



STATE REPRESENTATIVE



JOHN KUEMPEL



DISTRICT 44

GONZALES · GUADALUPE · WILSON

82ND LEGISLATIVE SESSION & CONSTITUTIONAL AMENDMENT INFORMATION



The State of Texas
House of Representatives

JOHN KUEMPEL DISTRICT 44 • GONZALES, GUADALUPE & WILSON COUNTIES

October 2011

Dear Friends and Neighbors:

On December 30, 2010, I had the privilege of being sworn into office as your State Representative for House District 44. That was definitely one of the most memorable days of my life, and I cannot express my appreciation enough for being given this opportunity. It is an absolute honor and a pleasure to serve as your representative. Since the first day of the 82nd legislative session, the Texas House worked diligently to address the important issues impacting the people of Texas, and most importantly the citizens of this district. We tackled some very difficult matters head-on during one of the most economically uncertain times one Great State has ever witnessed. Though the going was never easy, I am proud of the work the Texas House accomplished.

Inside this newsletter you will find the highlights of the 82nd Legislative Session and a summary of this session's legislative accomplishments. In addition, I have provided you with information about the proposed constitutional amendments offered to voters by the 82nd Legislature that I hope you will find helpful. Not all of the items will affect each of you directly, however, they are important to Texans. Some of the amendments have the potential to effect you greatly so it is important that you read the pros and cons carefully before deciding how to vote.

If you have any questions about legislation that was passed this session or the proposed amendments or if I may be of service to you in any way, please do not hesitate to call my Capitol office at (512) 463-0602 or my district office at (830) 379-8732. I appreciate all of you who have stopped by to see me, phoned or written about the issues that concern you and look forward to hearing from you in the future. It has been an absolute privilege to serve as your representative, and I will continue to work hard for you and your families.

Sincerely,

John Kuempel

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COMMITTEES: CULTURE, RECREATION & TOURISM • LICENSING & ADMINISTRATIVE PROCEDURES



STATE BUDGET

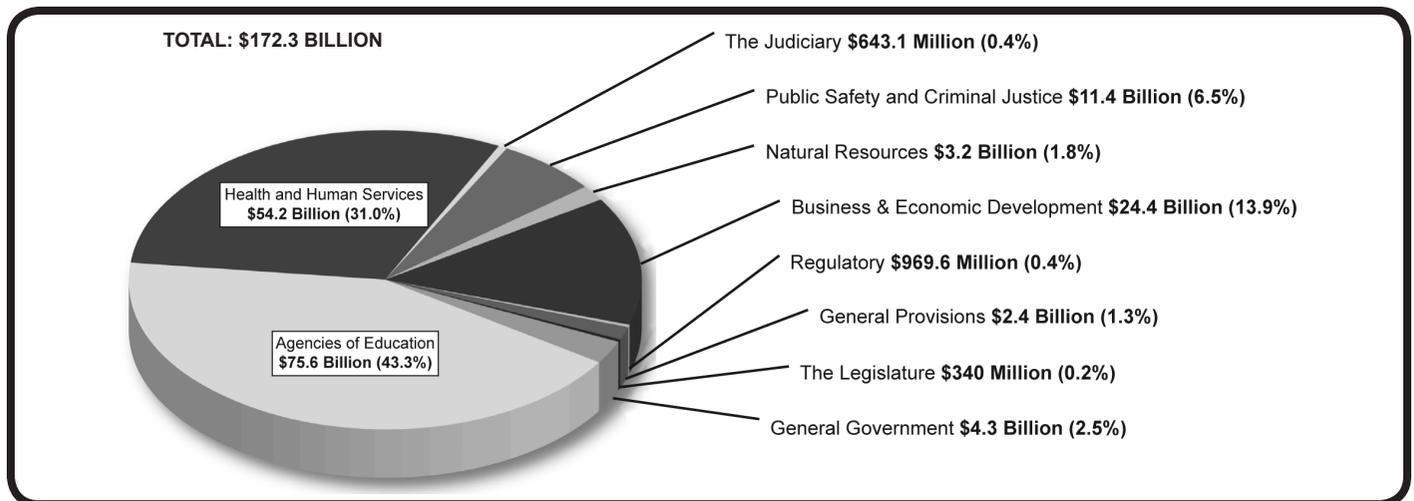
The first key to ensuring a strong Texas economy is to keep the state's own fiscal house in order. Balancing the budget without resorting to new taxes or draining the state's Rainy Day Fund was a priority. It wasn't easy. Even in its relatively strong position, Texas was not immune to the national economic recession, which left the Lone Star State with a \$27 billion budget gap to fill. Skeptics said it simply couldn't be done without raising taxes. Yet legislators found a way. Not only did we close the gap and preserve \$6.5 billion in the Rainy Day Fund, we reduced this year's budget by \$15 billion compared to the previous biennium. In fact, most recent estimates project the balance for the Rainy Day Fund at the end of 2013 to be \$9.4 billion.

