

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

SIXTH DAY — TUESDAY, AUGUST 31, 2021

The house met at 12:27 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 117).

Present — Mr. Speaker(C); Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Coleman; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Absent, Excused — Canales; Herrero; Morales Shaw.

Absent — Allen; Beckley; Campos; Collier; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry; Zwiener.

The invocation was offered by Representative Landgraf as follows:

Heavenly Father, please continue to guard and guide all of the survivors and emergency responders of the August 31, 2019, shooting. We pray that they find healing and strength. We also pray, Lord, that you watch over the families of those we lost that day, the ones whose names will forever be etched in our hearts: Edwin Peregrino, Joe Griffith, Kameron Brown, precious Leilah Hernandez, Mary Granados, Raul Garcia, and Rodolfo Arco. And finally, Lord, we pray that you also guard, guide, and direct this Texas House so that we may be worthy to serve the people of Texas who place their trust in us. It's in the name of Christ, our holy redeemer, that we pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Canales on motion of Guillen.

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

Herrero on motion of Walle.

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

Morales Shaw on motion of Perez.

SB 1 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murr submitted the conference committee report on **SB 1**.

(Zwiener now present)

SB 1 - REMARKS

REPRESENTATIVE J. TURNER: Members, the conference committee report on **SB 1** does not include my signature. I cannot support this bill or the conference committee report for a simple reason. I believe this bill does more harm than good for our democracy. I'm not going to repeat here the points that many of my democratic colleagues have made in previously speaking against this bill at various times as it's gone through this process. But I will simply say that I do believe that many of the changes to our election laws in this bill are not only unnecessary but are far out of proportion to the level of any actual demonstrated fraud in our voting process.

There are too many provisions in this bill that restrict the ease and availability of voting and too few that expand it. I fear that as a result of this bill's passage today, there will be ballots by mail that should be accepted but will not be, that new and unnecessary paperwork will discourage some people from properly assisting others in the voting process, that there will be good people who would like to participate in the electoral process who will instead be discouraged or even afraid to do so because of legal risks. And most concerning, I am concerned that there could be additional criminal prosecutions brought against people for simple mistakes innocuous activity that they may not even realize was illegal as they simply sought to participate in one way or another in our democracy.

Members, I do not oppose everything in this bill. There are some parts of this bill that I believe do make progress, and some of those provisions were added on this floor last week. And despite my strong disagreement on many issues, I do appreciate my colleagues, those of you on the other side of the figurative aisle in this chamber, working to include some of these changes. I respect the desire to have honesty and integrity in our elections. All of us want that. Democrats and republicans alike want that. But this bill as a whole, in my judgment, has too

many provisions that are not only unnecessary but that are actually harmful to the electoral process, and it's not what we should want or expect in a well-functioning democracy.

Members, in my remaining minute or two, I'm going to address specifically the change made by the conference committee report that Representative Murr spoke about a moment ago. That's the removal of the Cain amendment. I supported the Cain amendment that this house added because it reinforces the core bedrock principle of criminal law that only a person who acts with criminal intent should be subject to criminal punishment and deprived of their liberty. As you likely heard, a woman is currently scheduled to go to prison for five years—five years of her life on this earth. Her name is Crystal Mason. Why has she received this five-year sentence? Because she attempted to vote by casting a provisional ballot. She cast this provisional ballot not realizing that she was ineligible to vote, and that is not seriously disputed. Her vote never counted precisely because she was not eligible. Well, why was she not eligible? Because she was on federal supervised release at that time.

I'll say that I myself, before I studied this issue, I would not have known whether a person on federal supervised release was eligible to vote, and I'm a lawyer and a member of the legislature. And yet Crystal Mason has been convicted of illegal voting and sentenced to five years in prison. Her case is currently on appeal. She was convicted and sentenced under a statute that actually says the following: "A person commits an offense if the person votes or attempts to vote in an election in which the person knows the person is not eligible to vote." Now, I'd very much would have liked for us to address this issue through the Cain amendment which would have clarified absolutely that people in that situation such as Ms. Mason have to know the circumstance that made them ineligible to vote as well as the fact that the circumstance made them eligible to vote. I appreciate Representative Cain bringing that amendment, and I appreciate this house supporting it.

