

# 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**

(Continued)

(Tuesday, June 25, 2013)

**AFTER RECESS**

The Senate met at 11:14 a.m. and was called to order by the President.

**LEAVE OF ABSENCE**

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, June 25, 2013 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 5**

Menéndez

In memory of U.S. Air Force Captain Mark Tyler Voss of Boerne.

**HCR 8**

Moody

In memory of World War II veteran Jacinto Romo of El Paso.

**HCR 10**

Walle

Recognizing Nancy Blackwell on her retirement from the Aldine Independent School District.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 7**.

#### SENATE BILL 5 WITH HOUSE AMENDMENT

Senator Hegar called **SB 5** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### Amendment

Amend **SB 5** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) The findings indicate that:

(1) substantial medical evidence recognizes that an unborn child is capable of experiencing pain by not later than 20 weeks after fertilization;

(2) the state has a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that these children are capable of feeling pain;

(3) the compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that an unborn child is capable of feeling pain is intended to be separate from and independent of the compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other; and

(4) restricting elective abortions at or later than 20 weeks post-fertilization, as provided by this Act, does not impose an undue burden or a substantial obstacle on a woman's ability to have an abortion because:

(A) the woman has adequate time to decide whether to have an abortion in the first 20 weeks after fertilization; and

(B) this Act does not apply to abortions that are necessary to avert the death or substantial and irreversible physical impairment of a major bodily function of the pregnant woman.

(b) The legislature intends that every application of this statute to every individual woman shall be severable from each other. In the unexpected event that the application of this statute is found to impose an impermissible undue burden on any pregnant woman or group of pregnant women, the application of the statute to those women shall be severed from the remaining applications of the statute that do not impose an undue burden, and those remaining applications shall remain in force and unaffected, consistent with Section 10 of this Act.

SECTION 2. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.0031 to read as follows:

Sec. 171.0031. REQUIREMENTS OF PHYSICIAN; OFFENSE. (a) A physician performing or inducing an abortion:

(1) must, on the date the abortion is performed, have active admitting privileges at a hospital that:

(A) is located not further than 30 miles from the location at which the abortion is performed or induced; and

(B) provides obstetrical or gynecological health care services; and

(2) shall provide the pregnant woman with:

(A) a telephone number by which the pregnant woman may reach the physician, or other health care personnel employed by the physician or by the facility at which the abortion was performed with access to the woman's relevant medical records, 24 hours a day to request assistance for any complications that arise from the performance of the abortion or ask health-related questions regarding the abortion; and

(B) the name and telephone number of the nearest hospital to the home of the pregnant woman at which an emergency arising from the abortion would be treated.

(b) A physician who violates Subsection (a) commits an offense. An offense under this section is a Class A misdemeanor punishable by a fine only, not to exceed \$4,000.

SECTION 3. Chapter 171, Health and Safety Code, is amended by adding Subchapters C and D to read as follows:

SUBCHAPTER C. ABORTION PROHIBITED AT OR AFTER 20 WEEKS  
POST-FERTILIZATION

Sec. 171.041. SHORT TITLE. This subchapter may be cited as the Preborn Pain Act.

Sec. 171.042. DEFINITIONS. In this subchapter:

(1) "Post-fertilization age" means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

(2) "Severe fetal abnormality" has the meaning assigned by Section 285.202.

Sec. 171.043. DETERMINATION OF POST-FERTILIZATION AGE REQUIRED. Except as otherwise provided by Section 171.046, a physician may not perform or induce or attempt to perform or induce an abortion without, prior to the procedure:

(1) making a determination of the probable post-fertilization age of the unborn child; or

(2) possessing and relying on a determination of the probable post-fertilization age of the unborn child made by another physician.

Sec. 171.044. ABORTION OF UNBORN CHILD OF 20 OR MORE WEEKS POST-FERTILIZATION AGE PROHIBITED. Except as otherwise provided by Section 171.046, a person may not perform or induce or attempt to perform or induce an abortion on a woman if it has been determined, by the physician performing, inducing, or attempting to perform or induce the abortion or by another physician on whose determination that physician relies, that the probable post-fertilization age of the unborn child is 20 or more weeks.

Sec. 171.045. METHOD OF ABORTION. (a) This section applies only to an abortion authorized under Section 171.046(a)(1) or (2) in which:

(1) the probable post-fertilization age of the unborn child is 20 or more weeks; or

(2) the probable post-fertilization age of the unborn child has not been determined but could reasonably be 20 or more weeks.

(b) Except as otherwise provided by Section 171.046(a)(3), a physician performing an abortion under Subsection (a) shall terminate the pregnancy in the manner that, in the physician's reasonable medical judgment, provides the best opportunity for the unborn child to survive.

Sec. 171.046. EXCEPTIONS. (a) The prohibitions and requirements under Sections 171.043, 171.044, and 171.045(b) do not apply to an abortion performed if there exists a condition that, in the physician's reasonable medical judgment, so complicates the medical condition of the woman that, to avert the woman's death or a serious risk of substantial and irreversible physical impairment of a major bodily function, other than a psychological condition, it necessitates, as applicable:

(1) the immediate abortion of her pregnancy without the delay necessary to determine the probable post-fertilization age of the unborn child;

(2) the abortion of her pregnancy even though the post-fertilization age of the unborn child is 20 or more weeks; or

(3) the use of a method of abortion other than a method described by Section 171.045(b).

(b) A physician may not take an action authorized under Subsection (a) if the risk of death or a substantial and irreversible physical impairment of a major bodily function arises from a claim or diagnosis that the woman will engage in conduct that may result in her death or in substantial and irreversible physical impairment of a major bodily function.

