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# New Legislature Faces a New Set of Priorities

By THE TEXAS TRIBUNE

The last time Texas lawmakers convened in Austin, they were absorbed with numbers and boundaries: how to make ends meet with a deflated state budget and draw new district maps the courts would approve.

But with improving fiscal conditions and redistricting mostly in the rearview mirror, they are approaching the 2013 legislative session with some pressing policy questions, from whether to introduce private school vouchers into the state's public education system to whether they should put in effect — and accept financing for — major provisions of the federal [health care overhaul](#).

Meanwhile, lawmakers will face the consequences of the sweeping cuts and budget-balancing tricks of the 2011 session, including a multibillion-dollar [Medicaid](#) shortfall and a lawsuit — expected to be appealed to the Texas Supreme Court early this year and decided in the summer — over how the state finances public education.

The Legislature is also staring down the barrel of some other major investments, from ensuring that Texas has the water to meet its soaring population growth to finding consistent revenue streams for long-delayed [transportation](#) projects.

Do not expect a full respite from hot-button issues; lawmakers have already offered legislation to ban abortion after 20 weeks, and to allow teachers to carry concealed handguns in school classrooms. But the Legislature's Republican majority may take a softer tack toward [immigration](#) bills this session, after a national election in which the growing Hispanic population moved even further into the Democratic camp.

A look at the anticipated legislation, issues and political battles in the 83rd session.

## PUBLIC EDUCATION

Whether to pass school choice reform — and what shape it might take — could be the biggest battles of the 2013 session. A key aspect of any proposal will be whether to use public money to send children to private schools. Support for such a measure has moved along party lines, and it has divided Republicans in the past.



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Lawmakers are also poised to take on the state's public school accountability system because of widespread reaction against the use of high-stakes standardized tests to measure student performance. Dan Patrick, Republican of Houston and the chairman of the Senate Education Committee, and Michael L. Williams, the state's education commissioner, have offered proposals that rate schools on a scale of A to F; other legislators have suggested doing away with state testing.

Education advocates and some lawmakers will push to restore some or all of the \$5.4 billion in public school budget cuts made during the 2011 session. But any decision will hinge on the resolution of a major school finance lawsuit against the state. A Texas Supreme Court decision, anticipated in early summer, could bring lawmakers back to Austin to revamp the state's method of financing public schools.

After the mass shootings last month at a Connecticut elementary school, lawmakers could also consider measures to heighten security at public schools, including a bill to let school employees carry concealed handguns.

Look to Mr. Patrick to be the gatekeeper on education policy in the Senate. Key lawmakers to watch in the House include John Otto, Republican of Dayton and an appropriations guru, and Jimmie Don Aycok, Republican of Killeen, who has taken the lead on school finance issues.

## **MORGAN SMITH**

### **HEALTH CARE**

Lawmakers will be responding to scandals in the health care arena that have rocked the state's cancer research institute and its Medicaid program, and federal reforms that will dramatically alter Texas' medical landscape.

As criminal and civil investigations of the [Cancer Prevention and Research Institute of Texas](#) continue, rebuilding public trust in the \$3 billion, voter-approved initiative will be a top priority. Lawmakers have also filed bills to tackle Medicaid fraud among dental and orthodontic providers.

In response to federal health care reform — so-called Obamacare — lawmakers must decide whether Texas will expand Medicaid to cover poor, uninsured adults or set up an Orbitz-like online insurance exchange. Mr. Perry has insisted that Texas will not play ball, but decisions by the state's Republican majority could pressure the governor to accept federal reforms and the money that comes with them.

Some lawmakers may be reconsidering a \$73 million cut to family planning services that was

made in the last session, which was largely an effort to force Planned Parenthood out of state programs. They will also be looking at the rules and financing of the [Texas Women's Health Program](#), the successor of a federally financed program that ended after the state enforced a rule banning providers affiliated with abortion clinics.

Abortion opponents are also backing a "fetal pain" measure that would ban abortions after 20 weeks, and a bill to place tougher requirements on doctors who perform abortions. **BECCA AARONSON**

## **HOUSE SPEAKER**

Once upon a time, speakers of the Texas House easily won re-election until they overstayed their welcome, falling victim to politics or scandals. But during the tenure of Joe Straus, the current speaker, and his predecessor, Tom Craddick, there have been challenges at the beginning of every legislative session.

