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Legislative slog in Austin getting tiresome

Posted Thursday, Jul. 25, 2013

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There can't be many Texans who are proud of their Legislature today.

Lawmakers have worked on the crucial problem of transportation funding for almost seven months now, and still there's no solution. It's like they're searching in the dark.

If they don't happen upon what they're looking for by the end of the day on Tuesday, Gov. Rick Perry says he'll make them stay in Austin and work on it for another month.

Despite optimistic projections from Lt. Gov. David Dewhurst and Speaker Joe Straus, the House and Senate seem far apart.

State Rep. Joe Pickett, D-El Paso, one of the authors of the transportation bill passed by the House, sarcastically told his fellow members late Thursday that the Senate had made "only one minor change" in the bill. The Senate Finance Committee kicked out the whole thing and substituted something entirely different.

So now both sides, House and Senate, have named members of a conference committee to make one last try to work things out. The House adjourned until Monday

The Senate started arguing about other things, including whether Sen. Wendy Davis, D-Fort Worth, had an excused absence to attend fundraisers in Washington, D.C. Given that she might use the funds she is raising to mount a campaign for the governor's office, some Republicans objected to granting her leave.

Not exactly a problem-solving atmosphere, and it's hard to imagine that attitudes will improve if the lawmakers are called back for a third special session. Understandably, they're a grumpy bunch right now.

Still, the issue at hand is transportation funding, and it's hard to imagine a more serious one for Texas. Officials of the Texas Department of Transportation have said they need about \$4 billion more per year just to maintain current (in some places unacceptable) road congestion.

In their seven months of work so far, both legislative chambers have proposed plans for devoting more money to transportation. But each only gets about a quarter of what the Transportation Department says is needed to maintain the status quo.

The Senate's plan is the more straightforward of the two. It would divert some of the oil and gas tax money that now goes to a savings account commonly referred to as the state's rainy-day fund. The diversion would go to transportation projects.

For some House members, the fly in the Senate plan's ointment is a requirement that the diversions not take place in years when the rainy-day fund, which now stands at about \$8 billion, falls below \$6 billion.

Those House members are right. That's not a stable source of funds for transportation, and it complicates potential future allocations from the rainy-day fund.

The House plan has its own flaws. One is that it seeks to solve a different problem that for years has brought complaints from some state leaders.

Currently, all but 5 cents of the state's 20 cents-per-gallon tax on motor fuels goes to transportation. That 5 cents goes to help fund public education. Many legislators want to make the gas tax a transportation-

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only source of funds.

So that's what the House plan proposes. But what about education?

The House bill would take money from the rainy-day fund to make education funding whole again. That's not a stable source of education money. It's an ongoing expense that the rainy-day fund wasn't built to handle.

The Legislature's regular session this year, from January through May, was a fairly friendly affair that accomplished a lot of what lawmakers expected.

The first special session was acrimonious and ended angrily with a filibuster and a large crowd of citizen activists that blocked proposed abortion restrictions.

The second special session passed the abortion bill and a juvenile justice bill, but there will be no room for bragging about accomplishments if there's no transportation bill.

There's still time, but there's little room to feel good about it.

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