I was disappointed that, for whatever reason, the senate did not accept the amendment and it's not now in the final version of the bill. But I hope that it's not because they believe that more people in situations like that of Crystal Mason should be prosecuted or imprisoned. And I hope this body will continue working to correct the injustice by which an inherently benign and even a civic act, the act of voting, becomes a basis for the deprivation of a person's liberty. I believe we are intending, members, to consider a resolution shortly that I hope will address this critical issue in a way that we can all unite around in a bipartisan fashion, which is something I believe we very much need right now in this house of representatives that we love and respect. Members, thank you for your attention. It's my hope that in the future we in this house and in this legislature will work to make it easier, not harder, for our citizens to exercise their sacred right to vote. Because the future of our democracy depends on it.

REPRESENTATIVE COLEMAN: Members, I sit to speak against the conference committee report on **SB 1**. I appreciate personally the work that was done to make this a better bill, and I appreciate the fact that the conference committee report adopts the house language that actually made this a better bill. The bill is

not good enough for me to vote for, and I think it still has major flaws that will create problems down the road. And all I can hope is that if those problems occur, as was said on the floor that these are likely challenges for people voting because of the language in the bill, that we come back here in two years and fix it. Because the worst thing we could ever do is prevent somebody from exercising their constitutional right to vote. Let me talk about that a little bit.

You know, y'all never hear me talking about my family. So I'm going to talk about my family a little bit. I guess some of you would be surprised that I was born in segregation. I think you would be surprised. I heard the stories of my father driving back from D.C. to Houston and the fear of being stopped, having to stay in black hotels, not being able to exercise all of their rights because of the fact that the world was in segregation. I grew up in a segregated neighborhood. Things were not the same for people of color, for black people in particular, at that time. And that moved over and became part of the voting history of this country, the idea that barriers were put up for people to cast their ballot and become a part of this America that we all love. To have something move backward, which nobody ever thought could really happen—you know, we think we've made progress, and then all of a sudden there's new law that moves us back in time. And this is a part of new law that moves us back in time, back to where you have intimidation in the polling place because of poll watchers, which started during Reconstruction. How do you think democrats got control of the house again in state governments around the country when it was done through the Constitution?

I know that I'm here because of the Voting Rights Act. I wouldn't be here if it wasn't for that. This is one of the districts that was created under the Voting Rights Act to have the people elect the representative of their choice. And if they couldn't elect the representative of their choice through their vote, then they had no representation. Because prior to that, there were districts that were unequal in size and there wasn't "one person, one vote." So equality of the vote is extremely important. That's something that we all need to keep in mind. If we got rid of the county line rule now, that would affect people in rural areas and make them less likely to be able to elect the person of their choice.

There are things we do in law that have negative impacts on our constituents and on our state. So I will be voting no on the conference committee report. I didn't sign the conference committee report, and I don't support the conference committee report. I urge you to vote no on the conference committee report mainly for the reasons that John said. I think those are the legal reasons for not voting for this. But the emotional reasons for not voting for it are the fact that it creates hardship for people because of the color of their skin and their ethnicity. And I'm part of that class of people that it creates hardship for. Now, I'm part of another class of people. I'm in a wheelchair. If a polling place is not accessible for somebody in a wheelchair or that's disabled, it creates a problem for them. I had a problem getting down here just to speak on this bill. Armando had to push me down here. So there are things that we don't know until we are in the position of someone who has a disability. We don't know. And so by making it more difficult for those folks to vote, and I know there were some corrections to that, but until

you know, you don't know. So I would say that we have to be careful with that and look at whether or not that's had any impact on people who have particularly physical disabilities and maybe intellectual disabilities who can vote and give their voice. So I'm glad to be back on this floor if only for the ability to vote no.

