



**Empower Texans Activist Report**  
**85<sup>th</sup> Texas Legislature**

## **Foreword**

*The statement of Empower Texans describes us as a non-profit service organization that exists to “educate and inspire Texans to exercise effective citizenship” and “empower taxpayers to advocate for good governance and hold their elected officials accountable.”*

*Notice the words “Texans” and “citizens.”*

*Combined, the entire staff of Empower Texans has less than twenty votes. None of us hold elected office at any level. In terms of spending on elections—which is financed by people like you—our organization’s political arm accounted for roughly 1% of Texas’ total political spending in the 2016 elections.*

*We are, in fact, hopelessly outgunned. If the fight was solely between us and the state’s grow-government political establishment, we would lose every skirmish, every battle, and every war.*

*So why then, are we so feared by the Austin political establishment? Why is Empower Texans the bogeyman that Joe Straus checks under his bed for every night? Why do we have such an august and extensive collection of RINO heads—like those of Jim Keffer, Bennett Ratliff, and Dan Branch—mounted on the wall?*

*They’re not our trophies. They’re yours.*

*It’s people like you who have risen up and demanded that government be limited, accountable, and efficient – who have invested your time, talent, and treasure to fight for your beliefs that have made it all possible. It’s people like you who have block walked for candidates you supported, who drove to Austin to advocate for conservative policies.*

*We’re just the guys who suggest where to point your torches and pitchforks.*

*You are the ones who take them and wield them with devastating effect, to take back the halls of government at all levels, and return power to the hands of citizens.*

*It is our hope that this activist report, our version of a shareholder report, equips you with the tools and information from the legislative season you need to continue your work to restore self-government to Texas and ensure that her lone star shines brighter than ever.*

*Godspeed!*

## Table of Contents

I.	The Beginning of the 85 <sup>th</sup> .....	4
II.	House Committee Assignments.....	5
III.	Senate Expediousness.....	6
IV.	Major Conservative Reforms Killed by the House.....	7
V.	The Budget Battle.....	8
VI.	Sunset Legislation/Special Session.....	10
VII.	Abbott Inaction.....	12
VIII.	Enemies to Reform in the House.....	13
IX.	Tan Parker and the House Republican Caucus.....	16
X.	Powers of the Texas House Republican Caucus Chairman.....	18
XI.	Republican Defeats.....	19
XII.	What Republicans Wasted Valuable Time On.....	21
XIII.	Sample Questions to Ask Lawmakers.....	25
XIV.	The 2017 <i>Fiscal Responsibility Index</i> .....	26
XV.	Explaining the Motion to Censure.....	28
XVI.	The Special Session Begins.....	29
XVII.	Abbott Calls Legislators Back to Austin.....	30
XVIII.	Dueling Hashtags.....	31
XIX.	More of the Same.....	32
XX.	Straus Adjourns the Texas House Early to Kill Conservative Reforms.....	33
XXI.	Final Actions on Abbott Priorities.....	34
XXII.	Closing Thoughts.....	37
XXIII.	Texas Torchbearers.....	38



### **About Us**

*Empower Texans is a non-profit service organization. Through multiple media formats, we educate and inspire Texans to exercise effective citizenship. Using research, reporting, and advocacy, we empower taxpayers to advocate for good governance and hold their elected officials accountable.*

## The Beginning of the 85th

Much like the 84<sup>th</sup> session of the Texas Legislature, the 85<sup>th</sup> regular session was marked with the same defining narratives for conservatives: the House vs the Senate, Straus vs Patrick, House conservatives vs House leadership, and a largely absentee governor.

Lawmakers convened in January and one chamber, the Texas Senate, quickly got to work passing Gov. Greg Abbott's emergency priorities: banning sanctuary cities, ethics reform for elected officials, CPS reform, and Convention of States. The naming of an emergency item by the governor allows lawmakers to pass legislation related to that item within the first 40 days of session.

Under the leadership of Lt. Gov. Dan Patrick, legislation related to all four issues were passed by the Texas Senate before the end of February.

In stark contrast, the Texas House was dragging its feet. Straus was re-elected unanimously by the Texas House. As opposed to fielding a candidate against Straus, conservative lawmakers chose to form the Texas Freedom Caucus from which to oppose him on policy matters. They fought back on day two of the session and prevented Straus and his lieutenants from modifying House rules in ways that would have cut off conservative amendments later in the session.



