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83rd Legislature - Second Called Session

Shortly after the conclusion of the First Called Session, Governor Perry called the members of the legislature back to Austin to address the remaining issues from his original call. The session was set to begin on Monday, July 1. The official proclamation for the second session allowed only the following issues to be addressed: 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](#).

Today marks the 30th Day of the Second Special Session. Although we were able to pass legislation addressing abortion procedures, providers and facilities and legislation addressing capitol felonies committed by 17-year-old, we could not come to a consensus on transportation funding. Unfortunately, HJR 2 failed to receive the necessary votes to be adopted by the House during the waning days of the session.

This afternoon, we officially adjourned Sine Die for the second called session of the 83rd Legislature. Thirty minutes later, Governor Perry called a third special session to again attempt to address legislation relating to the funding of transportation infrastructure projects. The official proclamation for the third special called session of the 83rd legislature can be read [here](#).

You can read more about what was accomplished during the second 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.

Sincerely,

Dan Huberty
State Representative- District 127

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Governor Perry Signs Legislation to Ensure Safety of Texas Women and the Unborn

On Thursday, July 18, Governor Perry signed House Bill (HB) 2 into a law. HB 2 is a measure that brings abortion facilities, physicians and procedures up to the safety standards that are commonplace throughout the practice of medicine. Additionally, the bill protects the lives of the unborn by preventing late-term abortions after 5 months, when medical science demonstrates that babies can feel pain. The measure, authored by Rep. Jodie Laubenberg, includes a number of reforms that will ensure the safety of women undergoing an abortion procedure.

HB 2 will upgrade Texas abortion clinics to the same level of service as ambulatory surgical clinics to ensure the safest medical environment for a woman during her procedure. The bill requires physicians who perform abortions to be appropriately credentialed and to have admitting access at a nearby hospital in order to reduce the risk of complications and make certain that complications are properly managed when they occur. The bill also requires RU-486, an abortion-inducing drug, to be administered according to FDA safety standards.

Rep. Laubenberg said, “This bill will protect Texas women by requiring abortion clinics and physicians in Texas to comply with common-sense medical safety standards. Texas women deserve better than substandard safety conditions when they undergo a potentially serious medical procedure. It is time these clinics put patients ahead of profits.”

Rep. Greg Bonnen, a 20-year practicing neurosurgeon, added, “This bill is about patient safety. Current conditions in many abortion facilities put the women treated in them at risk for potentially serious complications. Physician credibility and suitability of facilities are critical measures of safety missing from abortion clinics. Anyone who says the status quo is satisfactory is not paying attention. The common-sense measures in House Bill 2 will ensure safe medical procedures for Texas women.”

In an effort to protect the rights of unborn children, the legislation also addresses what is commonly known as “fetal pain” by prohibiting late-term abortions after five months of pregnancy. Numerous medical studies have definitively documented that babies can feel pain by five months of pregnancy. According to Dr. Paul Ranalli, a neurologist at the University of Toronto, “At 20 weeks, the fetal brain has the full complement of brain cells present in adulthood, ready and waiting to receive pain signals from the body, and their electrical activity can be recorded by standard Electroencephalography (EEG).”

Rep. Cindy Burkett said, “This bill is about life—the life of women and the unborn. As a woman and a mother, protecting the health of Texas women and thousands of unborn babies across the state is something for which I proudly stand. This legislation is necessary to ensure that women receive the highest quality health care from the clinics where they are treated.”



Governor Perry signs HB 2 into law on July 18, 2013

Senate Bill 2: Life with Parole for 17-Year-Old Offenders

On July 22, 2013, Governor Perry also signed Senate Bill (SB) 2, which addressed the item on the special session call relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender. This legislation was signed into law in order to bring Texas in line with a federal ruling. In June 2012, the United States Supreme Court ruled in *Miller v. Alabama* that life without the possibility of parole is unconstitutional as applied to juvenile defendants. In Texas, the age of majority is 17 years. However, the Supreme Court's ruling contemplated juveniles as being under the age of 18. Prior to the ruling in *Miller v. Alabama*, Texas policymakers had already recognized the need to treat juvenile defendants differently than adults, and had established the toughest sentence available for juvenile defendants under Texas law to be life with the possibility of parole in 40 years. Because the current sentencing structure only applies to defendants under 17 years of age, Texas law must be amended to apply the sentence of life with the possibility of parole in 40 years to defendants under the age of 18 in accordance with the Supreme Court's recent ruling. SB 2 amends current law relating to the punishment for a capital felony committed by an individual younger than 18 years of age.



House Bill 866: Texas Education Agency applies for No Child Left Behind Waiver

House Bill (HB) 866 was signed into law by Governor Perry on June 14, 2013. The legislation is designed to alleviate the overly burdensome yearly state assessment tests in elementary and middle school grade levels 3 - 8. HB 866 allows high-performing students to "test out" of subsequent STAAR tests in a particular subject by performing well on the test in the previous year.

This legislation was introduced because we need to ensure high-performing students are able to focus on learning and furthering their education, rather than spending time on tests we already know they will pass. HB 866 will allow teachers to focus on the students who are behind their grade level, have test anxiety, or are not performing well on these tests, for any reason. The purpose of testing every year is to ensure every child is learning and improving along with their grade. We do not need to be testing for the sake of testing. It is important for these tests to serve as a real gauge of our students' educational achievements and confirm that our public education system is providing every student with a great education. HB 866 will help us reach that goal, but it does have one obstacle to overcome: the No Child Left Behind Act.

The federal No Child Left Behind Act requires states to test students on an annual basis. Therefore, House Bill 866 directs the Commissioner of the Texas Education Agency (TEA) to seek a waiver from any federal provision where a conflict may arise from the implementation of this legislation. In a July 17th letter to U.S. Secretary of Education (USDE) Arne Duncan, TEA Commissioner Michael Williams seeks clarification from USDE that the specific federal provisions related to these student tests can and may be waived.

Because there is no set timetable for USDE to reach a decision on waiver requests submitted by states, the provisions of HB 866 will not impact the upcoming 2013-14 school year. In addition, HB 866 does not impact requirements for writing, social studies or science assessments in grades 3 through 8. Under the legislation, the provisions of HB 866 would take effect no later than Sept. 1, 2015 (once the state has obtained a federal waiver or received written notification that a waiver is not required). It is hopeful that we will receive a prompt response from Sen. Duncan and the USDE, and the waiver will be granted.
