

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — FIRST CALLED SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**NINTH DAY**

(Friday, August 11, 2017)

The Senate met at 2:03 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Uresti, Watson, West, Whitmire, Zaffirini.

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

Senator Hughes offered the invocation as follows:

Father, we come to You in the strong name of Your son, the Lord Jesus Christ, the king of kings, and the lord of lords. We just adore You. We lift You up. We think about who You are, our creator, who made us, who made everything, those things seen and those things unseen, the beautiful creation we enjoy, our own bodies that You tell us are fearfully and wonderfully made. Just because of who You are, we owe You everything. And then when we consider all that You've done, the blessings that You've lavished upon us in our country, in our state, the liberty, the prosperity we enjoy unknown throughout history and certainly no place else in the world today. For so many reasons, we ascribe to You Your power and Your glory and the position that You are due. We confess to You as a state and individually that we often, so often fail to acknowledge to give You that place in our lives. We thank You for Your mercy, for Your goodness to us. And, Father, as we come to You during this special session, we make requests. We ask You to give us wisdom. There are sometimes difficult decisions to make. And You've promised us in Your word, if we ask, You'll give us wisdom if we ask. And we ask in faith, trusting You to show us the way. We ask You for wisdom and, Father, we ask You for courage. Sometimes it's clear what to do, but it is not easy. We ask You for courage. And then, Father, we ask You for humility as we do these jobs and exercise these responsibilities. Keep us humble and remind us, Father, that for each one of us, before long there'll be someone else in these seats taking these votes, making these decisions. So, keep us humble before You. We pray that You will keep us

faithful to You, to our oaths, and to those who we represent. We ask these things in the name of Your son, the Lord Jesus, who loved us and gave himself for us. In His name we pray. 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.

### **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 2:11 p.m. announced the conclusion of morning call.

### **HOUSE BILL 13 ON THIRD READING**

The President laid before the Senate **HB 13** sponsored by Senator Campbell at this time on its third reading:

**HB 13**, Relating to reporting requirements by certain physicians and health care facilities for abortion complications; authorizing a civil penalty.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Creighton, Estes, Hall, Hancock, Huffines, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin, Zaffirini.

Nays: Garcia, Hinojosa, Menéndez, Miles, Rodríguez, Uresti, Watson, West, Whitmire.

### **REASON FOR VOTE**

Senator Rodríguez submitted the following reason for vote on **HB 13**:

I submit this statement to explain my vote against House Bill 13. The stated rationale of this bill is to collect data meant to provide insight into the safety of abortion procedures. However, its very premise is flawed.

Abortion clinics are already subject to four different reporting requirement forms, which include information on complications. Among all possible procedures for which data could be collected, it singles out abortion for these additional reporting requirements, with no reasonable rationale.

As published by U.C. San Francisco researchers in the *Obstetrics and Gynecology* publication, major complications account for only 0.2 percent of cases studied. First trimester abortions, the most common abortions, were even safer, accounting for less than 0.05 percent of complications. In reviewing a wide range of evidence, the U.S.

Supreme Court ruled in *Whole Women's Health v. Hellerstedt* that "abortions are so safe" that the restrictions Texas attempted to place on abortions through H.B. 2 (83R) – which I strongly opposed – were medically unnecessary.

The sponsor of H.B. 13 and bill supporters contend that abortion complications are currently underreported, but presented scant evidence other than a study from Finland, which calculated that 5.6 percent of women who underwent an abortion experienced a complication. Their argument is that the complication rate in this Finnish study was so high that the low complication rate reflected in data collected by the Texas Dept. of State Health Services must be inaccurate. However, the Finnish study had an overly broad definition for what was considered a "complication," and even included clinic visits in which a woman was seeking reassurance that there was in fact no complication as a "complication." Notably, the authors of the Finnish study concluded that medical abortion was a safe procedure.

In contrast, the mortality rates for other surgical procedures are much higher. For example, liposuctions are 28 times more fatal than abortions. Colonoscopies are 10 times more fatal. If the health and well-being of women was the true impetus for this bill, then it should include reporting of a range of surgical procedures, not just abortion.

In addition to these issues, H.B. 13 risks violating patient's privacy through the detailed reporting of data points such as race, marital status, date of birth, and county of residence, which can be used to identify individual women, violating the confidentiality of their medical records. In addition, the agency will be allowed to link complications, which can then be shared with the state licensing board. This allows a physician to potentially come under fire for having "too many complications" in his or her practice.

This bill will only serve to potentially violate the privacy of women and harass abortion providers, thereby limiting access to safe and legal abortions. H.B. 13 attempts to manufacture the perception of a problem, when the fact is that abortion is one of the safest of all medical procedures. It burdens doctors with unnecessary and complex paperwork, and then creates consequences for compliance failures that can lead to license revocation, again, making access to abortion even more difficult.

In sum, the legislation is the latest in the effort to limit a woman's constitutional rights and personal autonomy to control her reproductive health. For these reasons, I cannot support H.B. 13.

RODRÍGUEZ

**COMMITTEE SUBSTITUTE  
HOUSE BILL 7 ON THIRD READING**

The President laid before the Senate **CSHB 7** sponsored by Senator Kolkhorst at this time on its third reading:

**CSHB 7**, Relating to municipal regulation of the removal of trees or vegetation on private property.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 14.

Yeas: Bettencourt, Birdwell, Buckingham, Burton, Campbell, Estes, Hall, Hancock, Huffines, Hughes, Kolkhorst, Nichols, Perry, Schwertner, Seliger, Taylor of Galveston, Taylor of Collin.

Nays: Creighton, Garcia, Hinojosa, Huffman, Lucio, Menéndez, Miles, Nelson, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

### **BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 5, SB 20, SB 60.**

### **CO-AUTHOR OF SENATE JOINT RESOLUTION 8**

On motion of Senator Buckingham, Senator Kolkhorst will be shown as Co-author of **SJR 8.**

### **CO-SPONSOR OF HOUSE BILL 7**

On motion of Senator Kolkhorst, Senator Hall will be shown as Co-sponsor of **HB 7.**

### **RECESS AND MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:28 p.m. recessed, pending the receipt of messages and committee reports and the introduction of bills and resolutions on first reading.

The Senate further agreed to recess, upon receipt of messages and committee reports and the introduction of bills and resolutions on first reading, until 5:00 p.m. Saturday, August 12, 2017.

### **AFTER RECESS**

The Senate met at 4:15 p.m. and was called to order by Senator Bettencourt.

### **HOUSE BILL ON FIRST READING**

The following bill received from the House was read first time and referred to the committee indicated:

**HB 215** to Committee on Health and Human Services.

### **RECESS**

Pursuant to a previously adopted motion, the Senate at 4:16 p.m. recessed, pending the receipt of messages and committee reports and the introduction of bills and resolutions on first reading, until 5:00 p.m. Saturday, August 12, 2017.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

August 11, 2017

GOVERNMENT REFORM, SELECT — **CSHB 32**

EDUCATION — **CSHB 21**

BUSINESS AND COMMERCE — **HB 214**

**RESOLUTIONS ENROLLED**

August 10, 2017

**SR 113, SR 114, SR 115, SR 116, SR 117, SR 118, SR 119, SR 120, SR 121, SR 122, SR 123, SR 124, SR 125, SR 126, SR 127**

**SENT TO GOVERNOR**

August 11, 2017

**SB 5, SB 20, SB 60**

**SIGNED BY GOVERNOR**

August 11, 2017

**SB 5, SB 20, SB 60**