My family fought to make sure that people were able to run for office and to vote. My grandmother was a slave in East Texas in Trinity County. My grandfather came from East Texas from Houston County. They came to Houston in the early 1900s and made their way through segregation as uneducated people who made sure that their children were educated. That came from paying taxes, from doing all the things that we all do, but they didn't reap the benefit of that. People have to reap the benefit of their government in an equal way. Let's make sure that we're not creating more divides because of somebody's ethnicity, because of their income, because of their disability, because of their gender, because of any of those situations that create differences among people. I know people did the best they could on this bill. I don't begrudge them the challenge of doing so, but it hurts. It really hurts. So with that, I urge you to vote no.

LEAVE OF ABSENCE GRANTED

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

Collier on motion of Neave.

Representative Murr moved to adopt the conference committee report on **SB 1**.

The motion to adopt the conference committee report on **SB 1** prevailed by (Record 118): 80 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Guerra; Hernandez; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Herrero; Morales Shaw.

Absent — Allen; Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Guillen; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

STATEMENTS OF VOTE

When Record No. 118 was taken, I was in the house but away from my desk. I would have voted no.

Allen

When Record No. 118 was taken, I was absent. I would have voted no.

Campos

When Record No. 118 was taken, I was excused because of illness. I would have voted no.

Canales

When Record No. 118 was taken, I was absent. I would have voted no.

Crockett

When Record No. 118 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 115 was taken, I was absent. I would have voted no.

Martinez

HR 123 - ADOPTED

(by Burrows)

RULES SUSPENDED

Representative Burrows moved to suspend the regular order of business to take up and consider at this time **HR 123**.

The motion prevailed.

The following resolution was laid before the house:

HR 123, Expressing the beliefs of the House regarding prosecution for the offense of illegal voting.

HR 123 - REMARKS

REPRESENTATIVE BURROWS: This house has led on criminal justice reform. I believe we probably accomplished more this past session than any session I've ever been a part of. And when it comes to election law, I think that's no different. The current law is a good law. It says if a person knowingly votes when they're ineligible, it's a crime. I think everybody in this body supports that. If you're ineligible and you try to cast your ballot, it should not be counted, and it should be a crime. The problem becomes that some, in very few cases, interpreted this differently and basically made this a strict liability standard where people who did not know they were ineligible are prosecuted, convicted, and put in jail for up to five years, as we've heard.

This body on multiple occasions has expressed its disagreement with this interpretation. We have voted multiple times in many different capacities to say we don't agree with this. The Cain amendment which was adopted, in all honesty, may not have been necessary in the first place because the law as written, if interpreted correctly, should have already provided for this. So it was put on twice—once in the regular session, once here. We all adopted it, but unfortunately it did not survive the conference committee. **HR 123** reaffirms this house's commitment to the basic principles. If you go in and you're ineligible and you knowingly vote anyway, it's a crime and you should be prosecuted. But if you make an honest mistake—an honest mistake which we have heard examples where this has happened—we don't approve of strict liability. You should not be put in jail for five years under those circumstances. So that's what this resolution does.

REPRESENTATIVE J. TURNER: Representative Burrows, you and I have disagreed about the elections bill, **SB 1**, but you're here with a resolution now that has my support because I strongly agree with what you said, that a person's honest mistake in voting when they genuinely believe they were eligible to do so should not result in their conviction and imprisonment. Is that a fair summary of the principle that you are aiming for in this resolution?

BURROWS: I think it's a fair summary of where this body has been, that we value liberty, we understand where it is, that we have continued to move the ball forward in these areas, especially this area. So yes, it is, Representative.

J. TURNER: You heard my reference a few moments ago to the case of Crystal Mason. And would you agree with me, Representative, that five years in prison is a serious deprivation of a person's liberty?