The members of the Texas Freedom Caucus are:

**Matt Schaefer** (Tyler), Chair  
**Matt Shaheen** (Plano)  
**Tony Tinderholt** (Arlington)  
**Matt Krause** (Fort Worth)  
**Kyle Biedermann** (Fredericksburg)  
**Mike Lang** (Granbury)

**Bill Zedler** (Arlington), Vice Chair  
**Jeff Leach** (Plano)  
**Jonathan Stickland** (Bedford)  
**Matt Rinaldi** (Irving)  
**Briscoe Cain** (Deer Park)  
**Valoree Swanson** (Spring)

## House Committee Assignments

Straus began his obstructionist tactics by delaying the appointment of committees for a full 30 days, tying his record for delay from his first session as speaker in 2009. This not only delayed House lawmakers getting to work on important legislation, but also gave the Democratic caucus power for the first month of session because all business was required to be conducted under suspensions of the rules (which require a 2/3rds margin and thus a number of Democrat votes). The Democrats used that power to prevent the House from fulfilling its duty to debate and adopt a floor for the Economic Stabilization Fund (ESF), known colloquially as the “Rainy Day Fund.”

Once the committees were appointed, their composition was an immediate cause for concern. As expected, Straus moved to marginalize conservatives and empower Democrats, and placed two strategic barriers in the way of Gov. Greg Abbott’s agenda—State Reps. Larry Gonzales (R–Round Rock) and Byron Cook (R–Corsicana).

- Gonzales was placed on the Select Committee on State & Federal Power & Responsibility where he would serve as the swing vote, having the power to block any Convention of States resolution from making it to the floor—a broadcast that Straus was willing to use the issue as a hostage, if necessary.
- Cook was once again tapped to helm the State Affairs Committee—a post he’s used over the past decade to kill conservative reforms. At the beginning of the session it was believed that both the legislation to ban sanctuary cities and the reform of ethics for elected officials would be routed through Cook’s committee, as was done in previous sessions.

However, early skirmishes would come as the result of two of Straus’ other picks: State Reps. Dan Huberty (R–Kingwood) to chair Public Education, and John Zerwas (R–Simonton) to chair Appropriations.

Both moved to place the House in immediate conflict with Patrick and the Texas Senate by pronouncing a “death sentence” for school choice and a plan to raid the Rainy Day Fund for ongoing expenses.



## Senate Expeditiousness

Meanwhile, the Texas Senate was moving steadily and surely along. Done with Abbott's agenda by March 1st, the Senators quickly moved on to Patrick's Top 30 conservative priorities—passing reform after reform at a comfortable pace. One day it was the dismemberment abortion ban, the next stronger state spending limits, the day after it was ending the automatic collection of labor union dues by governmental entities.

By April 7th, the Texas Senate had passed all of Patrick's priorities except for SB 10, a hailstorm litigation reform bill which had the votes to pass, but was awaiting a House Bill.

**LEGISLATIVE PRIORITIES UPDATE**  
**PASSED IN THE TEXAS SENATE**

- SB 1 – General Appropriations Act*
- SB 2 – Property Tax Reform*
- SB 3 – School Choice*
- SB 4 – Sanctuary Cities*
- SB 5 – Voter ID*
- SB 6 – Texas Privacy Act*
- SB 7 – Improper Student-Educator Relationships*
- SB 8 – Pre-born Protection & Dignity Act*
- SB 9 – State Spending Cap*
- SB 11 – DFPS Child Protection*
- SB 12 – Protective Vests for Police*
- SB 13 – Union Dues*
- SB 14 – Ethics Reform*
- SB 15 – First Responder Property Tax Relief*
- SB 16 – License to Carry Fee Reform*
- SB 17 – Franchise Tax Reduction*
- SB 18 – Tuition Set-Asides*
- SB 19 – Tuition Reform*
- SB 20 – Pro-Life Insurance Act*
- SB 21 – Convention of States*
- SB 22 – P-TECH*
- SB 23 – E-Verify*
- SB 24 – Sermon Safeguard*
- SB 25 – Wrongful Birth*
- SB 26 – Texas Emissions Reduction Plan*
- SB 27 – Help for Texas Heroes Act*
- SB 28 – Texas Ports*
- SB 29 – Blocking Discriminatory Trade Practices Against Israel*
- SB 30 – Interaction with Law Enforcement*

**Dan Patrick** @DanPatrick

Here's an update on the conservative legislative priorities passed out of the Texas Senate. #txlege

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Unfortunately, the vast majority of these bills would be killed in the Texas House in a repeat of last session.

## **Major Conservative Reforms Killed by the House:**

### ***Property Tax Reform (SB 2)***

*Passed the Senate:* March 21<sup>st</sup>

*End Result:* The bill was referred to committee in the House on April 19<sup>th</sup>. It was not given a hearing until May 10<sup>th</sup>. Ways & Means Chairman Dennis Bonnen gutted the bill and gave Democrats the ability to call a point of order on the bill to kill it.

### ***School Choice / Education Savings Accounts (SB 3)***

*Passed the Senate:* March 30<sup>th</sup>

*End Result:* School choice legislation was referred to the Public Education Committee in the House on May 13<sup>th</sup>, after Public Education Chairman Dan Huberty had already declared it “dead on arrival.” The bill was never even given a hearing.

