



**Lyle Larson**

State Representative - District 122

## **What's New in District 122**

Good morning! Hope you're enjoying this unseasonably cool weather. Underground in our Capitol extension office, Team Larson is seeing less of the outside world as Sine Die approaches, committee meetings and deliberations on the House floor last longer. With under 5 weeks to go, we still have much work to do and look forward to finishing strong in the fourth quarter.

Over the last two weeks, we met with several District 122 residents, including Esteban Lopez, MD, President of Blue Cross and Blue Shield of Texas for the San Antonio Region during his visit to Austin, and an Honors class from Northwest Vista College during their field trip at the Capitol. Last Wednesday morning I had the opportunity to visit with a group from the Texas Concrete & Aggregates Association regarding water and infrastructure issues important to their industry. Additionally, I adopted a resolution on the House Floor recognizing April 23rd as Texas Desalination Day, in an effort to highlight this important tool in our water development arsenal and its role in bolstering Texas's fresh water supply.

Lastly, Governor Perry invited me to a meeting to discuss a few of our legislative initiative that deal with term limits and requiring elected officials to reimburse the state for travel and security costs that are unrelated to official state business. The meeting provided each of us an opportunity to share our perspectives on these issues. You can read more about our discussion [here](#).

While our daily activities in the Capitol can and often do overshadow all other aspects of life, several things have happened in the last week that really put things in perspective. We continue to pray for the victims of the Boston Marathon attack and the tragedy in West, Texas. Though these tragedies are never easy to understand, we hope the victims' families are comforted by the outpouring of support and prayer for their healing.

This week has been particularly tough for Team Larson. One of our members, Andy Uhler, the team's water policy analyst, was involved in a motorcycle accident and sustained a head injury. He is currently in the hospital where the medical staff is working to bring him to a full recovery. Andy is a very special member of Team Larson and his water policy expertise, positive attitude, and witty sense of humor are missed in the Capitol. Please keep Andy in your thoughts and prayers as he recovers.

## **83rd Legislative Session Update**

### **Scratch Offs Are Here To Stay**

On Tuesday, a strange confluence of events led the Legislature to almost kill the Texas Lottery Commission. The House debated HB 2197, the Lottery Commission sunset bill, which provided for reforms to the Lottery Commission, based on recommendations of the Sunset Review panel. To provide a little background, the Texas Lottery was approved by Texas voters by a two-to-one margin on November 5, 1991 and the first ticket sold in 1993.

When the time came to vote on the bill, a diverse contingent of representatives opposed it, even though the bill is needed to prevent the Lottery Commission from expiring. The reasons given for the opposition were varied, ranging from the argument that the Lottery is a regressive tax that targets the poor, protests against the Lottery Commission being poorly run, or the belief that the Lottery is immoral. No one anticipated that the bill would actually fail, so when the House realized what happened, several members took initiative to advance a motion to reconsider the bill. The second time around, the bill passed on second reading by a 92-53 margin, guaranteeing the maintenance of the \$2 billion in Lottery revenue that goes to public education. Please take a moment to read [this article](#) for a more in depth recap. The bill passed Wednesday on third reading 88-54. There have been discussions about potentially allowing voters to decide whether to reauthorize the lottery in the next session and a joint legislative committee was authorized to study the idea.

### **The Great Medicaid Debate**

HB 3791 was voted out of the Appropriations committee this week by a 15 to 9 vote. This bill would require the Texas Health and Human Services Commission to negotiate with the federal government to establish a "Texas solution" to the expansion of Medicaid. According to State Rep. John Zerwas,

author of the bill, “This is not an expansion of Medicaid — this is the creation of a new program that leverages our private sector.” This bill aims to encourage the development of a plan that is unique to Texas and helps provide health services to those who are most in need, without increasing the burden of government on Texas taxpayers. We look forward to a lively debate when this bill comes to the House floor.

### **Sustaining a Growing Texas: Roads and Water**

On Tuesday, the Senate unanimously passed SJR 1, a constitutional amendment that funds water and transportation infrastructure and works to provide equity in schools. If SJR 1 passes, voters will have the opportunity to vote on the funding in the November 2013 election.

The bill calls for \$2.9 billion in transportation, \$2 billion in water projects, and \$800 million for public education. This funding would come from a one-time allocation from the Rainy Day Fund, leaving a balance of over \$6 billion in the fund.

Around the same time on Tuesday, the House Appropriations Committee passed HB 11, which would take \$2 billion from the Rainy Day Fund to create a water infrastructure bank, allowing local governments to finance water projects at lower interest rates than they could get on the open market. HB 11 works with HB 4, which passed the House earlier this Session.