The cuts were difficult, and many worthwhile programs simply couldn't be funded at the level most legislators would like. But the alternative – increasing the state's tax burden – would only prolong the recession and deepen the cuts in later years. While protecting critical programs and funding to education, Legislators recognized that adding more weight onto the shoulders of businesses was bad for the economy and bad for Texans.

The 2012-13 biennial budget totals \$172.3 billion, and reflects an 8.1% decrease from the 2010-2011 budget. Please see below, which details how state funds will be appropriated.

KEY BUDGET HIGHLIGHTS:

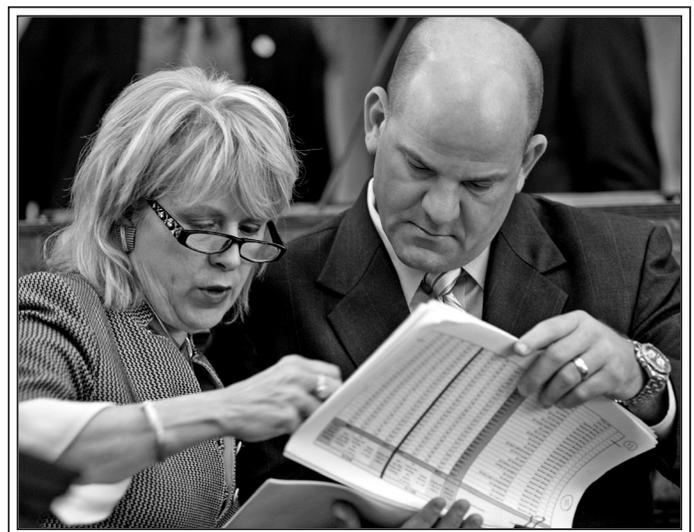
- ★ \$172 billion appropriated over two years.
- ★ The budget includes an increase of \$125.2 million in All Funds and an increase of \$3 billion in General Revenue for Public Education. Public and Higher Education now represent 60% of General Revenue.
- ★ The final legislation was able to limit the cuts of the original proposal and includes increased funding for schools, community colleges, student financial aid and nursing homes.
- ★ The budget includes a significant increase in border security in the next biennium by as much as \$100 million. This includes an increase for the Department of Public Safety of about \$70 million.
- ★ HB 4, the supplemental budget bill, supplied an additional \$550 million to the Foundation School Program to pay for higher than anticipated student enrollment in FY 2010–11.



PUBLIC EDUCATION

While the initial budget called for a reduction in education spending of \$9.8 billion, legislators prioritized public education and increased funding by \$1.6 billion, or 5.6%, over the previous biennium. As a part of the overhaul of our state's education spending, we focused on education reform. With the passage of Senate Bill 8, school districts were provided more local control and were given the tools and flexibility to maintain the best quality and most effective teaching staff. Implementing budget reductions allows districts the flexibility to make workforce reductions in ways that prioritize the quality of education that an instructor can provide, rather than the seniority of the teacher.

Additionally this session, measures were taken to ensure electronic textbooks were subject to the same accountability as traditional resources. This will move schools and children into the 21st century, as it creates an Instructional Materials Allotment that enables children to receive the most up-to-date content electronically. Flexibility and instant delivery of content will now be in the equation for school success.



Representative Kuempel and Representative Susan King discuss House Bill 4, one of the public education bills, and school district runs.



PRIVATE PROPERTY RIGHTS

The U.S. Supreme Court's 2005 *Kelo v. New London* decision opened up a gaping wound in American's cherished property rights by allowing for the use of eminent domain for economic development purposes. Each session since that ruling, legislators have taken important steps to close the wound before state agencies, local governments and even private entities can exploit the power of eminent domain beyond the narrow bounds that the nation's founders intended. In 2009, Texas voters overwhelmingly approved Proposition 11, which placed restrictions against eminent domain for economic development purposes in the Texas Constitution.