### ***The Texas Privacy Act (SB 6)***

*Passed the Senate:* March 15<sup>th</sup>

*End Result:* Straus killed the bill by never even referring it to committee. The weaker House version (HB 2899) was killed by State Affairs Chairman Byron Cook, bottling it up in committee.

### ***Strong State Spending Limit (SB 9)***

*Passed the Senate:* March 30<sup>th</sup>

*End Result:* The spending limits legislation was referred to House Appropriations on April 18<sup>th</sup>. The bill was never given a hearing by Chairman John Zerwas.

### ***Paycheck Protection / Union Dues (SB 13)***

*Passed the Senate:* March 30<sup>th</sup>

*End Result:* Straus refused to refer the bill to committee until May 15<sup>th</sup> and then sent it to Chairman Byron Cook’s State Affairs Committee. Like he did in the 84<sup>th</sup>, Cook killed the bill again, refusing to give it a hearing.

### ***Genuine Ethics Reform (SB 14)***

*Passed the Senate:* February 7<sup>th</sup>

*End Result:* After being the first bill passed by the Senate, the bill languished on Straus’ desk until he finally referred it to committee on May 15<sup>th</sup>, where it died without a hearing. While the house passed several component pieces as separate bills, they killed the most potent parts such as ending the revolving door and strengthening disclosure of lobbyist wining and dining.

### ***Pro-Life Insurance Reform (SB 20)***

*Passed the Senate:* March 27<sup>th</sup>

*End Result:* This pro-life bill was not referred to the House State Affairs Committee until May 1<sup>st</sup>. When it was finally voted out, it was too late for it to move and it was killed in the Calendars Committee.

## The Budget Battle

On the state budget, Lt. Gov. Dan Patrick and the Texas Senate offered a plan that fully funded the core functions of government, maintained current levels of border security funding, and limited spending growth to less than the combined growth of population and inflation, all without the need to tap the Rainy Day Fund. Patrick maintained during the session that he would not allow the Rainy Day Fund to be tapped for ongoing expenses.

The House, on the other hand, proposed draining \$2.5 billion out of the fund to finance a grow-government spending spree, all while slashing border security spending by \$125 million and systematically under-funding public schools by delaying one of their 24 monthly checks to the next legislative biennium. They labeled this irresponsible accounting gimmick “school finance reform.”

While the House budget was wholly inferior as introduced, the Freedom Caucus won several victories during the budget debate, namely inserting a budget rider preventing tax dollars from funding corporate welfare, and defunding both the Texas Enterprise Fund and a film and music subsidies program.



The final budget was a compromise that fully funded border security, yet did tap almost \$1 billion from the Rainy Day Fund for one-time expenses such as body armor for police, and to shore-up state hospital infrastructure. Of the amendments conservatives tacked-on in the House, only the pro-life budget rider survived the conference committee and made it into the final budget. In other words, after the Freedom Caucus won battles on the House floor by garnering a majority of support from House members, Straus’ hand-picked conferees gutted all but one of those victories in conference negotiations with the Senate.

According to Capitol sources, Abbott’s chief of staff Daniel Hodge told budget conferees that the governor would veto the budget if corporate welfare levels were not preserved.

Ultimately the final budget was nothing to write home about, but it did fall within the limits of the Texas Public Policy Foundation’s “Conservative Texas Budget,” meaning it did not grow state spending faster than the combined rates of population growth and inflation.

Here are the pros and cons of the budget:

## Positives

- Restrains spending growth to less than the combined rates of population growth and inflation
- Fully funds border security by maintaining \$800M in appropriations
- Includes \$500M for 600 additional Department of Family Protective Services (DFPS) workers
- Strengthens the ban on any state funds going to Planned Parenthood
- Adds funds for the teacher retirement and health care systems
- Does not defer payments to the Foundation School Program
- Increases Alternatives to Abortion program budget from \$18M to \$35M
- Provides no new funding for government-run pre-kindergarten programs

## Negatives

- Draws \$900M from the Economic Stabilization (“Rainy Day”) Fund, primarily for state facility renovation
- Not only restores corporate welfare and crony capitalism (Enterprise Fund and film subsidies) that were largely stripped out by the Freedom Caucus, but adds \$100M in new funding
- Conference committee report, over 900 pages, was presented to the public a mere 36 hours before a final vote
- Directs \$293M in school funding toward government-run pre-kindergarten
- Does not fully fund expected cost growth of certain programs, most notably Medicaid
- Does not include Higher Education spending reform of university “special items”

The Texas Freedom Caucus released a statement following final passage of the budget.

