take in more children than they can properly handle, and so as a result, the children suffer because they don't get the resources or the love or attention that children of that age should be getting to become productive individuals when they get older.

GIDDINGS: I think you're aware that so many of the studies, including that one that was just released—and I was a member of that commission at the time—those studies show that in many cases, what these foster children need is a stable, loving relationship with a stable primary caregiver, so that people are not coming in and out of their lives. Would you agree with that?

MCCLENDON: Absolutely, and it's a big difference between a foster care parent and an adoptive parent. A foster care parent is temporary, that's not permanent. An adoptive parent is permanent; an adoptive parent bonds with the child and is able to understand the child's problems and idiosyncrasies and can work with that child up until adulthood, and love that child. Love is so important in a family and in the growth of children.

GIDDINGS: In your earlier career, Representative, I believe that you served in the juvenile justice system. So, because of that, I would assume that you saw a lot of young people who ended up in the juvenile justice system that had come out of foster care. Would that be correct?

MCCLENDON: That's correct, absolutely, and you can see the difference between those who are either in foster care or have come out of foster care, and between those children who are in adoptive family relationships—it's a big difference.

GIDDINGS: I think, from what I've heard you say, you're believing that because of the legislation that we're about to pass on third reading, that probably there are going to be more children that could possibly end up in the foster care system. Is that correct?

MCCLENDON: That is absolutely correct. I mean, you don't have to be a rocket scientist to know that if these clinics cannot meet the standards of the bill, that the clinics will not be open, and according to speculation, there will be only five clinics in the major urban areas that will work with these women. So if that's to be the case, there will be many, many, many babies born into this state with not having the proper care and assistance that they need in order to grow up and be—

GIDDINGS: So what I think I hear you saying is that while there's a great cost to the state, it pales in comparison to the havoc it will wreak in these kids' lives.

MCCLENDON: Absolutely.

LAUBENBERG: Members, Representative McClendon, you know, I appreciate your heart and your good intentions, definitely. But this amendment goes on the assumption that a woman will not be able to get an abortion in this state, that this bill will prevent that, and this bill does nothing of the sort. The only exception is the five-month ban. It goes on the assumption that if a woman chooses not to have the abortion—it goes on the assumption that if a child is born in need that there are no services available and that is also not the case. So, respectfully I move to table this amendment.

REPRESENTATIVE BURNAM: You know, it's not surprising at all to anybody that paid attention to the proceedings yesterday that you're asking that this amendment be tabled, but it is surprising that you would be so insensitive. And I want to ask you, do you really, really, really believe that we're not going to have thousands and thousands of unwanted pregnancies brought to full term, with thousands and thousands of women incapable of being the type of mothers that we would want them to be? Delivering children full term is a result of this legislation.

LAUBENBERG: Representative Burnam, so basically you're saying that unless the child is born into a perfect environment, then that child should not be born.

BURNAM: No, I'm saying that I know enough and I'm wondering if you know enough about child protective services in this state that literally—I worked directly with a child that had to be taken from the home because the mother was a crack mom and she perpetually got pregnant, and the child that was brought into this world had a mother who was a crack mom. That child needed to be taken away from that home by CPS; that puts that child in some sort of foster care system, which is totally overworked and overwhelmed, and now we're going to even exacerbate the problem because there's going to be thousands more children that are brought into this world, into circumstances that they can't survive because the mother is barely surviving herself and is incapable of meeting the responsibilities of a mother. So I'm wondering, during this third reading, why you can't show the sensitivity to recognize that the unintended consequences of this legislation is thousands of children born into a situation where they cannot survive, much less thrive, and the state is going to have to be responsible for taking care of these children and moving them into some sort of transition situation, and our colleague is simply offering an amendment to your bill to help make that transition occur as smoothly as possible. Why don't you understand that?

LAUBENBERG: I've already given you my answer, Representative.

BURNAM: Well, I couldn't understand your answer because it didn't make any common sense to me at all. So would you explain it to me again?

LAUBENBERG: Representative Burnam, as I said before, you are going on the assumption that if a child is not born into a perfect home then the child should be—

BURNAM: No child is born into a perfect home. Do you not understand that, that many children are born into homes where the mother is simply incapable, and the state has a responsibility to remove that child from that mother because that mother cannot keep that child alive?

LAUBENBERG: I've given you my answer.