As we've discussed here many times before, we have very critical needs in both our road system and our water supply and we must address them as our population continues to grow and to ensure economic development in our state isn't threatened. We will continue to work to determine which vehicle we will use to address these challenges.

### **HemisFair Park Redevelopment**

As many of you may know, State Rep. Mike Villarreal is pursuing legislation that would swap park land in HemisFair Park with the intent to increase the usable park area. Currently, of the 15 acres of designated park land, 6 are covered with the Convention Center, parking lots and other buildings. The intent of [HB 2018](#) is to increase park land to 20 acres. State law dictates that cities should hold a vote of the public before selling or leasing land. This legislation would preempt that process and allow the City of San Antonio to lease or sell land in HemisFair Park without an election. We want to know what you think about this legislation. Please tell us in a short [survey](#).

## Drug Testing for Welfare

This week, the Senate passed SB 11, a bill requiring drug testing for welfare recipients. This bill is similar to HB 1244, which we joint authored. Both SB 11 and HB 1244 prohibit individuals from receiving welfare through the Temporary Assistance for Needy Families (TANF) program for a certain period of time if that individual tests positive for a controlled substance. TANF serves more than 100,000 Texans at a cost of approximately \$90 million annually. Both of these bills allow an individual to begin receiving benefits if he or she tests negative for a controlled substance and completes a substance abuse treatment program. SB 11 is somewhat more restrictive, requiring drug testing of individuals applying for welfare on behalf of a child as well as for those applying on their own behalf. SB 11 also increases the penalties for repeated positive drug tests; the first test prohibits the person from receiving benefits for 6 months, while the second has a 12 month prohibition and the third positive test permanently prohibits an individual from receiving welfare benefits. HB 1244 provides only for a simple 6 month prohibition on those who test positive for a controlled substance.

Now that SB 11 is through the Senate, the bill is headed to the House Health and Human Services committee, which will consider the measure and decide whether to send it on to the full House for a vote. All of the joint authors of HB 1244 will be keeping a close eye on SB 11 in the coming weeks.



Several San Antonians brought Fiesta to Austin!

## **Larson Legislation**

To date, we've presented 38 of our 52 bills in various committees. We've passed 8 bills out of the House and are closely watching their progress in the Senate. Here is a quick recap of the bills we've presented in committee the last two weeks, and a few of the bills we passed.

Last Tuesday was a long and action packed day for Team Larson. In addition to a 10 hour House Natural Resources Committee hearing that heard over 30 bills, we voted on several bills on the House floor and presented 8 of our own bills in various committees.

We laid out bills in the House Committee on Natural Resources, the Ways and Means Committee, and the Appropriations Subcommittee on Budget Transparency and Reform. The committee seemed favorable to each measure and we look forward to working these through the process.

### **[HB 1189](#): Creating the 5 State Water Council**

Texas is in the middle of a number of lawsuits with adjacent states over disputes about appropriate water allocation. HB 1189 is an attempt to take these arguments out of the courtroom and, instead, facilitate a dialogue between the Southwestern States (Texas, New Mexico, Louisiana, Oklahoma, and Arkansas) that share contiguous bodies of water in order to effectively solve the ongoing problem of allocating a scarce and precious resource.

### **[HB 2133](#): Promoting Desalination as a Solution to our Water Crisis**

This legislation would raise the profile of innovative and alternative water treatment technologies, particularly desalination and reuse, in the public policy statement of the state and thereby remove it from the smaller, limited view of agency focus and into larger statewide interests, especially given the water needs of the state.

### **[HB 2577](#): Encouraging Groundwater Reporting for Better Water Planning**

This bill is an attempt to have more accuracy in available groundwater numbers by attempting to capture those withdrawal numbers that are currently not provided through permitting. The bill will also require that districts send a report to the Texas Water Development Board after obtaining these numbers.

### **[HB 2578](#): Encouraging the Use of Brackish Groundwater**

This legislation seeks to encourage and facilitate the development of brackish groundwater by changing the Water Code to eliminate regulatory impediments that currently limit the study, planning and management of brackish groundwater production.

### **HB 2752: Facilitating Brackish Desalination**

The purpose of HB 2752 is to support development of brackish water desalination projects, provide local water supplies, help advance and improve brackish water treatment technology, and support reliable power generation in ERCOT. This bill creates a structure for a local government entity to partner with a power generating company to develop a desalination project with a cost-effective power partner that can leverage state water development options.

### **HB 3013: Promoting Aquifer Storage and Recovery**

This bill encourages the development of Aquifer Storage and Recovery (ASR) projects throughout the state. The principal challenges for ASR in the United States have been the legal and regulatory frameworks which, in many states, have not yet caught up with the technical application of this technology. This bill seeks expedite the permitting process for ASR projects and amend the Water Code to clarify jurisdiction and access to water stored in ASR projects.