“We voted yes on the final Texas budget because it returns us to a rare place in budget history: meaningful restraint in state spending relative to population growth and inflation. This was our top budget priority. We still don’t have the votes to eliminate the portions of the budget that violate core conservative principles. We will tell the truth about your money and keep fighting.”



## Sunset Legislation/Special Session

Each session, lawmakers are charged with reviewing state agencies and re-authorizing them through a process known as “sunset review.” These “sunset bills” to renew the agencies are considered “must-pass” legislation and therefore serve as amendment vehicles for reform-minded conservatives. Conservatives often score some of their biggest victories – especially as it relates to pro-life and anti-toll road reforms – through amendments to sunset bills.

This session, the House and Senate members of the Sunset Commission had twenty state agencies under review and split them among the two chambers. Ten would be carried primarily by the Texas Senate led by State Sen. Van Taylor (R–Plano) and ten would be carried by the House, led by State Rep. Larry Gonzales (R–Round Rock).

There was also a planned failsafe—a catchall safety-net bill re-authorizing all agencies even if they failed to complete the process.

Almost as soon as the session began, the Texas Senate began moving on their sunset legislation swiftly and efficiently, passing all of their sunset bills with plenty of time to spare. Meanwhile, despite warnings, the House dragged its feet and scheduled crucial legislation to extend the Texas Medical Board on the very last day that bills could be passed and far down the calendar.

Traditionally, Democrats use a process known as “chubbing” – essentially wasting time with mini-filibusters on ancillary bills – to stall out the final days of the calendar and prevent conservative legislation from reaching the floor by wasting time and running out the clock. For example, Democrats employed this strategy to kill American Law for American Courts (ALAC) and pro-life insurance reform in 2015.

But on the last day conservatives in the Texas Freedom Caucus used this “chubbing” tactic instead in an attempt to kill the Texas Medical Board sunset bill.

Why?

Since he was first elected governor, Gov. Greg Abbott has quietly made known that he wanted his legacy to be that he was a governor with no special sessions. But as conservatives discovered in 2015, when there’s not even a threat of a special session on the table, there’s no real leverage to make House lawmakers behave.

It’s similar to a parent announcing that, regardless of how their child acts at a dinner party, grounding is off the table. If there’s no threat of consequences for mischief, then mischief can be expected.



But if the Medical Board sunset legislation were to die (an action that would cause every medical professional to lose their license in September), Abbott would have no choice other than to call a special session. And once a special session was called, conservatives could petition him to add conservative issues to the call—a tactic that resulted in the passage of the pro-life HB 2 in spite of Wendy Davis’ filibuster in 2013.

And so the Texas Freedom Caucus initiated a full court press.

Thanks to the efforts of all dozen members, they chubbed, and they chubbed, and they killed the sunset bill, handing Lt. Gov. Dan Patrick the ability to hammer the Texas House and issue an ultimatum: pass the Texas Privacy Act and serious property tax reform (both of which Abbott had also announced his support for) and the Texas Senate would pass their version of the sunset bill (which would allow the House to concur and avoid a special session). But if the House failed to pass those measures, he would kill the bill and all but force Abbott to call lawmakers back.

“Here’s the bottom line—I want to avoid a special session, but I am prepared for one if the House does not pass the Senate version of SB 2 and if the House does not pass SB 6 or amend another bill with language on the Texas Privacy Act,” said Patrick at the time. “I need the House to commit to do both and move quickly in good faith.”

But instead of acting in good faith, Straus chose to subvert Patrick instead.

Betting on weakness from Patrick and Abbott, Straus rejected the deal and instead of passing serious reforms, directed his lieutenants to move watered-down half measures instead. Then, true to his word, Patrick “allowed” the special session to happen.

Ultimately the Freedom Caucus-Patrick gamble worked and Abbott was forced to call a special session. But Abbott did even better than expected – stealing the spotlight from Patrick by not only putting the Privacy Act and property tax reform on the call, but 17 other conservative priorities as well.



## **Abbott Inaction**

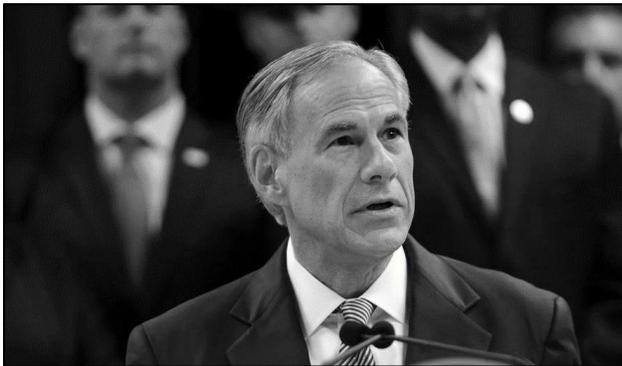
During both the 84th and 85th sessions of the Texas Legislature, Gov. Greg Abbott has largely refrained from engaging rigorously in the legislative process, even on some of the bigger issues – a contrast to his predecessor, Rick Perry, who was often highly involved and warned he would call legislators back if they didn't engage on key issues.

