

# HOUSE JOURNAL

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EIGHTY-FIFTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

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TWELFTH DAY — THURSDAY, AUGUST 3, 2017

The house met at 10:06 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 45).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospes; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Anchia; Sheffield.

Absent — Dutton; Pickett; Tinderholt.

The speaker recognized Representative Hinojosa who introduced John Elford, senior pastor, University United Methodist Church, Austin, who offered the invocation as follows:

Gracious and merciful God, we don't listen well to you. Our ears are itchy for the praise and adoration of those who are just like us. We get lost in the clamor of loud voices, we get wrapped up in our narcissism and self-centeredness.

By your spirit, we pray, overcome our resistance to you. Unstop our ears and give us courage that we might hear your clarion call to us: to love all of our neighbors, to care for the homeless and the poor, to pray for our enemies, to welcome strangers and sojourners who live among us.

For when we do these things you have promised that you are near and that in honoring the least among us we honor you. May we use the power that you have given us today not for hurt but for healing.

Give us ears to hear, O God. Give us ears to hear you. We lift up these prayers in your holy and gracious name. Amen.

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

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the week because of a death in the family:

Sheffield on motion of Geren.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

(Burrows in the chair)

### **HR 176 - ADOPTED (by Giddings)**

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 176**.

The motion prevailed.

The following resolution was laid before the house:

**HR 176**, Commemorating the ribbon-cutting for University Hall at the University of North Texas at Dallas.

**HR 176** was adopted.

On motion of Representative Kacal, the names of all the members of the house were added to **HR 176** as signers thereof, with the understanding that a member may remove his or her name from the resolution.

(Kacal in the chair)

### **LEAVES OF ABSENCE GRANTED**

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

Tinderholt on motion of Zedler.

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

Holland on motion of Cospers.

(Speaker in the chair)

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

Smithee on motion of Flynn.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 32 ON THIRD READING  
(by D. Bonnen, Shine, Raymond, Murphy, Darby, et al.)**

**HB 32**, A bill to be entitled An Act relating to the administration of the ad valorem tax system; authorizing fees.

**Amendment No. 1**

Representative Phillips offered the following amendment to **HB 32**:

Amend **HB 32** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_. Chapter 25, Tax Code, is amended by adding Section 25.215 to read as follows:

Sec. 25.215. CORRECTION OF APPRAISED VALUES DETERMINED USING INACCURATE MASS APPRAISAL. If the chief appraiser discovers that the appraisal of property for the current tax year using mass appraisal standards resulted in an incorrect appraised value for some or all of the properties included in the mass appraisal because of an error in the application of the mass appraisal standards, the chief appraiser shall as soon as practicable:

(1) correct or supplement, as appropriate, the appraisal records to indicate the correct appraised value for each affected property; and

(2) deliver a written notice to each affected property owner who received a notice of appraised value for the property under Section 25.19 for that tax year that was incorrect because of the error in the application of the mass appraisal standard that:

(A) states that an error was made in the appraisal of the property;

and

(B) indicates the correct appraised value for the property for that tax year.

SECTION \_\_\_\_. Section 25.215, Tax Code, as added by this Act, applies only to a tax year that begins on or after January 1, 2018.

Amendment No. 1 was adopted.

(Pickett now present)

**Amendment No. 2**

Representative Collier offered the following amendment to **HB 32**:

Amend **HB 32** on third reading in the SECTION of the bill adding Section 5.01(a), Tax Code, as amended by Floor Amendment No. 7 by Elkins, between "subject to ad valorem taxation" and the underlined period, by inserting ", and the advisory board shall report the advisory board's findings to the legislature before the next legislative session".

Amendment No. 2 was adopted.

**HB 32**, as amended, was passed by (Record 46): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Dutton; Wu.

### **HB 155 ON THIRD READING**

**(by Phelan, Springer, Raymond, Murphy, Guillen, et al.)**

**HB 155**, A bill to be entitled An Act relating to the authority of an appraisal review board to direct changes in the appraisal roll and related appraisal records if a residence homestead is sold for less than the appraised value.

**HB 155** was passed by (Record 47): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough;

King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Dutton.

### STATEMENT OF VOTE

When Record No. 47 was taken, I was shown voting yes. I intended to vote no.

Blanco

### HB 165 ON THIRD READING

(by Geren, Zerwas, et al.)

**HB 165**, A bill to be entitled An Act relating to the authority of a district court to hear and determine certain ad valorem tax appeals.

**HB 165** was passed by (Record 48): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Dutton.

**HB 192 ON THIRD READING****(by P. King, Guillen, Flynn, Morrison, Clardy, et al.)**

**HB 192**, A bill to be entitled An Act relating to the authority of the chief appraiser of an appraisal district to increase the appraised value of property in the tax year following the year in which the appraised value of the property is lowered as a result of a protest or appeal.

**HB 192** was passed by (Record 49): 139 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Hinojosa; Howard; Israel; Rose.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Dutton.

**HB 74 ON THIRD READING****(by Cospers, Shine, and Blanco)**

**HB 74**, A bill to be entitled An Act relating to the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of ad valorem tax relief to disabled veterans.

**HB 74** was passed by (Record 50): 128 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren;

Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Shine; Simmons; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Burrows; Cain; Hefner; Keough; Krause; Lang; Rinaldi; Sanford; Schaefer; Schofield; Shaheen; Stickland; Swanson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Dutton.