Mr. Straus, Republican of San Antonio, unseated Mr. Craddick, Republican of Midland, in 2009. In 2011, he fended off a rambunctious challenge from Representative Ken Paxton, Republican of Plano, who has since moved on to the Texas Senate.

Now it is Representative David Simpson carrying the challenger's banner.

Mr. Simpson, Republican of Longview, is entering only his second term, but he proved during his freshman term that he was not a go-along-to-get-along guy. He got in the way of restrictions on so-called puppy mills two years ago, even though the sponsor was Senfronia Thompson, the venerated Houston Democrat who was in a position to spike all of the upstart's legislation.

He argued loudly and unsuccessfully in favor of restricting federal airport searches and gave a personal privilege speech — a fancy term for a heartfelt oratorical address to the House that cannot be interrupted for debate — railing against the machinations he said prevented passage of the "anti-groping" legislation.

Now his disdain for Mr. Straus's leadership has blossomed into a full-blown challenge for his job. After members take their oaths of office on Tuesday to begin their new terms, they will decide whether to stick with Mr. Straus or switch to Mr. Simpson. **ROSS RAMSEY**

## **THE GOVERNOR**

After enduring a humiliating run for president, and his first electoral loss ever, Mr. Perry heads into the session looking to rebuild his brand.

He will most likely do it by championing the no-holds-barred conservatism that made him a presidential contender in the first place.

Over the next few months, look for Mr. Perry to push a “fetal pain” bill that would ban abortion after 20 weeks of pregnancy, possibly as an “emergency” item that would fast track the measure. He [said](#) recently that he sees it as a step toward his goal of ending abortion rights entirely.

Mr. Perry will also call for drug testing welfare recipients, and Texans can count on him to resist anything that sounds like a federal mandate, whether it relates to health care, the environment or guns.

The governor says people should be allowed to carry concealed weapons in any public place. His [response](#) to the mass shooting in Connecticut? Let teachers carry guns.

Mr. Perry is likely to face some [awkward wrangling](#) over tax incentives and grants to private companies that promise to create jobs — he calls it economic development, but many [Tea Party](#) conservatives see the programs as corporate welfare.

The governor promises to reveal his political plans this summer. He has said he is leaning toward a re-election race, and he could begin another presidential bid in 2016. At a Tea Party gathering a few weeks ago, Mr. Perry was [quoted](#) as saying he still has “a burning desire in my heart to see this country led by a God-fearing conservative patriot.” **JAY ROOT**

## **ENERGY**

In a state that remains in a severe drought, the overarching energy and environment issue this session will undoubtedly be water.

Lawmakers will consider proposals to draw \$1 billion or more from the Rainy Day Fund to help finance water projects. State Representative Lyle Larson, Republican of San Antonio, has already filed such a bill.

High water rates charged by private companies in rural Texas are also likely to receive scrutiny, especially as lawmakers assess whether to move water rate oversight to the Public Utility Commission from the Texas Commission on Environmental Quality. The utility commission is undergoing a comprehensive “sunset” review by the Legislature this session, an assessment of the need for a state agency.

The Texas Railroad Commission, like the utility commission, is also under sunset review. That could result in a name change (the leading candidate is the Texas Energy Resources

Commission, which reflects the agency's oil and gas oversight) as well as scrutiny of the agency's enforcement policies for drillers.

The Legislature will also most likely be looking at how effectively [Ercot](#), the state grid operator, resolves its long-term problem of limited power supplies and growing demand.

Environmentalists will be pushing for the restoration of financing to state parks, which saw budget cuts last session. Twenty state parks could close if the money does not materialize, according to Luke Metzger, director of [Environment Texas](#). **KATE GALBRAITH**

## **HIGHER EDUCATION**

Ideas for getting more out of Texas colleges and universities without giving them more money will dominate higher education discussions in the coming session.

Under a plan proposed by the Texas Higher Education Coordinating Board, the eligibility pool for the state's largest need-based grant program would be reduced and the award decreased, allowing financing to stretch farther in a more targeted population.

This will be the first session in which the Senate's higher education committee, which was created in 2009, has not been run by Senator Judith Zaffirini, Democrat of Laredo. Senator Kel Seliger, Republican of Amarillo, is the new chairman.

