

Lawmakers Pass Roads Cash Plan, Adjourn Special Session

by [Aman Batheja](#) and Alexa Ura | August 5, 2013 | [8 Comments](#)

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photo illustration by: Todd Wiseman

The Texas Legislature adjourned its third special session since May on Monday night after passing a measure estimated to increase transportation funding by \$1.2 billion annually if Texas voters approve it next year.

"Let's adjourn this mutha," said state Sen. [John Whitmire](#), D-Houston, after the Senate had sent House Bill 1 back over to the lower chamber for final passage.

It was the third try by lawmakers since the end of the regular session to pass a measure to boost funding for the cash-strapped Texas Department of Transportation without raising taxes or fees.

Gov. [Rick Perry](#) praised both chambers for "increasing funding for transportation without raising taxes, which sends an incredibly strong message that Texas is committed to keeping the wheels of commerce turning, while protecting taxpayers."

TxDOT Executive Director Phil Wilson said in a statement that the Legislature's "commitment to funding transportation is a significant step in advancing key mobility and maintenance projects into the future."

Both chambers had been debating for months the mechanics of a constitutional amendment that would divert some oil and gas production tax revenue currently earmarked for the Rainy Day Fund to road construction and maintenance.

In the first special session, a version passed the House but not the Senate. In the second special session, the holdup was in the House. As the House convened Monday, predictions were mixed as to whether the 100 votes needed to pass the latest version of the plan were there.

The latest version is estimated to raise \$1.2 billion a year for TxDOT, a fraction of the more than \$4 billion TxDOT has said it needs in additional annual funding to maintain current congestion levels as the state's population grows.

The plan now requires the Legislature to vote in 2025 to continue the diversion or it would stop. It also requires TxDOT to find \$100 million in "efficiencies" over the 2014-15 biennium and put that money toward paying the agency's multibillion-dollar debt.

"They're a \$20 billion a year agency and a lot of us believe that they can tighten the belt," said state Rep. [Joe Pickett](#), D-El Paso and the author of HB 1.

A repeated sticking point on the plan has been whether and how to create some sort of minimum balance, or floor, for the Rainy Day Fund's balance below which tax revenue could not be diverted to transportation. The version passed by both chambers Monday will require a select joint committee of legislators to recommend a minimum balance before each regular legislative session. Then members of both chambers will be given a chance to vote in favor of that minimum balance or a different balance. If a majority of both chambers can't agree on one by the 45th day of the session, then the committee's recommendation will be enacted.

That final provision drew the support of several House Republicans who had been wary of the plan beforehand.

"It's not a perfect bill but at least this gives us a say in what that floor will be," said state Rep. [Matt Krause](#), R-Fort Worth.

The Comptroller's Office has projected that the Rainy Day Fund will have an \$8.5 billion balance after a deposit in November.

"This plan enables us to relieve congestion on Texas roadways while protecting our state's 'AAA' bond rating with a healthy balance in the Rainy Day Fund," said Lt. Gov. [David Dewhurst](#). "To protect our Rainy Day Fund, I am recommending a floor of \$6 to \$7 billion for the next two years."

The measure approved Monday involved two related pieces of legislation, Senate Joint Resolution 1 and House Bill 1.

The House passed SJR 1 on Monday 106-21, which puts the constitutional amendment on the November 2014 ballot. (Twenty-two representatives were absent.) Lawmakers had opted not to put the measure on this November's ballot out of concerns that it would hurt efforts to pass a \$2 billion water proposition already set for that same ballot. The Senate passed SJR 1 last week.

HB 1, an enabling measure required to pass to allow the voter-approved constitutional amendment to be enacted, was the subject of nearly five hours of debate in the House Monday. [Pickett](#) offered three amendments on the measure and said if House members avoided adding others, lawmakers could possibly conclude the special session that evening.

House lawmakers ultimately adopted two amendments. One from state Rep. [Joe Deshotel](#), D-Beaumont, would have given TxDOT the option to award money from the Texas Mobility Fund for port projects. The other, from state Rep. [George Lavender](#), R-Texarkana, would have allocated more than \$600 million in unspent funds from this year's regular session to transportation.

When the House bill reached the Senate Monday evening, the Senate Finance Committee stripped Lavender's amendment. State Sen. [Kel Seliger](#), R-Amarillo, was the only vote in opposition, citing concerns that Deshotel's amendment would mean port projects would draw funding away from roads.

On the Senate floor, the bill passed with a 26-1 vote, with Seliger voting no. Senators tabled an amendment from state Sen. [Carlos Uresti](#), D-San Antonio, that would have discouraged TxDOT from converting roads to gravel. The amendment was in response to the agency's claim that it would be forced to convert roads to gravel in oil field counties in West and South Texas due to a lack of funds to maintain them. House lawmakers had debated a similar amendment from state Rep. [Tracy King](#), R-Batesville, that did not garner enough support.

Transportation funding is the only issue Perry had included in the third special session's agenda. Some lawmakers and activists had pushed him to add other issues such as campus carry legislation and tuition revenue bonds for colleges.

Alana Rocha contributed to this report.



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