This session, Abbott set out a bold agenda with his four emergency priorities: CPS reform, an Article V convention of states, a sanctuary cities ban, and genuine ethics reform for legislators. But on each of these issues Abbott was not publicly involved in the fight to pass them. As a result, he scored complete victories on an Article V resolution and a sanctuary cities ban, yet only secured pieces of CPS and ethics reforms.

And despite voicing support for property tax reform and the Texas Privacy Act, Abbott did little to provide support to conservatives in their fight to push these issues across the legislative finish line. Instead, as the end of the session drew near and both Straus and Patrick drew their battle lines, Abbott chose not to fight and largely sat on the sidelines.

And when he did get involved, it wasn't always to conservatives' benefit.

Despite conservatives winning major victories on the budget debate and defunding a large amount of corporate welfare, Abbott's chief of staff Daniel Hodge informed lawmakers that the governor would veto the budget if they failed to appropriate a large amount of money for the Texas Enterprise Fund and film subsidies.



With the session coming to a close as a total failure, many were starting to wonder whether Abbott's actions would ever live up to his rhetoric.

The special session will be a test of Abbott's resolve and commitment to securing conservative victories. Will he issue bold rhetoric yet offer little in the way of action? Or will he rise to the

occasion and use his clout to support conservatives in the Texas Legislature?

The answer to that question will decide if the special session was a waste of taxpayers' time and money or simply the overtime necessary to win the victories the Texas House refused to deliver during the 140-day regular session.

## **Enemies to Reform in the House**

As could be expected, the number one enemy to passing conservative reform was House Speaker Joe Straus' leadership team. It's no surprise that a number of them filled the ranks of the *Citizens Choice* 10 Worst Legislators list.

### **Byron Cook - "The Hatchet Man"**

No lawmaker does more to thwart conservative reforms in the Texas House than State Rep. Byron Cook (R-Corsicana). A staunch liberal, Cook presides over the powerful State Affairs Committee, which has jurisdiction over bills affecting "state policy." From that roost, Cook has been empowered to thwart major conservative reforms.

Just this session, Cook killed measures to protect the unborn, women's privacy, free speech, and end in-state tuition for illegal immigrants by bottling them up in his committee and refusing to move them to the floor. The bills that do make it through the gauntlet are often watered down and diluted to the point where they must be strengthened on the floor while Cook works to oppose the improvements.

Cook cemented his position on the worst list this session after a failed attempt to oppose strengthening the sanctuary cities bill and after he successfully led the opposition to a pro-life amendment to protect unborn children with fetal abnormalities from being aborted. The hatchet-man won the contest, and was selected by citizens as their number one worst legislator.

### **Joe Straus - "The Puppet"**

While he is a liberal Republican himself, House Speaker Joe Straus (R-San Antonio) is merely the puppet of the coalition of House Democrats and liberal Republican lawmakers who actually control the chamber, and of his political consultant, Democrat and former gambling lobbyist Gordon Johnson.

In 2009, eleven liberal Republicans met at the Austin home of State Rep. Byron Cook (R-Corsicana) to plan a coup against Republican House Speaker Tom Craddick of Midland. The "Gang of 11" selected Straus only after many rounds of balloting and then promised Democrats that they would kill conservative legislation in order to enlist their support. With less than two sessions in the legislature, the 10 others surmised they would be able to control and direct Straus as speaker. They were right.

Since then, Straus has helmed the Texas House in title only while lawmakers like Cook, Charlie Geren, and the Democratic Caucus actually run the show. For allowing liberal Republicans and Democrats to thwart the will of the people of Texas, they have voted Straus as one of the ten worst legislators.

### **Charlie Geren - "The Belligerent"**

The chairman of the House Administration Committee, State Rep. Charlie Geren (R-Fort Worth) has a tight grip on the chamber and uses his influence to kill conservative reforms carried by other representatives. This session, Geren took two charges himself: banning sanctuary cities and reforming ethics for state officials.

In both cases, Geren watered down and diluted the measures to the point that they had to be repaired by conservatives on the House floor. A ban on sanctuary cities ultimately passed after it was strengthened through an amendment authored by State Rep. Matt Schaefer (R–Tyler). However, Geren obstructed and gutted some of the most sorely needed portions of ethics reform. Relatively easy-to-pass bills limiting pensions for public officials who commit crimes while in office and preventing lawmakers from stockpiling campaign funds to later use them to launch lobby practices were sent to the governor.