Dan Branch, Republican of Dallas and the chairman of the House Higher Education Committee, has already signaled his priorities: filing a bill that would require universities to offer students the option of a four-year, fixed-rate tuition plan and seeking to tweak the state's enrollment-based approach to appropriations by tying as much as 25 percent of financing to performance measures like graduation rates. Mr. Perry has endorsed variations of both proposals.

The governor does not expect legislation ending Texas' longstanding policy of giving some illegal immigrants in-state tuition rates and access to financial aid to reach his desk. But such a bill has been filed, and it could be one of the session's most contentious higher education issues. **REEVE HAMILTON**

## **IMMIGRATION**

Unlike last session, lawmakers have not prefiled a mountain of immigration legislation. After President Obama's strong showing among Hispanic voters in the November general election, analysts suggest, Texas Republicans may be revising their message.

Some state lawmakers, however, remain intent on keeping the issue front and center. State

Representative Lyle Larson, Republican of San Antonio, has filed a bill to repeal in-state tuition for illegal immigrants, and another that could make it easier for county governments to construct immigration detention centers.

Representative Bill Zedler, Republican of Arlington, has [filed a bill that](#) would crack down on day labor centers where unauthorized workers congregate to look for temporary work.

Mr. Perry has not said whether legislation to ban so-called sanctuary cities in Texas would be a priority. But he recently reiterated his support for the measure, which would expand the immigration enforcement authority of local law enforcement officers.

After the United States Supreme Court's decision in June to uphold what critics call the "show me your papers" provision of the controversial Arizona immigration law, Texans could see a similar bill filed this year.

But there could also be unprecedented pushback, as Texas Republicans watch the state's demographics shift and seek to draw more Hispanics into the party's ranks.

At their state party convention in June, Republicans voted to include a call for a national guest-worker program in their platform, a public acknowledgment that some of the party's rhetoric may have alienated Hispanic voters. **JULIÁN AGUILAR**

## **CRIMINAL JUSTICE**

In the realm of courts and prisons, continuing debate is expected over the role of prosecutorial misconduct in Texas' [wrongful convictions](#).

Michael Morton, who was exonerated in 2011 after spending nearly 25 years in prison for his wife's murder, is already lobbying legislators to find more ways to hold prosecutors accountable when they make mistakes that lead to wrongful convictions. Senator Rodney Ellis, Democrat of Houston and chairman of the Innocence Project board, is likely to take the lead on this issue.

Following a year of renewed violence in Texas' youth lockups — youth-against-youth violence this time, as opposed to the staff-on-youth assaults of 2005 that resulted in system reforms — lawmakers will work to improve the state's troubled juvenile justice system. Discussion is likely to center on whether to close even more of the state's facilities; currently there are just 6, down from 15 a few years ago.

Reform advocates have long urged legislators to consider smaller secure facilities that are closer to urban centers, instead of the massive ones in rural parts of the state.

In the months ahead, Texas could also make more history with its prison system. In 2011, lawmakers shut down the aging Central Unit near Houston; it was the first time the state had ever closed a prison.

Senator John Whitmire, a Houston Democrat and the longtime leader of the upper chamber's Criminal Justice Committee, has already hinted that he would like to see two more Texas prisons closed as the inmate population continues to decline. Mr. Whitmire will be taking charge of prison issues after the retirement of his longtime partner in criminal justice, Representative Jerry Madden, Republican of Plano. **BRANDI GRISSOM**

## **TRANSPORTATION**

Other budget priorities have overshadowed transportation for years, but Texans may see some major movement on two fronts in 2013.

After a decade of relying largely on debt and tolls to advance road projects without raising taxes, state leaders, including Mr. Perry and the speaker of the House, Mr. Straus, are calling for the development of a more dependable revenue stream. The current financing system, largely bolstered by gas taxes, has been unable to keep pace with the cost of maintaining roads, let alone developing new routes to relieve congestion. A proposal to dedicate the sales tax on new vehicle purchases to transportation financing is drawing strong interest.

Commuter rail may also see a big boost this year if private development of a [high-speed rail](#) system and public efforts to expand rail lines in North Texas move forward.

Following Mr. Perry's veto of a 2011 texting-while-driving ban, lawmakers could reconsider behind-the-wheel legislation to counter distracted driving.

Lawmakers may also provide ways for state and local authorities to hold oil and gas production companies responsible for the damage their vehicles and equipment do to roads in the Permian Basin, Eagle Ford Shale and Barnett Shale regions. **AMAN BATHEJA**

