

Texas House of Representatives



**Lyle Larson**

State Representative - District 122

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

Greetings! We hope you're having an enjoyable summer.

As you may have heard, after a marathon regular session, legislators didn't get much of a break. Governor Perry called a special session just an hour after the House adjourned Sine Die. Team Larson spent the last month primarily in Austin working during the special session. Today, we received word that the Legislature will be back for a special session beginning July 1st. Hopefully your summer will be a bit more relaxing than Team Larson's!

### **83rd Legislative Special Session Update**

At 6:00 p.m., after the House adjourned Sine Die on May 27th, we convened the first called session of the 83rd Legislature. Initially, the Governor instructed the Legislature to address only redistricting. About 2 weeks later, he added transportation funding, juvenile justice and abortion to the call. According to the Texas Constitution, special sessions can last only 30 days, so the first called session ended yesterday at midnight.

If you've read today's paper, or watched the news, you are likely aware of Senator Wendy Davis' 13 hour filibuster in the Senate that resulted in the death of 3 bills: the omnibus abortion bill (SB 5), the juvenile justice bill (SB 23) and the transportation funding bill (SJR 2). Although it took nearly 24 hours straight, without any sleep and minimal breaks, to debate and discuss these bills, the House passed all of these measures. Governor Perry announced today that the Legislature will be back for round 3 (the second special session) to take care of unfinished business. Following is a brief recap of each of the initiatives we worked on in the special session.

### **Redistricting**

The Legislature spent a significant amount of time during the 82nd Legislative Session on redistricting, which is customarily done in the legislative session

after each decennial census. The Legislature is charged with the duty of redistricting: realigning jurisdictional lines of Texas House, Texas Senate and U.S. Congressional districts to reflect population shifts.

Since Texas is one of 16 states to which Section 5 of the Voting Rights Act of 1965 applies, the state is required to seek preclearance of the maps from the Department of Justice. As you may remember, the Texas House, Texas Senate, and U.S. Congressional maps approved by the Legislature in 2011 during the post-2010 census redistricting process were challenged under Section 2 and Section 5 of the Voting Rights Act, and the U.S. Constitution. A few organizations sued, asserting that the maps we passed were discriminatory and that minority voters would be disenfranchised. The courts deemed there was evidence of racial discrimination under Section 5 and the maps were denied.

As you may remember, the 2012 primary elections were delayed nearly 3 months while these lawsuits played out and we waited for resolution from a federal court. Finally, in May of last year, a federal judicial panel issued interim maps that were used for the 2012 election. When the Governor issued the special session call last month, he asked the Legislature to officially approve the interim maps. Both the Senate and House Select Committees on Redistricting held hearings across the state, listening to testimony from voters and various organizations. Last week, the House and Senate passed the maps.

On a related note, the United States Supreme Court ruled yesterday that Section 4 of the Voting Rights Act is unconstitutional. Section 4 applies to the formulas that determine which states and localities are subject to preclearance. While the lawsuit specifically questioned the constitutionality of Section 5, experts indicate that Section 5 is not applicable in Texas unless Congress develops a new process that incorporates current data to determine to whom the Act should apply.

This ruling is particularly important to Texas because it means that Voter ID can be implemented.

## **Transportation funding - SJR 2**

As we've reported here before, TxDOT indicates that \$4 billion in transportation funding annually is needed just to *maintain* our state highway system. During the regular session, several attempts were made to fund

transportation, but they were unsuccessful. Nearly two weeks into the special session call, Governor Perry expanded the call to add transportation funding.

SJR 2 would allow Texas voters to choose, through a constitutional amendment, to reallocate some of the revenue from oil and gas severance taxes that are currently earmarked for the Rainy Day Fund to the State Highway Fund, raising an additional \$1 billion yearly in revenue for highway construction. SJR 2 requires that the funding be used only for construction and maintenance of our state highway system and ensures that a significant balance will remain in the Rainy Day Fund. The House added an amendment that ensures that oil and gas severance tax revenue would only be taken from the Rainy Day Fund when the fund has a balance of at least one-third of its legislative cap. Additionally, the amendment requires that the revenue being diverted to the State Highway Fund can only be used for constructing, maintaining, and acquiring rights-of-way for **non-toll** public roadways.

This legislative solution provides funding for our state highway system without raising any taxes or fees. Since SJR 2 is a constitutional amendment, it must be passed by a 2/3 margin by both the House and Senate, and approved by Texas voters. SJR passed the House by 105-28.