(c) The prohibitions and requirements under Sections 171.043, 171.044, and 171.045(b) do not apply to an abortion performed on an unborn child who has a severe fetal abnormality.

Sec. 171.047. PROTECTION OF PRIVACY IN COURT PROCEEDINGS.

(a) Except as otherwise provided by this section, in a civil or criminal proceeding or action involving an act prohibited under this subchapter, the identity of the woman on whom an abortion has been performed or induced or attempted to be performed or induced is not subject to public disclosure if the woman does not give consent to disclosure.

(b) Unless the court makes a ruling under Subsection (c) to allow disclosure of the woman's identity, the court shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to protect the woman's identity from public disclosure.

(c) A court may order the disclosure of information that is confidential under this section if:

(1) a motion is filed with the court requesting release of the information and a hearing on that request;

(2) notice of the hearing is served on each interested party; and

(3) the court determines after the hearing and an in camera review that disclosure is essential to the administration of justice and there is no reasonable alternative to disclosure.

Sec. 171.048. CONSTRUCTION OF SUBCHAPTER. (a) This subchapter shall be construed, as a matter of state law, to be enforceable up to but no further than the maximum possible extent consistent with federal constitutional requirements, even if that construction is not readily apparent, as such constructions are authorized only to the extent necessary to save the subchapter from judicial invalidation. Judicial reformation of statutory language is explicitly authorized only to the extent necessary to save the statutory provision from invalidity.

(b) If any court determines that a provision of this subchapter is unconstitutionally vague, the court shall interpret the provision, as a matter of state law, to avoid the vagueness problem and shall enforce the provision to the maximum possible extent. If a federal court finds any provision of this subchapter or its application to any person, group of persons, or circumstances to be unconstitutionally vague and declines to impose the saving construction described by this subsection, the Supreme Court of Texas shall provide an authoritative construction of the objectionable statutory provisions that avoids the constitutional problems while enforcing the statute's restrictions to the maximum possible extent, and shall agree to answer any question certified from a federal appellate court regarding the statute.

(c) A state executive or administrative official may not decline to enforce this subchapter, or adopt a construction of this subchapter in a way that narrows its applicability, based on the official's own beliefs about what the state or federal constitution requires, unless the official is enjoined by a state or federal court from enforcing this subchapter.

(d) This subchapter may not be construed to authorize the prosecution of or a cause of action to be brought against a woman on whom an abortion is performed or induced or attempted to be performed or induced in violation of this subchapter.

#### SUBCHAPTER D. ABORTION-INDUCING DRUGS

Sec. 171.061. DEFINITIONS. In this subchapter:

(1) "Abortion" means the act of using, administering, prescribing, or otherwise providing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to terminate a clinically diagnosable pregnancy of a woman and with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the woman's unborn child. An act is not an abortion if the act is done with the intent to:

(A) save the life or preserve the health of an unborn child;

(B) remove a dead, unborn child whose death was caused by spontaneous abortion;

(C) remove an ectopic pregnancy; or

(D) treat a maternal disease or illness for which a prescribed drug, medicine, or other substance is indicated.

(2) "Abortion-inducing drug" means a drug, a medicine, or any other substance, including a regimen of two or more drugs, medicines, or substances, prescribed, dispensed, or administered with the intent of terminating a clinically diagnosable pregnancy of a woman and with knowledge that the termination will, with reasonable likelihood, cause the death of the woman's unborn child. The term includes off-label use of drugs, medicines, or other substances known to have abortion-inducing properties that are prescribed, dispensed, or administered with the intent of causing an abortion, including the Mifeprex regimen. The term does not include a drug, medicine, or other substance that may be known to cause an abortion but is prescribed, dispensed, or administered for other medical reasons.

(3) "Final printed label" or "FPL" means the informational document approved by the United States Food and Drug Administration for an abortion-inducing drug that:

(A) outlines the protocol authorized by that agency and agreed to by the drug company applying for authorization of the drug by that agency; and

(B) delineates how a drug is to be used according to approval by that agency.

(4) "Gestational age" means the amount of time that has elapsed since the first day of a woman's last menstrual period.

(5) "Medical abortion" means the administration or use of an abortion-inducing drug to induce an abortion.

(6) "Mifeprex regimen," "RU-486 regimen," or "RU-486" means the abortion-inducing drug regimen approved by the United States Food and Drug Administration that consists of administering mifepristone and misoprostol.

(7) "Physician" means an individual who is licensed to practice medicine in this state, including a medical doctor and a doctor of osteopathic medicine.

(8) "Pregnant" means the female reproductive condition of having an unborn child in a woman's uterus.

(9) "Unborn child" means an offspring of human beings from conception until birth.

Sec. 171.062. ENFORCEMENT BY TEXAS MEDICAL BOARD. Notwithstanding Section 171.005, the Texas Medical Board shall enforce this subchapter.

Sec. 171.063. DISTRIBUTION OF ABORTION-INDUCING DRUG. (a) A person may not knowingly give, sell, dispense, administer, provide, or prescribe an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion in the pregnant woman or enabling another person to induce an abortion in the pregnant woman unless:

(1) the person who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug is a physician; and

(2) except as otherwise provided by Subsection (a-1), the provision, prescription, or administration of the abortion-inducing drug satisfies the protocol tested and authorized by the United States Food and Drug Administration as outlined in the final printed label of the abortion-inducing drug.

(a-1) A person may provide, prescribe, or administer the abortion-inducing drug in the dosage amount prescribed by the clinical management guidelines defined by the American Congress of Obstetricians and Gynecologists Practice Bulletin as those guidelines existed on January 1, 2013.