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

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

**HJR 38 ON SECOND READING  
(by Capriglione)**

**HJR 38**, A joint resolution proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation precious metal held in the Texas Bullion Depository.

**Amendment No. 1**

Representative Capriglione offered the following amendment to **HJR 38**:

Amend **HJR 38** (house committee printing) on page 1, line 12, by striking "November 7, 2017" and substituting "November 6, 2018".

Amendment No. 1 was adopted.

**HJR 38**, as amended, was adopted by (Record 51): 125 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Cain; Capriglione; Clardy; Coleman; Cook; Cortez; Cospier; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Huberty; Hunter; Isaac; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer;

Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Turner; Uresti; VanDeaver; Villalba; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Canales; Collier; Craddick; Davis, Y.; Dukes; Hinojosa; Howard; Israel; Neave; Nevárez; Reynolds; Rose; Thompson, S.; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Button; Dutton; Lucio; Oliveira; Vo.

### STATEMENT OF VOTE

When Record No. 51 was taken, my vote failed to register. I would have voted yes.

Button

## GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

### HB 26 ON SECOND READING (by Larson)

**HB 26**, A bill to be entitled An Act relating to the regulation of groundwater.

**HB 26** was passed to engrossment.

### HB 27 ON SECOND READING (by Larson)

**HB 27**, A bill to be entitled An Act relating to the development of brackish groundwater.

**HB 27** was passed to engrossment by (Record 52): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf;



Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Nays — Nevárez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Sheffield; Smithee; Tinderholt.

Absent — Dukes; Dutton.

### **HB 275 ON SECOND READING**

**(by Ashby)**

**HB 275**, A bill to be entitled An Act relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.

**HB 275** was passed to engrossment.

### **HB 25 ON SECOND READING**

**(by S. Davis, Price, Guerra, Darby, Krause, et al.)**

**HB 25**, A bill to be entitled An Act relating to reimbursement rates for Medicaid acute care therapy services; making an appropriation.

(Dutton now present)

(Speaker in the chair)

#### **Amendment No. 1**

Representative Krause offered the following amendment to **HB 25**:

Amend **HB 25** (house committee printing) by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The appropriation from the economic stabilization fund to the Trusteed Programs within the Office of the Governor for Strategy A.1.1., Disaster Funds, made by Chapter 605 (**SB 1**), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for the state fiscal biennium beginning September 1, 2017, is reduced by \$70,175,000.

#### **Amendment No. 1 - Point of Order**

Representative Herrero raised a point of order against further consideration of Amendment No. 1.

The point of order was withdrawn.

### LEAVE OF ABSENCE GRANTED

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

Longoria on motion of Rose.

### HB 25 - (consideration continued)

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

The motion to table was lost by (Record 53): 53 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Alvarado; Anderson, C.; Arévalo; Bernal; Blanco; Burkett; Button; Capriglione; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dutton; Geren; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; King, T.; Koop; Lozano; Minjarez; Moody; Morrison; Muñoz; Neave; Nevárez; Ortega; Parker; Perez; Pickett; Raney; Raymond; Rodriguez, J.; Romero; Rose; Shine; Thierry; Thompson, S.; Turner; Uresti; Walle; Zerwas.

Nays — Alonzo; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burns; Burrows; Cain; Canales; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Dean; Faircloth; Flynn; Frank; Frullo; Goldman; Gonzales; Hefner; Huberty; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Metcalf; Meyer; Miller; Murphy; Murr; Oliverson; Paddie; Paul; Phelan; Phillips; Price; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Simmons; Springer; Stickland; Stucky; Swanson; Thompson, E.; VanDeaver; White; Wilson; Workman; Wray; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Holland; Longoria; Sheffield; Smithee; Tinderholt.

Absent — Allen; Anderson, R.; Dukes; Elkins; Fallon; Farrar; Gooden; Johnson, E.; Lucio; Martinez; Oliveira; Reynolds; Rodriguez, E.; Stephenson; Villalba; Vo; Wu.

### STATEMENTS OF VOTE

When Record No. 53 was taken, I was shown voting yes. I intended to vote no.

Capriglione

When Record No. 53 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 53 was taken, my vote failed to register. I would have voted no.

Fallon

When Record No. 53 was taken, my vote failed to register. I would have voted yes.

Gooden

When Record No. 53 was taken, my vote failed to register. I would have voted yes.

E. Johnson

When Record No. 53 was taken, my vote failed to register. I would have voted yes.

Martinez

When Record No. 53 was taken, I was shown voting yes. I intended to vote no.

Parker

Amendment No. 1 was adopted. (Herrero recorded voting no.)

### LEAVES OF ABSENCE GRANTED

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

R. Anderson on motion of Landgraf.

Vo on motion of Bernal.

### HB 25 - (consideration continued)

**HB 25**, as amended, was passed to engrossment by (Record 54): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Anderson, R.; Holland; Longoria; Sheffield; Smithee; Tinderholt; Vo.

Absent — Allen; Dukes; Villalba.

### LEAVE OF ABSENCE GRANTED

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

Villalba on motion of Gonzales.

### HB 108 ON SECOND READING

(by Murphy, Capriglione, D. Bonnen, Darby, Turner, et al.)

**HB 108**, A bill to be entitled An Act relating to the rate at which interest accrues in connection with the deferral or abatement of the collection of ad valorem taxes on certain residence homesteads.

