

NTCL 83rd Texas Legislature Newsletter



Connecting the Citizens of North Texas with their elected officials in Austin

May 6, 2013

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The North Texas Citizens Lobby is made up of conservative citizens working together to lobby Texas State Senators, Representatives, and other elected officials to follow their oath of office and promote Constitutionally Limited Government, State and National Sovereignty, the Rule of Law, Fiscal Responsibility, and Personal Responsibility.

The Legislative Process

By Barbara Harless & Mark Reid

The legislative process in Texas is designed to make it very difficult to pass legislation. In brief, the process requires that a bill be read three times in both the House and the Senate.

The first reading occurs on the floor of the originating chamber (House or Senate), then the bill is sent to a committee for debate, amendments, and a vote. If the bill is voted favorably out of committee, it then heads back to the originating chamber for a second and third reading, where it is debated and voted on by the full body .

If the bill passes the third reading, it then goes to the opposite chamber where it goes through a similar process. If the bill is voted favorably out of the opposite chamber, it goes to the Governor's desk for signature or veto.

With this process in mind, there are several bills that are now stuck in the House **Calendars Committee**. This is a key committee that **Speaker Joe Straus** controls through his appointed **chairman, Rep. Todd Hunter**.

The NTCA would like to see the following bills, passed out of the "Calendars Committee" for hearings and votes in the House. **HB 912** dealing with privacy of images captured by unmanned aircraft, **HB 928** dealing with second amendment rights, , **HB 3185** prohibiting establishment of a health benefit exchange in Texas, **HCR 50** dealing with tenth amendment rights, **HCR 63** dealing with second and tenth amendment rights, **HCR 64** relating to Obamacare's financial impact on Texas, **HJR 59** proposing a Texas constitutional amendment

regarding health care, and finally **HJR 101** repealing 1899 legislation authorizing a constitutional convention. You can get more information on these bills by going to the Texas Legislature Online web site at www.capitol.state.tx.us/.

Please contact your representative, Chairman Hunter, and the Calendar Committee members and urge them to schedule these bills for a hearing and vote.

Rep. Hunter 512-463-0672
Rep. Alonzo 512-463-0408
Rep. Branch 512-463-0367
Rep. Button 512-463-0486
Rep. Cook 512-463-0730
Rep. Davis 512-463-0389
Rep. Eiland 512-463-0502
Rep. Frullo 512-463-0676
Rep. Geren 512-463-0610
Rep. Giddings 512-463-0953
Rep. Kuempel 512-463-0602
Rep. Miller 512-463-0325
Rep. Myra Crownover 512-463-0582

Caroline Christian Honorary Page

By Mark Reid

Caroline Christian, daughter of Collin County Caucus Chair Charles Christian, recently served as an Honorary Page for the Day in the Texas House of Representatives. Rep. Jeff Leach reported that Caroline did an outstanding job and represented the citizens of House District 67 well!

Caroline is pictured at the right with her parents Charles and Cindy, her brother Caleb, and Rep. Leach in the gallery, overlooking the House Floor. Congratulations Caroline!



Texas' Rainy Day / Economic Stabilization Fund

By Dennis Scharp and Mark Reid



As reported last week, **Speaker Joe Straus** and the usual suspects attempted to raid Texas' Rainy Day Fund for various special interests. This is

the people's money, not the water lobbyist's money, not the Teacher's Retirement Fund money, not the admin types within the Education Department's money. This is money set aside to help in disasters like the explosion in West and hurricane Katrina.

Fortunately, the attempts to raid this fund failed. As reported by Michael Quinn Sullivan of Empower Texans, the offending **HB 11** died on a Point of Order raised by **Representative Sylvester Turner**. **Rep. Turner** raised Rule 8, Section 21 which found that

because the budget had passed through the chamber, no appropriations bills (which HB 11 was because it appropriated money) could move forward until the budget has been signed by the governor and certified by the Comptroller.

Empower Texans went on to explain that the controversy could have been avoided if, rather than trying to raid the Rainy Day Fund, appropriations has simply used the \$8 billion in new revenues and built it into the budget, leaving the Rainy Day Fund intact.

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SJR 53 Rescinds All Calls for Constitutional Convention

By Barbara Harless

Article V of the *United States Constitution* provides 2 methods to propose amendments. First, upon 2/3 vote of both houses of the United States Congress. The second way is by a national convention assembled at the request of the legislatures of at least 2/3 of the states. This is called a constitutional convention. Amendments proposed in a constitutional convention, must then be ratified by 3/4 of the states through the state legislatures or by state ratifying conventions.

For 226 years, all 27 amendments to the *United States Constitution* have been proposed through the first method, a 2/3 vote in both houses of the United States Congress.

The other method, an Article V Constitutional Convention, is not clearly defined in the *Constitution* and could result in significant unintended consequences because of the potentially unlimited scope of its power.