Those are good improvements. But Geren killed the most important ethics reforms, such as closing the revolving door to the lobby, and shining a brighter light on lobbyist wining and dining. For belligerently opposing the people on their most important reforms, citizens have selected Geren as one of their worst legislators.

### **John Zerwas - “The Spendaholic”**

A foe of conservatives for years, liberal State Rep. John Zerwas (R–Simonton) has been one of the Texas Legislature’s biggest advocates for bringing Obamacare to Texas.

Though conservatives turned back each of his attempts, they found themselves fighting the lawmaker yet again this session. This time, conservatives had to fight against Zerwas’s bid to raid the Rainy Day Fund for ongoing expenses. Appointed by Straus to chair the Appropriations Committee, Zerwas turned in a budget that pillaged the state’s savings account and systematically defunded border security efforts and public schools in order to finance a spending spree.

While that budget passed in the Texas House, conservatives in the Texas Senate turned a cold shoulder on the proposal and forced Zerwas to pare down his plan into something reasonable. For pushing a budget that would have broken the state’s bank account and left the next legislature in a hole, Zerwas was selected as one of the legislature’s worst members.

### **Todd Hunter - “The Silent Killer”**

Originally elected as a Democrat in the ‘90s, State Rep. Todd Hunter (R—Corpus Christi) retired from the Texas House and then came back as a Republican in 2009 after a 12-year hiatus. While he may have changed his party, Hunter hasn’t changed his beliefs and remains one of the most liberal lawmakers in the chamber.

As the chairman of the Calendars Committee, Hunter has tremendous control over what does, and more importantly what doesn’t, come to the floor for a vote. Over the past few sessions, Hunter has used that power to kill conservative reforms quietly by bottling them up in his committee or by placing them far enough down the calendar that lawmakers can’t get to them before important deadlines.

When conservatives attempted to limit the power of his committee to kill legislation without a vote, Hunter successfully argued that lawmakers should oppose the change and continue allowing him, and not them, to “take the heat” for killing the bills. As the silent killer of popular reforms, the citizens selected Hunter as one of the ten worst legislators.

### **Larry Gonzales - “The Bureaucrat”**

A true creature of the legislative process, State Rep. Larry Gonzales (R–Round Rock) joined the Texas Legislature in 2011 after serving as a staffer for years. He’s stayed loyal to his roots and serves as one of the bureaucracy’s biggest defenders and has a good perch to do it.

As an Appropriations Subcommittee chairman and the House’s leader on the Sunset Commission, Gonzales opposed conservative reforms in both venues. Early in the session, Gonzales made a direct attack on the pro-life movement, anti-toll road and red-light camera activists, as well as other grassroots causes by seeking to amend the rules and limit conservative amendments to sunset legislation.

That attempt failed, but Gonzales continued his obstruction attempts all session, making anti-conservative moves like his attempt to add a poison pill to the Convention of States resolution. And in a moment of cowardice, Gonzales ducked a vote on State Rep. Matt Schaefer’s (R–Tyler) amendment to strengthen the ban on sanctuary cities.

### **Dan Huberty - “The Dream Stealer”**

While he came just shy of inclusion on the “Citizens Choice Worst List,” no lawmaker did more this session to thwart attempts to expand educational opportunity than State Rep. Dan Huberty (R–Kingwood). An ex-school board member elected to the Texas Legislature in 2011, Huberty quickly became an ally of House leadership and of educrats around the state.

This session, Huberty was appointed to chair the House Public Education Committee and quickly staked out battle lines in opposition to school choice—an item that he would pronounce a death sentence for in any form during a February interview with the liberal Texas Tribune.

Huberty was not only successful in killing that legislation, even when it was restricted to only children with disabilities, but also in pushing a large spending increase out of the Texas House under the auspices of “school finance reform.” The legislation died in the Texas Senate.

## **Tan Parker and the House Republican Caucus**

A weak and ineffective leader, House Republican Caucus Chairman Tan Parker spends more of his time wringing his hands and providing excuses for House Speaker Joe Straus' decisions than he does actually working to ensure legislation reflecting the priorities of the Texas GOP are passed. Indeed, Parker's biggest failure came from refusing to put in any serious effort to quarterback the GOP platform or its eight legislative priorities into law.

During the 85th Legislature, the Republican Party of Texas outlined eight legislative priorities, five chosen by delegates at the 2016 Texas GOP Convention and three chosen by the SREC. The following is a summary of the priorities and what role Parker and the House Republican Caucus played in pushing, or killing, the agenda.



### **Pass constitutional carry while maintaining licensing as optional for reciprocity purposes:**

There were two bills filed in the House that would have accomplished this goal - HB 375 and HB 1911. Parker failed to sign-on as a coauthor of either bill. Both bills received hearings and HB 1911 was voted out of committee, however that happened too late in the process. As a result, the bill was killed by House leadership by sending it to the back of the line in the House Calendars Committee.

