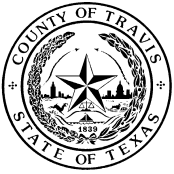


# Item 14



## Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, July 2, 2013  
**Prepared By/Phone Number:** Deece Eckstein, 854-9754  
**Elected/Appointed Official/Dept. Head:** Deece Eckstein, 854-9754  
**Commissioners Court Sponsor:** Judge Biscoe

### **AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING:

- A. UPDATE ON LEGISLATIVE ACTIVITIES;
- B. TRAVIS COUNTY LEGISLATIVE PRIORITIES FOR THE 83RD TEXAS LEGISLATURE, FIRST AND SECOND CALLED SPECIAL SESSIONS;
- C. THE LEGISLATURE'S AND THE GOVERNOR'S ACTIONS ON VARIOUS LEGISLATION; AND
- D. ADDITIONS TO THE PRIORITIES, POLICY POSITIONS AND THE POSITIONS ON OTHER PROPOSALS SECTIONS OF THE TRAVIS COUNTY LEGISLATIVE AGENDA.

### **SUMMARY AND IGR COORDINATOR RECOMMENDATION:**

IGR recommends that the Court continue its efforts to support and shape legislation on transportation funding and juvenile sentencing during the coming special session, while monitoring other issues.

### **BACKGROUND:**

- 1) The First Called Session of the 83<sup>rd</sup> Texas Legislature ended at midnight on Tuesday, May 25. Legislation to adopt the [interim congressional plans](#) ordered by the San Antonio court. However, legislation on three other topics included in the call – transportation funding, juvenile sentencing, and the regulation of abortion providers – did not pass.
- 2) Governor Perry has called a second special session, to begin on Monday, July 1, at 2:00 p.m., to address the following topics:

- a) Legislation relating to the regulation of abortion procedures, providers and facilities.
- b) Legislation relating to the funding of transportation infrastructure projects.
- c) Legislation relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender.

A copy of the Governor's proclamation is attached. A brief overview of the two topics of interest to Travis County follows.

- 3) There are 28 days remaining in the First Called Session.

### **ISSUES AND OPPORTUNITIES:**

Two issues in the call are of interest to Travis County. Both were addressed unsuccessfully during the regular session and the first special session:

- 1) *Transportation funding* – [SJR 2](#) was the vehicle on transportation funding. The Senate version would redirect one half of the oil and gas production taxes currently flowing into the Rainy Day Fund to the highway fund (Fund 6), subject to a \$6 billion threshold in the RDF before any money could be diverted, and dedicated exclusively “for constructing, maintaining, and acquiring rights-of-way for public roadways.”

The House version would:

- a) prohibit the use of any of the constitutionally-dedicated revenues for toll roads; and,
- b) replace the \$6 billion threshold before diversions to Fund 6 could occur with a requirement that the balance in the RDF must be at least one-third of its maximum authorized balance.

The Senate was not able to debate whether to concur In the House changes due to the filibuster on Monday, so it is unknown whether the two chambers could agree on a compromise approach.

- 2) *Juvenile sentencing* –This issue is in response to the Supreme Court's opinion in *Miller v. Alabama*, which held that mandatory sentences of life without possibility of parole are unconstitutional for juvenile (meaning under-18-year-old) offenders. Three bills ([SB 23](#), [HB 33](#) and [HB 37](#)) were filed in the first special session to clarify that the mandatory punishment for a non-death penalty capital felony committed by a person younger than 18 is life imprisonment (with the

possibility of parole). A capital felony committed by an individual who is 18 or older would be life without parole.

SB 23 was passed by the House and returned to the Senate, but no action was taken due to the filibuster.

**FISCAL IMPACT AND SOURCE OF FUNDING:** Not applicable.

**REQUIRED AUTHORIZATIONS:** None.

**NAMES, PHONE NUMBERS AND EMAIL ADDRESSES OF PERSONS WHO MIGHT BE AFFECTED BY OR BE INVOLVED WITH THIS REQUEST:**

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**ATTACHMENTS:**

- A. Governor Rick Perry, Proclamation of the Second Called Session of the 83<sup>rd</sup> Texas Legislature, to begin on July 1, 2013.