The glaring proof that a Constitutional Convention, once called, can become a runaway convention, with its own authority is the last and only Constitutional Convention of 1787. In this Constitutional Convention, the 13 states convened and exceeded their authority

and instructions from the Confederate Congress to amend the *Articles of Confederation*.

The 1787 Philadelphia Constitutional Convention changed the required unanimous consent of all state legislatures under the *Articles of Confederation*, and instead created a whole new government and constitution requiring only 75% ratification rule via state conventions not state legislatures. While the outcome resulted in our present *United States Constitution*, it is evidence of just how independent and high



-handed such a runaway convention can be.

Although well intentioned voters and statesmen believe the federal government can be reined in with amendments to balance the budget, term limit

the congress, or grant presidential line-item veto, one has to wonder how a 28th Amendment would reign in a Congress that ignores and dishonors the first ten amendments every day and how a balanced budget amendment would stop runaway spending rather than simply "provide cover" for new taxes.

In 1899, legislation was approved in Texas that authorized a Constitutional Convention. Obviously, no such convention has ever been held. However, because of the potentially devastating consequences of such a convention, **Senator Craig Estes** introduced **Senate Joint Resolution 53** that, if approved, would place an option on the November 2013 ballot to rescind this previous initiative by the State of Texas for a Constitutional Convention.

The NTCL strongly supports **Sen. Estes' efforts** in support of *United States Constitution* and to control the amendment process by eliminating this century old legislation.

Last week, on Monday, April 29th, Barbara Harless testified in the Senate State Affairs committee, expressing the **NTCL's support of SJR 53**. The NTCL urges your support of **SJR 53**, any resulting ballot initiative in oppo-

Freedom to Film & TSA “Anti-Groping” Bills

By Barbara Harless

On Monday, April 29th, Barbara Harless joined Shelia Franklin, Jonathan Grummer, and Loni Proctor and her daughters from the North East Tarrant Tea Party, to register and testify on bills in committee.

First stop, Barbara testified along with Kelly Holt of the Texas John Birch Society in the Senate State Affairs Committee **in favor of SJR 53** and registered **in favor of SB 897**, both by Senator Craig Estes.

SJR 53 (as discussed previously in this publication) aims to rescind all previous calls for a Constitutional Convention through a ballot measure in November 2013.

SB 897 confirms that it is legal to film and otherwise record the public activi-

ties of peace officers. The testimony from the press was most informative!

Barbara is grateful for the help of the North East Tarrant Tea Party in visiting with the offices of 100 House Representatives to leave a letter of request for support of **Rep. Simpson’s HB 80**, which seeks to halt the offensive touching of persons seeking access to public buildings and transportation.

This bill, which was featured in last week’s NTCL Newsletter, is less threatening to the TSA than the one **Rep. Simpson** authored 2 years ago in that it clarifies which body parts cannot be touched without probable cause. It also supports citizens who refuse to have children in their custody removed for similar reasons, and prescribes for appropriate prosecutorial support.

The NTCL thanks Representative Simpson for his efforts in support of Fourth Amendment rights.



Adults from left to right: Loni Proctor, Barbara Harless, Jonathan Grummer, Shelia Franklin. Children not identified.

Texas’ Rainy Day / Economic Stabilization Fund

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Water, transportation, and many other issues are critical to the state, but special interests fought against these issues because they wanted more spending on education, in spite of billions more being dedicated already.

It should be remembered that the constitutional amendment that established the Rainy Day or Economic Stabilization Fund created it to “offset unforeseen shortfalls in revenue.” It is important to remember, as Michael Quinn Sullivan states, that “If as con-

servatives we truly believe in the Rule of Law and the principle of self governance, then we should be careful about exceeding the bounds of what the people enacted. Using the Economic Stabilization Fund as a funding source for causes de jour — even a good cause de jour — isn’t what the voters were told they were getting.

If we think the ESF should have broader uses, then let’s try to change the constitution. One great idea has been floated by Rep. Van Taylor of Plano, turning the revenues generated

by the ESF into an endowment for infrastructure. That idea should be seriously examined.

We have to get infrastructure right; there is no choice. We cannot wish it into existence. On the other hand, we cannot turn a blind eye to governance issues.”

The NTCL applauds Representative Turner’s efforts in support of the Fiscal Responsibility and the Rule of Law.

Truth in Budgeting HB 6

By Jeff Leach

For years, momentum has been building to address the Texas Legislature’s use of dedicated accounts and to ensure they are being used for their intended purposes. For far too long, Texas has relied upon dedicated funds to certify the state budget, while in many cases the revenue appropriated to these ac-

counts is not being used for their original purpose. **HB 6** helps address these accounting gimmicks by re-authorizing spending for various dedicated accounts and prohibiting usage of dedicated fees and taxes for a non-dedicated purpose. Fortunately, this legislation passed in the House of rep-

resentatives last week and I look forward to its eventual passage in the Senate as well.

(The North Texas Citizens Lobby supports Truth in Budgeting and appreciates Representative Leach’s support on this legislation.)

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