BURNAM: No, you haven't answered. What are we going to do about the thousands of children that have to go into our foster care system because the mother is incapable of taking care of them? That's a very legitimate question that needs to be addressed because it is a part of the unintended consequences of this badly crafted legislation.

LAUBENBERG: I've given you my answer, Representative Burnam.

BURNAM: So once again, two dozen times now, you're just going to fail to answer the legitimate questions that are being raised about this bill. Thank you for your non-responsiveness, I'll remember.

REPRESENTATIVE ZERWAS: I just wanted to run through a few things with you related to adoption. I know you're probably aware that the state is pretty involved in offering financial assistance for adoption situations; you're aware of that.

LAUBENBERG: Yes.

ZERWAS: Are you aware that this typically occurs in the Department of Family and Protective Services and that there are actually several strategies that are related to try to facilitate adoption? Were you aware that we actually contributed several strategies devoted to that?

LAUBENBERG: I am somewhat, but if you'd like to outline them, that'd be great.

ZERWAS: Well, let's say for instance, one that is B.1.12, Strategy Adoption and CCA Payment, which is the adoption subsidy and permanency care assistance. In the previous biennium, we spent about \$390 million in that area, not an insignificant amount of money. Understanding that there is an ever-increasing need and opportunity to help children, the budget that was passed under Chairman Pitts' leadership this time and certainly among those that are in the Article II Subcommittee, we increased that to over \$500 million—half a billion dollars—just for that one strategy related to that. Overall, in this area of very important—the Department of Family and Protective Services is incredibly important because that's where we also deal with our child protective services. Were you aware that that was an area that we increased a substantial amount of money in order to address the debt that existed out there?

LAUBENBERG: I was definitely aware, but thank you for pointing that out.

ZERWAS: In addition, if you look at an area called Adoption Purchase Services, we commit \$13 million in that particular area. If you look at the strategy called B.1.7, Post-Adoption Purchase Services, we spend about \$7 million in that particular area. There was a tremendous need in the overall subpart of the Department of Family and Protective Services because we recognize that there is an ever-increasing need to help the children who are incredibly vulnerable in these situations. And I think what you would agree with me on is that as we look at the various numbers—certainly we sort of focus on the adoption issues because that's the nature of this amendment—but what we've done is actually seen significant increases in this particular area to try to encourage adoptions. Every one of us wants to see these children get into a very functional, a very viable setting for them, and the State of Texas doesn't turn a deaf ear to that. I would hope you agree with me on that, that in fact Texas has contributed substantially to try to promote adoption subsidies, to try to promote healthy environments in our foster care system, and to try to promote high quality child protective services so that we can rescue these children and put them in the best of situations. The adoption subsidies, I hope you would agree with me, are in fact one of those things that we do to try to promote that. Would you agree with that?

LAUBENBERG: Absolutely, Representative Zerwas, and you have done a fabulous job on Appropriations. I know this is a very important issue for you and, you know, equally for many others in this body, and myself as well, and I really do appreciate that you have brought all this out. Some folks don't realize what we have done in this state to help these children.

ZERWAS: Well, and thank you for those kind remarks. Reality is that this is a very important issue to the people of the State of Texas, which is reflected in our deliberations and so forth. And so, I think what we see to oust this particular area, but especially in the area of adoption subsidies and payments for promoting adoption situations and the use of TANF money in order to help provide some increases in cash available to these people, the State of Texas has stepped up and tried to provide those types of amounts of money to them. Another area that really does get involved in this is one that we had a lot of conversation about is our Hope for Kids prevention program, again related to providing some subsidies out there. During the last session we had to do some pretty draconian things, I don't know if you recall that or not.

LAUBENBERG: Yes, that was a hard session.

ZERWAS: Very hard. You know, ultimately we found ourselves in a position that, you know, we had to rescue children first, and so we had to focus a lot of our revenue in that area. Do you recall the very difficult discussions that we had in that particular area?

LAUBENBERG: Members, I think, especially what Representative Zerwas has pointed out that this amendment is actually redundant and we are doing things now and so I would move—

Representative Laubenberg moved to table Amendment No. 1.