(b) Before the physician gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug, the physician must examine the pregnant woman and document, in the woman's medical record, the gestational age and intrauterine location of the pregnancy.

(c) The physician who gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug shall provide the pregnant woman with:

(1) a copy of the final printed label of that abortion-inducing drug; and

(2) a telephone number by which the pregnant woman may reach the physician, or other health care personnel employed by the physician or by the facility at which the abortion was performed with access to the woman's relevant medical records, 24 hours a day to request assistance for any complications that arise from the administration or use of the drug or ask health-related questions regarding the administration or use of the drug.

(d) The physician who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug, or the physician's agent, must schedule a follow-up visit for the woman to occur not more than 14 days after the administration or use of the drug. At the follow-up visit, the physician must:

(1) confirm that the pregnancy is completely terminated; and

(2) assess the degree of bleeding.

(e) The physician who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug, or the physician's agent, shall make a reasonable effort to ensure that the woman returns for the scheduled follow-up visit under Subsection (d). The physician or the physician's agent shall document a brief description of any effort made to comply with this subsection, including the date, time, and name of the person making the effort, in the woman's medical record.

(f) If a physician gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion as authorized by this section and the physician knows that the woman experiences a serious adverse event, as defined by the MedWatch Reporting System, during or after the administration or use of the drug, the physician shall report the event to the United States Food and Drug Administration through the MedWatch Reporting System not later than the third day after the date the physician learns that the event occurred.

Sec. 171.064. ADMINISTRATIVE PENALTY. (a) The Texas Medical Board may take disciplinary action under Chapter 164, Occupations Code, or assess an administrative penalty under Subchapter A, Chapter 165, Occupations Code, against a person who violates Section 171.063.

(b) A penalty may not be assessed under this section against a pregnant woman who receives a medical abortion.

SECTION 4. Section 245.010(a), Health and Safety Code, is amended to read as follows:

(a) The rules must contain minimum standards to protect the health and safety of a patient of an abortion facility and must contain provisions requiring compliance with the requirements of Subchapter B, Chapter 171. On and after September 1, 2014, the minimum standards for an abortion facility must be equivalent to the minimum standards adopted under Section 243.010 for ambulatory surgical centers.

SECTION 5. Section 245.011(c), Health and Safety Code, is amended to read as follows:

(c) The report must include:

- (1) whether the abortion facility at which the abortion is performed is licensed under this chapter;
- (2) the patient's year of birth, race, marital status, and state and county of residence;
- (3) the type of abortion procedure;
- (4) the date the abortion was performed;
- (5) whether the patient survived the abortion, and if the patient did not survive, the cause of death;
- (6) the probable post-fertilization age of the unborn child ~~[period of gestation]~~ based on the best medical judgment of the attending physician at the time of the procedure;
- (7) the date, if known, of the patient's last menstrual cycle;
- (8) the number of previous live births of the patient; and
- (9) the number of previous induced abortions of the patient.

SECTION 6. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

- (1) submits to the board a false or misleading statement, document, or certificate in an application for a license;
- (2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;
- (3) commits fraud or deception in taking or passing an examination;
- (4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;
- (5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;
- (6) uses an advertising statement that is false, misleading, or deceptive;
- (7) advertises professional superiority or the performance of professional service in a superior manner if that advertising is not readily subject to verification;
- (8) purchases, sells, barter, or uses, or offers to purchase, sell, barter, or use, a medical degree, license, certificate, or diploma, or a transcript of a license, certificate, or diploma in or incident to an application to the board for a license to practice medicine;
- (9) alters, with fraudulent intent, a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma;
- (10) uses a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma that has been:

- (A) fraudulently purchased or issued;
- (B) counterfeited; or
- (C) materially altered;

(11) impersonates or acts as proxy for another person in an examination required by this subtitle for a medical license;

(12) engages in conduct that subverts or attempts to subvert an examination process required by this subtitle for a medical license;

(13) impersonates a physician or permits another to use the person's license or certificate to practice medicine in this state;

(14) directly or indirectly employs a person whose license to practice medicine has been suspended, canceled, or revoked;

(15) associates in the practice of medicine with a person:

(A) whose license to practice medicine has been suspended, canceled, or revoked; or

(B) who has been convicted of the unlawful practice of medicine in this state or elsewhere;

(16) performs or procures a criminal abortion, aids or abets in the procuring of a criminal abortion, attempts to perform or procure a criminal abortion, or attempts to aid or abet the performance or procurement of a criminal abortion;

(17) directly or indirectly aids or abets the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board;

(18) performs an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy unless:

(A) the abortion is necessary to prevent the death of the woman;

(B) the viable unborn child has a severe, irreversible brain impairment;

or

(C) the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain damage or imminent severe, irreversible paralysis; ~~or~~

(19) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order, as provided by Section 33.003 or 33.004, Family Code, authorizing the minor to consent to the abortion, unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian; or

(20) performs or induces or attempts to perform or induce an abortion in violation of Subchapter C, Chapter 171, Health and Safety Code.

SECTION 7. Section 164.055(b), Occupations Code, is amended to read as follows:

(b) The sanctions provided by Subsection (a) are in addition to any other grounds for refusal to admit persons to examination under this subtitle or to issue a license or renew a license to practice medicine under this subtitle. The criminal penalties provided by Section 165.152 do not apply to a violation of Section 170.002 or Subchapter C, Chapter 171, Health and Safety Code.

