



See how **pro-taxpayer** and **pro-property rights** your Texas state legislators were on transportation and property rights legislation in the 87th Session of the Texas State Legislature in 2021.

The overall methodology & list of the bills used to compile this Report Card can be found on the last two pages.

REPORT CARD

Governor Greg Abbott

We saw a major shift in Abbott’s anti-toll campaign promise to ‘fix Texas roads without raising taxes, fees, tolls or debt.’ This session, he broke three of the four promises. The legislature passed a vehicle registration fee hike, a bill to issue new debt from the Texas Mobility Fund (TMF), and another to allow private toll entities to increase toll fines and fees above the \$48/year cap placed on the Texas Department of Transportation (TxDOT). Abbott allowed all to become law without his signature and failed to veto them. He was also notably absent in helping our reform bills to cap toll fines and fees and to take the toll off the road once the road is paid for make it out of committee much less to his desk.

D

Lt Governor Dan Patrick

Gov. Patrick continues to appoint Sen. Robert Nichols as Chair of Senate Transportation. He’s a major roadblock to our bill to take the toll off the road when its paid for and has sworn it’ll NEVER pass as long as he’s the chair. The legislature under his leadership passed a vehicle registration fee hike, a bill to issue new debt from the Texas Mobility Fund (TMF), and another to allow private toll entities to increase toll fines and fees above the \$48/year cap placed on the Texas Department of Transportation (TxDOT). The Lt Governor allowed every one of these anti-taxpayer bills to get through the senate. While he kept his promises to prevent any bills that would hand our public highways to private foreign toll operators in long-term leases, he allowed HJR 99 to pass when he voted against the same legislation as a senator in 2011 (because it was anti-taxpayer and abuses property rights — nothing has changed except the Lt Gov). HJR 99 gives counties the ability to issue debt for transportation projects as well as for projects on anything a county deems ‘blighted’ or ‘underutilized’ property without voter permission using increases in property taxes. See more under explanations at the end of the Report Card. He was also notably absent in helping our reform bills to cap toll fines and fees and to take the toll off the road once the road is paid for make it out of committee much less to the senate floor.

D

Speaker Dade Phelan

Phelan’s choice to keep Rep. Terry Canales as Chair over House Transportation proved to be a disaster for taxpayers. All of the bad bills that passed this session originated in the House. The legislature under his leadership passed a vehicle registration fee hike, a bill to issue new debt from the Texas Mobility Fund (TMF), and another to allow private toll entities to increase toll fines and fees above the \$48/year cap placed on the Texas Department of Transportation (TxDOT). The Speaker allowed every one of these anti-taxpayer bills to get through the House. But the worst piece of legislation was passage of HJR 99 because it’s so anti-taxpayer, abuses property rights, and brazenly deceives voters. HJR 99 gives counties the ability to issue debt for transportation projects as well as for projects on anything a county deems ‘blighted’ or ‘underutilized’ property without voter permission using increases in property taxes. In fact, this legislation authored by Canales is even more devious than it was when it passed in 2011. This time, Canales made sure to remove the disclosure about this involving ‘increases in ad valorem taxes.’ So there can be no mistake that the intention is to blatantly deceive voters into approving something that involves increases in property taxes that most every Texan universally agrees are already too high. See more under explanations at the end of the Report Card.

F

The House of Representatives



REPORT CARD



House District 131	Alma	Allen	50%	F
House District 121	Steve	Allison	44%	F
House District 103	Rafael	Anchia	29%	F
House District 56	Charles "Doc"	Anderson	50%	F
House District 57	Trent	Ashby	48%	F
House District 18	Ernest	Bailes	50%	F
House District 65	Michelle	Beckley	44%	F
House District 3	Cecil	Bell	63%	D
House District 4	Keith	Bell	59%	F
House District 123	Diego	Bernal	50%	F
House District 73	Kyle	Biedermann	95%	A+***
House District 24	Greg	Bonnen	75%	C
House District 113	Rhetta	Bowers	44%	F
House District 54	Brad	Buckley	53%	F
House District 136	John	Bucy, III	46%	F
House District 58	DeWayne	Burns	50%	F
House District 83	Dustin	Burrows	43%	F
House District 112	Angie Chen	Button	50%	F
House District 128	Briscoe	Cain	75%	C+***
House District 119	Liz	Campos	38%	F
House District 7	Terry	Canales	42%	F*
House District 98	Giovanni	Caprigilone	65%	D
House District 92	Jeff	Cason	94%	A
House District 11	Travis	Clardy	38%	F
House District 46	Sheryl	Cole	50%	F
House District 147	Garnet	Coleman	38%	F
House District 95	Nicole	Collier	47%	F
House District 96	David	Cook	88%	B+
House District 117	Phillip	Cortez	50%	F
House District 82	Tom	Craddick	54%	F
House District 100	Jasmine	Crockett	50%	F
House District 17	John	Cyrier	63%	D
House District 72	Drew	Darby	50%	F
House District 111	Yvonne	Davis	42%	F
House District 7	Jay	Dean	69%	D+
House District 22	Joe	Deshotel	50%	F
House District 37	Alex	Dominguez	50%	F
House District 142	Harold	Dutton	44%	F
House District 10	Jake	Ellzey	69%	D+
House District 79	Art	Fierro	47%	F
House District 69	James	Frank	63%	D
House District 84	John	Frullo	63%	D