### **Juvenile Justice - SB 23**

Last year, the Supreme Court ruled that it is unconstitutional to sentence juveniles to serve a mandatory life sentence without parole. To bring state statute in line with that ruling, the Governor added SB 23 to the special session call.

SB 23 requires that individuals under 18 who commit capital murder be eligible for parole after 40 years of confinement. The House amended the bill to allow juries to sentence 17-year-olds to life without parole as long they consider extenuating issues. SB 23 passed the House 95-9.

### **Abortion - SB 5**

Though there were several abortion related bills filed in the special session, the omnibus pro-life bill, SB 5, is the bill that moved forward. SB 5 contains a number of provisions intended to protect the unborn. Key elements of SB 5 include improving the quality of the facilities that provide abortions and banning abortions after 20 weeks of gestation, similar to fetal pain prevention laws 11 other states have passed.

The House convened on Sunday afternoon. The House finally passed SB 5 by a vote of 97-33 in the early morning of June 24th, after about 14 hours of debate. All of the House members present for the vote didn't sleep that night, but remained in the Capitol and on the House floor for over 24 hours before adjourning for the day. Several hundred individuals on both sides of the issue spent most of their Sunday in the Capitol to express their position on this very emotional issue.

### **Protecting the Bracken Bat Cave**

Recently, my office became aware of plans for a new residential development near the largest bat colony in the world, located in both Comal County and the City of San Antonio extraterritorial jurisdiction. Reportedly, 10 to 20 million Mexican free-tailed bats hunt for insects on the land where up to 2,500 homes may be built. Additionally, the site is a known habitat of the golden cheeeked warbler, a federally designated endangered species and it is located in the sensitive Edwards Aquifer recharge zone.

Several individuals and organizations have expressed concern about this development, based on potential adverse environmental and health and safety impacts. Experts indicate that displacing a bat colony of this size could result in a multitude of unintended consequences. As bats are known carriers of rabies, this development could increase exposure to and spread of rabies in the area.

Throughout the last few years, several efforts have been made by various government entities and private organizations to mitigate the effects of development on aquifer recharge, endangered species and their ecosystems. As this particular development is planned in an area outside of the San Antonio City limits, and thus not subject to zoning ordinances, there is no process for resolving these issues before the development moves forward.

The last few weeks, we have worked with the developer, local elected officials and Bat Conservation International to work on a strategy to minimize the impact of a potential development near the bat colony.

I had the opportunity to visit the Bracken bat cave recently and watch the evening flight of the bats. Here is a photo of the flight.



## **Expansion of the House Transparency Committee to Investigate University of Texas Regents**

On Tuesday, Speaker Straus read a resolution to the House authorizing the House Select Committee on Transparency in State Agency Operations, on which I serve, to begin an investigation of alleged misconduct by UT Regents.

While the resolution applies to the entire UT Board of Regents, most of the recent concern has been related to the actions of regent Wallace Hall. Regent Hall has come under fire for investigating university operations and becoming involved in a destructive way.

As you are likely aware, the Governor appoints the board of regents for each state university system. However, the House is allowed by law to vote to propose articles of impeachment. Then, the Senate can begin the impeachment proceedings.

It's unclear at this time whether impeachment will be pursued, but it is likely that the committee will spend a significant amount of time investigating the regents and their oversight of university business.

## **Larson Legislation**

Team Larson had a very successful Session! We passed 16 bills out of the House, 12 of which also passed the Senate. The Governor signed 11 of them, and chose to veto HB 1511. [Here](#) is a link to his veto statement.

## Texas Politics

Now that the legislative session is behind us, a lot of folks in Austin are looking toward the 2014 election. Several current elected officials have announced their intent to run for higher office. The race for Lieutenant Governor is sure to be interesting, with 3 candidates challenging sitting Lt. Governor David Dewhurst in the Republican Primary. We want to hear what you think. Please take a moment to share your thoughts in [this short poll](#).

## In the News

Caving News: [Two Texas State Reps Go to Bat for Bracken Bat Cave](#)

New Braunfels Herald-Zeitung: [Bat cave, developers look for light at end of tunnel](#)

San Antonio Express-News: [Who's declining per diems during the special session?](#)

San Antonio Express-News: [Per diems paid to most in House despite 2-week lull](#)

San Antonio Express-News: [The 'dam has burst' statewide for GOP ambition](#)

San Antonio Express-News: [Reps try to put the brakes on bat cave project](#)

New Braunfels Herald-Zeitung: [Bracken Bat Cave gains support](#)

Texas Tribune: [Subdivision May Threaten World's Largest Bat Colony](#)

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,



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