MCCLENDON: I just need to point out that we're talking about two different sets of children in this state. We're talking about children who are under foster care and children who are ready and should be adopted in order to make sure that they are in a long-lasting, stable, and loving relationship. I can tell you—I can tell you that on the Appropriations Committee, Dr. Zerwas leads the Health and Human Services component of the Appropriations, and he and his committee have worked tirelessly to make sure that the families who are taking care of the adopted children and the foster children are taken care of. But there are so many other situations that need to be taken care of as well, and the state can do as much as they can, but they can be cheerleaders for these children.

REPRESENTATIVE ALLEN: I just wanted to ask a couple of questions about the adoption assistance program and also to, keeping in mind as I ask these questions that there are two different systems and too often minority children end up in the foster system and end up incarcerated and so we want to talk a little—ask you a couple questions a little bit about the adoption assistance program. I know that you are aware that we have an adoption assistance program. What is that program?

MCCLENDON: The adoption assistance program allows particular parents to adopt parents through the state, and they do receive the benefits of that program.

ALLEN: Okay, what does it provide? I hear you say benefits, what does it provide?

MCCLENDON: Well, it provides the Medicaid health coverage; it provides a reimbursement for the adoption-related expenses; it provides a monthly payment to assist with the child's needs; but that also many of the kids who are put up for adoption have special needs, and special needs kids need to have a special, particular type of care.

ALLEN: Are you aware that children in this state are born to mothers who cannot properly take care of these children, and that would include special needs children? Would it be beneficial to have a place where the mothers could turn to find a good home for those children rather than to have an abortion?

MCCLENDON: Absolutely, absolutely. I would prefer, and most of us would prefer, that there be no abortions in this state at all.

ALLEN: Absolutely.

MCCLENDON: But if there has to be a situation or situations where mothers feel they need to abort a child, we would like to have them understand that they don't have to do that. They do not have to abort that child. There's a place where they can be placed and have good care and the child can grow up to be a productive individual.

ALLEN: Right, because that assistance goes to a certain category of children. Would your amendment make it possible for these mothers to work with the DFPS in planning how to place these children in the adoption assistance program after they are born, which would lessen the pressure on them to abort the children or to abandon the children?

MCCLENDON: Absolutely, absolutely. It is the desire of many of us that we can put these children into a position to move—well after being born—into an adopted family relationship.

ALLEN: Good. Are you aware that children are sometimes abandoned on the roadside—

MCCLENDON: Yes.

ALLEN: —in the park—

MCCLENDON: Yes.

ALLEN: —in trash cans, in public restrooms, even though Texas is a safe haven state, even though we have that law that helps willing mothers place their children in safe hands, that we still have abandoned children?

MCCLENDON: We have children—and I know it's hard to understand this and to meet this challenge in this state, but we have children who are left in bus stations on the bench and parents have just walked out, and it's not because they are just careless, it's because they are desperate. The parents are desperate, the

mother is desperate and doesn't have anywhere to put this child, and she is hoping that some good samaritan will come by and pick the child up and give this child a loving family.

ALLEN: My last question, would your amendment help address the problem of abandoning babies in unsafe places and placing them in harm's way, which is a sad situation for any baby to end up in?

MCCLENDON: It certainly would, it certainly would because we would have a program in place to help those mothers understand that abortion is not the only option. If she cares about that baby and recognizes she is not ideal to help that baby grow up that she has an option to put that baby in a loving family and that there are resources available to assist her to put that baby in a loving family.

LEAVE OF ABSENCE GRANTED

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

Kacal on motion of Raney.

HB 2 - (consideration continued)

The motion to table prevailed by (Record 28): 91 Yeas, 53 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Kacal.

Absent — Leach; Longoria.

REASON FOR VOTE

I registered as present, not voting on Record No. 28. As a foster parent, members of my family could potentially benefit from the passage of the amendment.

Sheets

HB 2 was passed by (Record 29): 96 Yeas, 49 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kacal.

Absent — Longoria; Muñoz.

STATEMENT OF VOTE

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

Muñoz

REASON FOR VOTE

Although I am strongly in support of the provisions contained in the legislation and am pro-women's health, there are several concerns about the bill and process. Without some of the amendments to advance the bill, we did not allow the legislative process to take its course. At different stages in committee or on the floor we prevented the body from adopting amendments that could have impacted the legislation in various ways. I am in favor of provisions of the bill; however, we cannot in good conscience legislate at the expense of impacting access to legal health care services. If clinics close in regions throughout the state, this could result in limiting access to critical services. As a legislature, we need to

focus on women's health care and prenatal care by making it more accessible and affordable. We also need to improve and facilitate adoption procedures for the benefit of the children affected and families. I will continue to work to ensure we accomplish the goals set out for the betterment of our communities.