#### Amendment No. 1

Representative Murphy offered the following amendment to **HB 108**:

Amend **HB 108** (house committee report) by striking page 3, line 26, through page 4, line 6, and substituting the following:

SECTION 4. Sections 33.06(d) and 33.065(g), Tax Code, as amended by this Act, apply only to interest that accrues during a deferral or abatement period that begins on or after the effective date of this Act. Interest that accrues during a deferral or abatement period that began before the effective date of this Act is governed by the law in effect when the deferral or abatement period began, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Phillips offered the following amendment to **HB 108**:

Amend **HB 108** (house committee report) as follows:

(1) On page 1, lines 17 and 18, strike "the year in which the deferral or abatement was obtained" and substitute "the later of 2018 or the most recent year that occurred in a multiple of five years after that year".

(2) On page 2, lines 17 and 18, strike "the year in which the deferral or abatement was obtained" and substitute "the later of 2018 or the most recent year that occurred in a multiple of five years after that year".

(3) On page 3, lines 11 and 12, strike "the year in which the deferral or abatement was obtained" and substitute "the later of 2018 or the most recent year that occurred in a multiple of five years after that year".

Amendment No. 2 failed of adoption by (Record 55): 45 Yeas, 85 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Arévalo; Bell; Bernal; Blanco; Canales; Collier; Cook; Davis, Y.; Deshotel; Dukes; Elkins; Giddings; González; Guerra; Guillen; Hefner; Hinojosa; Howard; Israel; Johnson, E.; King, T.; Larson; Minjarez;

Muñoz; Nevárez; Ortega; Paddie; Phillips; Pickett; Price; Raymond; Reynolds; Rodriguez, J.; Romero; Rose; Schaefer; Stephenson; Stucky; Thompson, E.; Turner; VanDeaver; White; Wu.

Nays — Ashby; Bailes; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cortez; Cospere; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Dutton; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Gutierrez; Herrero; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Laubenberg; Leach; Lozano; Martinez; Metcalf; Meyer; Miller; Moody; Morrison; Murphy; Murr; Neave; Oliverson; Parker; Paul; Phelan; Raney; Rinaldi; Roberts; Sanford; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stickland; Swanson; Thompson, S.; Uresti; Walle; Wilson; Workman; Wray; Zedler; Zerwas.

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

Absent, Excused — Anchia; Anderson, R.; Holland; Longoria; Sheffield; Smithee; Tinderholt; Villalba; Vo.

Absent — Allen; Anderson, C.; Coleman; Hernandez; Lucio; Oliveira; Perez; Rodriguez, E.; Thierry.

#### STATEMENTS OF VOTE

When Record No. 55 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 55 was taken, I was shown voting yes. I intended to vote no.

Paddie

When Record No. 55 was taken, I was shown voting yes. I intended to vote no.

Stucky

**HB 108**, as amended, was passed to engrossment. (Hunter recorded voting no.)

#### HB 239 ON SECOND READING (by Capriglione)

**HB 239**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of precious metal held in the Texas Bullion Depository.

#### Amendment No. 1

Representative Capriglione offered the following amendment to **HB 239**:

Amend **HB 239** (house committee printing) as follows:

- (1) On page 2, line 8, strike "2018" and substitute "2019".
- (2) On page 2, line 9, strike "2018" and substitute "2019".

Amendment No. 1 was adopted.

**HB 239**, as amended, was passed to engrossment.

**CSHB 215 ON SECOND READING**

**(by Murphy, Guillen, Klick, G. Bonnen, Laubenberg, et al.)**

**CSHB 215**, A bill to be entitled An Act relating to reporting and certification requirements by certain physicians regarding certain abortions.

**CSHB 215 - REMARKS**

REPRESENTATIVE MURPHY: **CSHB 215** is a bill to provide reporting in a couple of key areas regarding abortions. Let me just kind of tell you what those are, and we have a couple of amendments we're going to come to in just a moment. So the first thing is for the people that have an abortion in a third trimester, this requires the doctor to report what the fetal abnormality is if that was the reason for the abortion. If the fetal abnormality was the reason, they have to report what the abnormality was, which is essentially a public health issue. The second, members, has to deal with when a minor gets an abortion, we want to record what the method is by which they achieve that abortion. Did they have, you know, parental consent? Were they an emancipated minor? Did they have a judicial bypass? Was it an emergency? We're going to ask that to be recorded. So the idea here is by doing this we'll have better information for our policy decisions that we make regarding this very, very important procedure. And I have one amendment I have filed. I have some others.

REPRESENTATIVE MOODY: I was just looking at the provision at the end dealing with the open records. These are not open records except for certain instances where we're grabbing statistics or doing it for licensing procedures, and I think there's an amendment to clarify some of the personnel that are going to be given this information. So that's fine. My question is really—in the open records section that we're talking about, Chapter 552 of the Government Code, there currently is a criminal sanction for distribution or misuse of confidential information. So my question is, by construction here in your bill, is this criminal sanction that's housed in the Government Code applicable to the scenario in which you've laid out in terms of providing this information to people in the case in which it is an open record?