* Authored bad bills or amendments ** Authored one or more good bills or amendments advocated by TURF



REPORT CARD



House District 28	Gary	Gates	63%	D
House District 99	Charlie	Geren	50%	F
House District 120	Barbara	Gervin-Hawkins	44%	F
House District 97	Craig	Goldman	63%	D
House District 104	Jessica	Gonzalez	44%	F
House District 75	Mary	González	50%	F
House District 47	Vikki	Goodwin	50%	F
House District 41	Bobby	Guerra	50%	F
House District 31	Ryan	Guillen	50%	F
House District 126	Sam	Harless	53%	F
House District 8	Cody	Harris	41%	F
House District 5	Cole	Hefner	68%	D+
House District 143	Ana	Hernandez	53%	F
House District 34	Abel	Herrero	63%	D
House District 49	Gina	Hinojosa	47%	F
House District 33	Justin	Holland	63%	D
House District 48	Donna	Howard	44%	F
House District 127	Dan	Huberty	44%	F
House District 138	Lacey	Hull	81%	B-
House District 32	Todd	Hunter	59%	F
House District 50	Celia	Israel	50%	F
House District 26	Jacey	Jetton	63%	C
House District 134	Ann	Johnson	41%	F
House District 115	Julie	Johnson	44%	F
House District 139	Jarvis	Johnson	44%	F
House District 12	Kyle	Kacal	50%	F
House District 88	Ken	King	50%	F
House District 61	Phil	King	59%	F
House District 80	Tracy	King	44%	F
House District 91	Stephanie	Klick	63%	D
House District 93	Matt	Krause	69%	C- **
House District 44	John	Kuempel	50%	F
House District 71	Stan	Lambert	38%	F
House District 81	Brooks	Landgraf	48%	F
House District 122	Lyle	Larson	50%	F
House District 67	Jeff	Leach	81%	B **
House District 13	Ben	Leman	60%	D-
House District 35	Oscar	Longoria	50%	F
House District 125	Ray	Lopez	44%	F
House District 43	J.M.	Lozano	54%	F
House District 38	Eddie III	Lucio	47%	F
House District 39	Armando "Mando"	Martinez	48%	F
House District 116	Trey	Martinez Fisher	44%	F
House District 16	Will	Metcalf	71%	C-

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REPORT CARD



House District 108	Morgan	Meyer	50%	F
House District 105	Terry	Meza	44%	F
House District 23	Mayes	Middleton	88%	B+**
House District 124	Ina	Minjarez	44%	F
House District 78	Joe	Moody	32%	F
House District 145	Christina	Morales	44%	F
House District 74	Eddie	Morales	44%	F
House District 148	Penny	Morales Shaw	44%	F
House District 30	Geanie W.	Morrison	50%	F
House District 36	Sergio Jr.	Munoz	47%	F
House District 133	Jim	Murphy	50%	F
House District 53	Andrew	Murr	71%	C-
House District 107	Victoria	Neave	44%	F
House District 89	Candy	Noble	75%	C
House District 130	Tom	Oliverson	69%	D+
House District 76	Claudia	Ordaz Perez	44%	F
House District 77	Evelina 'Lina'	Ortega	46%	F
House District 118	Leo	Pacheco	50%	F
House District 9	Chris	Paddie	53%	F
House District 63	Tan	Parker	71%	C-
House District 106	Jared	Patterson	64%	D
House District 129	Dennis	Paul	69%	D+
House District 144	Mary Ann	Perez	44%	F
House District 87	Four	Price	56%	F
House District 102	Ana-Marie	Ramos	44%	F
House District 14	John	Raney	50%	F*
House District 42	Richard Peña	Raymond	47%	F
House District 27	Ron	Reynolds	44%	F
House District 51	Eddie	Rodriguez	44%	F
House District 60	Glenn	Rogers	48%	F
House District 90	Ramon	Romero Jr.	50%	F
House District 110	Toni	Rose	48%	F
House District 135	Jon	Rosenthal	53%	F
House District 70	Scott	Sanford	81%	B-
House District 6	Matt	Schaefer	88%	A-***
House District 132	Mike	Schofield	71%	C-
House District 66	Matt	Shaheen	94%	A+***
House District 109	Carl	Sherman	44%	F
House District 55	Hugh	Shine	44%	F
House District 2	Bryan	Slaton	94%	A
House District 59	Shelby	Slawson	71%	C-
House District 62	Reggie	Smith	81%	B-
House District 86	John	Smithee	62%	D-
House District 68	David	Spiller	68%	D+

