

## HARVEY KRONBERG'S QUORUM REPORT

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### HK: As lawmakers prepare to convene in Austin, the level of trust between the Big Three is in question

**The animosity between Patrick and Phelan has already been clear, but the relationship between the speaker and the governor is in question after Abbott's move to punish legislative staff for the actions of their bosses**

Next week the *Texas Legislature* will convene under the threat of official oppression and the shadow of legislative bribery.

With his veto, Governor **Greg Abbott** has terminated an entire support staff for an independent branch of government by vetoing funding. He has suggested he will not put *Article X* back on the agenda until he gets legislation he wants. In other words, the governor is offering a financial quid pro quo in exchange for specific legislative performance.

Democrats have filed a case with the *Texas Supreme Court*. Unlike most of what they do, there is no tort issue involved so we are unlikely to find a wink and a nod from their primary benefactors at *TLR*. And while some of the justices are serious people fully comprehending the precedent they will be setting, they are still under the thrall of the state's current financial power structure.

Not surprisingly the Governor is wrong that the Legislature does not need a support staff to do its job. Eliminating the *Legislative Budget Board* (the Lege's accounting firm) and the *Legislative Council* (their law firm) as well as the other ancillary services is like amputating a limb. Although the Lt. Governor has tried and largely succeeded at dominating both agencies, the Legislature relies on them for legal and financial counsel. Shutting them down cripples lawmakers and limits free and accurate speech.

Despite the appearance of legislative bribery and official oppression, there is no evidence of a criminal investigation in Travis County despite public admissions of just that. And let's be clear: This is not **Rick Perry** defunding the *Public Integrity Unit* over his feud with **Rosemary Lehmberg**. This

is defunding an entire branch of government, despite Abbott's facile one paragraph statement to the contrary.

Governor Abbott torquing the law is nothing new.

My personal favorite was in 2007 when the Republican Chairmen in the House led the effort to vacate Speaker **Tom Craddick** from the chair. In their infinite wisdom, *Attorney General Abbott's Opinion Committee* opined that despite House rules, the chair was a state officer and could not be vacated by the House. Instead, Speaker Craddick would have to be impeached meaning the House would indict and the *Senate* would try the presiding officer of the other chamber.

It was a laugh out loud moment but was ultimately never litigated.

Speaker Craddick refused to recognize the privileged motion to vacate the chair, the Parliamentarians quit on the spot, were escorted from the building by Troopers, and were replaced by willing accomplices **Terry Keel** and **Ron Wilson**.

Under Speaker **Joe Straus**, the legislative and lobby community considered the House to be the adult in the room on public policy conceding that the Speaker's counterparts saw culture wars as the path to power and were willing to victimize the helpless to attain their ends.

The jury is out on freshman Speaker **Dade Phelan** although he shows promise.

His problem is that the Governor has demonstrated he is not a good faith partner by trying to extort legislation in exchange for funding. During his back and forth with Abbott over the Article X veto, Phelan should have learned that loyalty up to Abbott does not earn loyalty back down. When the rookie speaker who started his legislative career in the House copy office questioned the wisdom of punishing staff, his concerns were immediately dismissed by the governor.

Phelan is also plagued by a Texas Senate, which on **SB7** (the election integrity/suppression bill) he discovered there were no depths to which someone in the upper chamber would not stoop to trick its own members as well as Republicans in the House.

The House sent over a cleaned up SB7 to the Senate. House Democrats participated in the debate and removed some of the onerous voter suppression elements. The Senate rejected the bill, and it went to conference Committee which offered up an "out of the bounds" resolution adding elements neither chamber had ever previously discussed.

We know about the problem of allowing a judge to overturn an election and the final version of SB7 had a “typo” eliminating Sunday morning voting which is a favorite technique of black churches and over which no fraud has ever even been alleged.

But laughably, the out of bounds resolution allowed for restricting mail-in ballots based on age alone or lack of transportation to a polling place. Next year’s primary runoff is likely to be delayed until June or July, a perfect time for 70-year-old white Republicans to stand in line outdoors.

If the conference committee report had been adopted, those septuagenarian white Republicans would have to produce a doctor or health care provider’s documentation to get a mail-in ballot, but then there is the problem that some don’t have transportation which means they could neither see their doctor or get to the polls.

Senate bill author **Brian Hughes** (R-Mineola) and House author **Briscoe Cain** (Deer Park) both denied that they knew how surprise provisions appeared in the Conference Committee Report mostly written in the Senate.

For now, we will leave it to the reader to deduce who engineered the changes or coerced the “typo” out of Lege Council..

Some have suggested that since neither the Governor nor the Senate are honest brokers or good faith partners, the House should refuse to accept up or down votes on unamendable omnibus bill conference committee reports, but instead consider only highly targeted individual bills in which mischief and the already demonstrated outright malevolent deception are much more difficult to conceal.

Someone on the Senate side tried to trick both Senators and House members.

The Governor was apparently happy to sign this disaster of a bill.

At least Speaker Phelan understands that his first job is to protect the institution, not to advance a half-baked ideology or a cult of personality.

By Harvey Kronberg

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