MURPHY: Right. And so you're asking, Joe, would that section apply here? And I don't know. That's really kind of beyond my pay grade. I would certainly think so, and I would tell you that would be my intention. You know, we want to make sure the data of the individual is absolutely protected, and we're going to have an amendment to make that more clear in a moment. But the reporting here, Joe—I'm sorry, Representative Moody—is only intended to be in the aggregate. So we're not trying to get any individual's data. It's more about what's going on in the larger sets of population.

MOODY: Yes, and that's exactly the point I'm trying to get at. I believe that conduct would be covered under Chapter 552, because you're saying this identifying information can't be provided even when we grant this exception to

the open records law. So I'm going to try and get some clarification from some of the Lege Council to make sure that this is bootstrapped in there, because we're talking about if this criminal conduct is something that should be—you would agree that it should be mimicked here for providing this information?

MURPHY: It's absolutely the intent of the bill and certainly my interest to see those records protected.

MOODY: Okay. Thank you very much. I appreciate it.

MURPHY: I do have an amendment relative to that. I'd like to lay it out. Is that all right? So we have one amendment.

### **Amendment No. 1**

Representative Murphy offered the following amendment to **CSHB 215**:

Amend **CSHB 215** (house committee report) on page 2, line 1, between "commission" and the underlined colon, by inserting "in the report required under Section 245.011".

#### **AMENDMENT NO. 1 - REMARKS**

MURPHY: Members, this is just really kind of a clarifying amendment to identify who's getting the data and making sure that the reporting in this bill is like we've done in **SB 8**. So we're making sure the two parts of the code are consistent, and it requires the use of electronic records for the reporting.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Gervin-Hawkins offered the following amendment to **CSHB 215**:

Amend **CSHB 215** (house committee report) as follows:

(1) On page 3, line 26, strike "to medical personnel, appropriate state agencies," and substitute "to appropriate state agencies".

(2) On page 3, line 27, following the underlined semicolon, strike "or".

(3) On page 4, line 2, between "laws" and the underlined period, insert the following:

; or

(5) to licensed medical or health care personnel currently treating the patient

#### **AMENDMENT NO. 2 - REMARKS**

REPRESENTATIVE GERVIN-HAWKINS: This is just a clarifying amendment moving things to appropriate state agencies and making sure that licensed medical or health care personnel that's currently treating the patient is involved. And it is acceptable to the author.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Neave offered the following amendment to **CSHB 215**:

Amend **CSHB 215** (house committee report) as follows:

(1) On page 3, line 14, strike "and".

(2) On page 3, line 16, between "appearance" and the underlined period, insert the following:  
; and

(D) if known, whether the woman became pregnant while in foster care or in the managing conservatorship of the Department of Family and Protective Services

### AMENDMENT NO. 3 - REMARKS

REPRESENTATIVE NEAVE: I have an amendment that is acceptable to the author and that will only enhance. It's not going to take anything away from the bill. In the section where we're allowing judicial authorizations that relate to collecting data, essentially what this amendment does is it requires the doctors who are collecting data to find out how many of these minors who are getting abortions, if known, if that minor became pregnant while in CPS—became pregnant while in foster care or the managing care of the DFPS. So it's acceptable to the author, and I move adoption.

MURPHY: I just want to be clear on both Barbara Gervin-Hawkins' amendment and Victoria Neave's. They've come to me. We've talked about them. These amendments actually make the bill better and provide more reporting in a reporting bill, and so this is acceptable to the author.

Amendment No. 3 was adopted.

### CSHB 215 - REMARKS

REPRESENTATIVE ALVARADO: Thank you for taking those amendments, but I still have some concerns about the bill. Can you tell me the reason behind your bill? Who brought the bill to you? What you saw that was—maybe there was a flaw in the way the current reporting is going on?

MURPHY: Right. And so Carol, what we're trying to do here is just provide better information, more comprehensive information about when this occurs, particularly on the minors and the fetal abnormalities, so we have better information to make our policy decisions.

ALVARADO: Okay, so we're adding more regulation in this—more requirements and reporting.

MURPHY: Well, I mean, it's reporting. And please understand, nothing changes for the patient undergoing the procedure—nothing.

ALVARADO: Okay, but for the physician?

MURPHY: They have to report information, some of which they're already reporting in other areas.

ALVARADO: Okay. And have you consulted with some of these physicians to see how this might impact them or foresee some unintended consequences?

MURPHY: Absolutely, we've had quite a bit of input through the process.



ALVARADO: From whom?

MURPHY: Well, I know TMA's been by and—

ALVARADO: I'm sorry, who?

MURPHY: TMA, the Texas Medical Association.

ALVARADO: TMA—did they sign up and testify in support of this bill?

MURPHY: No, they did not oppose the bill. They did express some concerns.

ALVARADO: What were the concerns that they expressed?

MURPHY: They don't like doing more work.

ALVARADO: They don't want more government, more regulation?

MURPHY: No, that wasn't what they said, Carol.

ALVARADO: We hadn't heard of a need to have more reporting, Jim, in this process. What are you trying to fix?

MURPHY: I think you have 150 people here and 31 in the senate, and all of us want to have better information when we make decisions. Somebody says, "What? That happens a lot?" Well, how much is a lot? "What? That didn't happen this year." Well, maybe it did. What about last year? Is it going up? Is it going down? Without data, we're really unable to even have a very good discussion.

ALVARADO: Who needs more information?

MURPHY: Well, all the people making and enforcing policies. So it would be us. It would be HHSC—

ALVARADO: Okay, I don't need more information. And I bet most of the women on this floor would agree with that.

