

Last Week in the Texas Legislature 5/22/2009

Marilyn Davis, Vice President Legislation

Budget Battles

Evidently conferring on the budget is difficult and now they are taking it out on Gov. Perry. *The Dallas Morning News* reports “Lawmakers are whacking many of Gov. Rick Perry's priorities in the budget.”

<http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/052009dnbudgetblows.3e40978.html>

Don't these guys realize a Gov. Perry budget veto means a special session? Gov. Perry doesn't want them to forget that he can do it, as he reminded legislators in a Wednesday afternoon session with members of the House and Senate as reported in the *Austin American Statesman*.

http://www.statesman.com/blogs/content/shared-gen/blogs/austin/politics/entries/2009/05/20/perry_warns_of_immediate_speci.html

You may recall that a number of senators voted against the Senate budget bill because of Sen. Ogden's stem cell research limitation rider. That rider's out according to the Fort Worth Star-Telegram. http://www.star-telegram.com/state_news/story/1387199.html

Bills Finally Passed

- HB 8 by Otto (R-Dayton) - changes the Comptroller's annual property value study to every other year and substitutes a review of the appraisal district processes and standards in the interim year.
- HB 1969 by Hartnett (R-Dallas) – Nullifies penalty clauses in wills when challenged in good faith.
- HB 2549 by John Davis (R-Houston) – Requires periodic audits by CPAs by county departments of education in counties with at least 3 million in population.

Kumbaya Over; Chubbing Returns

Even though we all want to see it pass, the highly partisan voter ID bill is destroying the bipartisan goodwill in the House and in the process threatens to cause many more bills to die on the House calendar or in the Calendars committee. Chubbing is when legislators ask endless questions on an issue to try to talk it to death. It's the House version of a filibuster. House Democrats let leadership know (and the public through a press conference) they did not want the voter ID bill to make it to the House floor. http://www.star-telegram.com/state_news/story/1388699.html To demonstrate what would happen if it does "Democrats spent a couple of hours chubbing on the sunset bill for the Texas Department of Agriculture" as reported by Jason Embry on his First Reading blog. This was a totally non-controversial bill yet two hours was spent taking time away from other bills in waiting.

Embry goes on to describe what happened next:

"At this point it was already about 6 p.m.(Wednesday) and the two big bills were still awaiting action. There was some talk on the floor that the House adjourned because several committees were scheduled to have their session-ending dinners. Maybe, but those dinners probably just added into the larger dynamics that could have made for an unpredictable evening — the late hours, the growing tensions over voter ID, the high-profile nature of the two bills and the close vote expected on the top 10 percent rule.

Or maybe House members just wanted to go watch the "American Idol" finale."

The voter ID bill is set on the House calendar for Saturday ahead of several major bills that House members would like to see passed. The Republicans are daring the Democrats to Chubb all these bills to death. You just can't keep partisanship out of the House.

And this morning (Friday) it looks like the Democrats are already up to the challenge. According to a post on The Quorum Report, The Democrats are evidently taking the full nine minutes of discussion allowed on all bills on the consent calendar. These bills are supposed to pass without debate and if the

Democrats take the full time on each bill the House will never get to the major calendar. Republican Sid Miller from Stephenville called a point of order on the whole calendar to stop the chubbing. He has withdrawn his point of order to see if the Democrats are willing to back down or risk losing over 200 bills. It looks like they are allowing the bills to pass.

How the House Grinds to a Halt

For two days, Wednesday and Thursday, the House failed to get through its major state calendar. Wednesday they quit at 6:40 PM and Thursday at 7:40 PM, both very early adjournments for this late in the session. Thursday afternoon they were hung up on SB 1659, the bill making changes in unemployment insurance so Texas can collect the \$555 million in federal stimulus unemployment funds. After discussing numerous amendments and with several still to go they switched to the SB 175 which limits top 10% college enrollment. After working on several amendments they gave up on this one too.

http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-top10_22tex.ART.State.Edition1.50e7d8c.html

They now have about 18 pages of bills to get through before they start on the next calendar. The session started slow, worked slow and it now looks like it will end slow. Slow may be the defining word of the Straus House. Tuesday is the last day the House can consider Senate bills, which according to Texas Weekly had many senators visiting the House floor Thursday to encourage the House members to move it!