SECTION 8. Effective September 1, 2014, Section 245.010(c), Health and Safety Code, is repealed.

SECTION 9. This Act may not be construed to repeal, by implication or otherwise, Section 164.052(a)(18), Occupations Code, Section 170.002, Health and Safety Code, or any other provision of Texas law regulating or restricting abortion not specifically addressed by this Act. An abortion that complies with this Act but violates any other law is unlawful. An abortion that complies with another state law but violates this Act is unlawful as provided in this Act.

SECTION 10. (a) If some or all of the provisions of this Act are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of Texas law regulating or restricting abortion shall be enforced as though the restrained or enjoined provisions had not been adopted; provided, however, that whenever the temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the provisions shall have full force and effect.

(b) Mindful of Leavitt v. Jane L., 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court held that an explicit statement of legislative intent is controlling, it is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining provisions and shall remain in force, and shall be treated as if the legislature had enacted a statute limited to the persons, group of persons, or circumstances for which the statute's application does not present an undue burden. The legislature further declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of this Act, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this Act, were to be declared unconstitutional or to represent an undue burden.

(c) If Subchapter C, Chapter 171, Health and Safety Code, as added by this Act, prohibiting abortions performed on an unborn child 20 or more weeks after fertilization is found by any court to be invalid or to impose an undue burden as

applied to any person, group of persons, or circumstances, the prohibition shall apply to that person or group of persons or circumstances on the earliest date on which the subchapter can be constitutionally applied.

(d) If any provision of this Act is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force.

SECTION 11. (a) The executive commissioner of the Health and Human Services Commission shall adopt the standards required by Section 245.010, Health and Safety Code, as amended by this Act, not later than January 1, 2014.

(b) A facility licensed under Chapter 245, Health and Safety Code, is not required to comply with the standards adopted under Section 245.010, Health and Safety Code, as amended by this Act, before September 1, 2014.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

The amendment was read.

Senator Davis at 11:18 a.m. was recognized to speak on **SB 5**.

Question—Shall the Senate concur in the House amendment to **SB 5**?

**(Senator Seliger in Chair)**

**(President in Chair)**

**POINT OF ORDER**

Senator Nichols raised a point of order that Senator Davis' remarks were not germane to the body of the bill.

**POINT OF ORDER RULING**

The President ruled that the point of order was well-taken and sustained. The President instructed Senator Davis to confine her remarks to the body of the bill.

(Senator Davis resumed discussion of **SB 5**.)

**POINT OF ORDER**

Senator Nichols raised a point of order that the questions directed to Senator Davis were not germane to the body of the bill.

**POINT OF ORDER RULING**

The President stated that the point of order was respectfully overruled. The President again instructed Senator Davis to confine her remarks to the body of the bill.

(Senator Davis resumed discussion of **SB 5**.)

**POINT OF ORDER**

Senator Zaffirini raised a point of order that Senate Rule 4.06 states that a Senator should sit during the deliberation of a ruling.

**POINT OF ORDER RULING**

The President stated that the point of order was respectfully overruled.

(Senator Davis resumed discussion of **SB 5**.)

**POINT OF ORDER**

Senator Williams raised a point of order that Senate Rule 4.01 was violated because Senator Davis was assisted with a back brace.

**POINT OF ORDER RULING**

The point of order was sustained by the following vote: Yeas 17, Nays 11.

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

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent: Carona.

Absent-excused: Eltife, Van de Putte.

**REMARKS ORDERED PRINTED**

On motion of Senator West and by unanimous consent, the remarks regarding the point of order on Senate Rule 4.01 were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Williams, for what purpose do you rise, Sir?

**Senator Williams:** Mr. President, I'd like to raise a point of order that Senator Davis has violated Rule 4.01 when she had Senator Ellis assist her by putting a back brace on during a pause a moment ago when we had a point of order raised and the Members were at the dais.

**President:** Would you all approach the podium? Senator Davis—

**Senator Davis:** Yes, Mr. President.

**President:** —I've been asked by a couple of the Members whether during this discussion, whether you sit down, and I understand. If I was you, I'd want to—

**Senator Davis:** I'm fine.

**President:** —but the Parliamentarian has, has advised me that, that you need to stand—

**Senator Davis:** I—

**President:** —in—

**Senator Davis:** —understand—

**President:** —the debate.

**Senator Davis:** —that rule, I'm—

**President:** I just—

**Senator Davis:** —prepared—

**President:** –simply–

**Senator Davis:** –to stand.

**President:** –wanted to share with you.

**Senator Davis:** Thank you.

**President:** Thank you.

**Senator Davis:** Thank you, Mr. President.

**Senator Zaffirini:** Mr. President. Mr.–

**President:** Senator–

**Senator Zaffirini:** –President.

**President:** –Zaffirini, for what, for what purpose?

**Senator Zaffirini:** For a parliamentary inquiry related to your statement to Senator Davis just now.

**President:** What is your inquiry?

**Senator Zaffirini:** Related to Rule 4.06, Mr. President, it states, when a Member shall be called to order by the President or by a Senator, the Member shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in the Member's favor, the Member shall be at liberty to proceed. If otherwise, the Member shall not proceed without leave of the Senate. And my question is, wouldn't Rule 4.06 allow Senator Davis or anyone else who is called to order or subject to the raising of a point of order, be required to speak during that time, be required to sit during that time.