MURPHY: I don't know that's the case.

ALVARADO: Well, I would beg to differ on that.

MURPHY: Well, we'll have a vote in a moment, and that's when we'll find out.

ALVARADO: I think I know how that vote's going to go. It's with everything else around here that affects women's health. So do you think that more government is the solution for everything?

MURPHY: I think you know me better than that.

ALVARADO: I'm just asking since you're bringing this bill to the floor.

MURPHY: To answer your question, no.

ALVARADO: But yet your bill is going to require more.

MURPHY: I don't know if it requires more government, Carol, but if you say so, I'll accept that.

ALVARADO: So why does the state need to have this information?

MURPHY: I think we're all interested. I mean, we have health interests. We have economic interests. We have policy interests.

ALVARADO: Who's interested? I've not heard from anyone that says that this information is vital, that it's critical to the State of Texas.

MURPHY: Carol, I think we're going to see how that works out.

ALVARADO: I'm sorry, Jim, what was that?

MURPHY: We'll see how it works out. I mean, I think people want the information, and if they vote for the bill, that's going to be our indicator that's the case.

ALVARADO: Well, I think this is, once again, overreaching. And we keep doing this—inserting more government in our bathrooms, in our bedrooms, everywhere.

MURPHY: This is in our hospitals, so I think it's a little different.

ALVARADO: But the people that are impacted by this are the physicians, and I'm concerned that we have not heard from the physicians who have stated that this is necessary.

MURPHY: Their interests aren't the only interests involved in this scenario.

ALVARADO: Well, I would be interested to hear what TMA has to say on this.

MURPHY: I have a letter here. We can read portions of it to you. It's pretty compelling testimony.

REPRESENTATIVE S. DAVIS: I appreciate the dialogue you were having with Representative Alvarado because I'm still sort of confused as to what the point of this bill is. If I heard correctly, you said it's because you want more information. Was that the response?

MURPHY: Yeah. Essentially, yeah.

S. DAVIS: So does your bill require the Department of State Health Services to compile reports to aggregate all this information?

MURPHY: Well, they already provide a lot of those reports, and the data certainly will be available.

S. DAVIS: But is your bill specific to that so that you could maybe—like for instance, if we're seeing a rise in severe fetal abnormalities of some type in a community that's next to a power plant.

MURPHY: Right. My understanding is they already do compile that information and can provide it to us. I mean, that's kind of why they're there.

S. DAVIS: I want to talk about the judicial bypass component of your bill. Doesn't the Office of Court Administration already receive a report and compile the number of bypasses? Isn't that the case now?

MURPHY: I don't know.

S. DAVIS: Well, they do. Do you know how many types of forms abortion clinics currently have to complete?

MURPHY: Types of forms?

S. DAVIS: How many?

MURPHY: You know, like when you go to your doctor's office, and you have insurance forms and all that stuff? No.

S. DAVIS: There's four—

MURPHY: Really?

S. DAVIS: The induced abortion report, the abortion complications report, the medical emergency report, and the third trimester abortions report. Is there any type of state-required pregnancy complication form?

MURPHY: I don't know, Sarah, are you going to—do you know the answer to that one?

S. DAVIS: Yeah, the answer's no.

MURPHY: Okay. Well, one of the reasons we're going to the electronic records is kind of, you know, to get this program in harmony with the other programs.

REPRESENTATIVE GIDDINGS: Representative Murphy, there are about 174 judicial bypasses that were issued, I suppose, in the last time that we had records for it. Is that the information that you have?

MURPHY: That sounds about right.

GIDDINGS: Okay, and so there's already a process by which we have to record this information, or we would not know how many there were. So we already have some information on the judicial bypass, which is, you know, my particular concern.

MURPHY: Right, and that's only one of the methods by which a minor can receive an abortion. So this would also check the other methods as well. You know, you could have parental consent or an emergency.

GIDDINGS: Well, I think the other thing that you're looking for is a procedure that's very rare and happens in life-threatening situations for the most part, is my understanding. But beyond that, Representative Murphy, do you know how many self-identified women are serving in this Texas House of Representatives where we have 150 members? Do you know what number of that 150 are women?

MURPHY: Well, if they're self-identifying, they haven't identified themselves to me. I don't know.

GIDDINGS: Oh, well, I'm sorry that means so little to you. It's very concerning to me. I think we ought to have more women serving, and I think we ought to have more diversity. But just so you know, there are 29 women serving in the Texas House of Representatives. Do you know what the percentage of women is in the population of the State of Texas?

MURPHY: I'm going to say 52.4.

GIDDINGS: You're pretty close to right. So the majority—

MURPHY: What is it?

GIDDINGS: My point is this. I'm often confused as to why we have so many men in this case, Representative Murphy, bringing these bills—people bringing these bills who are not capable of becoming pregnant. It seems to me that if the women in this house—the 29 women of this house—could get together, we could probably come up with some legislation that would make good sense for everybody.

MURPHY: And I think y'all do every day on so many topics, and I appreciate the contribution that women make to this body, and I always have. I will also point out that when we talk about abortions, we're not talking about just women that are aborted. So I think it's a larger issue than just one gender's issue.