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REPORT CARD



House District 85	Phil	Stephenson	47%	F
House District 64	Lynn	Stucky	63%	D
House District 150	Valoree	Swanson	88%	A-***
House District 52	James	Talarico	41%	F
House District 146	Shawn	Thierry	58%	F
House District 29	Ed	Thompson	52%	F*
House District 141	Senfronia	Thompson	50%	F
House District 94	Tony	Tinderholt	88%	B+
House District 15	Steve	Toth	69%	D+
House District 101	Chris	Turner	50%	F
House District 114	John	Turner	44%	F
House District 1	Gary	VanDeaver	60%	D-
House District 25	Cody	Vasut	82%	B***
House District 149	Hubert	Vo	47%	F
House District 140	Armando	Walle	44%	F
House District 19	James	White	63%	D
House District 20	Terry	Wilson	75%	C
House District 137	Gene	Wu	50%	F
House District 45	Erin	Zwiener	44%	F

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The Senate



REPORT CARD



Senate District 6	Carol	Alvarado	42%	F
Senate District 7	Paul	Bettencourt	79%	C+
Senate District 22	Brian	Birdwell	64%	D
Senate District 29	César	Blanco	47%	F
Senate District 24	Dawn	Buckingham	75%	C
Senate District 25	Donna	Campbell	64%	D
Senate District 4	Brandon	Creighton	67%	D
Senate District 14	Sarah	Eckhardt	50%	F
Senate District 19	Roland	Gutierrez	50%	F
Senate District 2	Bob	Hall	93%	A++**
Senate District 9	Kelly	Hancock	53%	F
Senate District 20	Juan "Chuy"	Hinojosa	47%	F
Senate District 17	Joan	Huffman	58%	F
Senate District 1	Bryan	Hughes	85%	B
Senate District 16	Nathan	Johnson	50%	F
Senate District 18	Lois	Kolkhorst	63%	C-**
Senate District 27	Eddie Jr.	Lucio	54%	F
Senate District 26	Jose	Menendez	50%	F
Senate District 13	Boris	Miles	50%	F
Senate District 12	Jane	Nelson	64%	D
Senate District 3	Robert	Nichols	57%	F
Senate District 8	Angela	Paxton	79%	C+
Senate District 28	Charles	Perry	58%	F
Senate District 10	Beverly	Powell	43%	F
Senate District 5	Charles	Schwertner	64%	D
Senate District 31	Kel	Seliger	47%	F
Senate District 30	Drew	Springer	79%	C+
Senate District 11	Larry	Taylor	58%	F
Senate District 23	Royce	West	37%	F
Senate District 15	John	Whitmire	42%	F
Senate District 21	Judith	Zaffirini	56%	F

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The Methodology

Two top priorities for the 87th Legislature:

- Remove the toll when the road is paid for (toll cessation).
- Expand toll collection reform to ALL toll entities, capping fines/fees, and removing the criminal penalty for unpaid tolls (impounding cars, blocking vehicle registrations).

While there were not record votes on our two anti-toll reform bills, there were 15 bills used to determine the grades of the 87th Legislature. Not all legislators voted on all 15 bills. Some were strictly committee votes, others were a vote by the full House or full Senate, but might not have made it to a floor vote in the opposite chamber. Below are the bills we tracked. Every lawmaker was notified prior to each vote of TURF's opposition and/or support of these bills and why.

NOTE: If a member authored one of our reform bills, that received a step up in their grade. Conversely, if a member authored one of the bad bills, they were downgraded by a step for each one.