**President:** Would you come forward, please? The point of order is overruled. Members, the point of order raised by Senator Williams deals with whether a Member can assist another Member during a filibuster. And the precedents in the rules clearly show that you can't lean on your desk, you've got to stay within, what, a couple of feet, three feet of the desk, and during a filibuster, previous rulings have dealt with the comfort of a Member during a filibuster. Now, while we've never seen incident like this and a point of order of raised like this, I think this point of order addresses the issue of the comfort of a Member, and I think should be put to the body. So, I'm going to start off with comment. I'm going to recognize, alright, Chair recognizes Senator Ellis to, to speak on the point of order.

**Senator Ellis:** Thank you, Mr. President and Members. I think the real issue here is whether or not this body respects the tradition of a filibuster or not. Now, here are the real rules of engagement. A majority of the Members on this floor decide all of the power in this body. A majority of the Members on this floor even decides who presides over the body. Anything that we do, any traditions that we have can be trumped by 16 votes. Now, I have not been here as long as two other Members on the floor, but I've been here for a very long time. As a staffer back in the mid '70s, I remember when a distinguished Republican Member of this body engaged in the longest filibuster that has been recorded in a state legislature in the history of the country, maybe one of the longest one-person filibusters in the history of not only

state legislatures but the federal legislature as well, Senator Bill Meier from the Tarrant County area, I believe. At one point, back then, we didn't have the technology that we have today, and he needed to take a break, but he was so passionate about the issue, whatever it was. As a young law student, or, or at the LBJ School, I can't remember what it was, but, obviously, he was very passionate about it. At one point, he had to take a break and wouldn't leave the floor, and so, the Members of the Senate, most of them were Democrats back then, stood around his desk. Now, I was in the gallery, but I clearly remember these same wooden trash cans that we have today, and some Member of the opposing party was kind enough, dignified enough, respected this body and its traditions enough to organize his colleagues in both parties to stand around him in a circle so that he could make the appropriate things that had to be put in place so he could continue his some 40-hour filibuster. Now, Members, that's where we're really headed here. At any point, some Member could make a motion, be recognized by the Presiding Officer, and 16 votes, or if we don't have 31 here, a majority of whatever is here, as long as we have a quorum, would decide, you just shut off the filibuster. Now, I've seen that happen from time to time, but it's not been one, it's been an issue that has been something that Members felt this strongly about on either side of the political aisle or the philosophical aisle. I've seen that happen when somebody has not recognized the tradition of sending a letter in, saying that I will filibuster, and a Member would just get angry two or three days in a row and decide, well, I'm going to filibuster this one, I'll filibuster that one. That has happened while many of you have been here on this floor. I won't call the names of the Members, but I can remember at least two times that that has happened to Members. I can remember times in the past when Members would pass some ice chips or someone would pass some Life Savers to someone. Usually, I might add, it would be someone who didn't agree with the position of the person who was filibustering. Members, that's really what this is about. What goes around, tends to come around. If you don't respect the filibuster tradition, hey, I've carried that gaming legislation a number of years. Senator Carona has made progress with it as well. There'll be Members on this body who feel very strongly and adamantly against that legislation. And let me tell you, even if I'm carrying the bill, I would respect that Member's right to use the tool of the filibuster to kill that bill or to stop that bill to make a point. So, Members, that's really what it's all about. We've changed a lot of traditions in this body over the last several years, and I just want to encourage you, when you get ready to cast your vote, you're not going to get reelected or elected based on this one vote. If you think it's going to hurt you that much if you vote your conscience, instead of what you're getting from your political analysts or staffers that may think they can tell you what the thing is you ought to do to make it safe, some point you got to decide, is winning everything. Is winning everything or do traditions in this body mean something to you? So, based on that, I would respectfully, as a Member of this family, and it's a great family, on my worst days around here, I can't think of a greater honor in my life than being one of the 31 Members of the Texas Senate. And I want to ask you, I want to plead with you, don't destroy the few traditions that we've left in place in this body. Winning that one issue is not everything. Thank you.

**President:** Thank you, Senator Ellis.

**Senator Zaffirini:** President.

**President:** Senator Zaffirini.

**Senator Zaffirini:** Thank you, Mr. President. Mr.–

**President:** You're–

**Senator Zaffirini:** –President–

**President:** –you're recognized.

**Senator Zaffirini:** –thank you, Mr. President. Mr. President and Members, I agree wholeheartedly with Senator Ellis and endorse every word that he said. In the 27 years that I have served in the Texas Senate and the years before that when I worked with Senator Wayne Connally, I saw firsthand the traditions of this Senate, to support and to honor a person who was engaged in the filibuster, regardless of what side a Senator was on. The question today focuses on, specifically, Article IV of our rules, Decorum and Debate of Members of the Senate, Members to Address President. Specifically, Senator Williams has raised an issue related to Rule 4.01, allow me to read it to you. This is the rule and the only essence of this rule, when a Senator is about to speak in debate or to communicate any matter to the Senate, the Member shall rise in his or her place and address the President of the Senate. That is the rule. There is no other part of this rule. Allow me to repeat it. When a Senator is about to speak in debate or to communicate any matter to the Senate, the Member shall rise in his or her place and address the President of the Senate. Everything that Senator Davis has done is consistent with that rule. Now, granted there is an editorial note, but it is only an editorial note. Allow me to read that to you. A Member who desires to speak on a pending question should address the Chair and, having obtained recognition, may speak, in an orderly and parliamentary way, and subject to the rules of the Senate, as long as he desires. Everything Senator Davis has done is consistent with that editorial note. Now, there are notes on two rulings. Those rulings were given 44 years ago, in 1969. They are not rules, they are simply notes about another Lieutenant Governor's rules in 1969, again, 44 years ago. The first note is this: When a Member has been recognized and is speaking on a motion to refer a bill, he must stand upright at his desk and may not lean thereon. Senator Davis has not leaned on her desk, and you know it because many of you are watching her every move, her every move. She has not leaned on her desk. The other note is this: When a Member has the floor and is speaking on a bill or resolution, he must stand upright at his desk and may not lean or sit on his desk or chair. Senator Davis has not leaned on her desk. She has not sat on her desk. She has not sat on her chair. And I might note, Mr. President, she's a woman. The note refers to his desk, his chair, so I would argue that this rule does not apply to Senator Davis. So, Members, let's be literal about this. Let's be fair. Let's honor the tradition of the Texas Senate, and let's abide by the letter of the rule. Open your book. Look at your rules. Read it and understand that everything Senator Davis has done is consistent with the rule of the Senate. Please, read the rule, realize how specific it is, and honor this Member and honor the tradition of the Senate. Senator Davis, I applaud you for your understanding of the rules and for your being consistent with them in every way. Thank you for your leadership. Thank you, Mr. President and Members.