GIDDINGS: Well, it would certainly appear to me that the gender that is over 50 percent of the population and only a small segment of this house—I guess that's a little bit less than 30 percent—that women ought to have the opportunity to get together and come up with some policies as it relates to women's health care that would affect those people who are, in fact, capable of becoming pregnant in the first place. And if there's anybody up there—it seems like somebody wants to say something. I'm happy to say something to them.

MURPHY: We have quite a gaggle of women up here as you do back there.

REPRESENTATIVE ORTEGA: Representative Murphy, you mentioned earlier about TMA, but I was not clear as to whether you were saying that TMA was supportive of this bill or not. Are they?

MURPHY: They have not taken a position on the bill. They usually don't on abortion because they tell us they have doctors on either side of the issue.

ORTEGA: But did they file testimony when this was being considered at the committee?

MURPHY: They did.

ORTEGA: And in the testimony that they filed, which I have a copy of, did they indicate that they had concerns with this bill?

MURPHY: Yes.

ORTEGA: Did ACOG file, also, written testimony during the committee hearing?

MURPHY: I'm not sure. We've tried to find that, but apparently it did happen. Yeah, I'll stipulate to that.

ORTEGA: They actually signed up against this bill. Is that correct, Representative?

MURPHY: I believe that's what the committee report said.

ORTEGA: And so not only did they sign up against it, they indicated that they also had some real concerns with this bill. Is that correct, sir?

MURPHY: That's pretty common practice around here. We have people, as you try to find the middle ground, try to make a bill work out well. So that's one of the reasons you see amendments occurring today.

ORTEGA: Representative Murphy, did they indicate—and this is TMA—that this type of reporting does not contribute to public health?

MURPHY: You know, I'm going to read from their letter, and I thought this was interesting. So please, members, let's listen to the TMA, what they actually said. "The reporting and tracking of newborns with developmental abnormalities or other birth defects is indeed a longstanding public health responsibility"—first sentence, third paragraph. The paragraph concludes: "This Texas reporting and surveillance system is an example of how public health reporting systems contribute to improving our understanding of maternal, fetal, and perinatal care, and the prevention and management of fetal anomalies and birth defects." So I've just got to say, when the TMA says this is what they're about and this is a public health responsibility, I am honored to bring a bill that allows us not just to continue but to expand and to benefit even more Texans.

ORTEGA: And did they use that as an example of showing that that type of reporting is helpful in addressing health concerns in the State of Texas, and then they go on and then indicate that this reporting is not helpful at all?

MURPHY: I thought they were talking about the portion of the bill where we ask that the fetal abnormalities be specified when a doctor performs an abortion on a child who has a fetal abnormality.

ORTEGA: Well, didn't they go on to say that the purpose of this reporting is unclear? Did they state that?

MURPHY: Yes, they were uninformed, and that's why it's kind of incumbent upon us to let people who don't know things know them. So we've had a conversation today about the public health benefits. We've had information about how we're going to process the data. We've had information on how 181 legislators will have information, how the HHSC's going to have information. So I don't know that they were aware of any of that when they made that uninformed statement, but I hope that by listening to the testimony today, by hearing the amendments, they're going to better understand how we intend to use this. We aren't solely concerned with the practice of health care as a doctor's organization is. We are concerned with a whole range of things as legislators.

ORTEGA: This is an organization that represents more than 50,000 physicians that was very clear in their message that this does not address any current public health issue in the State of Texas. Is that correct?

MURPHY: That they were aware of.

ORTEGA: And they're also saying that reporting already exists. They made reference to the current law, the current statute, that requires this type of reporting specifically when we're dealing with the third trimester. They actually then went on to say this imposes a burden of care on physicians that, in essence, was not necessary. But I'd like to go beyond that. I asked you about ACOG. And ACOG, who testified against it, went on to say that they do not believe that public health

policy should be—that it should be based on sound, scientific evidence that supports the health of the residents of our state. Do you remember that statement that they made in their testimony?

MURPHY: No.

ORTEGA: You're not going to disagree that this specifically comes out of what ACOG is saying?

MURPHY: Not to tell you what you're saying, but you asked me if I recall it. I never heard it, so I can't say yes. I'll stipulate they sent the letter, and that there's a letter, and kind of, I'm all good there.

ORTEGA: These organizations in the medical profession are indicating that the state should not be interfering when it comes to the patient-physician relationship. Is that correct?

MURPHY: I don't think this bill does anything to the patient relationship. I don't know if you were listening, and I don't mean to be snarky, excuse me, but we made it very clear. This changes nothing for the patient undergoing the procedure. So there's nothing in the doctor-patient relationship at all.

ORTEGA: You are, by this bill, requiring some very specific reporting. For instance, when it comes to the reason that the woman, under horrible conditions and for solid medical reasons, is required to have—

MURPHY: It's because they're minors. You understand we're talking about minor girls.

ORTEGA: Representative Murphy, I'm sorry. I gave you the courtesy of allowing you to finish. I'd like you to allow me to finish, and I'm almost done. But I'm just going by what they're saying, and, I mean, they're the experts when it comes to when it's invasive, when it's something that you should not have to be reporting. And they're indicating that this really—that it's private medical information, that it's intrusive, and it goes to what shouldn't be happening with the patient-physician relationship. And I've got to agree that when TMA and when ACOG are making these kinds of strong statements that this is unnecessary, that I agree with them that there is no purpose for this additional reporting.

MURPHY: I respect their opinions, and we certainly have taken them into account. They're a very important part of this whole discussion.