### **HB 178: Texas Water Sense**

In line with our mission to fix our state's water crisis, HB 178 helps consumers reduce their water consumption by adding qualified WaterSense® labeled devices (which use 20 percent less water than other products) to the ENERGY STAR® Sales Tax Holiday held every Memorial Day. Water conservation is the least expensive way to conserve water and every small part we can do to save water is critical. In 2007, the Legislature passed HB 1000 creating a sales tax exemption holiday for energy efficient products encouraging consumers to replace inefficient appliances within their homes helping to reduce energy consumption. In order to encourage Texans to purchase water efficient products, we are amending current statute through HB 178 to reflect water efficient products as well. WaterSense® labeled products include: toilets, bathroom sink faucets, urinals, showerheads and weather-based irrigation controllers.

HB 178 will encourage consumers to replace inefficient products implementing water saving technologies within their homes. As noted on the EPA's website, if one in every 10 homes in the U.S. were to install Water Sense labeled faucets or faucet accessories in their bathrooms, it could save

6 billion gallons of water per year and more than \$50 million in energy costs to supply heat and treat that water.

### **HJR 29: Ending Diversions from the State Gas Tax Fund**

As we've discussed for several years, for far too long, Texas legislators have raided dedicated funds to finance unrelated programs and agency budgets. When a new tax or fee is imposed upon us, it's often sold to us based on what specific purpose it will be used for. Unfortunately, many of these revenues are not always used for their intended purpose, and instead diverted to other programs or left in accounts unspent to certify the state budget.

Since 1986, more than \$14 billion has been diverted from Fund 006, the state motor fuel tax fund. Fund 006 was created to provide for the maintenance and construction of state roadways, which is generated from a 20-cent tax on each gallon of gas that is purchased at the pump (a total of 38.4 cents is collected, 20 cents of which is collected by the state and 18.4 cents by the federal government). As a result of the Legislature's cannibalization of Fund 006, TxDOT has been forced to look to other funding sources to provide desperately needed additional capacity to our state road system, including toll roads.

HJR 29 would end diversions of Fund 006 and prohibit the Legislature from spending this revenue on anything other than construction and maintenance of our state highway system. We presented HJR 29 before the House Appropriations Subcommittee on Budget Transparency and Reform last week. The committee seemed very favorable to the bill and we expect them to vote it out soon.

### **HB 2267: Protecting Forensic Scientists and Medical Examiners From Possible Retribution**

Through HB 2267, we began an effort to protect medical examiners and forensic scientists from possible retribution related to their work in criminal cases. On Monday, we presented HB 2267 for consideration before the Government Efficiency and Reform Committee. HB 2267 seeks to add medical examiners and forensic scientists to the list of individuals whose home address information is kept private by appraisal districts in Texas, as they could become targets of individuals seeking revenge for a criminal conviction.

While they play major roles in criminal investigations and often provide the information that leads to a conviction, forensic scientists, forensic technicians, and medical examiners are currently not eligible for property confidentiality

afforded to others involved in criminal investigations such as peace officers, district attorneys, corrections officers, or judges. Forensic scientists and medical examiners at various levels of government offer key testimony in criminal trials, and often must provide incriminating evidence against a plaintiff, which makes them vulnerable to retribution as a result of their testimony.

HB 2267 will help protect the folks who are the backbone of our criminal justice system, allowing them to conduct their work with the comfort that their home address is not public information.

### **Larson Bills on the Move**

#### **[HB 397](#): Helping Residents of Unincorporated Bexar County Obtain City Services**

HB 397 would allow the City of Helotes, a suburban city in Bexar County, to annex land that is currently in San Antonio's extraterritorial jurisdiction (ETJ). This land is adjacent to the City of Helotes and many of its residents have Helotes mailing addresses and are geographically connected with that city. San Antonio Ranch, a large subdivision that makes up most of the land in question, has tried for several years to get the City of San Antonio to release them from their ETJ to allow the City of Helotes to initiate the annexation process. Residents of San Antonio Ranch indicate that they need city services, including police and fire protection, streets and drainage, and other services, but the City of San Antonio has refused to annex this land and will not release it from their ETJ.

In 2009, San Antonio Ranch delivered a letter and petition to Helotes, which in turn adopted a resolution requesting that the City of San Antonio release the subject tract so that it could be annexed. The City of San Antonio, however, did not take any further steps to evaluate the request for annexation. Since then, the process has stalled, and the residents of San Antonio Ranch have been kept in a state of limbo with limited services and no practicable path toward annexation. At this point, statute prohibits Helotes from taking measures to bring the land into its ETJ where it would be annexable.

