

# CAPITOL UPDATE

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**AROUND THE CAPITOL:** After more than a year of political wrangling, the **new congressional redistricting map**, designed to give the GOP a majority in the Texas delegation, has one more hurdle to clear. The map was passed by the Legislature, cleared by the Justice Department and approved by a panel of three federal judges. It is still uncertain whether the U.S. Supreme Court will hear the case. They are currently considering a redistricting case involving Pennsylvania, which could have some affect on the Texas case. The Texas appeal may be coupled with the Pennsylvania case, if the court decides it wants to put new limits on partisanship.

Democratic office holders and some civil rights groups asked the court to put a stop on using the new maps until they can prepare their appeals, but the court denied the stay and elections will precede under the new map. Constitutional experts are weighing in even if they are not on either side. When the three judge panel gave their approval to the map it was pointed out that certain areas of the law are still not clear.

The court will be asked to decide how often districts can be redrawn and also to clarify the legal standing of minorities in districts where they cannot control the election but could join or form coalitions that would affect elections. The Texas Legislature created a new map while one was already in effect, the one in place was drawn by a federal court panel when the Legislature failed to draw a map in 2001.

Although many minority Democrats in the Texas delegation were left with districts that they should be able to win, other white Democrats, including Representatives Charlie Stenholm of Abilene, Martin Frost of Arlington and Chet Edwards of Waco would have to run in mostly new districts. Another white Democrat, Representative Jim Turner of Crockett, says there is not an East Texas district which he can win and so he will retire.

U.S. Representative Gene Green of Houston, currently represents a mostly Hispanic district, but is moving into the

new District 29. This district includes about 80 percent of his current district and is about two-thirds Democratic. Representative Max Sandlin of Marshall chose District 1 which includes much of his current district. Former Democrat Ralph Hall is now running as a Republican in District 4. Both District 1 and 4 are heavily Republican.

Representative Martin Frost of Arlington will run in District 22. U.S. Representative Charles Stenholm of Abilene has served in the House since 1978 and is running against one-term Representative Randy Neugebauer, R-Lubbock in a new district which is about 70 percent Republican.

State Senator Gonzalo Barrientos, who considered a run for congress in the new District 25, which stretches from southern Travis County to the Mexican border, has instead endorsed Leticia Hinojosa over U.S. Representative Lloyd Doggett. The Travis County part of District 25 is 49 percent Hispanic and 18 percent Black. Thirty-one percent of Travis County residents are in the new district.

The state's 32 member delegation had only 10 white Democratic members after the 2002 elections, in part, due to causes the party had championed such as the Voting Rights Act and affirmative action. Two of the ten will not be back for sure at least as Democrats. Ralph Hall switched to the GOP and Turner will not run. Of the other 8 several have minority challengers. . .

In 1997 the Texas Legislature passed a sweeping **water reform bill** aimed at dictating the state's water policy for the next 50 years. After more than six years, Texans are still divided and much of the reform remains unfunded.

In response to lingering problems and reflecting his concern over the possible involvement of state participation in for-profit water deals, Lt. Governor David Dewhurst has appointed 11 Senators to a Senate Select Committee on Water Policy. It is the fourth legislative attempt since 1997 to refine

the state policy on groundwater and surface water. Since the committee is not a joint committee, the House will not necessarily buy into recommendations that the Senate committee might make.

The committee has a wide agenda. Foremost on most lawmaker's minds is the possible entry of the state into leasing water rights on state lands to boost revenue for the Permanent School Fund. The School Land Board, which Land Commissioner Jerry Patterson chairs, has approved guidelines for such leases. A number of safeguards have been mentioned, including requiring water developers to adhere to the regulations of local groundwater districts. Most of these groundwater districts can limit pumping, but cannot prevent the export of groundwater.

Some districts are trying to feel their way and don't have the financial means or even the legal expertise to handle the questions coming to the surface as investors seek to export water. Although the Legislature authorized the water districts to impose taxes and water export fees, some have chosen not to.

Some farmers are continuing to pump more water than necessary to establish a pattern of "historic use" of groundwater. Groundwater districts often use this as a base on how much water landowners have used in the past. There are now about 80 groundwater districts in Texas.

Another interim committee is looking at instream flows to insure that there is enough water in rivers and lakes to support fish and wildlife and to insure that there will be enough water flowing into bays and estuaries. The Texas Water Conservation Association wants a change in the current system of deciding permits on a case by case basis.