ALVARADO: Representative Murphy, I wanted to pick up on where Representative, where Ms. Lina left off, because you and I were referencing the TMA testimony. Do you know how rare these type of procedures are in our state?

MURPHY: I have that data here somewhere, Carol, but yes, they are rare.

ALVARADO: Okay, Jim. Thank you, Jim.

MURPHY: I ask you if you don't find it ironic that something that occurs so rarely that has to be reported on is a big burden. If it's rare, doesn't it mean you hardly ever report on it?

ALVARADO: Why are we trying to fix something that occurs so rarely? And in fact, the number that TMA said, that they quote in their letter of concerns, is "one-tenth of one percent of the abortions in Texas were at 27 weeks or more." So here we have a situation that's just occurring so rarely—why are we trying to fix something with this?

MURPHY: So how often have we had conversations in this chamber about if this saves one child's life, if this improves one person's life, we're going to be interested in it? I mean, if that is what's achieved here, I think that matters. Percentages can be pretty misleading when we're talking about lives.

ALVARADO: Are you aware of the testimony that TMA gave? Are you familiar with what their concerns were in addition to the rarity of this procedure?

MURPHY: Yes, Carol. I think you may have heard me read from their letter.

ALVARADO: Well, Jim, let me read a little further. And this is coming from TMA. This is in writing. This was prepared for their testimony in the committee. "The purpose of this reporting is not at all clear, nor does it appear to be based on addressing a current public health issue in Texas." Are you aware of their statement on that?

MURPHY: I am completely aware of their statement, abundantly aware of their statement.

ALVARADO: And so you are continuing despite their concerns.

MURPHY: No, I am on a mission to educate.

ALVARADO: To educate who?

MURPHY: TMA as to what our interests are, why we have this—

ALVARADO: Are you a physician?

MURPHY: No, ma'am.

ALVARADO: So you're trying to educate TMA on something that is part of their profession? Is that correct?

MURPHY: What I'm trying to do is to help them understand what our policy interests are and that we want to have good information to make good decisions. We don't want to reach on conjecture and anecdotes. We want to—you know, we're talking about spending money and regulating people—that we have good information to do that with. That's what this bill is about. It's a simple reporting bill that requires very little additional work by doctors that's going to end up giving us information we need to better understand what's going on in our state with minors having abortions.

### **CSHB 215 - POINTS OF ORDER**

Representative Moody raised a point of order against further consideration of **CSHB 215** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

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

Rule 4, Section 32(c)(3) of the House Rules requires the bill analysis to include "a statement indicating whether or not any rulemaking authority is expressly delegated . . . and if so, identifying the sections of the measure in which that rulemaking authority is delegated." The bill analysis for **CSHB 215** states that the bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**CSHB 215** requires certain physicians to provide written certification of certain information to the Health and Human Services Commission (HHSC). Previously, these certifications were provided to the Department of State Health Services (DSHS). Representative Moody argues that this transfer from DSHS to HHSC "amounts to" an express grant of new, independent rulemaking authority. Additionally, he urges that this is a direct delegation because HHSC will be required to create new forms.

Looking within the four corners of the bill, the chair does not find any express, new, independent grant of rulemaking authority. Nor does the fact that HHSC is now receiving these certifications rather than DSHS grounds to assume a transfer of rulemaking authority occurred, was necessary, or amounts to an express, new, independent grant of rulemaking authority. See 85 H.J. Reg. 2239 (2017) (Leach point of order on **HB 1133**; citing HHSCs existing rulemaking authority § 531.0051 of the Gov't Code); 84 H.J. Reg. 3387 (2015) (C. Turner point of order on **CSHB 3994**; "the Administrative Procedures Act requires rulemaking proceedings for generally applicable requirements that are the responsibility of a state agency. Looking within the four corners of the bill, however, the chair does not find any express, new, independent grant of rulemaking authority."); 83 H.J. Reg. 3001 (2013) (Morrison point of order on **CSHB 2996**; "Usually, such delegations are easily able to be spotted by the use of the phrase, "The state agency shall adopt rules.""). For these reasons, the point of order is respectfully overruled.

Representative Ortega raised a point of order against further consideration of **CSHB 215** under Rule 8, Section 1 and Rule 8, Section 3 of the House Rules on the grounds that the bill caption is inaccurate and it violates the one-subject rule.

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

**CSHB 215**'s caption reads "relating to reporting and certification requirements by certain physicians regarding certain abortions." Representative Ortega asserts that the caption was inadequate and should instead have read "relating to reporting and certification requirements by certain physicians regarding certain abortions *and amending open records law*" or should have included some similar phrase to alert readers to the portion of the bill addressing Chapter 552.

Representative Ortega observes that **CSHB 215** contains a provision requiring a physician who performs an abortion in the third trimester of a woman's pregnancy to certify to the Health and Human Services Commission



(HHSC) in writing the form of fetal abnormality identified by the physician and that the bill further requires a physician who performs an abortion on a female under the age of 18 to report certain information to HHSC. She agrees that the caption addresses these provisions, but urges that the second section of the bill, which requires reporting for abortions performed on females under 18, adds an impermissible second subject because it addresses when information contained in these reports about females under the age of 18 is confidential and when it may be released under the Open Records Act.