HB 397 would allow San Antonio Ranch residents to take steps toward securing the level of services they require by allowing the City of Helotes to annex them. As it stands, the methods available for Type A general-law municipalities will not work for the residents because their only option under existing law is to petition San Antonio for annexation. Helotes is in the best

position to provide the San Antonio Ranch area with police, fire, public works, and other municipal services due to its geographic proximity and accessibility to the community via State Highway 16. For example, the nearest fire station in Helotes is about two miles away from San Antonio Ranch, while the nearest station in San Antonio is at least twice that distance.

The House passed HB 397 unanimously and the bill, carried by Senator Carlos Uresti, is currently working its way through the Senate.

### **HB 630: Allowing State Political Parties to Self-Govern**

HB 630 seeks to change quorum requirements for filling political party precinct chair vacancies. This bipartisan issue was brought forward by several county party organizations, indicating they experienced challenges in filling these vacancies because state law requires the assembly of precinct chairmen must possess a quorum of 50 percent. A quorum is nearly impossible to achieve in many counties, especially large counties like Harris and Bexar. In these large counties, meeting a quorum requires the attendance of hundreds of individuals. Without a quorum to vote, precinct chair positions are left vacant, compounding the problem as counties become even further removed from quorum. HB 630 allows state party organizations to determine the percentage of committee membership that constitutes a quorum to fix this problem. The bill was passed by unanimously by the House on Monday and will be carried in the Senate by Senator Huffman.

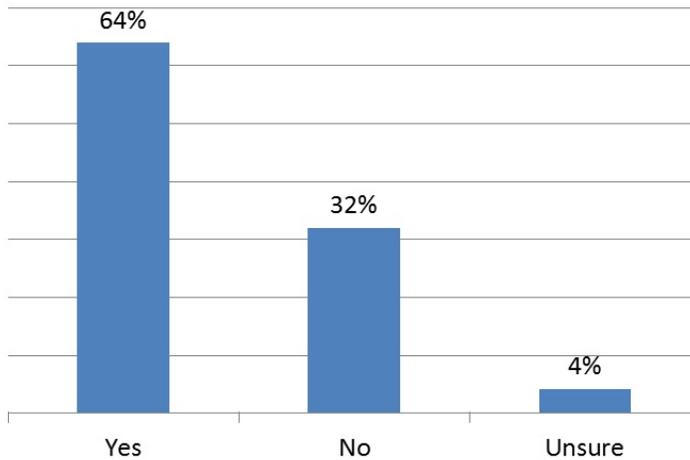
### **HB 252: Ensuring Water Utilities Can Supply Their Customers**

Last week, the House passed the first water bill of our legislative agenda. [HB 252](#) requires that a water utility keep an accurate and up-to date projection of available water - something most, if not all, utilities are already doing. If a utility is reasonably certain that it cannot provide its customers with water for more than 180 days, it must report this to the Texas Commission on Environmental Quality (TCEQ). The goal is to keep the citizens of Texas and regulatory agencies informed regarding a utility's ability to serve its customers' water consumption needs, and allow these agencies to assist in times of emergency. HB 252 is now in the Senate, where Senator Glenn Hegar is carrying the measure.

## **Survey Says**

Last week we asked you your opinion on using the Rainy Day Fund to pay for water and transportation projects, even if it breaks the state's constitutional spending cap. Here's what you thought:

**Do you support using a portion of the Rainy Day Fund for water and transportation projects, even if it exceeds the state's spending cap?**



With Carol Van de Walle and Beth Cathey during the Texas Federation of Republican Women Day at the Capitol

### **In the News**

San Antonio Express-News: [Texas Lottery Commission survives after surprising vote](#)

San Antonio Express-News: [Lawmakers take a mulligan](#)

Dallas Morning News: [Republican Texas lawmaker Lyle Larson looks to place limits on his own party's governor](#)

Houston Chronicle: [Perry gets 'spirited' with GOP lawmaker over term limits, security costs](#)

1200 News Radio WOAI: [Does Texas Need a 'Cyber Security Czar??'](#)

San Antonio Express-News: [Helotes just might win this battle with S.A.](#)

Dallas Morning News: [Perry calls in GOP lawmaker for 'spirited' chat over term limits, travel legislation](#)

Dallas Morning News: [Perry, GOP legislator have 'spirited' talk on term limits, travel bills](#)

Tomball Tribune News: [LEGISLATURE: Support grows for 'Texas Two-Step' transportation funding plan](#)

As always, please feel free to contact me if I may ever be of assistance to you by phone at (210) 402-5402 or by email at [lyle.larson@house.state.tx.us](mailto:lyle.larson@house.state.tx.us).

Best,

A handwritten signature in black ink, appearing to read "Lyle", with a stylized flourish at the end.

Lyle Larson