

## 2009 TEXAS LEGISLATIVE REPORT (May-June 2009)

The 81<sup>st</sup> Texas Legislature convened on January 9, 2009 and is made up of men and women who got elected by promising to tackle the toughest problems in state government. With just a couple of weeks remaining, the lawmakers are working hard not to deliver on even modest expectations.

The first business of the legislature was to oust Tom Craddick, Speaker of the House. He was succeeded by Joe Straus (R-San Antonio), who is the first Jewish Speaker since Texas Statehood. This position is regarded as one of the three most powerful leadership roles in state government after Governor & Lt. Governor.

The Speaker forms House Committees and appoints members to these committees. He announced committee appointments among 149 house members (76 R & 74 D) to 34 committees and named 18 R chairmen and 16 D chairmen.

Last summer House Speaker Tom Craddick effectively promised that if the TX Dept of Transportation would borrow \$1.5 billion to get some road building started they would work to stop diverting 600 million a year collected from gasoline taxes and motor vehicle fees to the TX Dept of Public Safety. TXDOT complied. Now, because of the economy, the House & Senate budget committee bills will leave the current system pretty much intact. In fact, the House bill will slice TXDOT's budget by \$2 billion. Basically, it boils down to TXDOT saying they can't do any new roads for 24-36 months.

The state's rainy day fund is expected to reach \$9.1 billion later this year but the lawmaker's don't want to touch it because state taxes don't bring in enough money to support a school property tax cut that was enacted during the last legislative session. Lawmakers may consider allowing individual metropolitan counties to vote on whether to increase taxes or fees on themselves to pay for the roads we need.

Passage of HB 610 would create a Joint Legislative Committee on Aging to focus on workforce development as well as a transportation plan, health care, and affordable housing for seniors. We need to recognize state Rep. Gary Elkins for being honest. At a recent hearing of the House Committee on Human Services, after 3 hours, and after more than 2 dozen bills had been considered relating to Medicaid and Children's Health Insurance he asked "What's Medicaid." He stated – "I know I hear it – I really don't know what it is. I know that's a big shock to everybody in the audience."

For the record, Medicaid is the federal state health insurance program for low income people and people with disabilities. Elkins is new to the Human Services Committee, but he's served in the House since 1995 where one of the main tasks is crafting the state budget and a quarter of the state budget goes to Medicaid.

There's been a lot of talk about Voter ID. TX voter ID laws require a voter to produce a voter registration card **or** photo ID or alternate ID at the polls. Under SB 362 – the law would require voter to have voter registration + photo ID or two alternate IDs. 24 STATES ASK VOTERS TO SHOW ID. Of these 7 states ask for photo ID and accept additional forms (not necessarily photo ID).

On Wed night, March 11, senators & activists turned out to voice their opinions. More than 130 people signed up to speak (standing room only). Democrats did everything they could to slow the process and put witnesses on ice for more than 5 hours. When testimony finally began, it lasted 15 hours.

Sen. Troy Fraser, R (Horseshoe Bay) insisted that his bill is pivotal in cutting down on voter fraud. He stated, "Voter fraud not only is alive & well in the US, it's also alive in TX & I believe the dangers of voter fraud has threatened the entire electoral process." Senators Kirk Watson & Leticia Van de Putte, the San Antonio chair of the Senate Democratic Caucus, suggested there's no crisis of TX voters impersonating other voters. They contend the push for ID is a sneaky move intended to reduce elderly & minority turnout, who usually vote Democratic and are putting TX at risk of violating the federal Voting Rights Act of 1965.

Proponents of this bill include the Secure & Fair Elections Texas, an advocacy group working in favor of the bill. They indicated that in 2007 more than 19.3 million TX adults had photo IDs while there were 12.6 million registered voters. Since 2006, the Attorney General's Office has spent \$690,000 to prosecute 30 election code cases. 7 cases are still pending.

Democratic Rep. Joe Heflin of Crosbyton has presented several ideas – he favors phasing in an ID law over 4 years exempting seniors born before 1944 and putting photo ID on registration cards and bar codes linked to private PINS to enhance security of mail in ballots.

Representatives Herrera & Gattis introduced HCR 61 & requested the 81<sup>st</sup> TX Legislature forward copies of their resolution to the president of the United States, Speaker of House of Rep and President of the Senate of the US Congress and to all members of the TX delegation in Congress requesting they support repeal of WEP/GPO. They estimated a cumulative penalty of over \$60 billion in next 10 years to members of the federal government who have worked for their benefits.

The legislators had an opportunity to resolve congressional redistricting this session when Sen. Jeff Wentworth (R-San Antonio) again offered legislation that would have put redistricting in the hands of a bi-partisan commission, but the measure died when Sen. Dan Patrick (R-Houston) changed his vote from yes to no.

If there is no effective legislation by the end of the session, Gov. Perry could call a special session, but that seems improbable since he'll be heavily involved in campaigning against Sen. Kay Bailey Hutchison for the governorship of the state of Texas.

March 13 (60<sup>th</sup> day) was the deadline to file major bills. June 1 is the last day of this legislative session and June 21 will be last day for Governor Perry to sign or veto bills; Aug 31 is the date bills with no effective date will become law.

Despite all the tough talk that emanates from the Capitol, it only proves that we are not being led by any bold decision makers, and we'll see many of these issues put on the back burner until the next legislative session in 2011.