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Texas House defeats key transportation amendment

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BY CHRIS TOMLINSON AND WILL WEISSERT
The Associated Press

AUSTIN, Texas — A proposed constitutional amendment boosting funding for roads and transportation infrastructure by more than \$840 million annually garnered just 84 votes in the Texas House late Monday, 16 fewer than it needed for approval and likely setting the stage for a third special session.

The lower chamber will convene again Tuesday, the last day of the second extra legislative session, and is expected to reconsider the vote — but supporters and opponents agreed the outcome appears unlikely to change. Gov. Rick Perry has promised to call lawmakers back yet again if they fail to pass the package of new funding for road and bridge construction.

"It is disappointing that some members of the House today needlessly delayed our state's ability to deal with the added strain our increasing population and surging economy are placing on our roads and highways," Perry said in a statement. He added: "Legislators have been in Austin for nearly seven months now, and to go home without dealing with one of the most pressing issues facing all Texans is simply unacceptable."

The regular, 140-day session ended on May 27 but a state that prides

itself on having a part-time Legislature is now facing the prospect of seeing its lawmakers in session 230 days thanks to three, 30-day special sessions.

The House needed two-thirds of its 150 members to support the would-be constitutional amendment, which would ask voters in November 2014 to approve the additional spending on transportation.

Experts say Texas needs \$4 billion extra in the state budget to maintain the current road network given the state's booming population, but the Republican majority refuses to consider raising taxes.

Instead they have proposed taking an estimated \$848 million in oil and gas taxes that would normally flow into the state's cash reserves or Rainy Day Fund. Supporters say that funding will be a good start toward fixing the problem.

But some conservatives opposed the plan, saying the state shouldn't be using its Rainy Day Fund for ongoing expenses. Meanwhile, a number of Democrats opposed it because the funding package might have included a floor for the Rainy Day Fund of \$6 billion that would have halted all diversion to transportation if the fund fell below that amount.

Discrepancies between funding proposals passed in the House and Senate, as well as disagreement on the proposed floor, delayed the final vote until Monday. In all, House Democrats voted 26-13 in favor of the amendment, while Republicans supported it 58-27. At least 26 lawmakers were absent from Monday's vote.



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The measure's sponsor in the House, Democratic Rep. Joe Pickett of El Paso, said it was so late in the summer that many representatives were absent for the vote. He said the House will move to reconsider Tuesday, but that the prospects appear bleak because many lawmakers will still be absent, and those present are unlikely to change their minds.

"I think it would be pretty difficult," Pickett said. "Very difficult to get bodies that weren't here back in time, or cajole ... others into voting differently."

House Speaker Joe Straus, a San Antonio Republican, said "as today's vote shows, members have become increasingly uncomfortable with the idea of diverting and indefinitely dedicating funds away from the Rainy Day Fund to roads."

"Diverting a capped amount of money from the Rainy Day fund to repair roads is much like using a Band-Aid to cover a pothole," Straus said in a statement. "In the end, you still have a pothole and you've spent a lot of money without solving the fundamental problem."

Funding for roads was set to pass at the end of the first special session but died as collateral damage when Democratic state Sen. Wendy Davis of Fort Worth filibustered a sweeping bill imposing some of the country's strictest limits on abortion. The Legislature has since passed the abortion restrictions.

With the transportation plan still not passed, Perry has promised to call lawmakers back for another 30 days. From the House floor, though, Pickett implored the governor: "Don't call us back tomorrow."

"Let us relax, let us have a vacation, let us have a summer," he said, adding of next year's election cycle: "Let us get through the primaries and then we can come back."

The Senate, meanwhile, adjourned without voting, but plans to approve the measure by two-thirds on Tuesday. Lt. Gov. David Dewhurst, who oversees legislation there, said of the House: "It is my hope that they will bring this up for reconsideration."

"They are optimistic they can get the votes," Dewhurst said. "But I will leave that to them."

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