### **Abolish abortion by enacting legislation to stop the murder of unborn children; and to ignore and refuse to enforce any and all federal statutes, regulations, executive orders, and court rulings, which would deprive an unborn child of the right to life:**

State Rep. Tony Tinderholt filed a bill, HB 948, to abolish abortion in Texas. The bill was referred to the State Affairs Committee where it was denied a hearing and killed by Chairman Byron Cook. Parker did not sign-on to support the bill.

### **Prioritize the allocation of funds to effectively secure the border through whatever means necessary, including but not limited to barriers, personnel, and technology over land, sea, and air, because the federal government refuses to secure the southern border of Texas:**

While the budget passed during the 85th Texas Legislature ultimately funded border security, the House budget, which was passed by Parker and the rest of House leadership, initially cut the funding for border security by \$125 million.

**Call for a limited Article V Convention of States for the specific purpose of restricting the power of the federal government, including the implementation of term limits, and balanced budget amendment. Any proposed amendments must be ratified by ¾ of the states:**

The House passed SJR 2, the Article V Convention of States resolution. Parker was a co-author of HJR 39, the House companion to the resolution. However, while Parker did support the resolution, he did not sign-on as a coauthor until March.

**To replace the property tax system with an alternative other than the income tax and require voter approval to increase the overall tax burden:**

State Rep. Valoree Swanson (R–Spring) filed HB 1050 to abolish the property tax system. Parker did not sign-on as a coauthor and did nothing to help pass the bill. It died in Republican State Rep. Dennis Bonnen’s Ways and Means committee without receiving a hearing. The Senate pushed legislation (SB 2) that would allow taxpayers to vote on city and county tax hikes. The House gutted the bill, then killed it.

**Working to advocate for comprehensive school choice in a manner consistent with the RPT Platform:**

The Texas Senate passed SB 3, a comprehensive school choice bill that would have provided Education Savings Accounts for millions of Texas families. Parker did nothing to support that bill. When the House Public Education Chairman Dan Huberty declared School Choice “dead on arrival” in the House, Parker failed to do anything in response. While Parker did vote against the budget amendment prohibiting tax dollars from going to school choice plans, he failed to lead the caucus on the issue, and he was part of a minority of Republicans to oppose the amendment.

When State Rep. Ron Simmons (R–Carrollton) sponsored HB 1335, a limited program to give education savings accounts to children with special needs, Parker failed to coauthor the bill. It died in committee without a vote.

**We support denial and/or withdrawal of public funds for entities, public and/or private, not in compliance with immigration laws, including sanctuary cities or campuses:**

The House passed SB 4, a bill which bans sanctuary cities. Parker supported the bill, and voted with conservative members to amend the bill to make it stronger. However, Parker did nothing to support the movement of conservative legislation to “shut off the magnets” that drive illegal immigration like in-state tuition for illegal immigrants.

**Protect the citizens of Texas from unlawful encroachments on their First Amendment rights, including Constitutional religious liberty and freedom of speech, and as specified in RPT Platform plank 153:**

The House passed some bills and amendments to bills to protect religious liberty, notably a bill to protect the conscience rights of those involved in adoptions. Parker supported these measures. However, most religious liberty bills died without a vote in the House.

As can be seen from the list, the House acquiesced to Senate proposals on sanctuary cities, border security funding, and a Convention of States, but refused to even allow the other issues such as constitutional carry to the floor. On those unsuccessful issues, Parker sometimes supported the

proposal, at least late in the session, but never gave any evidence that he was doing anything to actually promote the bills and ensure their passage.

And despite House Republicans holding strong majorities in the Texas House, they were often playing defense rather than offense—and losing.

Indeed, a majority of the GOP caucus was defeated by a coalition of Democrats and a Republican minority at least ten times during the regular session. On several of these key votes, Parker joined the Democrats to vote against the majority of his own caucus.

## **Powers of the Texas House Republican Caucus Chairman**

The caucus chair is elected by the caucus in the early stages of each biennial legislative session and serves for the duration of that biennium.

In addition to serving as the head of the caucus, the chair also serves as the official spokesman.

Under the bylaws of the Republican Caucus, the chair presides at all meetings of the caucus and Caucus Executive Committee and represents the caucus in all official matters.

The chair has the power to convene the executive committee to advise members on matters affecting the caucus, and appoints members to the following positions: policy chair, internal communications chair, and external communications chair. These positions are subject to approval by the executive committee.

Powers of the chair also include coordinating and directing liaison activities with the Governor, Lt. Governor, Speaker of the House, GOP senators, and other groups as deemed necessary.

Further duties of the chair include determining the responsibility and duties of staff (if any), and appointing other select committees and liaisons as necessary.