In reviewing the open records provisions contained in Section 2 of the bill, the chair finds that they are within the same subject as the rest of that section because they address the handling of information required to be reported by physicians who perform abortions on females under the age of 18. Because the open records provisions do not introduce an additional subject into the bill, and because the caption adequately reflects the bill's provisions, the point of order is respectfully overruled.

### REMARKS ORDERED PRINTED

Representative Moody moved to print all remarks on **CSHB 215**.

The motion prevailed.

### CSHB 215 - REMARKS

MURPHY: Members, I'm going to move passage for this bill. I appreciate y'all working through the debate. At the same time, members, of the speaker's admonition, I want to be clear. My casual nature of addressing my colleagues by their first names is only one of friendship, and it means no disrespect to that member or to this body. So please accept my apologies. I care more about this house than to let the speaker carry my water for me. I will do that myself. So please accept my apology, and I move passage.

**CSHB 215**, as amended, was passed to engrossment by (Record 56): 92 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cospier; Craddick; Cyrier; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Hefner; Herrero; Huberty; Hunter; Isaac; Kacal; Keough; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Nevárez; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shaheen; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; VanDeaver; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Lucio; Martinez; Minjarez;

Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Walle; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Anderson, R.; Holland; Longoria; Sheffield; Smithee; Tinderholt; Villalba; Vo.

### STATEMENT OF VOTE

When Record No. 56 was taken, I was shown voting no. I intended to vote yes.

Oliveira

### BILLS RECOMMITTED

Representative Bohac moved to recommit **HJR 20** and **HB 72** to the Committee on Ways and Means.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, 2:30 p.m. today, 1W.14, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, 1W.14, for a formal meeting, to consider **HB 12** and pending business.

### PROVIDING FOR ADJOURNMENT

At 1:41 p.m., Representative Shine moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

(Swanson in the chair)

### 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.)

(Howard in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 1:48 p.m., adjourned until 10 a.m. tomorrow.

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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 369** (By Walle), Relating to the establishment of maternal health access zones.

To Public Health.

**HB 371** (By Dukes), Relating to the establishment of a statewide task force to address sexual assault occurring on the campuses of public and private institutions of higher education.

To Higher Education.

**HB 372** (By Dukes), Relating to an audit of funds received by certain entities under the federal American Recovery and Reinvestment Act to fund health or public safety programs.

To Appropriations.

**HB 373** (By Dukes), Relating to an audit of the use of Temporary Assistance for Needy Families (TANF) program money.

To Appropriations.

**HB 374** (By Howard), Relating to use of compensatory education allotment funding to provide assistance to students at risk of dropping out of school who are pregnant or who are parents and requiring reporting through the Public Education Information Management System.

To Public Education.

**HB 375** (By Isaac), Relating to signs along certain roads in Hays County.

To Transportation.

**HB 376** (By Isaac), Relating to the prosecution of certain criminal offenses involving disabling, damaging, or destroying an unmanned aircraft.

To Criminal Jurisprudence.

**HR 189** (By Leach), Honoring the North Texas Angels Pageant.

To Rules and Resolutions.

**HR 190** (By White), Commemorating the 117th anniversary of First Missionary Baptist Church in Silsbee.

To Rules and Resolutions.

**HR 191** (By Leach), Commending Lissa Smith for her service on the Plano City Council.

To Rules and Resolutions.

**HR 192** (By Leach), Commending Ben Harris for his service on the Plano City Council.

To Rules and Resolutions.

**HR 193** (By Leach), Commending Ross Obermeyer for his service on the Allen City Council.

To Rules and Resolutions.

**HR 194** (By Leach), Congratulating Carl Clemencich on his election to the Allen City Council.

To Rules and Resolutions.

**HR 195** (By Leach), Commending David Downs for his service on the Plano City Council.

To Rules and Resolutions.

**HR 196** (By Leach), Congratulating Rick Smith on his election to the Plano City Council.

To Rules and Resolutions.

**HR 197** (By Leach), Congratulating Angela Powell on her election to the Plano ISD Board of Trustees.

To Rules and Resolutions.

**HR 198** (By Leach), Congratulating Greg Myer on his election to the Plano ISD school board.

To Rules and Resolutions.

**HR 199** (By Leach), Congratulating Anthony Ricciardelli on his election to the Plano City Council.

To Rules and Resolutions.

**HR 200** (By Leach), Congratulating Robert Dubey on his election to the Richardson City Council.

To Rules and Resolutions.

**HR 201** (By Leach), Commending Marilyn Hinton on her service as a member of the Plano ISD Board of Trustees.

To Rules and Resolutions.

**HR 202** (By Leach), Commending Carrolyn Moebius for her service on the Plano ISD Board of Trustees.

To Rules and Resolutions.

**HR 203** (By Dale), Commemorating the 40th anniversary of the Leander Police Department.

To Rules and Resolutions.

**HR 204** (By Price), Honoring Gary Jessee for his service to the Health and Human Services Commission.

To Rules and Resolutions.

**HR 205** (By Huberty), In memory of Charles "Chuck" Beal of San Diego, California.

To Rules and Resolutions.

**HR 206** (By White), Congratulating the Hardin-Jefferson ISD Board of Trustees on its selection as a 2017 Honor School Board by the Texas Association of School Administrators.

To Rules and Resolutions.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**August 2**

State Affairs - **HB 214**

Ways and Means - **SB 1**

**ENGROSSED**

**August 2 - HB 20, HB 80**

