



Written by [Kelly Holt](#) on July 18, 2013

Texas Legislature Sidestep

While Texas' 83rd Legislature might go down in state history as one of the most colorful, it didn't start out that way. Folks who normally view the biennial meeting as notice to break out the popcorn and grab a seat in the public gallery were initially disappointed. Affectionately known in Texas as "the Lege", the 140-day regular session was uncharacteristically bland. But the abortion debate closing the first special session focused the nation's attention on the Lone Star State. Conservative Lege-watchers noted, however, that it was to the exclusion of other important legislation. In spite of statements by top Republican leaders and the all-but-certain pro-life victory at the end, sound legislation and fiscally responsible bills failed to get passed.



More constitutionally-minded Texans hoped for more constitutional legislation — and honest behavior — from their legislators had [Rep. David Simpson](#) (R-Longview) succeeded in his bid for House Speaker. Simpson gained national attention in his freshman year (2011) with his wildly popular anti-TSA bill, but when the Session convened January 8, he noted in a short withdrawal speech that his reason was the retaliation planned for his supporters if they voted for him.

[In all, 10,630](#) pieces of legislation (House and Senate bills, and resolutions, which do not carry the weight of bills) were introduced. But as the session progressed, conservatives and liberals alike were frustrated by the lack of action in even getting bills heard, especially conservatives who counted on Republican leaders. Bill Cherry of The John Birch Society had this observation about the Lege:

"We heard a number of pronouncements and public statements from top elected state officials about how much they were against ObamaCare and were not going to take part in the program. Yet, when at least five ObamaCare nullification bills ([HB 3785](#) and [HB 3709](#), et al) were introduced in both the House and Senate, not one made it through the process; they all died. They were stopped by the leadership making sure the bills never made committee or hearing deadlines, or they made sure there was no time left for bills to make it through the process to be voted on in the House and Senate."

At least one nullification bill introduced by Cecil Bell, a conservative freshman, was desperately drafted at the last minute when it became obvious that the others were meeting resistance, but to no avail. This prompted Cherry to add this observation about yet another freshman who got a similar surprise concerning his new role:

I talked to a Legislator who told me he ran on a platform of limiting government spending and taxes. He said, "I came here thinking I was representing the people in my district, but the leadership of the House made it clear to me that I was expected to support the leadership's agenda first if I wanted any chance of having one of my bills even considered."



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Cherry continued, “The RINO House and Senate leadership in Texas takes full advantage of the lack of time, and confusion that takes place when over 5,000 pieces of legislation are introduced, like this session. Almost all the legislation dealing with limiting government, especially on the federal level, gets lost in the process and dies. But it’s amazing how fast an increased spending or tax bill can move through the process when it is a favorite of the leaders. Some of them move so fast that legislators don’t know where the bill stands in the process until it’s suddenly called up in the House or Senate for a vote.”

As if made-to-order to support Cherry’s statement, consider what David Simpson had to say about the Lone Star State’s [budget](#) bill:

The legislature passed appropriations of \$20.8 billion, an increase of 25 percent over the previous legislature! A third of this was used to correct the smoke and mirrors used to “balance” the current biennial budget. However, current spending was topped off with another \$1.5 billion. So the estimated and budgeted spending for the current fiscal period is increasing \$6.7 billion or eight percent over the previous period. And the budget for the 2014-15 biennium is set to increase *another* \$7.7 billion, or 8.7%.

Incredibly, as Simpson was testifying on the House floor opposing this budget, the Speaker called the issue to a close, preventing Simpson from having enough time to get back to his desk to even cast his vote.

Other legislation considered fiscally responsible and critical to liberty — Second Amendment preservation, canceling all calls for a constitutional convention, banning smart meters, and the anti-TSA bill — all floundered, even though they had popular support. And Texas’ transportation policy continued to get hammered with 3P (public-private partnership) deals that sold out Texas roads to foreign companies. So much for the conservative posture adopted by Governor Perry, Speaker Joe Straus, and Lt. Governor David Dewhurst.

There were successes, though. It’s now well known that Texas abortion law has become stricter. Due to grass-roots pressure, a bill dealing with serious consequences for end-of-life decisions was also defeated. Simpson’s [HB 78](#), eliminating sales tax on precious metals and coin purchases under \$1,000 (purchases over \$1,000 already exempt) was passed, even though his reintroduced anti-TSA bill hardly raised an eyebrow. And even though bills preventing a con-con (constitutional convention) failed, more legislators were educated and support grew for opposition. A con-con planned by the [Compact for America](#) never took place, possibly due to the education efforts of activists and capitol insiders.

Freshman legislator Giovanni Capriglione also introduced an important and forward-thinking bill to establish a gold depository in the state. Although popular, it eventually failed. Legislators asked for further study, so there’s hope for a future depository in Texas.

Barbara Harless, Founder of the North Texas Citizens Lobby, expressed Texans’ disappointment with the failure to protect Second Amendment rights. “The Lege failed to pass strong gun bills that support individual rights of self-defense and property defense. Instead, they increased the collection of non-criminal data (fingerprints) for CHL license holders. When permanent personal data that can’t be altered such as fingerprints, dental records, DNA, etc., is gathered for non-criminal reasons Texans need to be paying attention.” But then, the committee hearing most gun bills was chaired by an anti-gun Democrat — appointed by Republican leaders.

Most days, your reporter could be found monitoring, reporting, or lobbying legislators, and observing



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the displeasure of many Texans with the Lege. One wonk was heard to say, “This is Texas! We have a reputation of independence to uphold, but these guys are cowing to the federal government!” The speaker was referencing conversations in which lawmakers and staffers were heard to state that ObamaCare was now law because “the Supreme Court said so.” But many were heartened to see the efforts of the [freshmen](#) who are considerably more liberty-minded than their predecessors. Steve Toth, Scott Turner, Scott Sanford, Cecil Bell, Giovanni Capriglione, and Jonathan Stickland, among others, have proven to be principled, and might well turn the tide in Texas politics if they return to office. But perhaps Scott Turner said it best. Near the end of the session, a highly-intelligent group of conservative homeschoolers from Collin County snagged a few minutes with Turner on the Capitol steps and asked what they could do to help. Voicing the thoughts of every other conservative in the building, Turner replied, “Hurry up!”



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