If you'd like to get a good glimpse into how the House works (or doesn't work), as well as understand what's happening today, check Jason Embry's First Reading.

http://www.statesman.com/blogs/content/shared-gen/blogs/austin/firstreading/entries/2009/05/22/house_again_slow_to_move_bills.html

Unclaimed Property

Sen. Ogden's SB 1589 which requires businesses that report unclaimed property to include the driver's license or state identification number and email address

information (if known) on the annual unclaimed property report passed this week. Fortunately, it looks like they dropped out the originally-proposed \$250 fine for those that “knowingly fail” to report SSNs of possible owners.

No Veto Override for Stimulus Funds Bill

SB 1569 by Sen. Eltife (R-Tyler) which makes the necessary changes in unemployment benefits to allow Texas to get \$555 million of federal stimulus funds (discussed above) did not make it to the House floor in time for the legislature to override a Perry veto. According to the Dallas Morning News Rep. Strama (D-Austin), House sponsor of the bill, hopes Gov. “Perry will have a dramatic epiphany and sign the bill.”

<http://trailblazersblog.dallasnews.com/archives/2009/05/no-chance-now-to-override-perr.html> Strama thinks the epiphany could be helped by getting a two-thirds positive vote for the bill. But Jason Embry reporting for the Austin American Statesman says, “It could well be that Perry wants the Legislature to pass a bill that he can very publicly veto...” As I write this the bill is still waiting for its turn to complete the debate.

Speaking of stimulus funds, how about using them to rebuild the Governor’s mansion?

<http://www.statesman.com/news/content/news/stories/local/05/22/0522mansion.html>

Go Home and Drink

Last week I talked about the dying gasps of House bills. With all the dying bills some have opined that the legislature shouldn’t be wasting time on things like naming a day for Ron White, the comic with an ever-present cigar and glass of Scotch. But Peggy Fikac writing for the Houston Chronicle suggests, “As lawmakers see their measures die, however, they may want to take Ron White’s advice: ‘Go home and drink’.”

<http://www.chron.com/disp/story.mpl/politics/6428729.html>

Michael Vick Bill?

Perhaps in recognition of Michael Vick's release from the pen for his dog fighting convictions, the legislature passed SB 554 which makes it a misdemeanor to own dog fighting equipment and designates such equipment as contraband to be confiscated when found at a dog fighting event.

Physical Ed to Attack Obesity

SB 891 passed this week to authorize the State Board of Education to develop a PE curriculum for schools. Evidently the impetus for the bill is to fight fat kids. According to Jason Embry reporting online for the Austin American Statesman, the bill analysis says 42% of Texas fourth graders are obese, overweight or at risk of becoming overweight. I wonder how they measure "at risk of becoming overweight?" 42% is not bad, when they get a little older 100% of them will be at risk of becoming overweight.

Ellis Finally Gets Bicycle Bill Passed

Big Brother now protects "vulnerable road users." I think every session that I remember has included a bill from Sen. Ellis (D-Houston) mandating safe passing distances by vehicles that pass bicyclists. He finally got it passed this week. But his SB 488 goes way beyond bicycles: it applies to all vulnerable road users, which includes a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; or a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter (wonder why he didn't include golf carts?). And it not only requires a safe passing distance (three feet for cars and light trucks), but also prohibits cutting them off on a right hand turn, intimidation, harassment, taunting, throwing liquid or threatening maneuvers. I'm surprised that hand gestures aren't prohibited. What about going the other way? Some of those motorcyclists seem kind of intimidating to me, but as I read the bill it's okay for them to intimidate, harass, taunt, etc.