**President:** Senator Zaffirini. Senator Whitmire, you wanted to speak last. Is that what I heard? Alright. The Chair recognizes Senator Williams.

**Senator Williams:** Mr. President—

**President:** Senator Whitmire wished to speak last, but, but—

**Senator Williams:** —well, I think I brought the motion. I think I have the right to close. That's, all I want to do is close, and then I'll have to make a motion to call for the vote, if that would please the Chair.

**President:** Senator Whitmire, I'm going to go ahead and recognize you, please.

**Senator Whitmire:** Perfect. Members, it's kind of sad that we would normally have a Senate Caucus to resolve some of these matters. We've allowed this issue and the politics surrounding today's deliberations to really kind of prevent us from having a Senate Caucus. Because normally we'd caucus, discuss procedural matters, scheduling, relationships, and we'd come out as the family that we're often referred to. But I haven't called a caucus because I didn't know what the endgame was, Senator Williams. Normally, when we have a caucus, we know what the considerations are, and we decide that we're going to definitely come out with positive results and respect. But this week, you notice we hadn't had a caucus. I've had a couple of people ask me, one, Senator Hegar. This would probably be an excellent opportunity for us to have a caucus, and I would actually entertain that matter. But we find ourself considering this point of order, and I cannot do a better job than Senator Ellis reflecting on the traditions of the Senate. My good friend, second behind me in most seniority, Senator Zaffirini, talked about how we've assisted one another during debates. Senator Gonzalo Barrientos went 21 hours. People gave him ice cubes. I gave him some candy mints. The tradition of this body has been to assist another Senator in being an effective Senator representing his or her district and the people of Texas, and we're very close to leaving that Senate tradition. Senator Williams, I have the highest respect for you. I've gone on and on this spring and this summer about the fine job you've done leading us and actually bringing us together, producing a budget. I think, Members, we need to slow down right this moment and recognize what this very emotional issue is doing to this body, the politics of this issue, what it's doing to this body, and we must stop in our tracks and take a deep breath and look each other in the eye and remember the relationships, how we have gone to our, each other's children's services, how we've gone to each other's children's graduations. We weren't this tough on one another in trying to destroy this process during the days that we were in Albuquerque. Senator Duncan, you came to Albuquerque to talk to us, to assist us in reaching a compromise and coming back to the state because of the damage it was doing to this body. We're worse off today than we were 35 days in Albuquerque, because then we were still respecting each other. I urge you, let's slow down. I can go back to when I got here in 1983 and tell you darn near every filibuster. Each one was unique. Each one was special. Even if you oppose the person's position, you were still kind to them, you still respected them as a Senator. You knew what it, what they go through to get here, you know what it does to their families while they're gone for 140 days. Put back the face of the body that we work on, on a daily basis. We'll be here till midnight tonight. We respect one another, and we've lost it. So, let's slow

down for a moment. Senator Davis, I've heard people on the opposing side grudgingly say, she's doing an outstanding job. People of all persuasions in this body are respecting you now because you've been very statesman-like, doing something that I know most of us couldn't do. I think there's some resentment here because there's some Members either don't have the courage or the physical or the capabilities to do it. There's admiration there, but what has happened, Members, without going into the details of the issue before us, did Senator Ellis hand her a back brace or did not? Remember the other day when I was talking to you about an issue, and I said, I most often on issues and in my personal daily life say, I put it to the greater good, the greater good test. Could I ask you to put this issue to the greater good test? What is the greater good? First of all, Members, if she's found in violation, Senator Williams, it's going to be the second warning, not going to take her off the floor. So, you're not going to get the greater good of removing her from the floor, but isn't there a greater good of respecting a woman? Isn't it a greater good of respecting a colleague that asked someone to do something that she could've done for herself? Senator Ellis, you're the one we ought to be angry at. She didn't need your help. You didn't assist her. You made the mistake of being a gentleman and a colleague, of handing her something from behind the brass rail, and then when she began to place it on her waist, you apparently made contact. Violation, Senator Ellis, don't do it again. Members, the tradition of this body is, you reach out and assist one another. We've had a great regular session. It's unfortunate that we find ourselves in a special. It's unfortunate that we find ourselves dealing with an emotional issue, and this, before, Senator Williams, I rest. I would say, Members, separate the emotion of the issue, which will be resolved sooner than later. And quite frankly, Members, there's a right way to do something and there's a wrong way. I think, you know, you have the votes in a special session to pass this piece of legislation, which I oppose. If you don't complete it tonight, it's none of our fault that it was placed in the call two weeks into the special, that the House spent more time than maybe was anticipated. If we don't finish it tonight, we can start back at the call of the Governor's message, and, ultimately, you probably have the votes, unfortunately, to pass this. So, this is not an up or down position on this issue, which is yet to be resolved. This is about the dignity of the body, the integrity of the body, and I would ask you, don't let this be a partisan vote. Don't let this be a vote whether you're for or against Senate Bill 5. Let this be a vote on the respect, the tradition of this body. And quite frankly, I will close by saying, when I sit down, regardless of how this vote is resolved, can we not commit ourselves to going through the remainder of these considerations without personal attacks. Senator Nichols, can we just agree to let her finish her filibuster? It is a legislative procedure that historically in this body separates us from other bodies. That's why we're not, in all due respect, the Texas House of Representatives. They raise points of orders on each other regularly. We allow people to file bills after the constitutional deadline. We try to assist each other in being effective representatives of our districts. Some 800,000-plus people depend on each and every one of us. So, I will say, Mr. President, under oath if necessary, I have seen the tradition of this body allow what took place on that side of the Chamber, where Senator Ellis assisted by giving her something that she could do herself. She did not lean. She did not sit. She's been an outstanding State Senator that, in the tradition of this body, if we even