BURROWS: I could not imagine.

J. TURNER: And it seems to have been acknowledged that she did not realize that she was ineligible to vote. But her conviction has currently been upheld, although it's still on appeal, because that statute has been interpreted to say that all that was necessary was for her to know that she was on supervised release even though she didn't realize that fact made her ineligible. Have I summarized that matter correctly to your knowledge?

BURROWS: My understanding is the same as yours. And as you said earlier, I would not have known that being on supervised release would have made you ineligible. That is a high bar to impute on somebody to put them away for five years.

J. TURNER: I know her case is now on appeal. And of course, we have separate branches of government and it's not our role here in the legislature to tell any other branch of government what to do or how to rule in a case. But it seems to me that it is appropriate, given the fact that we adopted and then accepted the removal of the Cain amendment, to explain ourselves to some degree and express the sense of the house about the issue it dealt with. Do you agree that that's appropriate here?

BURROWS: I think it is, and I think that we are reiterating and restating what is the current law. Obviously, the courts are about to decide what it is, but my interpretation of current law is you have to have a mens rea element. As we said, this is not a strict liability-type of issue. So I believe this resolution actually conforms with what the current law is today, and the Cain amendment was no different, which is why this body has adopted it several times.

REPRESENTATIVE ANCHIA: Members, I think this is a wonderful opportunity for us to begin to heal this house and really make a big difference in the life of a fellow Texan. Rarely do we come down here and take a vote that we can immediately see the benefits of. I'm grateful to Chair Burrows, Representative Turner, and every other member who worked on this resolution. Because while some may say, well, this is a nonbinding resolution, it does express the sense of this body—of this lawmaking body, of this representative Texan body—and I think it's important that we on a bipartisan basis send a strong signal not only to Texans but also to the judiciary of our intent of how laws should be applied. So I'm grateful for all the bipartisan effort. Be on the lookout, members. I will be circulating a letter that hopefully we can all sign onto. It will be an amicus letter that can go to the court, with this resolution as an exhibit, expressing the sense of this body and the importance of doing justice. So thank you, and I would urge you to vote in favor of this house resolution.

(Allen now present)

HR 123 was adopted by (Record 119): 119 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cole; Coleman; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Biedermann; Cason; Slaton; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Herrero; Morales Shaw.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

STATEMENTS OF VOTE

When Record No. 119 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 119 was taken, I was absent. I would have voted yes.

Martinez

When Record No. 119 was taken, I was excused because of important business. I would have voted yes.

Morales Shaw

REMARKS ORDERED PRINTED

Representative Dominguez moved to print remarks by Representative J. Turner and Representative Coleman on **SB 1**.

The motion prevailed.

Representative C. Turner moved to print all remarks on **HR 123**.

The motion prevailed.

CSHB 5 - MOTION TO RECONSIDER

Representative C. Turner moved to reconsider the vote by which **CSHB 5** was postponed on Monday, August 30 until 10 a.m. tomorrow.

A record vote was requested by Representative C. Turner.

The motion to reconsider was lost by (Record 120): 49 Yeas, 74 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bailes; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; Frullo; González, M.; Goodwin; Guerra; Guillen; Hernandez; Howard; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, T.; Kuempel; Larson; Longoria; Lucio; Minjarez; Moody; Morales, E.; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Price; Raney; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; King, K.; King, P.; Klick; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Herrero; Morales Shaw.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

STATEMENTS OF VOTE

When Record No. 120 was taken, I was excused because of illness. I would have voted yes.

Canales

When Record No. 120 was taken, I was absent. I would have voted yes.

Gervin-Hawkins

When Record No. 120 was taken, I was absent. I would have voted yes.

Martinez

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 4 ON THIRD READING

(Klick, Noble, Oliverson, Cook, Frank, et al. - House Sponsors)

SB 4, A bill to be entitled An Act relating to abortion complication reporting and the regulation of drug-induced abortion procedures, providers, and facilities; creating a criminal offense.

