



Capitol Comments

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SPECIAL SESSIONS WRAP-UP: Redistricting, Juvenile Justice, Abortion, Transportation



Representative
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No rest for the weary! Governor Perry wasted no time calling the Legislature back into Special Session the evening of Memorial Day, no sooner than we had adjourned the 83rd Regular Legislative Session. Constitutionally, the Governor may call a special session which lasts for a maximum of 30 days and covers only issues that he deems important. At first, that was redistricting. Within two weeks, the Governor added juvenile justice reform, abortion regulation, and transportation funding to the call as well. Thirty days proved long enough to wrap up redistricting, but sadly, we could not address the latter three issues in only 14 days. So on July 1st, after just six days off, Governor Perry called us back into a second special session to again address juvenile justice, abortion, and transportation. At that time, the clock "resets," and bills on those issues must be re-filed (often with different numbers). However, they have a full 30 days to be addressed through the whole process. In this case, the second session provided enough time to accomplish three issues with time to spare, but not without controversy.

REDISTRICTING (83rd Special Session 1 - SB 2, SB 3, SB 4)

After a series of House and Senate Redistricting Committee hearings across the state over two weeks, we passed new maps. Senate Bills 2 and 4 encoded the interim lines from last election cycle drawn by the federal courts for the Texas Senate and U.S. Congress respectively. SB 3 slightly tweaked those interim lines for state House seats. It remains to be seen if there will be further court challenges to these maps or if our work secured their constitutionality.

JUVENILE JUSTICE REFORM (83rd Special Session 1 - SB 23; Special Session 2 - SB 2)

The U.S. Supreme Court ruled in *Miller v. Alabama (2012)* that life without parole for juvenile offenders 17 and under was cruel and unusual punishment. This ruling prompted us to take up the issue and make changes to sentencing options for these young criminals. Since we were unable to come to consensus and pass a bill during the regular session, Governor Perry added it to the call in BOTH special sessions until we did. The ramification for no action would be that our current law would also be overturned, leaving prosecutors with limited sentencing options for violent

juvenile offenders. While SB 23 did not pass before the clock ran out on the first special session June 25, it was re-filed as SB 2 in the second special session, passed overwhelmingly on July 12th, and took effect immediately after the Governor's signature. The bill, which I supported, creates a life *with* parole option for capital offenses committed by those under age 18, but the criminal must still serve a minimum of 40 years.

ABORTION REGULATION (83rd Special Session 1 - SB 5; Special Session 2 - HB 2)

There is nothing more important that we can do as legislators than to protect innocent life. One of the few essential roles of government is to protect those who cannot protect themselves, and there is no one more innocent than an unborn child. At the same time, we must ensure the safety of women who choose to seek an abortion. This is a fine balance that we must achieve, and this is what the abortion regulation legislation was all about. SB 5 was filed in the first special session. The bill fell at the last minute to a Senate filibuster, followed by some disruptive spectators in the gallery whose shouts slowed legislative operations past the midnight deadline. Governor Perry decided to give the issue another chance, added abortion regulation to the call of the second special session, and HB 2 ultimately passed.

Throughout the process, I was there to stand for life and the protection of women's health in abortion clinics. Not only did I vote for the bill in both special sessions on the House floor, I attended hours of public testimony in both the House State Affairs Committee and Senate Health and Human Services Committee, and also stood on the Senate floor and in the gallery throughout that chamber's debates.

In the end, HB 2 passed and was signed into law by Governor Perry. The bill will prohibit abortion at or after 20 weeks post-fertilization, where scientific studies conclude that unborn children are capable of feeling pain. Additionally, it will increase abortion facility safety standards and impose strict FDA guidelines for medically-induced abortions that utilize the RU-486 drug. Finally, the bill will require physicians who perform abortions to have active admitting privileges at a hospital that provides obstetrical or gynecological health care services within 30 miles from the location where the procedure is performed. This is to ensure that if complications occur, women can have access to the best medical care possible.

TRANSPORTATION FUNDING (83rd Special Session 1 - SJR 2; Special Session 2 - HJR2, HB 16)

While water was the hot infrastructure topic of consensus in the regular session, transportation dominated infrastructure in the special sessions. In the first special session, SJR 2 proposed diverting some of the oil and natural gas severance taxes from the "Rainy Day Fund" (Economic Stabilization Fund, or ESF) into the state highway fund. The clock ran out on this proposal, so the Governor added transportation funding to the second special as well.

With more time available to discuss the issue and examine different options, the House considered a hybrid plan in HJR 2 and HB 16. These proposals would do three things: (1) end diversions of the gas tax that we all pay at the pump; (2) dedicate a percentage of new car sales tax to the state highway fund; and (3) transfer some of the oil and natural gas severance taxes from the ESF to the highway fund. At the time of this update, the House passed both pieces of legislation on second reading but will come back on Thursday to vote on final passage. Since HJR 2 is a proposed constitutional amendment, it will take 100 votes to pass.

I support transportation infrastructure investment and eliminating gas tax diversions. But I also believe it is equally important that we insist on maintaining a minimum balance in our savings account, the ESF ("Rainy Day Fund"). This is why I supported HB 16 with my amendment calling for a legislative study of the ESF and how we fund it. However, I

voted against HJR 2 because it did not provide for the protections of a minimum balance for the ESF. I will keep you posted with a further update after special session two.

After an extra two months in Austin, I am eager to return to the district full-time and begin spending more time with you first hand to hear your thoughts on these issues and others as they affect your daily lives. Please stay in touch with me. Drop by at my District Office, follow me on [Facebook](#), or find me on the [House Website](#) for a review of happenings in the 83rd Session, and to hear about upcoming events.

Thank you. It is truly an honor and a privilege serving you.

Best regards,



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