



Texas BOMA Legislative Update
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If it feels like the Legislature never left Austin it's because, for all intents and purposes, they didn't. While the 83rd Texas Legislature adjourned *sine die* on Monday, May 27, Governor Perry called them back into a special session that started the evening of May 27. That special session, which ended at midnight on Tuesday, June 25, was followed by a second special session which began this past Monday, July 1.

Background on Special Sessions

The Texas Legislature meets for 140 days every other year for a regular legislative session. During the regular session, the Legislature may take legislation on any subject but must pass only one bill: a balanced budget. The Governor has the power to call a special session of the legislature at any time. During a special session, however, legislators are only allowed to pass legislation that the Governor has put on the call, giving the Governor the power to control the agenda. A special session may last no longer than 30 days, and the Legislature is not required to pass any legislation during the session.

First Special Session

The first special session was originally designed to cover only one subject: redistricting. In 2011, the Texas Legislature became the first Legislature in the modern era to pass redistricting maps for the Texas House, Texas Senate, and the Congressional delegation. After passage, those maps became the subject of several lawsuits. The 2012 primary elections were ultimately delayed several months because of the litigation, and the 2012 districts used were based on interim maps drawn by the courts. Attorney General Greg Abbott (R) encouraged legislators to pass maps in the 2013 session, codifying the 2012 interim maps, with the hope that it would short-circuit additional litigation. When Governor Perry called legislators back for the first special session, the only item on the call was passing redistricting maps.

Shortly after the special session started, Governor Perry added three additional items to the call: juvenile justice legislation, abortion legislation, and transportation funding legislation. The juvenile justice legislation was meant to fix a problem with the current law where certain juvenile offenders, because of rulings by the U.S. Supreme Court, did not fit within any sentencing guidelines. The abortion legislation, seen by many observers as a political primary

issue, was designed to restrict abortions after the first 20 weeks of a pregnancy and to prohibit abortions from being performed at facilities unless they meet certain requirements. The transportation funding legislation was to provide additional funding to meet the state's transportation needs, which are estimated to be an additional \$4 billion a year to keep pace with current infrastructure demands.

The end result of the first special session was mixed, depending on your view. The Legislature passed new redistricting maps, which Governor Perry signed into law shortly after passage. Because of a filibuster by Sen. Wendy Davis (D-Fort Worth) on the last day of the special session, no other legislation passed.

Second Special Session

Governor Perry called legislators back for a second special session that began on Monday, July 1. The only items on the call at this time are the three legislative issues left unfinished from the first special session: juvenile justice legislation, abortion legislation, and transportation funding. The Legislature has already held committee hearings on some of the bills, and we expect floor action to begin this week on the various issues.

Elections

While the Legislature is still in "legislative mode", many politicians are now in "campaign mode". We anticipate 2012 will be the most contested statewide election in recent history, with various candidates running for higher office. Governor Rick Perry (R), who is the longest-serving Texas Governor in history, announced yesterday that he will not seek re-election. The front runner in the race to replace Governor Perry is Attorney General Greg Abbott (R), who most observers anticipate will announce his candidate for Governor in the near future. Other candidates in the race include former Texas Workforce Commission Chairman Tom Pauken (R) and McAllen businesswoman Miriam Martinez (R). At this time, the only name being floated as a possible Democratic candidate is Senator Wendy Davis (D-Fort Worth), though most observers believe a Democrat will not be viable statewide this election cycle.

Lieutenant Governor David Dewhurst (R) has announced he is seeking re-election to the office he has held since 2003. He will be challenged by State Senator Dan Patrick (R-Houston), Land Commissioner Jerry Patterson (R), and Agriculture Commissioner Todd Staples (R). No Democratic candidates have yet surfaced in this race.

With Attorney General Greg Abbott (R) likely to seek the office of Governor, several candidates are running for his seat. Those candidates include State Representative Dan Branch (R-Highland Park) and Railroad Commission Chairman Barry Smitherman (R). Others who are looking at the race include former Texas Supreme Court Justice Harriet O'Neil, Bexar County District Attorney Susan Reed, and State Senator Ken Paxton (R-McKinney). No Democratic candidates have yet surfaced in this race.

Comptroller Susan Combs (R) announced she is not seeking re-election, and State Senator Glenn Hegar (R-Katy), State Representative Harvey Hilderbran (R-Kerrville), and grassroots activist Debra Medina (R) are all seeking that post. Railroad Commissioner Christi

Craddick is also closely eyeing that race and may enter it as well. No Democratic candidates have yet surfaced in this race.

Commissioner Patterson's decision to run for Lieutenant Governor has opened the Land Commissioner race, and George P. Bush (R-Dallas), the son of former Florida Governor Jeb Bush, nephew of former President George W. Bush, and grandson of former President George H. W. Bush appears to be the leading contender for that job. No Democratic candidates have yet surfaced in this race.

Commissioner Staples's decision to run for Lieutenant Governor has opened the Agriculture Commissioner race, and the leading contenders for that job are Eric Opiela (R), the former executive director of the Republican Party of Texas, and State Representative Brandon Creighton (R-Conroe). No Democratic candidates have yet surfaced in this race.

There are several individuals looking to run for Railroad Commissioner. In addition, there will be several seats on the Texas Supreme Court up for election, as well as the Texas Court of Criminal Appeals. And in the near future we expect to hear more about legislator retirements and challengers to sitting legislators.

We will continue to monitor all of these issue and keep you informed.