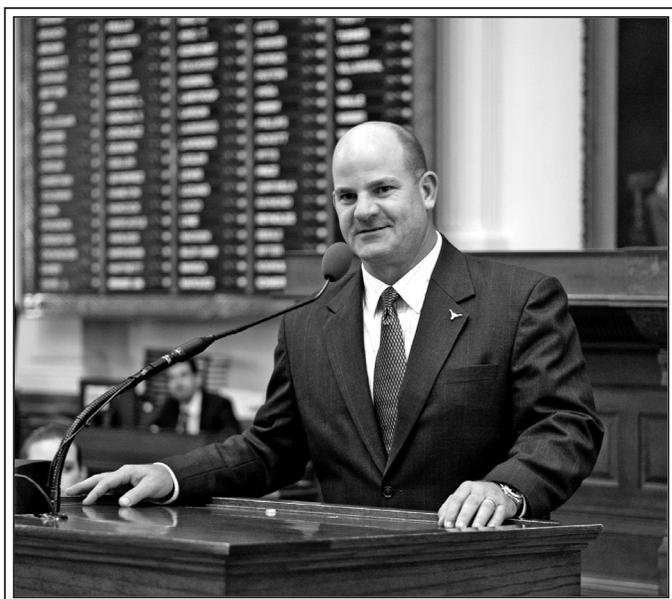
The legislature took significant steps to protect property owners this session.

EMINENT DOMAIN

- ★ Senate Bill 18 provides well-needed protections for property owners. The bill limits eminent domain takings for "public use" only, requires governmental entities to make good faith offers, requires fair compensation for loss of access and expenses, ends government land speculation, and allows for repurchase of property if progress towards public use is not being made. This legislation is a real victory for private property rights.

ELIMINATE PRIVATE TRANSFER FEES

- ★ Prior to the passage of House Bill 8 this session, developers and other individuals could impose private transfer fees on private property. These fees increase the cost to buyers and sellers, are hard to discover, and provide no benefit to property owners. I co-authored this legislation to protect consumers from future transfer fees on real property and to provide clarity and disclosure on these types of fees.



Standing at the front microphone on the House floor, Representative Kuempel discusses the importance of private property rights in his district as the House debates Senate Bill 18, eminent domain legislation.

TORT REFORM

This session, the Legislature was committed to building upon its record of tort reform and strengthening its legal system to provide stronger protections against frivolous lawsuits. Excessive lawsuits burden courts, stifle business and productivity and discourage innovation. Plaintiff's attorneys frequently file cases they know they can't win in hopes that businesses will settle out of court, because it's often cheaper than taking a case to trial.

In 2003, Texas passed a \$250,000 non-economic damage cap on lawsuit awards, ensuring that plaintiffs could still get the relief they need, but lawyers couldn't turn our courts into their own private lottery. Observers from all sides of the political spectrum credit that reform as one reason why Texas has created almost 40 percent of all jobs in the last four years.

We went even further this session to strengthen the Lone Star State's prevention of abusive lawsuits by passing "loser pays" legislation in the form of House Bill 274. When the party in a lawsuit faces the likelihood that he will pay court costs and lawyers' fees when bringing a case without merit or legal basis, only those cases with strong, legitimate chances of winning will be filed, and another check is in place to prevent trial lawyers from gaming the system at the expense of the people and businesses of Texas. House Bill 274 will strengthen free market in Texas by reducing the cost of doing business in the state and encouraging businesses to invest capital in Texas.

ELECTION REFORM

Texas has historically had concerns and fought relentlessly against voter fraud. Although the Lone Star State has made great strides in the last 50 years, one major glaring weakness has stood out as a threat to the integrity of the ballot: the lack of a requirement to show a picture ID while voting. While attempts to pass meaningful voter identification legislation in the past have failed, this session we were successful. Senate Bill 14 requires all voters to show a photo ID to vote. A driver's license, personal ID card, military ID, passport or concealed handgun permit qualify. A few exemptions are included, including those for certain disabled people and those 70 or older. The Texas law is similar to those passed in other states, which have already survived legal challenges.

IMMIGRATION & BORDER SECURITY

One of the state government's core constitutional responsibilities is to provide law enforcement to protect our citizens. Texas shares a 1,200 mile border with Mexico where abundant opportunities for crime are present. This session, the Legislature devoted \$87.8 million to funding border and homeland security initiatives. In addition, the Legislature approved a measure to require proof of citizenship or legal residency status to obtain a driver's license. This legislation protects the integrity of the state's license and makes it more difficult for illegal immigrants to work. It also makes it more difficult for terrorists to infiltrate the country.