Big Brother Loses One

Evidently it's okay to make you buckle-up in the back seat, put 8 year olds in car seats and take cell phones away from teenage drivers, but it looks like Big Brother will not keep you from smoking in public places. The bill to ban smoking in public places "is on life support" said the House bill sponsor Rep. Crownover in this Fort Worth Star-Telegram article and subsequently Senate sponsor Ellis (D-Houston) said he can't get the votes to bring the bill to the Senate floor. <http://www.star-telegram.com/804/story/1384888.html> Evidently the Big Brother issue was part of the reason the votes weren't there. As quoted in The Quorum Report Sen. Patrick (R-Houston) said "I'm for a smoking ban, but I think it should be up to the cities to decide whether they want one, not the state." It's not often that Big Brother wants to put Little Brother in charge. Some suspect the tobacco lobby gets credit for the defeat – duh! Sen. Ellis said there's always the next session and Sen. Ellis does not give up (see the Bicycle article above).

Resolution Aimed at Bigger Brother Stalls

Jason Embry writes in his online AAS blog First Reading that Rep. Creighton's (R-Conroe) HCR 50 "which condemns the reach of the federal government and attempts to re-assert Texas sovereignty — was killed, or at least stalled, on a point of order Tuesday by Rep. Senfronia Thompson, D-Houston." This is the resolution linked to all the secession talk. But it didn't take Creighton long to recover, he had the bill back out of committee with the point of order cured by Noon on Wednesday and the resolution is back on the House calendar for Saturday. At this point in the session, being on the House calendar is no guarantee of debate or passage.

Campus Guns Reloaded

HB 1893 by Rep. Driver (R-Garland) authorizing carrying a concealed weapon on college campuses never made it to the floor of the House before last week's deadlines, but the Senate version passed the Senate Thursday on a 20-11 vote. That bill, SB 1164 by Sen. Wentworth (R-San Antonio), now goes to the House for another try.

Jonesi Takes the Next Step

“The Paluxysaurus jonesi moved one step closer Monday to becoming the official state dinosaur” as reported by the Star-Telegram. <http://www.star-telegram.com/804/story/1384882.html> Evidently the 11-year old expert who opposed the designation has come around and it’s now up to the full Senate to make it official.

Is Mills County or Brady the Official Texas World Championship BBQ Goat Cook-off?

The legislature passed HCR 237 designating the Brady World Championship BBQ Goat Cook-off as the official Texas State Goat Barbecue Championship Cook-off immediately after passing HCR 126 designating the Mills County Goat and BBQ Cook-off as the official Texas State Goat Barbecue Championship Cook-off. I see Brady has already been designated as the “World Championship” cook-off by someone, but who is now the official Texas Championship? Will they both post their passed resolutions to prove the claim? I think the only solution is to have a cook-off between the two. All the legislators can attend and then vote their taste buds.

Official Perks

According to an article in the El Paso Times the local sheriff has a list of officials that may call the sheriff’s department for a ride home if they are drunk. <http://elpasotimes.typepad.com/capitol/2009/05/chavez-amendment-would-prohibit-local-officials-from-drunk-dialing-sheriff.html> Rep. Chavez (D-El Paso) is evidently not on the list and is proposing an amendment to a bill to outlaw the practice. Looks like the amendment is not going to go make it, but maybe they will at least put her on the list. It’s in the paper! I did not make it up.

Pastors, Priests, Rabbis, Judges ... and Legislators?

What do they all have in common? If HB 2724 passes the Senate they will all be able to perform marriage ceremonies. Rep. Woolley (R-Houston) authored the bill and when it passed the House it added federal administrative law judges to

those that can legally tie the knot. But when it came out of the Senate Jurisprudence committee the federal administrative law judges were replaced by “current and former members of the legislature.” Someone tried to pass a bill like this a couple of sessions back and they were hooted off the floor. I guess they decided to be quieter this session. If the bill passes the Senate, the House will have to concur - or maybe there will be a conference committee.

Unrealistic Expectations

From Texas Weekly: Rep. Senfronia Thompson, D-Houston, quoted in the Houston Chronicle on her vote against a windstorm insurance bill being fast-tracked on deadline: "I'm not trying to slow the process down, but don't I have a right to read this stuff?" No you don't.

Thanks to Bill Owen, Texas Society of CPA's for much of the above information.