

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — FIRST CALLED SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FOURTH DAY**

(Tuesday, June 18, 2013)

The Senate met at 11:09 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Absent-excused: West.

The President announced that a quorum of the Senate was present.

Senator Craig Estes offered the invocation as follows:

I pray the words of scripture from Jesus of Nazareth, some of the most perfect words ever said on Earth. Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are those who mourn, for they will be comforted. Blessed are the meek, for they will inherit the Earth. Blessed are those who hunger and thirst for righteousness, for they will be filled. Blessed are the merciful, for they will be shown mercy. Blessed are the pure in heart, for they will see God. Blessed are the peacemakers, for they will be called sons of God. Blessed are those who are persecuted because of righteousness, for theirs is the kingdom of heaven. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## **LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator West was granted leave of absence for today on account of important business.

## **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

## CONCLUSION OF MORNING CALL

The President at 11:11 p.m. announced the conclusion of morning call.

### COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 2 ON THIRD READING

The President laid before the Senate **CSSJR 2** by Senator Nichols at this time on its third reading and final passage:

**CSSJR 2**, Proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund, to provide for the transfer of certain general revenue to the state highway fund and the dedication of that revenue, and to authorize the payment of the principal and interest on certain highway improvement bonds from other money deposited to the state highway fund.

The resolution was read third time.

Senator Nichols moved to temporarily postpone further consideration of the resolution.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffinan, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Rodríguez, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: West.

Question—Shall **CSSJR 2** be finally passed?

### COMMITTEE SUBSTITUTE SENATE BILL 5 ON THIRD READING

The President laid before the Senate **CSSB 5** by Senator Hegar at this time on its third reading and final passage:

**CSSB 5**, Relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Campbell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Hancock, Hegar, Huffinan, Lucio, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Rodríguez, Uresti, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: West.

**STATEMENT REGARDING SENATE BILL 5**

Senator Zaffirini submitted the following statement regarding **SB 5**:

I am, and always have been, strongly pro-life. I also am very strongly pro-women's health. Today I voted against SB 5 because it does nothing to make abortions less necessary and because it has the potential to limit access to legal health care services for thousands of Texas women. SB 5 is neither pro-life nor pro-women's health, and I could not in good conscience support it.

Considering that the medical specialists associated most closely with women's reproductive health stand opposed to the legislation, and considering the high level of regulation and safety related to abortion services in Texas today, advocates for SB 5 failed to make the case that this bill is necessary.

I also am concerned about the possible negative consequences of this legislation. The bill's unnecessary regulations could force medical clinics to close, thereby limiting access to critical services. If clinics close in regions without many alternatives, women are likely to delay seeking care, and those in desperate situations may turn to desperate, unsafe measures. Other unnecessary regulations in the bill also intrude upon the doctor-patient relationship by requiring a particular regimen and limiting a doctor's ability to prescribe the best option for a specific patient. The Legislature should not substitute its judgment for that of qualified medical professionals.

The Texas Legislature should focus instead on making women's health care and pre-natal care more accessible and affordable. I will continue to vote pro-life, and I also will support issues including women's preventative health care, affordable contraception and family planning, health care for economically disadvantaged women, and pre-natal and pregnancy-related health care.

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**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 2 ON THIRD READING**

The President laid before the Senate **CSSJR 2** by Senator Nichols on its third reading. The resolution had been read third time and further consideration temporarily postponed:

**CSSJR 2**, Proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund, to provide for the transfer of certain general revenue to the state highway fund and the dedication of that revenue, and to authorize the payment of the principal and interest on certain highway improvement bonds from other money deposited to the state highway fund.

Question—Shall **CSSJR 2** be finally passed?

**CSSJR 2** was finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: West.

### **REASON FOR VOTE**

Senator Birdwell submitted the following reason for vote on **SJR 2**:

Today I voted in support of SJR 2, which proposes to Texas voters a constitutional amendment dedicating half of all oil- and gas-severance taxes currently transferred to the Economic Stabilization Fund ("rainy day fund") to the state highway fund (Fund 6).

This transparent dedication of revenue allows for the specific and limited purpose of construction, maintenance and right-of-way acquisition for public roadways. Equally important, SJR 2 also allows the state highway fund to repay the principal and interest on debt from Prop 12 transportation funding.

While I had initial concerns about the utilization of the Economic Stabilization Fund for the creation of a constitutionally-protected revenue stream, I was graciously afforded the opportunity to work side by side with my colleague and the author of SJR 2, Senator Robert Nichols, to ensure a \$6 billion minimum balance was implemented for the protection of the Economic Stabilization Fund.

I still believe strongly that transportation funding must be prioritized within general revenue budgeting, and I will work to see that this happens in the future. Still, I am pleased that this innovative legislation will promptly serve to construct and maintain the crucial highway infrastructure of our rapidly growing state.

BIRDWELL

### **MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:45 p.m. agreed to recess, pending the introduction of bills and resolutions on first reading, the receipt of messages, the receipt of committee reports, and the signing of bills, until 1:30 p.m. Friday, June 21, 2013.

### **RECESS**

Pursuant to a previously adopted motion, the Senate at 5:00 p.m. Thursday, June 20, 2013, recessed until 1:30 p.m. Friday, June 21, 2013.