Representative Kuempel, his wife Michelle, and their two boys, Will and Sam, shortly after taking the oath of office and being sworn into the Texas House of Representatives on December 30, 2010.

HEALTH CARE REFORM:

- ★ Senate Bill 7 reforms health and human services programs to improve service delivery and generate savings to the state. This bill transitions away from free-for-service health care program models and seeks an interstate health care compact to limit federal intrusion. In the next budget cycle, the state will owe \$4.8 billion for Medicaid. Senate Bill 7 will pave the way for lower-cost, high-quality health care in the future biennium.

FETAL ULTRASOUND

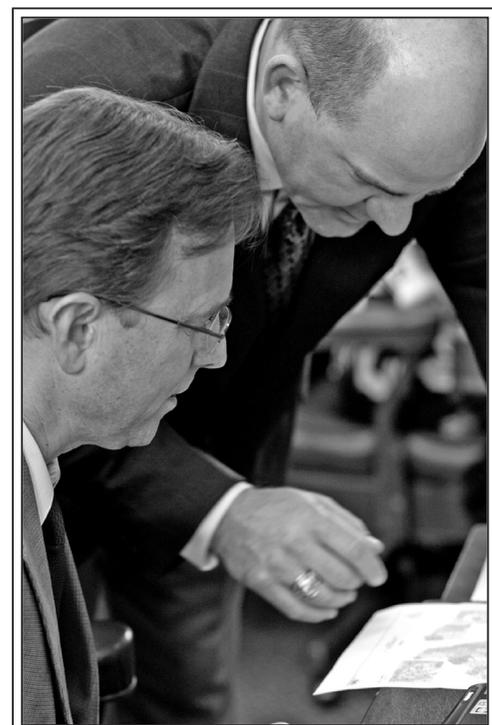
- ★ House Bill 15 requires doctors performing abortions to allow the woman receiving an abortion an opportunity to view the ultrasound image of the child. Ultrasounds are already taken in many cases, but are generally not shown to the mother. The intent of this legislation is to provide the mother with more information in order to allow her to make a truly informed decision on whether or not to proceed with an abortion.

TEXAS VETERANS

- ★ Veterans are one of the greatest assets to our community and our country. According to the Texas Veterans Commission, Texas is home to 1.8 million veterans, including 450,000 who served in Iraq and Afghanistan. Senate Bill 516 allows the surviving spouse of a totally disabled veteran to continue to receive the property tax exemption for a residential homestead after the veteran's death.
- ★ Senate Bill 201 was passed to allow a 100 percent or totally disabled veteran's property tax exemption to move with the veteran. The legislation will allow a qualifying disabled veteran who sells their old home and purchases a new one to continue to use their property tax exemption for the duration of the year.

REDISTRICTING

The Texas House passed a fair and legal House map, HB 150, State Board of Education map, HB 600, and Senate map, SB 31, and all three were sent to the Governor. This is the first time in 20 years that the House and the Senate maps have been passed during the regular session. Each map reflects the demographic changes of the past 10 years and protects the rights of voters to elect the candidates of their choice. While a congressional redistricting map was passed this session, several lawsuits challenging the map have been filed and will be heard in court, with the courts ultimately deciding the lines for congressional districts.



Representative Kuempel and Representative Kleinschmidt discuss the proposed lines in the new House redistricting map.

Rep. John Kuempel's Constitutional Amendment Voters Guide

Constitutional Amendment Election on November 8th Early Voting Begins October 24, 2011