Muñoz

RESOLUTIONS ADOPTED

Representative Raymond moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions:

HCR 4 (by Guillen), Designating the week beginning September 8, 2013, as Direct Support Professionals Recognition Week in Texas.

HR 21 (by Guillen), Congratulating Chasity Danielle Coquat, 2013 salutatorian of Three Rivers High School.

HR 22 (by Guillen), Congratulating Sheldon Hons, 2013 salutatorian at Kenedy High School.

HR 24 (by Guillen), Congratulating Cameron Ruiz on being named valedictorian of the Kenedy High School Class of 2013.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

ADDRESS BY REPRESENTATIVE HILDERBRAN ON A MATTER OF PERSONAL PRIVILEGE

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

Mr. Speaker and members, this is my first and my last personal privilege speech on the floor of the house; nonetheless, I rise today with a happy heart and emotions that have partially paralyzed my voice box. It has been a privilege and an honor to represent the citizens of 25 Texas counties in my nearly 25 years of service in this Texas House of Representatives. During that time, I have served with four speakers and with four governors. I have been a member of the minority party and in the majority party. I have served in 13 regular sessions and 20 special sessions.

It's been an honor to have been appointed committee chair by three different speakers and chair a committee for eight of my 13 terms. I have had the opportunity to work on major state legislation. As chair of Human Services, we passed welfare reform in 1995 with Governor George W. Bush and nursing home reform in 1997 with Representative Elliott Naishtat. And in 2007, as chair of Culture, Recreation, and Tourism, we passed **HB 12**, the Texas Parks Restoration Act. This last regular session, we were successful in passing an important tax reform and relief package. I have to say I probably enjoyed being the Ways and Means chair the most.

I love serving in the Texas House. I love serving my district and the State of Texas. It has been such an honor to serve in this hallowed chamber. It has been such a rewarding experience because there was always a new problem to solve, a

new solution to propose, and a new piece of legislation to work on. And friends—and that's what you all are—as we all know, there always will be a new problem to solve, a new solution to propose, and another new piece of legislation to pass. The work never ends, and Texas is worth it. So I rest assured that there will be new members who will do the important work of the Texas House.

This freshman class and the class before them will help lead our state for many years to come. It has been gratifying to see the new members bringing a fresh perspective and rising to the occasion.

Today, I am announcing I will not be seeking re-election to the Texas House of Representatives. While I won't be returning to the 84th Legislative Session as a state representative, I intend to be here in a different capacity, working closely with you to address the issues that face Texas. Thank you for your friendship and your service to Texas. God bless you and God bless Texas.

REMARKS ORDERED PRINTED

Representative Geren moved to print remarks by Representative Hilderbran.

The motion prevailed.

REMARKS ORDERED PRINTED

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

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on Transparency in State Agency Operations, during bill referral today, 1W.14, for an organizational meeting.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9 of the House Rules, Representative Simmons requested permission for all committees and subcommittees to meet while the house is in session today and tomorrow, during bill referral and other administrative duties, pursuant to their committee postings. For purposes of this motion, those 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 and other administrative duties today and tomorrow.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

At 11:28 a.m., Representative S. Davis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages from the senate, the house adjourn until 2 p.m. tomorrow.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

MESSAGE FROM THE SENATE

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

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:18 a.m. Thursday, July 11, adjourned until 2 p.m. today.

ADDENDUM

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 5 (By Branch), Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education; making an appropriation.

To Appropriations.

HB 11 (By Simpson), Relating to appropriating money to the Texas A&M Forest Service to assist volunteer fire departments during the next state fiscal biennium.

To Appropriations.

HB 12 (By Simpson), Relating to appropriating money to the Texas A&M Forest Service to be used to assist volunteer fire departments during the current state fiscal biennium.

To Appropriations.

HB 19 (By Krause), Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.

To Homeland Security and Public Safety.

HB 20 (By Burnam), Relating to authorizing a marriage between two persons of the same sex in this state and repealing the statutory prohibition against the recognition of a civil union or similar relationship entered into in another state between two persons of the same sex.

To State Affairs.