It is questionable whether lawmakers will attempt to abolish the century-old rule of capture. It has become the cornerstone of private property rights in Texas. The rule allows landowner's to pump as much water as they choose from beneath their land without being liable for any damage to their neighbors. There will likely be efforts to change or carve out exemptions to the rule. In the past lawmakers held fast to the "rule of capture." Texas is the only Western state that operates under the rule. . .

It looks more and more like the expected **special session** of the Legislature to explore new ways to fund public education will indeed be held this Spring. Two longtime senators, Teel Bivins of Amarillo and Bill Ratliff of Mount Pleasant, will be absent. The loss is significant because both have remained low-key, yet wielded great influence. Both Bivins and Ratliff have headed the Senate's Finance and Education committees.

Ratliff, as chairman of the Senate's Public Education Committee, wrote the 1993 "Robin Hood" school finance law and the school reform law in 1995. Bivins sponsored the legislation that brought the Texas Assessment of Knowledge and Skills test to public education. . .

Getting ready for a special session, Governor Rick Perry, Lt. Governor David Dewhurst and House Speaker Tom Craddick and the chairs of House and Senate committees that will handle an overhaul of the state's school finance system, have laid out their **general goals for the special session**.

Chairwoman of the Senate Education Committee, Florence Shapiro, R-Plano, said there is already consensus on several of the objectives of the session. Those areas of consensus are:

- Elimination of "Robin Hood" provisions of the current school finance system which requires property-rich districts to share their local property tax revenues with low-revenue districts.
- Reduction of local property taxes.
- Tax reforms to replace the revenue lost from a reduction in local property taxes.
- Education reforms that would boost student achievement.

Lt. Governor David Dewhurst said that legislative leaders want a reduction in property taxes alone with a "broadening of the funding base for public education that will grow faster and provide more revenues than local property taxes."

The Texas Supreme Court has already warned that the funding system is on the verge of collapse as more districts reach the maximum. Many school districts have joined together in a lawsuit holding the present system unconstitutional. The suit is set for trial on July 26. . .

A recent retreat at the ranch of David Dewhurst brought Rick Perry, Tom Craddick and Dewhurst together to discuss several **topics, most notably school finance**. Although no significant breakthroughs were reported, Perry brought up his idea of splitting the state's property tax base. Under the plan the Legislature would tax business property for schools and local entities would tax homeowners.

Dewhurst revived his plan that traded sales tax increases for halving the school property tax...

Governor Rick Perry recently announced a **change in leadership** at the Texas Department of Transportation, replacing the current chairman, Houston businessman John Johnson. Johnson will continue as a member of the five-member commission.

Governor Perry has designated Ric Williamson as the new chairman. Williamson has served on the commission since his appointment by Perry in 2001. The change reflects Perry's desire to install more of his appointees. Last month he appointed two new members to the Transportation Commission, expanding the panel from three to five members. The new appointees are Esperanza Andrade of San Antonio and Ted Houghton Jr. of El Paso...

**BRIEFS:** After 15 years in the state Senate, Senator Bill Ratliff of Mount Pleasant, who retired recently, will join his son Tom in a lobbying firm called Ratliff Co. Their client list will include telecommunication companies, Internet and software technology, electric utility, manufacturing and tourism associations... The race to succeed Amarillo Senator Teel Bivins in the district extending from the Panhandle to the Midland/Odessa area is shaping up as a battle for representation between the two areas. Since the areas are 250 miles apart the interests are different. The winner of the GOP race will face King Miller in November. It is possible that one person may win the special election and another could win the GOP primary on April 13... The state's top utility regulator, Rebecca Klein, has announced her resignation from the Public Utility Commission which will allow her to concentrate on her congressional race in the new District 25... Gene Acuna, Deputy Press Secretary for Governor Rick Perry, has left to join the local office of the public relations firm of Fleishman-

Hillard Inc... Three Panhandle lawmakers are assured re-election. GOP Representatives John Smithee of Amarillo, David Swinford of Dumas and Warren Chisum of Pampa drew no opponents... Former state Senator Carlos Truan of Corpus Christi has joined the Texas A&M University as a special assistant. He joined the system as an unpaid advisor to the dean of the system's Health Science Center... Governor Rick Perry announced his choice as education commissioner, Shirley Neeley, superintendent of the Galena Park school district who has been recognized for her work as superintendent in Houston. As he made the nomination, Governor Perry hinted that he would not rule out allocating new dollars to achieve excellence in education... According to Comptroller Carole Keeton Strayhorn, Texas is poised for an economic turnaround this year after two years of declining sales tax revenue... Texas A&M University is eliminating admission preference for alumni relatives, yielding to criticism that the practice discriminates against minorities... During a recent meeting in Austin of the Western States Land Commissioners Association, Texas Land Commissioner Jerry Patterson and New Mexico Land Commissioner agreed to leave the border dispute to the lawyers. At stake is 603,485 acres of West Texas land that New Mexico lawmakers say was stolen from their state in a flawed 1859 survey... Former District Judge David Medina of Houston replaces Bill Jones as Governor Rick Perry's new general counsel... David Beckworth, former spokesman for Lt. Governor David Dewhurst, has moved to Washington, D.C. and joins the Senate Republican Caucus...