SB 4 was passed by (Record 121): 82 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Bernal; Bowers; Bucy; Cole; Coleman; Cortez; Davis; Dominguez; Dutton; Fierro; González, M.; Goodwin; Guerra; Hernandez; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lucio; Minjarez; Moody; Morales, E.; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Rose; Rosenthal; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Collier; Herrero; Morales Shaw.

Absent — Beckley; Campos; Crockett; Deshotel; Gervin-Hawkins; González, J.; Hinojosa; Johnson, J.D.; Lopez; Martinez; Martinez Fischer; Meza; Morales, C.; Ramos; Raymond; Reynolds; Rodriguez; Romero; Sherman; Thierry.

STATEMENTS OF VOTE

When Record No. 121 was taken, I was absent. I would have voted no.

Beckley

When Record No. 121 was taken, I was excused because of illness. I would have voted no.

Canales

When Record No. 121 was taken, I was absent. I would have voted no.

Crockett

When Record No. 121 was taken, I was absent. I would have voted no.

Gervin-Hawkins

When Record No. 121 was taken, I was absent. I would have voted no.

Martinez

When Record No. 121 was taken, I was absent. I would have voted no.

Martinez Fischer

When Record No. 121 was taken, I was absent. I would have voted no.

C. Morales

When Record No. 121 was taken, I was excused because of important business. I would have voted no.

Morales Shaw

When Record No. 121 was taken, I was absent. I would have voted no.

Reynolds

When Record No. 121 was taken, I was absent. I would have voted no.

Rodriguez

REASON FOR VOTE

Representative Beckley submitted the following reason for vote to be printed in the journal:

The Texas House of Representatives currently has no safety protocol or procedures to address the recent surge in the spread of COVID on the house floor and the Capitol buildings in general. Several members have tested positive and continue to put the rest of the legislative body at risk, whether they are voting

from the speaker's chambers or directly from the house floor. Until the issue is addressed and safety measures are put in place to protect members of the Texas Legislature, I will not be present on the floor, but have included my statement on **SB 4**.

SB 4 places medically unnecessary restrictions on how and when a provider can provide medication abortion, and it will be an almost total ban on the most common type of abortion in Texas. **SB 4** would ban medication abortion after just seven weeks, 49 days gestation, in direct conflict with evidence-based practice.

SB 4 would create additional substantial, medically unnecessary reporting requirements for abortion providers including an impossible requirement that providers report on pregnancy complications that occur during subsequent pregnancies. As a federal district court has already held when Indiana passed similar reporting requirements, it is unconstitutionally vague to require such extensive reporting on matters unrelated to abortion. These requirements are meant only to discourage the provision of abortion and encourage over-reporting of unrelated complications to make abortion look more dangerous than it is.

Laws that regulate medical care should be based on scientific evidence, best practices, and preserve the physician-patient relationship. Any legislation that would ban abortion or restrict access, as **SB 4** does, inherently interferes with the patient-physician relationship, threatens communication between the physician and the patient, and limits the ability of physicians to provide the most appropriate medical care for their patients. **SB 4** is an unnecessary intrusion in the physician-patient relationship and compromises the use of effective, commonly used treatment options for patients.

SB 4 is both unconstitutional and unnecessary political interference in the practice of medicine. An individual's right to choose an abortion has been settled law since 1973 when the Supreme Court ruled in *Roe v. Wade*, which makes clear that an individual may decide independently to have an abortion prior to viability. **SB 4** strips an individual of their constitutional right to choose an abortion.

RESOLUTIONS 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.)

ADJOURNMENT

Representative K. Bell moved that the house adjourn until 11 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 1:26 p.m., adjourned until 10 a.m. tomorrow.

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

HR 104 (By Fierro), In memory of Vietnam War correspondent and author Joe Galloway.