HB 21 (By Alonzo), Relating to the creation of a Texas resident driver's permit, provisional Texas resident driver's permit, and Texas resident driver's instruction permit; authorizing fees; creating an offense.

To Appropriations.

HB 22 (By Leach), Relating to the regulation of certain activities by abortion providers in public schools.

To State Affairs.

HB 23 (By S. Thompson), Relating to unlawful employment practices regarding discrimination in payment of compensation.

To Economic and Small Business Development.

HB 24 (By Callegari), Relating to certain eminent domain authority and the suspension of certain unreported eminent domain authority.

To Land and Resource Management.

HB 25 (By Callegari), Relating to the liabilities of, contributions to, and the administration of certain public retirement systems.

To Pensions.

HB 26 (By Callegari), Relating to the offense of coercing a person to have or seek an abortion and voluntary and informed consent for an abortion; providing penalties.

To State Affairs.

HB 27 (By Callegari), Relating to notice of and consent to an abortion for a minor.

To State Affairs.

HB 28 (By Callegari), Relating to the confidentiality of information held by a public retirement system.

To Pensions.

HB 29 (By Callegari), Relating to research on and the treatment of saline water.

To Natural Resources.

HB 30 (By Howard), Relating to authorizing the issuance of revenue bonds for The University of Texas at Austin.

To Appropriations.

HB 31 (By Gooden), Relating to the right of a county to intervene in an original rate proceeding.

To Natural Resources.

HB 32 (By Canales), Relating to an interim study on the Evins Regional Juvenile Center in Edinburg.

To Corrections.

HB 33 (By Larson), Relating to the reimbursement of state funds used on out-of-state travel by elected officers.

To State Affairs.

HB 34 (By McClendon), Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

To Appropriations.

HB 35 (By Howard), Relating to the waiting period before a physician may perform an abortion.

To State Affairs.

HB 36 (By E. S. Turner), Relating to the elimination of certain limitations on design-build contracts for transportation infrastructure projects to increase efficiency in transportation infrastructure funding.

To Appropriations.

HB 37 (By Burnam), Relating to the rates of the state gasoline and diesel fuel taxes; authorizing a change in tax rates.

To Ways and Means.

HB 38 (By Frank), Relating to the allocation of certain revenue from the taxes imposed on the sale, rental, or use of motor vehicles to the state highway fund.

To Ways and Means.

HB 39 (By S. Turner), Relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act.

To Appropriations.

HB 40 (By C. Turner), Relating to health education curriculum and instruction in public schools.

To Public Education.

HB 41 (By Herrero), Relating to coverage for certain services under the CHIP perinatal program.

To Human Services.

HB 42 (By Farrar), Relating to notice to parents of public school students regarding human sexuality instruction to reduce the demand for abortion.

To Public Education.

HB 43 (By J. Davis), Relating to the Texas emerging technology fund; redesignating the fund as the Texas Research Technology Fund.

To Economic and Small Business Development.

HB 44 (By M. González), Relating to the capacity of certain minors to consent to examination or medical treatment related to contraception.

To State Affairs.

HB 45 (By Dutton), Relating to a limitation on regulations to restrict abortion.

To State Affairs.

HB 46 (By N. Gonzalez), Relating to providing information and other services relating to emergency contraception to sexual assault survivors.

To State Affairs.

HB 47 (By Burnam), Relating to a marketing and outreach campaign and services to reduce unintended pregnancies and lower rates of sexually transmitted diseases.

To State Affairs.

HB 48 (By Dukes), Relating to health education curriculum and instruction in public schools to reduce the demand for abortion.

To State Affairs.

HB 49 (By Dutton), Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search.

To Criminal Jurisprudence.

HB 50 (By S. King), Relating to the development of a public education program regarding unexpected pregnancy and a related study concerning legislation affecting abortion.

To State Affairs.

HB 51 (By E. Rodriguez), Relating to human sexuality and health, including the regulation of abortion; providing a civil penalty.

To State Affairs.

HB 53 (By Howard), Relating to appropriating money to the Texas Department of Transportation for the purpose of construction of, maintenance of, and acquisition of rights-of-way for certain public roadways.

To Appropriations.

HCR 1 (By S. Turner), Approving the item of appropriation to the Public Integrity Unit made by the General Appropriations Act for the 2014-2015 state fiscal biennium notwithstanding the objections of the governor.

To Appropriations.

