



## Representative Dan Huberty



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### **83rd Legislature - First Called Session**

As you are already aware, Governor Rick Perry called the 83rd Legislature back into session on May 27, 2013. Although the Regular Session adjourned Sine Die on that same day, the members of the Senate and the House were requested back in their respective chambers to address the issue of Redistricting. At first, this was the only issue on Governor Perry's Call, but he soon added more issues to be addressed by the legislature.

On Monday, June 10, a proclamation was issued adding transportation infrastructure projects to the Legislature's "To Do List". You can view that proclamation [here](#). The next day, Governor Perry issued another proclamation adding two more items to the Special Session Call. Those included: "legislation relating to the regulation of abortion procedures, providers and facilities" and "legislation relating to establishing a mandatory sentence of life with parole for capital felony committed by a 17-year-old." That proclamation can be viewed [here](#).

The Redistricting bills were approved by both Chambers and signed by Governor Perry on Wednesday, June 26. The items on the second proclamation died in the Texas Senate. Several days later, Governor Perry called the members back for a second special session to address only those issues which were blocked in the first.

You can read more about the first called session of the 83rd Legislature below. If you would like to learn more about any of the items listed in this newsletter, please contact my staff at either the District Office, 281-360-9410, or the Capitol Office, 512-463-0520. And remember you can always contact me through the House website at [www.house.state.tx.us](http://www.house.state.tx.us).

Sincerely,

Dan Huberty  
State Representative- District 127

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## Summary of the First Called Session of the 83<sup>rd</sup> Texas Legislature

On Monday, May 27th, Governor Perry convened the first called special session for the 83rd Legislature. Special sessions may only last 30 days and only the Governor may call special sessions of the Legislature. The Governor also designates the agenda or “call” of the special session and only those items may be considered by the Legislature. The initial call for the special session only included redistricting. Attorney General Greg Abbott recommended that Governor Perry call a special session to allow the Legislature to approve district maps for Texas’ United States Congressional, State Senate and State House of Representatives seats. The maps were drawn by a San Antonio federal court after the Legislature passed maps in 2011 and several parties sued the state claiming the maps do not properly represent the state’s population. Additionally, the state is required by the United States Voting Rights Act to get federal approval for district maps. The state avoided pre-clearance by the Justice Department and instead requested that a panel of judges approve the maps. Both cases are still pending, but Abbott has said that passage of this redistricting plan by the Legislature will decrease the likelihood of a delayed primary election in 2015.

After statewide hearings and hours of debate in both chambers, the House and Senate approved SB 2, SB 3 and SB 4, which are maps for the Texas House and Senate and for Texas’ districts for the United States Congress respectively. All three bills were sent to Governor Perry for his signature. He signed all three bills into law on June 16, 2013.

Prior to that, Governor Perry expanded the special session call to include transportation funding, on June 10. “Texas’ growing economy and population demand that we take action to address the growing pressure on the transportation network across the state,” Governor Perry said. “As we enjoy the benefits of a booming economy, we have to build and maintain the roads to ensure we sustain both our economic success and our quality of life.” The primary transportation funding bill, Senate Joint Resolution 2 (SJR 2), was passed by the Senate on June 18, and passed the House with amendments on June 24, but died on the final evening of the special session before the Senate could concur with the House’s amendments. SJR 2 directed oil and gas taxes from the Rainy Day Fund to the state highway fund to pay for transportation infrastructure projects. The funds would not transfer to the state highway fund until the Rainy Day Fund exceeds \$6 billion.

Governor Perry added two more issues to the call on June 11: legislation relating to the regulation of abortion procedures, providers and facilities; and legislation relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender.

On Friday, June 14, the Senate passed Senate Bill 23 which establishes a mandatory sentence of life without parole for a capital felony committed by a 17-year-old offender. This bill was passed by the House but also died in the final hours of the special session before the Senate could concur with the House’s amendments.

The Senate passed SB 5, relating to the regulation of abortion procedures, providers and facilities by a 20- 10 vote. SB 5 was passed by the House on June 24, by a 95-34 vote and was returned to the Senate for concurrence to House amendments. Senator Wendy Davis from Fort Worth, announced on June 24, that she intended to filibuster and prohibit the vote on the Senate’s concurrence to the House’s amendments.

On June 25, the final day of the special session, the Senate laid out SB 5 for consideration of the House’s amendments and Senator Davis began her filibuster at 11:18 a.m. Filibusters end either when the senator voluntarily yields the floor or after three points of order are upheld for violations of the rules of decorum and debate. Three points of order were called and upheld on Senator Davis for violating the rules of decorum close to midnight and Senator Glenn Hegar, the author of the bill, made a motion to bring the bill up for a vote. That motion prevailed by a 20-10 vote. However, by the time Lieutenant Governor Dewhurst and Senator Hegar called for a vote to concur with the House’s amendments to SB 5 it was midnight. The vote was 18-11. Dewhurst later announced that the bill would not be signed by the Senate since the vote was taken after midnight and ultimately died.

SJR 2 and SB 23 mentioned above also died at midnight in the wake of the filibuster.

## History of Texas Redistricting - 2011

In 2011, the 82nd Legislature enacted new election maps for the state based on the 2010 Census. Soon after enactment, those maps were challenged in federal district court in San Antonio. Because of the approaching 2012 primaries, the federal district court in San Antonio redrew the maps so that state elections could proceed on schedule. These court-drawn maps were challenged on appeal and the U.S. Supreme Court reviewed and sent the maps back to the San Antonio court to be redrawn. The Court ruled that the San Antonio court did not properly defer to the legislature's enacted maps. Following this, the San Antonio court redrew the maps and ordered that these interim maps be used in the 2012 elections.

Around the same time, under the "preclearance" requirements of the federal Voting Rights Act, the implementation of the maps, as passed by the legislature, was blocked by a federal district court in Washington, D.C. That court found that Texas had not met its burden under Section 5 of the Voting Rights Act to demonstrate that the maps were not enacted with a discriminatory intent. This ruling was appealed to the U.S. Supreme Court, which agreed to hear the case.

On the final day of the Regular Session, the Governor called the Legislature into a Special Session to officially pass the interim maps drawn by the federal court in San Antonio. The Redistricting Committees fully vetted these interim maps, holding hearings across the state in Austin, Dallas, San Antonio, Houston and Corpus Christi. The maps were finally passed by the legislature and sent to the Governor for his signature.

Shortly thereafter, on June 25, 2013, the U.S. Supreme Court ruled in *Shelby County v. Holder* that a portion of the Voting Rights Act was unconstitutional. In light of this decision, the Court vacated the preclearance decision of the district court in D.C. and ruled that Texas no longer had to obtain approval for its 2011 election maps. The court case in the federal court in San Antonio is ongoing.



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## Governor Perry Announces Second Special Session to Begin July 1

Gov. Rick Perry today announced a Special Session of the Texas Legislature will begin at 2 p.m. Monday, July 1. "I am calling the Legislature back into session because too much important work remains undone for the people of Texas. Through their duly elected representatives, the citizens of our state have made crystal clear their priorities for our great state. Texans value life and want to protect women and the unborn. Texans want a transportation system that keeps them moving. Texans want a court system that is fair and just. We will not allow the breakdown of decorum and decency to prevent us from doing what the people of this state hired us to do.

The special session will consider the following issues: legislation relating to the regulation of abortion procedures, providers and facilities; legislation relating to the funding of transportation infrastructure projects and legislation relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender.

You can view Governor Perry's Proclamation call by clicking [here](#).

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