Bills used for Report Card Transportation

BAD Bills: (that passed)

HB 1698 (Raney) - \$10 vehicle registration fee hike applies to a Regional Mobility Authority (RMA), which is primarily a toll authority, in Brazos County. The bill went back and forth with many other rep trying to add counties That means every car owner will pay more in order to subsidize a toll project they may never drive. It also triple taxes the drivers who do take the toll road since they pay a toll, an extra vehicle registration fee in addition to paying gasoline taxes to use that stretch of road. The excuse they used was that it will come before the voters first. Naturally, big government can always find a way to put lipstick on a pig and sell it to the voters as 'give us more money or else none of your roads will get fixed.' Hardly an argument for limited government, lower taxes, or freedom of mobility. Instead, they're essentially saying give us more while we squander, misuse, or waste the money we already take from you. When RMA executive directors garner higher salaries to run these little toll fiefdoms compared to the Executive Director of TxDOT with 11,000 employees, there's a problem with bloat and overspending. It's certainly not because taxpayers aren't paying enough.

HB 1116 - (Rep. Ed Thompson) - One of the most egregious of the session giving a blank check to these private toll entities to slap enormous toll fines and fees onto drivers' toll bills, bypassing existing state law that caps those fees at \$48/year on TxDOT-operated projects. Why on earth would lawmakers allow unlimited fines and fees by private, foreign corporations to be slapped on Texas drivers that it doesn't tolerate from TxDOT? Fines can result in a criminal charge and cause drivers to have their vehicle registration blocked and cars impounded. No other private company has the power to do this to consumers other than these special interests private toll deals. Consumer protection laws have been thrown out the window with this legislation, opening a pandora's box for future corporations to attempt to use the same powers of government to force consumers to pay up.

HJR 99 (Rep. Terry Canales) - Gives counties the ability to issue new road debt using an unpopular method backed by property tax increases called Transportation Reinvestment Zones (TRZs). Lawmakers already tried getting this past the voters in 2011 (then known as Prop 4), but voters rejected it. Now they think they can get it slipped past you this November by deceptively changing the ballot language to the remove the phrase 'ad valorem tax increases' and throw in the word 'transportation' (ballot initiatives for transportation tend to pass with over 90% of the vote - nearly 100% of citizens need and use roads on a daily basis, it's one of the few core functions of government). Even more frightening is the broad language used for the land to do it. It changes the constitution to give counties authority to issue bonds to finance 'undeveloped, underdeveloped, or blighted areas.' That could mean virtually anything! One man's blight is another man's treasure. The word transportation wasn't even in the bill until Senator Bob Hall amended it.

Here's what the ballot language was in 2011:

“The constitutional amendment 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. The amendment does not provide authority for increasing ad valorem tax rates.”

Here’s what it says now:

“The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

Senator Hall jumped into action to help us try to amend the bill and restore the original ballot language. He did manage to amend it in the senate to ensure it can’t be used on toll projects. Whew! But the senate expressly voted to keep the deceptive ballot language. **Be forewarned, this bill involves increases to your property taxes to pay off long-term debt for 40+ years for state transportation projects (or anything they can call ‘infrastructure,’** which if you look at the Biden administration’s infrastructure bill, that could be student loan forgiveness, Obamacare subsidies, Medicaid expansion or universal preschool. The only chance voters will have to defeat these TRZs is to vote ‘no’ on this Proposition 2 in November. Remember to hold your lawmakers who voted for it accountable. No fewer than 112 house members co-authored the bill, including Freedom Caucus members **Briscoe Cain, Matt Krause, Valoree Swanson, Steve Toth and Cody Vasut.**

HB 2219 (Rep. Terry Canales) - Will authorize TxDOT to begin issuing more debt from the Texas Mobility Fund despite Abbott’s promise of no more road debt. The state debt combined with its local toll entities (which are a political subdivision of the state) and private toll entities that operate public toll roads exceeds \$85 billion.

HB 2081/SB 1055 (Rep. Terry Canales) A pedestrian bill amended by Canales with bad language criminalizing drivers if they fail to stop not just yield to pedestrians. Previously, drivers only had to yield to pedestrians. Now you will commit a moving violation if you fail to stop completely for pedestrians, even if they’re on the other side of the crosswalk from your car and you can make right turn safely before pedestrians are close.