**\*\*SPECIAL OFFER\*\***

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**GOVERNOR PERRY HAS MADE THE FOLLOWING APPOINTMENTS:**

**STATE BOARD FOR EDUCATOR  
CERTIFICATION:**

**Patti Lynn Johnson**, Canyon Lake; 2-1-09. Ms. Johnson is replacing Art Lacy of McKinney whose term expired.

**TEXAS TRANSPORTATION COMMISSION:**

*Chairman:* **Ric Williamson**, Weatherford; Term at the pleasure of the Governor. Mr. Williamson will be replacing John W. Johnson of Houston. Mr. Johnson will continue to serve on the commission.

**TEXAS STATE BOARD OF PLUMBING  
EXAMINERS:**

*Presiding Officer:* **John Hatchel**; Term at the pleasure of the Governor. Mr. Hatchel is being named presiding officer pursuant to SB 282, 78<sup>th</sup> Legislature, Regular Session.

**BOARD OF REGENTS OF STEPHEN F. AUSTIN  
STATE UNIVERSITY:**

**Valerie E. Ertz**, Dallas; 1-31-09. Ms. Ertz is replacing Susan Roberds of Dallas whose term expired.  
**Paul Gifford Pond**, Port Neches; 1-31-09. Mr. Pond is replacing Michael Enoch of Mont Belvieu whose term expired.

**UNIVERSITY OF HOUSTON SYSTEM, BOARD  
OF REGENTS:**

**Dennis D. Golden, O.D.**, Carthage; 8-31-09. Mr. Golden is replacing Suzette T. Caldwell of Sugar Land whose term expired.  
**Lynden B. Rose**, Houston; 8-31-09. Mr. Rose is replacing George E. McDavid of Houston whose term expired.

**ONE-CALL BOARD:**

**Howard T. Pebley, Jr.**, McAllen; 8-31-06. Mr. Pebley is being reappointed.  
**Ralph E. Alonzo**, San Antonio; 8-31-06. Mr. Alonzo is being reappointed.  
**Ernest Aliseda**, Edinburg; 8-31-06. Judge Aliseda is being reappointed.

**Trisha S. Pollard**, Bellaire; 8-31-06. Ms. Pollard is replacing Lynda Burke whose term expired.

**TEXAS VIOLENT GANG TASK FORCE:**

**Roger Lozano**, San Antonio; Term at the pleasure of the Governor. Mr. Lozano is replacing L. Caesar Garcia of San Antonio.

**CRIME VICTIMS' INSTITUTE ADVISORY  
COUNCIL:**

*Terms to be determined by lot at the first meeting.*

**Nancy E. Harrington**, Conroe  
**Rep. Lois Kolkhorst**, Austin  
**Sen. Kenneth Armbrister**, Austin  
**Diane Kathryn Jones**, Dallas  
**Lisa G. Womack**, Arlington  
**Daniel Richard Benavides**, Dallas  
**Nancy Holmes Ghigna**, Conroe  
**Stephanie Pecora**, Houston  
**Darlene Warrick McLaughlin, M.D.**, Bastrop  
**Sonia Lea Higgins**, Amarillo  
**Jimmy Elizabeth Westcott**, Dallas  
**Melinda P. Everett-Norman**, Conroe  
**Rodman Goode**, Grand Prairie  
**Barney D. Whitson**, San Antonio  
**Ben M. Crouch**, College Station  
**Mary Anne Wiley**, Austin

**TEXAS AFFORDABLE HOUSING  
CORPORATION:**

*Pursuant to SB 284, 78<sup>th</sup> Legislature, Regular Session*  
*Chairman:* **Jerry Romero**, El Paso; 2-1-05.  
**Debbie A. Moutsos**, South Padre Island, 2-1-07.  
**Thomas A. Leeper**, Huntsville; 2-1-07.  
**Charles G. Rencher**, Sugar Land; 2-1-09.  
**Christopher D. DeCluitt**, Waco; 2-1-09.

**TEXAS BOARD OF HUMAN SERVICES:**

**Teresa D. Wilkinson**, Midland; 1-20-09. Ms. Wilkinson is replacing Jon Bradley of Dallas.