PROPOSITION:	SUPPORTERS SAY:	OPPOSITION SAY:
AMENDMENT NO. 1 (S.J.R. 14) Authorizing legislature to provide an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.	By allowing a surviving spouse to transfer the surviving spouse's exemption to a subsequent homestead, the proposed amendment would permit the surviving spouse to move to a different home, including a home closer to family, without losing the exemption.	The state should not provide for new property tax exemptions at a time when essential services such as public education and health care are underfunded.
AMENDMENT NO. 2 (S.J.R. 4) Providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$6 billion at any time outstanding.	The increase in Texas' population and the persistent threat of severe drought highlight the need to update infrastructure to meet current water needs and to anticipate and plan for future water needs. Without the additional bonding authority, critical water planning and infrastructure upgrades will be greatly impeded or halted altogether.	Funding for implementation of the state water plan is inadequate and should be considered where possible.
AMENDMENT NO. 3 (S.J.R. 50) Providing for the issuance of general obligation bonds of the state to finance educational loans to students.	Recent cuts in federal financial aid and the elimination of certain federal financial aid programs, together with expected reductions in available state grant programs, likely will increase the demand for student loans, and low-interest, fixed-rate loans.	National student loan debt presently exceeds national credit card debt, and certain media sources have identified student loans as a potential catalyst for a widespread financial predicament similar to that relating to subprime mortgage loans.
AMENDMENT NO. 4 (H.J.R. 63) Authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.	Counties should have the same ability as cities and towns to finance needed public improvements in areas that are deteriorating and designated as reinvestment zones. The proposed amendment would provide a mechanism for financing structural improvements in a defined area without a tax increase.	Opponents Say: Authorizing counties to implement tax increment financing to fund transportation or other projects in a reinvestment zone could create an incentive to appraise property in the zone at a higher value.
AMENDMENT NO. 5 (S.J.R. 26) Authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.	By allowing a local government to enter into a contract with a term of more than one year without having to impose a tax or create a sinking fund, the proposed amendment would increase government efficiency by allowing for the consolidation of more programs, services, and projects.	No comments opposing the amendment were made during the house and senate committee hearings on the amendment or during discussion of the amendment in the house and senate chambers.
AMENDMENT NO. 6 (H.J.R. 109) Clarifying references to the permanent school fund, allowing the General Land Office to distribute revenue from permanent school fund land or other properties to the available school fund to provide additional funding for public education, and providing for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.	The proposed amendment is necessary to clarify the constitutionality of the General Land Office's authority to distribute revenue derived from permanent school fund land and property directly to the available school fund for distribution in the next biennium to the state's public schools.	The permanent school fund is meant to provide interest revenue from investment of the fund's permanent assets for distribution through the available school fund to the public schools in this state, and it would be unwise to spend funds that otherwise would be invested.
AMENDMENT NO. 7 (S.J.R. 28) Authorizing the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.	Currently, the City of El Paso's park system, used by both city and El Paso County residents, is underfunded. The proposed amendment would facilitate the creation and maintenance of a regional parks district in the county through certain bonding and taxing authority currently available in 10 other counties	The proposed amendment would provide an opportunity for further taxing authority in El Paso County, a property-poor county. In this current economic climate, government leaders should be focused on sustaining the local economy and generating revenue rather than on creating additional debt.
AMENDMENT NO. 8 (S.J.R. 16) Providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.	Active conservation will account for 23 percent of the state's future water supply, and the state water plan endorses voluntary water stewardship as a water conservation strategy. Promoting water stewardship is sound and sustainable water conservation policy. Farmers and ranchers would have a financial incentive to run fewer cattle on their land, helping to preserve the land's habitat and native plant and animal species.	The proposed amendment and its enabling legislation could provide a way to undermine the agricultural-use property valuation, or have other unintended consequences.
AMENDMENT NO. 9 (S.J.R. 9) Authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.	The Texas Constitution currently authorizes the governor to pardon a person who has been convicted of a crime but not a person who has completed deferred adjudication community supervision. This allows a situation in which a person who is convicted of a violent crime may receive a pardon while a person who is charged with a nonviolent crime and is placed on and completes deferred adjudication community supervision is not allowed to seek a pardon.	Providing the means by which a person who completes a term of deferred adjudication community supervision may be pardoned would not efficiently achieve the goal of expunction of criminal history record information because the person still must proceed through the pardon process involving the Board of Pardons and Paroles and the governor, a process that historically has resulted in few pardons.
AMENDMENT NO. 10 (S.J.R. 37) Change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.	Under the current resign-to-run provision in the Texas Constitution, an officeholder could file an application for a place on the general primary election ballot as late as January 2 of the primary election year, the current filing deadline, at which time the officeholder would have less than one year remaining in that office and would not be affected by the resign-to-run provision. Because Senate Bill 100 changes that filing deadline from January 2 to the second Monday in December of the preceding year, a conforming change to the constitutional resign-to-run provision is necessary to preserve the original intent of that provision.	No comments opposing the amendment were made during the house and senate committee hearings or during discussion of the amendment in the house and senate chambers



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Election Day: Tuesday, November 8TH

in this issue

**Constitutional
Amendment
Voter's Guide**

cut out and take with you to the polls

**Early Voting:
Monday, October 24
through
Friday, November 4**

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