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SB: Abbott pushes for a full time Texas Legislature, fumbles the special session call by trying to micromanage the process

After staying silent on specifics of property tax reform for months, Abbott now demands specific legislation; like Rick Perry a decade ago, Abbott faces a noncompliant Senate because he is likely overstepping his authority by using his proclamation to write legislation

“If the Texas House and Senate do not do a thing together, then that thing does not happen.”

Those are the words of former Speaker **Joe Straus**, who like Speaker **Dade Phelan** has had the joy of Lt. Gov. **Dan Patrick** blasting him on a daily basis. Meantime, Gov. **Greg Abbott** has now finally told us all what he'd like the *Texas Legislature* to do about property taxes.

Abbott, who for five months stayed publicly silent on the details of any property tax plan, issued his proclamation for a special session last night instructing the members to “cut property-tax rates solely by reducing the school district maximum compressed tax rate in order to provide lasting property-tax relief for Texas taxpayers.” The House tonight is passing such a legislative package.

But Lt. Gov. Patrick pushed back immediately, telling a crowd this morning at the *Texas Public Policy Foundation* that there was an unsuccessful candidate for governor who ran on a platform that included fixing property taxes solely through tax compression. Patrick didn't name him, but that candidate was former Sen. **Don Huffines**.

Then Patrick went on to lead a revolt against the governor as the Senate passed a property tax bill including tax compression *and* an increase in the homestead exemption up to \$100,000. The House didn't even take up that plan as Speaker Phelan ruled it wasn't germane to Abbott's micromanagement.

So, this is already a mess. How did we get here?

Traditionally, Texas governors have used their proclamations to declare which topics could be

addressed by lawmakers. Of course, they would advocate for their preferred plans. But in the actual exercise of executive authority – the proclamation itself – they would most often avoid specifics, giving deference to the legislative branch to, you know, legislate.

There was one notable exception to this general rule, and it caused a special session to go off the rails.

Abbott should know. He had a role in it.

Back in 2013, then-Attorney General Abbott advised Gov. **Rick Perry** that a special session on redistricting would only take a few days as long as the state's chief executive narrowly tailored the proclamation. Advised by Abbott, Perry issued a proclamation that asked the members to solely ratify redistricting maps that had been changed by courts following the 2011 reapportionment and subsequent legal challenges.

At the time, a veteran observer of the process said, “he can’t do it that way. He’s being too specific. He can’t write the legislation in the proclamation.”

Perry and Abbott’s plan blew up because Texas Senate leadership decided to honor the process – obviously, the Senate doesn’t care much about process now – and announced two weeks of field hearings on the maps. As those Senate field hearings played out, Speaker Straus gavelled out the House for two weeks. When they returned, Perry was looking to run for president and had added the issue of abortion restrictions to the agenda. That decision led to a nasty legislative battle including the 13-hour filibuster by then-Sen. **Wendy Davis**. There were two more special sessions after that.

In 2017, under pressure from Patrick, Abbott called a special session to first only address *Sunset* legislation that had been killed by Patrick to maintain leverage for his ill-fated bathroom bill. Addressing the must-pass Sunset legislation did in fact only take a few days. But after that, Abbott added multiple topics to the special session agenda including the attempt to regulate which Texans could legally use which public restrooms. That special session was a knife fight from the beginning. Oh, and Patrick and Abbott still didn’t pass the bathroom bill.

2019 stands out as the only exception. It is highly ironic, isn’t it, that the legislature at that time was able to pass sweeping property tax reform when they did not have this year’s record budget surplus and still managed to get their work done during the regular session?

But in 2021, Abbott was back at it with multiple special sessions including quorum breaking by Democrats that wouldn’t even have been possible without GOP infighting over what the elections bill should look like that year.

Why didn’t Gov. Abbott publicly say before now that tax compression should be the sole instrument for tax relief? And why didn’t Patrick and Phelan work out their differences during the regular

session?

On the second question, a larger dynamic seems to be at play. With Abbott routinely calling special sessions over small ball issues and red meat for the GOP base, Sine Die is probably no longer seen by House and Senate leaders as a deadline.

Instead, it is just another mile marker in the process.

If this special session is already on track to be unsuccessful as demonstrated by the Senate's actions this morning, it is largely because Abbott has the same amount of respect for the legislators and the legislative process that he did when he advised Perry in 2013.

By Scott Braddock

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