disagree with her, we ought to respect her convictions and her opportunity to represent her district and her point of view. Members, do what is the greater good in respecting a colleague, and let's finish this debate tonight honorably.

**President:** Senator Whitmire, I don't think anyone's questioning their respect. And I'm not going to get into a dialogue. I think we all respect Senator Davis, and we, I agree, I think she's doing a good job, although I disagree with her, but she, I, I think she's doing a good job. Senator Lucio, for what purpose do you rise?

**Senator Lucio:** Very briefly, to make a comment, Mr. President.

**President:** You're not recognized. We had three comments by, by—

**Senator Lucio:** Thank you, Mr. President—

**President:** —alright, I'll—

**Senator Lucio:** —thank you, Dean.

**President:** —recognize you for some brief—

**Senator Lucio:** Thank you, Mr. President.

**President:** —comments.

**Senator Lucio:** Very briefly, I came in a couple of months after my good friend, Senator Ellis. I, too, have seen many things happen on this Senate floor for close to 23 years now. I'm fourth in seniority, behind the Dean, Senator Zaffirini, and Senator Ellis. I, too, had a bill filibustered my first year here and were able to pass that bill over the objections of Senator Carlos Truan, the late Carlos Truan. I gave him a cough drop during the process because I felt sorry for my colleague and I respected him, and he had the right to speak out against my bill. I did exactly what Senator Ellis has stated a little while ago. So, I just want to go on record, I want this bill to pass, but yet I stand before you to tell you that Senator Davis does have the right to oppose this bill until she drops, and I don't think that'll be before twelve. And I just want to say this, that we have an opportunity of a lifetime to be able to show not only Texas but the whole country what we're all about, and let's do it right. Thank you.

**President:** The Chair recognizes Senator Williams.

**Senator Williams:** Thank you, Mr. President. Members, there's been a lot of things said here, and I'm just going to make a few comments. We've all been here a long time. The first thing that I would say is that I have enormous respect for Senator Davis. She is my deskmate. She sits right behind me. We chat frequently. We agree on very little, but we are on friendly terms, and I've included her in many meetings in the Finance Committee and given her opportunities to ask questions extensively. The implication that I have anything but the deepest respect for her is, frankly, out of bounds. And what I would further say is that I have tremendous respect for the traditions of this Senate. And I want to be clear about what my objection is here. The tradition and the rules that we have—and I would encourage you to read Rule 4.01 and all the notes of the rulings, some of which have been conveniently omitted by my colleagues as they read them aloud to all of us—I would encourage you to read all of those. And what I would say is that it's very clear to me, and it was made clear to me when I came to the Senate and in the filibusters that I have witnessed during the 12

years that I've been here, the six regular sessions and so many special sessions I can't count them anymore, that a filibuster is an endurance contest, and it's to be made unaided and unassisted. And that's been made very clear to me since the very beginning. And what my objection relates to is not the fact that Senator Davis is wearing a back brace, I'm wearing orthotics and tennis shoes because my back bothers me and my feet are bothering me, too. I don't object to that at all. But the tradition of this filibuster in the Senate has always been that you had to do it on your own. And, Senator Ellis, you're well aware of that, I believe, because I was, frankly, surprised that you said you didn't help her put it on, and there's a picture on Twitter right now of you helping her put it on. When we were at the front dais, you said, no, I just handed it to her. And there's a picture of you putting it around her waist, just as I said. And so, frankly, I'm surprised at the implication here that things were just handed across the rail and, like, it was like a piece of paper. That's not true. That's not what happened. And so, I want to be clear that I have enormous respect for Senator Davis. I respect her right to filibuster, and I think that it is an important tradition that I hope we will maintain in this body. And part of that tradition is that the rules clearly state, on, under what circumstances you can filibuster and that if three points of order are called, and we've had clarification on this from Senator West, if three points of order are called, then you cannot continue your filibuster. And that further points to what my point is, that it is an endurance contest. And so, I respectfully ask that you would vote with me on this. And, Mr. President, I would move that we, if, Mr. President, I think you've indicated that you'd like for the body to vote on this, and I would like to make the appropriate motion to do so.

**President:** You're recognized.

**Senator Williams:** I'd move the question on the point of order.

**President:** Members, the issue before us is whether or not the point of order raised by Senator Williams be sustained. The Secretary will call the roll. Yes, a vote yes is to sustain the point of order, no is to not sustain, the—

**Secretary of the Senate:** 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, West, Whitmire, Williams, Zaffirini.

**President:** Members, there being 17 ayes and 11 nays, the, the point of order is sustained.

(Senator Davis resumed discussion of **SB 5**.)