HCR 2 (By Anderson), Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study a nonsubstantive reorganization of the Texas Constitution.

To State Affairs.

HCR 3 (By E. S. Turner), Directing the governor of the State of Texas to award the Texas Legislative Medal of Honor posthumously to Audie Murphy.

To Defense and Veterans' Affairs.

HJR 11 (By Coleman), Proposing a constitutional amendment to repeal the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage.

To State Affairs.

HJR 12 (By Larson), Proposing a constitutional amendment providing that a member of the legislature or person holding a statewide elective office automatically vacates office on announcing a candidacy or becoming a candidate for another elective office before December 1 of the last full odd-numbered year of the person's term of office.

To State Affairs.

HJR 13 (By Larson), Proposing a constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold certain state offices.

To State Affairs.

HJR 14 (By S. Turner), Proposing a constitutional amendment requiring the state to expand eligibility for the Medicaid program to certain persons.

To Appropriations.

HR 1 (By Guillen), Congratulating Ruben Saenz on his retirement as administrator of South Texas College Starr County Campus.

To Rules and Resolutions.

HR 2 (By Guillen), Congratulating Juliana Falcon, salutatorian of the Grulla High School Class of 2013.

To Rules and Resolutions.

HR 3 (By Carter), Recognizing the Metrocrest Republican Club.

To Rules and Resolutions.

HR 4 (By Sanford), Congratulating Lou Ann Raetz on being named 2012 Civilian Employee of the Year by the McKinney Police Department.

To Rules and Resolutions.

HR 5 (By Sanford), Commending Sheriff Terry G. Box for his service to the citizens of Collin County.

To Rules and Resolutions.

HR 6 (By Sanford), Commending the Honorable Keith Self for his service as county judge of Collin County.

To Rules and Resolutions.

HR 7 (By Herrero), Congratulating Kathy Haynes on her receipt of the first Lifetime Achievement Award from the Tuloso-Midway Independent School District.

To Rules and Resolutions.

HR 8 (By Herrero), Congratulating Jeffery Boltz of Sandia on his receipt of a 2013 Nueces County Junior Livestock Show Association Scholarship.

To Rules and Resolutions.

HR 9 (By Herrero), Commemorating the NAACP's A Kings Dream: United We Stand event in Corpus Christi on August 28, 2013.

To Rules and Resolutions.

HR 10 (By Herrero), Commemorating the 100th anniversary of the Robstown Hardware Company.

To Rules and Resolutions.

HR 11 (By Herrero), Congratulating Dabi Reyna, Jr., of Robstown High School on receiving a Presidential Series Scholarship from Texas A&M University-Kingsville.

To Rules and Resolutions.

HR 12 (By Márquez), Recognizing Michael J. Dipp, Jr., on his 20 years as chair of the El Paso Central Business Association.

To Rules and Resolutions.

HR 13 (By Márquez), Congratulating Robert L. Bowling III on receiving the Pioneer Award from the El Paso Association of Builders.

To Rules and Resolutions.

HR 14 (By Márquez), Congratulating the Paso del Norte Children's Development Center on its 65th anniversary.

To Rules and Resolutions.

HR 15 (By Creighton), Honoring Judy Smith for her service as Republican chair of Montgomery County Precinct 72.

To Rules and Resolutions.

HR 16 (By Stephenson), In memory of Christopher "Hoss" Earl Ullrich Linzza of El Campo.

To Rules and Resolutions.

HR 18 (By Moody), Amending the permanent rules of the House of Representatives to require recognition of a witness to testify on a matter before a committee.

To Rules and Resolutions.

HR 19 (By Orr), In memory of U.S. Army Sergeant William Robert Moody of Burleson.

To Rules and Resolutions.

HR 20 (By Price), Congratulating Baptist St. Anthony's Health System on being named one of the nation's "100 Top Hospitals" for 2013 by Thomson Reuters.

To Rules and Resolutions.

List No. 2

SB 2 to Criminal Jurisprudence.

SJR 1 to Appropriations.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, July 11, 2013 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 2 Huffman

Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

SJR 1 Nichols

Proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund, to provide for the transfer of certain general revenue to the state highway fund and the dedication of that revenue, and to authorize the payment of the principal and interest on certain highway improvement bonds from certain general revenue transferred to the state highway fund.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

July 9

Criminal Jurisprudence - **HB 4**