To Resolutions Calendars.

HR 105 (By Fierro), Congratulating Erica Marin on her appointment as director of the El Paso Museum of History.

To Resolutions Calendars.

HR 106 (By Cook), In memory of former state representative Toby Ray Goodman of Mansfield.

To Resolutions Calendars.

HR 107 (By Holland), In memory of Shirley Smith Shoquist of Rockwall.

To Resolutions Calendars.

HR 108 (By Kacal), Commending the McLennan Community College baseball team on winning the 2021 Junior College World Series.

To Resolutions Calendars.

HR 109 (By Kacal), Congratulating McLennan Community College baseball coach Mitch Thompson on his selection as the NJCAA Division I Coach of the Year.

To Resolutions Calendars.

HR 110 (By Price), In memory of Joseph Harold Pool of Amarillo.

To Resolutions Calendars.

HR 111 (By Price), Commemorating the 50th anniversary of Los Barrios de Amarillo.

To Resolutions Calendars.

HR 112 (By Price), Congratulating Jennifer Sims on her retirement as deputy commissioner at the Texas Department of State Health Services.

To Resolutions Calendars.

HR 113 (By P. King), Congratulating Dakota Stroud of the Weatherford Fire Department on his receipt of a Medal of Valor and Citation Bar.

To Resolutions Calendars.

HR 114 (By Holland), In memory of Kenneth Duncan Dickson of Rockwall.

To Resolutions Calendars.

HR 115 (By Middleton), In memory of Jesse C. Turrubiate of La Marque.

To Resolutions Calendars.

HR 116 (By Middleton), In memory of Vincent Michael Robins of Mont Belvieu.

To Resolutions Calendars.

HR 117 (By Geren), Commemorating the release of the motion picture 12 Mighty Orphans, filmed in Fort Worth.

To Resolutions Calendars.

HR 118 (By White), In memory of retired game warden James Lovett of Bay City.

To Resolutions Calendars.

HR 119 (By White), Congratulating the Livingston 10U All-Stars baseball team on winning the state championship in the 2021 Dixie Youth Baseball playoffs.

To Resolutions Calendars.

HR 120 (By White), In memory of George W. Atteberry of Woodville.

To Resolutions Calendars.

HR 121 (By Hull), Honoring the BIZPAC organization and its leaders, Joseph L. Trahan, Dr. Elias Jackson, and Mark Goloby.

To Resolutions Calendars.

HR 122 (By Cole), Congratulating Texas Terry of Lexington on winning the 2021 U.S. Kids Golf World Championship in the under-eight division.

To Resolutions Calendars.

HR 124 (By Davis), Congratulating television sportscaster Dale Hansen on his retirement from WFAA in Dallas.

To Resolutions Calendars.

HR 125 (By Harris), Commending Jac Darsnek for preserving Texas history through his Traces of Texas online photography project.

To Resolutions Calendars.

HR 126 (By Vasut), In memory of James William Kellogg Jr.

To Resolutions Calendars.

HR 127 (By Vasut), In memory of former Quintana mayor Deborah Estelle Alongis.

To Resolutions Calendars.

HR 128 (By Vasut), Congratulating Honorable Marc Holder on his retirement from Brazoria County Court at Law No. 2.

To Resolutions Calendars.

HR 129 (By Vasut), Congratulating the Honorable Judge K. Randall Hufstetler on his retirement from the 300th Judicial District Court.
To Resolutions Calendars.

HR 130 (By Vasut), Congratulating the Honorable Judge Terri Tipton Holder on her retirement as judge of the 149th District Court.
To Resolutions Calendars.

HR 131 (By White), Commending Officer William McKeon Jr. on his receipt of a Star of Texas Award.
To Resolutions Calendars.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

August 30

Environmental Regulation - **HB 200**

ENGROSSED

August 30 - HB 7, HB 9, HB 20

