

# 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**

(Continued)

(Saturday, August 12, 2017)

**AFTER RECESS**

The Senate met at 5:13 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Saturday, August 12, 2017 - 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:

**SB 6**

Campbell

Sponsor: Huberty

Relating to municipal annexation.

(Committee Substitute/Amended)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

**HB 7**

Pursuant to Rule 13, Section 5A of the Rules of the Texas House, the bill is returned to the Senate for further consideration due to non-germane amendments.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**RECESS**

On motion of Senator Whitmire, the Senate at 5:15 p.m. recessed until 5:45 p.m. today.

**AFTER RECESS**

The Senate met at 6:15 p.m. and was called to order by the President.

**HOUSE BILL 214 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 214** at this time on its second reading:

**HB 214**, Relating to health plan and health benefit plan coverage for elective abortion.

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

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

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

Absent: Lucio.

The bill was read second time.

Senator Rodríguez offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 214** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 1696.001(1), Insurance Code (page 1, lines 34-37), and substitute the following:

(1) "Elective abortion" means an abortion, as defined by Section 245.002, Health and Safety Code, other than an abortion performed:

(A) due to a medical emergency as defined by Section 171.002, Health and Safety Code; or

(B) to terminate a severe fetal abnormality, as defined by Section 285.202, Health and Safety Code, in the fetus as determined in good faith by a physician according to the physician's best medical judgment.

(2) In SECTION 2 of the bill, strike added Section 1218.001, Insurance Code (page 1, lines 56-59), and substitute the following:

Sec. 1218.001. DEFINITION. In this chapter, "elective abortion" means an abortion, as defined by Section 245.002, Health and Safety Code, other than an abortion performed:

(1) due to a medical emergency as defined by Section 171.002, Health and Safety Code; or

(2) to terminate a severe fetal abnormality, as defined by Section 285.202, Health and Safety Code, in the fetus as determined in good faith by a physician according to the physician's best medical judgment.

The amendment to **HB 214** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

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

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

Absent: Lucio.

Senator Garcia offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **HB 214** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 1696.001(1), Insurance Code (page 1, lines 34-37), and substitute the following:

(1) "Elective abortion" means an abortion, as defined by Section 245.002, Health and Safety Code, other than an abortion performed:

(A) due to a medical emergency as defined by Section 171.002, Health and Safety Code; or

(B) to terminate a pregnancy that resulted from an act of incest or sexual assault.

(2) In SECTION 2 of the bill, strike added Section 1218.001, Insurance Code (page 1, lines 56-59), and substitute the following:

Sec. 1218.001. DEFINITION. In this chapter, "elective abortion" means an abortion, as defined by Section 245.002, Health and Safety Code, other than an abortion performed:

(1) due to a medical emergency as defined by Section 171.002, Health and Safety Code; or

(2) to terminate a pregnancy that resulted from an act of incest or sexual assault.

The amendment to **HB 214** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

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

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

Absent: Lucio.

Senator Menéndez offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **HB 214** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 1696.001(1), Insurance Code (page 1, lines 34-37), and substitute the following:

(1) "Elective abortion" means an abortion, as defined by Section 245.002, Health and Safety Code, other than an abortion performed:

(A) due to a medical emergency as defined by Section 171.002, Health and Safety Code; or

(B) to terminate a pregnancy that resulted from an act of sexual assault.

(2) In SECTION 2 of the bill, strike added Section 1218.001, Insurance Code (page 1, lines 56-59), and substitute the following:

Sec. 1218.001. DEFINITION. In this chapter, "elective abortion" means an abortion, as defined by Section 245.002, Health and Safety Code, other than an abortion performed:

(1) due to a medical emergency as defined by Section 171.002, Health and Safety Code; or

(2) to terminate a pregnancy that resulted from an act of sexual assault.

The amendment to **HB 214** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

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

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

Absent: Lucio.

Senator Rodríguez offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **HB 214** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Chapter 1696, Insurance Code (page 1, between lines 51 and 52), insert the following:

Sec. 1696.003. CERTAIN COVERAGE NOT AFFECTED. This chapter does not apply to coverage provided by a qualified health plan for treatment in connection with an involuntary miscarriage.

(2) In SECTION 2 of the bill, strike added Section 1218.003, Insurance Code (page 2, lines 36-39), and substitute the following:

Sec. 1218.003. CERTAIN COVERAGE NOT AFFECTED. This chapter does not apply to health benefit plan coverage provided to an enrollee for:

(1) an abortion other than an elective abortion as defined by Section 1218.001; or

(2) treatment in connection with an involuntary miscarriage.

The amendment to **HB 214** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

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

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

Absent: Lucio.

Senator Rodríguez offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **HB 214** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 1218.005, Insurance Code (page 2, line 52), between "(a)" and "A", insert the following:  
Notwithstanding Section 1218.002, this section applies only to a plan described by Sections 1218.002(b) and (c).

(b)

(2) Reletter subsections and references to the subsections of added Section 1218.005, Insurance Code, appropriately.

The amendment to **HB 214** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

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

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

Absent: Lucio.

Senator Menéndez offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **HB 214** (senate committee report) in SECTION 2 of the bill, in added Section 1218.005, Insurance Code (page 2, between lines 65 and 66), by adding the following appropriately lettered subsection:

( ) Notwithstanding Subsection (a), the premium for coverage for elective abortion provided by a plan or program under Section 22.004, Education Code, or Chapter 1551, 1575, 1579, or 1601 must be calculated on a sliding scale based on financial need determined by the applicant's household income and living expenses if the premium for other coverages offered by the plan or program is calculated on such a sliding scale.

The amendment to **HB 214** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

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

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

Absent: Lucio.

**HB 214** was passed to third reading by the following vote: Yeas 20, Nays 10.

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

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

Absent: Lucio.

**HOUSE BILL ON FIRST READING**

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

**HB 30** to Committee on Finance.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a), Senate Rule 11.18(a), and Senate Rule 11.19 were suspended in order that the Committee on Finance might meet and consider **HB 30** tomorrow.

**CO-AUTHOR OF SENATE BILL 114**

On motion of Senator Hinojosa, Senator Nichols will be shown as Co-author of **SB 114**.

**RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:14 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. Sunday, August 13, 2017.

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**APPENDIX**

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**COMMITTEE REPORT**

The following committee report was received by the Secretary of the Senate:

August 12, 2017

HEALTH AND HUMAN SERVICES — **HB 215**

**BILLS AND RESOLUTIONS ENROLLED**

August 11, 2017

**SB 5, SB 20, SB 60, SR 128, SR 129, SR 130, SR 131, SR 132, SR 133**