(**Senator Seliger in Chair**)

**SENATOR ANNOUNCED PRESENT**

Senator Van de Putte, who had previously been recorded as "Absent-excused," was announced "Present."

(**President in Chair**)

**POINT OF ORDER**

Senator Campbell raised a point of order that remarks relating to a sonogram bill were not germane to the body of **SB 5**.

**POINT OF ORDER RULING**

The President ruled that the point of order was well-taken and sustained.

The President announced the third violation of the rules had been made by Senator Davis, which would result in the end of the filibuster.

Senator Watson moved to appeal the ruling of the Chair on the point of order by Senator Campbell.

Senator Duncan replaced the President in the Chair.

**(Senator Duncan in Chair)**

The Presiding Officer advised the Senate and the spectators that the Senate rules on decorum would be strictly enforced.

The Presiding Officer recognized Senator Estes for a motion. Senator Estes moved to table the motion to appeal the ruling of the Chair.

**POINT OF ORDER**

Senator Watson raised a point of order that a Member called to the Chair pending an appeal does not entertain any motions nor accept any further point of order, citing Senate Rule 1.01 and Senate Rule 5.15.

**POINT OF ORDER RULING**

The Presiding Officer stated that the point of order was respectfully overruled.

Senator Estes moved to call the previous question on the motion to table the motion to appeal the ruling on the point of order by Senator Campbell.

Five Senators seconded the motion.

Question—Shall the main question be now put?

Senator West was recognized and requested that Senator Estes' motion to call the previous question be reduced to writing and read by the Secretary of the Senate, pursuant to Senate Rule 6.03.

The request was granted.

Question—Shall the main question be now put?

The motion to call for the previous question prevailed by the following vote: Yeas 17, Nays 12.

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

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

Absent: Carona.

Absent-excused: Eltife.

The motion to table the motion to appeal the ruling relating to Senator Campbell's point of order prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Birdwell, Campbell, Deuell, Duncan, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Van de Putte, West, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, Whitmire, Zaffirini.

Absent: Carona.

Absent-excused: Eltife.

Senator Patrick moved to call the previous question on the concurrence in the House amendment to **SB 5**.

Five Senators seconded the motion.

Question—Shall the main question be now put?

The motion to call for the previous question prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Birdwell, Campbell, Deuell, Duncan, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Van de Putte, West, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, Whitmire, Zaffirini.

Absent: Carona.

Absent-excused: Eltife.

**(President in Chair)**

Question—Shall the Senate concur in the House amendment to **SB 5**?

Senator Hegar moved to concur in the House amendment to **SB 5**.

The motion prevailed by the following vote: Yeas 18, Nays 11.

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

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

Absent: Carona.

Absent-excused: Eltife.

The President declared the constitutional time for the First Called Session had expired and Senate Bill 5 could not be signed by the President in the presence of the Senate and, therefore, could not be enrolled.

**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 not make abortions less necessary and because it has the potential to limit access to critical health care services for thousands of Texas women.

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 cannot in good conscience support the bill because it includes so many onerous restrictions that jeopardize women's access to critical health care services.

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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## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

### Memorial Resolutions

**SR 109** by Ellis, In memory of Brenda Rae Henderson Hudnall.

**SR 113** by Ellis, In memory of Dorothy Barbara Williams Bickham.

**SR 126** by Zaffirini, 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, Watson, Whitmire, and Williams, In memory of Daniel G. San Miguel Jr.

**SR 132** by Davis, In memory of George Riley Barnhart.

**SR 134** by Ellis, In memory of Edward Carter Maddox, Jr.

**SR 137** by Lucio, In memory of Armand Mathew.

**HCR 5** (Campbell), In memory of U.S. Air Force Captain Mark Tyler Voss of Boerne.

**HCR 8** (Rodríguez), In memory of World War II veteran Jacinto Romo of El Paso.

**Congratulatory Resolutions**

**SR 94** by Uresti, Campbell, Davis, Ellis, Eltife, Garcia, Hinojosa, Lucio, Nelson, Rodríguez, Seliger, Van de Putte, Watson, Whitmire, and Zaffirini, Recognizing Marc Rodriguez for his achievements.

**SR 122** by Garcia, Recognizing Bob Borochoff for being honored by the American Jewish Committee.

**SR 133** by Williams, Recognizing The Woodlands High School Highlanders baseball team for winning a state championship.

**SR 135** by Lucio, Recognizing Jack Damron on the occasion of his retirement.

**SR 136** by Lucio, Recognizing Roger Garza, Jr., for his service to this country.

**HCR 10** (Garcia), Recognizing Nancy Blackwell on her retirement from the Aldine Independent School District.

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**APPENDIX**

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**RESOLUTIONS ENROLLED**

June 24, 2013

**SCR 2, SCR 3, SR 114, SR 115, SR 116, SR 117, SR 118, SR 119, SR 120, SR 121, SR 123, SR 124, SR 125, SR 127, SR 128, SR 129, SR 130, SR 131**

June 25, 2013

**SR 94, SR 109, SR 113, SR 122, SR 126, SR 132, SR 133, SR 134, SR 135, SR 136, SR 137**

**SENT TO GOVERNOR**

June 25, 2013

**SCR 2, SCR 3**

**SIGNED BY GOVERNOR**

June 26, 2013

**SB 2, SB 3, SB 4**

July 11, 2013

**SCR 2, SCR 3**

