

# Texas Legislature adjourns with 2 major state agencies unaddressed

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AUSTIN — The Legislature's 2009 session ended in a bitter meltdown late Monday as the Senate refused to vote on whether to keep two major state agencies alive, setting up the possibility of a special session within months to revive the transportation and insurance departments.

After refusing pleas from Senate Democrats to continue debate on the two agencies, Republicans pushed through a motion to adjourn the session on a party-line vote of 17-11. And Democrats raised the specter of the issue that has divided the parties all year — voter ID.

Republicans said they had to act to restore lost transportation funding, and they stressed that the two agencies, which touch nearly all Texans' lives, would continue to operate as normal. But the future of large chunks of state government was unclear.

"The Republicans cannot govern," said Sen. Judith Zaffirini, D-Laredo. "What a sad day for Texas. What another sad day for the Texas Senate."

Republicans said their hand was forced by the House, which adjourned hours earlier without approving \$2 billion in state highway bonds.

"This is no way to run a railroad," said Senate Finance Committee Chairman Steve Ogden, R-Bryan, insisting that the bonds must be approved for badly need road improvements.

An aide to Gov. Rick Perry's office said it was too soon to say if a special session would be necessary.

"Tonight's action in the Senate will not impact the business of state agencies. These agencies will continue to conduct business as usual and serve the people of Texas," said Perry's press secretary, Allison Castle. "This has been a successful legislative session and there is still important business to take care of during the next 20 days of evaluating legislation that has passed this session." She referred to the governor's window to sign or veto legislation passed during the session.

Senate Democrats blamed Republicans for trying to force a special session and avoiding the big issues that have faced the state. Senate Democratic leader Leticia Van de Putte of San Antonio called it "a complete and total failure of leadership."

“We’ll see what they want when the special session comes,” said she said.

Large parts of state government were thrown into ambiguity. Department of Transportation spokesman Chris Lippincott called the developments disappointing but said that “to the extent allowed by law, TxDOT’s employees will continue to operate and maintain the state’s transportation system.”

He added: “In the coming days, we hope to have a clearer picture of the legal and financial constraints on our authority to go forward.”

Ogden said Gov. Rick Perry will be asked to call a special session at some point in the future so that lawmakers can consider approval of the transportation bonds and continuation of the two state agencies, as well as a handful of other small agencies.

Because the Senate refused to approve a House measure extending the life of the insurance and transportation departments for two more years, both would be scheduled to cease operations by Sept. 1, 2010. If a special session is called, the Legislature could act to continue both agencies until the next regular session in 2011.

Sen. Glenn Hegar, R-Katy, said the governor could extend the life of both until the 2011 session through an executive order.

Earlier Monday, the House went to work to get out of the jam created by a partisan standoff over the sunset measure.

The solution they settled on wasn’t pretty. Lawmakers pretended that reviving two large and three small bureaucracies wasn’t passing a law, which is verboten on the session’s final day, but a mere technical correction to an already passed bill.

At the Capitol, emotions veered wildly all day. There were good feelings over a stricken state representative’s return to the House, almost three weeks after a near-fatal heart attack. Then, Democrats made a final push to force the House to resurrect a bill to extend health coverage to 80,000 children from working poor families. It failed.

The move would have required suspending rules. And House Republicans have refused to do so — especially to help Democrats, after they talked for five days last month to kill the voter-ID bill.

Democrats then complained bitterly that Lubbock Republican Rep. Carl Isett, chairman of the Sunset Advisory Commission, pulled a fast one Sunday by delaying the next review of the Transportation Department for four years. Isett denied any trickery, saying he was only trying to ease the commission staff’s workload.

During a lunch break, House leaders ironed out an exit strategy. It hinged on passing a resolution to correct a “fiscal matters” bill that, among other things, would create a treasury account for incoming federal economic stimulus money.

Waxahachie Republican Jim Pitts, the House's chief budget writer, said the federal money couldn't flow to shuttered agencies. He called adding two years to their lives a permissible tweak. House Speaker Joe Straus, R-San Antonio, deflected parliamentary maneuvers that would've upended the strategy, possibly forcing a special session.

Rep. Yvonne Davis, D-Dallas, said she understood lawmakers' desire to go home but warned their rule-stretching would only invite more last-minute mischief in the future.

"It's ironic that we're here to make laws for people to abide by and we won't even stand by our own rules," she said.

The House approved the resolution, though, 111-29.

But the Senate never did, and the House's work was eventually for naught.

*Staff writer Christy Hoppe contributed to this report.*