BAD Bills: (that did not pass)

HB 3467 (Rep. Terry Canales) - To extend the disastrous SH 130 private toll contract another 20 years. It went bankrupt in less than 3 years, and rather than give it back to Texas taxpayers free and clear of any debt (as was promised under oath by former Transportation Commission Chair Ric Williamson in 2007), the court allowed a new set of foreign corporations to come in and takeover the contract. They already get to collect tolls until 2042 (for a road that had its debt wiped out), now they want another 20 years? It’s an outrageous betrayal of the promise given to taxpayers and represents the graft associated with such private toll contracts known as Comprehensive Development Agreements (CDAs) or public private partnerships. The non-compete clause forbids expansion of free roads in Guadalupe and Caldwell counties, forces Texans to pay for any uncollectible tolls for out of state or international drivers, and these private entities use the state as its toll collector blocking vehicle registrations and impounding Texans cars if they don’t pay up.

Rep. Trent Ashby amended **HB 3467** on the floor kicking the ball to the unelected Transportation Commission to decide if extending the contract was a good deal for the state (an easy bar to meet when they offer a revenue sharing scheme with TxDOT), and it would have barred any future extensions. Thankfully, it died in the senate, but it did pass the House. A day of reckoning should be coming at the ballot box for all who voted for such a horrible special interest bill.

Good Bills: (that passed)

HB 827 (Rep. Dan Huberty, Rep. Bryan Slaton) - To prohibit disclosure of vehicle speed information to a law enforcement agency by an entity that operates a toll project.

SB 15 (Sen. Robert Nichols) - Prevents the disclosure and sale of drivers' personal data to private entities who then use it to market to you without your consent. TxDOT and the Dept. of Motor Vehicles have been particularly guilty of doing this, but as the session wore on, lawmakers kept discovering more and more government agencies selling personal data and added them to the bill, like Parks & Wildlife.

SB 1727 (Sen. Robert Nichols) - Will prevent local governments from forming their own government corporations to sell their toll systems to in order to use toll revenues as their personal slush funds for non-road purposes. Harris County did this to deliberately bypass state law that prevents raiding toll revenues for non-road uses.

HB 1441 (Rep. Matt Schaefer, et al) - Reforms to roll back many of the abuses of civil asset forfeiture, protecting drivers' property rights and from having their assets seized and held without even being charged with any crime.

SB 721, SB 725, SB 726 (Senator Charles Schwertner, et al) - Series of eminent domain reform bills that FINALLY passed after many sessions of repeated road blocks by special interests. Senator Charles Schwertner along with many senate joint authors, including long-time property rights (and anti-toll) champion Senator Lois Kolkhorst, finally got these across the finish line. **SB 721, SB 725, and SB 726** will allow any appraisals used by condemning entities to be disclosed to landowners in time for their hearings, would remove condemned land from a landowner's property tax bill, and force condemners to make actual progress on the public project within 10 years or the landowner can buy it back.

SB 858 (Sen. Johnson/Paxton/Rep. Yvonne Davis) - Enacts important privacy protections on transit users and their data collected by transit agencies. So personal data privacy gets a big win here, although none of this extends to toll agencies guilty of the same thing. Toll agencies and their lobbyists get a free pass for another two years as lawmakers turned a blind eye to the mountain of toll road and toll billing abuses.

Good Bills: (that did not pass)

HB 3314 (Rep. Briscoe Cain/Sen. Bob Hall, Sen. Lois Kolkhorst) - Remove the toll when the road is paid for, ends the practice of combining toll projects together into one financial system using 'system financing,' gimmick used to 'show' no toll road is ever paid for. Perpetual tolling violates the Texas Constitution Art. I, Sec. 26 that prohibits perpetuities. Tolls become an endless and ever increasing runaway tax on driving.

HB 1117 (Rep. Matt Shaheen/Sen. Bob Hall, Sen. Lois Kolkhorst) - Toll billing/collection reform, creates uniform, more transparent billing practices, caps excessive fines and fees, and de-criminalizes an unpaid toll bill. **Cain** and **Canales** teamed up to block this bill from coming up for a vote out of committee. We had commitments of enough votes to get it out of committee, and the Chair promised to bring it to a vote, yet it was allowed to die in committee after a token hearing very late in the session. **Voters need to remember this and hold these men accountable for their actions and betrayal.**

SB 10 (Senator Paul Bettencourt/Bob Hall, et al) - To ban taxpayer-funded lobbying. The number one reason our toll reform bills fail to get out of committee is due to public toll/transportation entities, partially funded with our tax money, lobbying against taxpayers using our own money against us.



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