In terms of practical matters, the chair is effectively charged with leading the Caucus and “quarterbacking” the party’s political priorities and organizing actions on the floor. Much like the Speaker of the House, the Caucus Chairman has a large degree of official power, but the primary strength of the position is found in its soft power of clout and influence.

Previous Republican Caucus chairmen such as current State Sens. Brandon Creighton (Conroe) and Larry Taylor (Friendswood) effectively used the position to press for conservative reform and win legislative victories—often by pressuring House leadership.

However, under current chairman Tan Parker (Flower Mound) the position has begun to atrophy as a result of his decision to prioritize apologetics for Joe Straus over holding him accountable.

## **Republican Defeats**

### **Record Vote 54 – Banning State Aid to Illegal Immigrants**

During the debate on a CPS reform bill (HB 4), State Rep. Mark Keough offered an amendment to bar illegal immigrants from receiving state aid under the bill. Democrat State Rep. Gene Wu (Houston) then offered an amendment to Keough's amendment to render it toothless. Parker and a number of other Republicans voted with Democrats to kill Keough's amendment. However, droves of them would later realize the potential peril of their vote and entered journal statements claiming they intended to vote "Nay." Wu's amendment was adopted 78-62 with Republicans in the minority.

### **Record Vote 120 – Expanding Welfare**

HB 132 by Democrat State Rep. Ina Minjarez (San Antonio) planned to expand welfare by distributing a one-time \$1,000 payment to extended relatives of those currently receiving aid under Temporary Assistance for Needy Families (TANF). Despite objections by conservative State Rep. Matt Rinaldi (R-Irving), Republican State Reps. Four Price (Amarillo) and other allies of House leadership joined with Democrats to pass the measure over Republican objections by a vote of 84-53.

### **Record Vote 166 – Politically Motivated State "Studies"**

During the debate on the budget, Democrat State Rep. Donna Howard (Austin) offered an amendment to require the state to produce studies on the potential fiscal impacts to the state in the event of judicial defeats on state laws. With laws like Voter ID, redistricting, and border security currently involved in litigation, this amendment would have provided Democrats campaign fodder at taxpayer expense. Despite a majority of Republicans voting against it, the amendment passed 93-51.

### **Record Vote 205 – Shifting fraud investigation funding from PIU to OAG**

During the debate on the budget, State Rep. Pat Fallon (R-Little Elm) offered a conservative amendment to shift fraud investigation funding from the Democrat-controlled and controversial Travis County Public Integrity Unit to the Office of the Attorney General.

Despite a majority of Republicans voting for it, the amendment was defeated 83-59.

### **Record Vote 612 – Permitting School District Property Tax Increases**

House Bill 486 was a bill to allow ISD's "flexibility" to raise property taxes on citizens without securing their approval. Offered by liberal educator Gary VanDeaver (R-Texarkana) and Democrat Donna Howard (Austin), the bill passed on 2nd reading with 49 Republicans voting against it.

### **Record Vote 613 – Allowing City of Houston to Ignore Due Process**

House Bill 714 was a bill by Democrat State Rep. Gene Wu to allow the City of Houston to ignore citizens' right to due process and issue civil fines for parking on street in neighborhoods.

The bill passed on 2nd reading with 55 Republicans voting against it.

#### **Record Vote 692 – The “Dinghy” Bill**

House Bill 550 was a bill by Democrat State Rep. Ryan Guillen (Rio Grande City) requiring individuals to carry whistles on paddleboats, dinghies, and other vessels. Despite 52 members of his party opposing the legislation, Parker voted with liberal Republicans and Democrats in favor and passed the legislation.

#### **Record Vote 991 – Regulating Agriculture Export-Import Facilities**

House Bill 2484 was a bill by Democrat State Rep. Poncho Nevarez (Eagle Pass) to regulate agriculture export-import in order to appease Mexican inspection agents. Though 51 Republicans (including Parker) voted against the legislation, it passed the House.

#### **Record Vote 972 – Restricting Gubernatorial Appointments**

House Bill 3305 was an unconstitutional restriction on the appointment power of the governor and Texans free speech offered by State Rep. Lyle Larson (R–San Antonio). Despite 48 Republicans (including Parker) voting in opposition, the legislation passed the House.

#### **Record Vote 1172 – The “Granny Tax”**

House Bill 2766, also known as the “Granny Tax” was a proposal carried by State Rep. J.D. Sheffield (R–Gatesville) at the behest of nursing home conglomerates. In short, the bill would have required the State of Texas to impose a tax on nursing home beds and remit the payment back to the companies. Despite 48 Republicans (including Parker) voting against the legislation, it passed the Texas House and died in the Texas Senate.

#### **Record Vote 1391—Ending Abortions due to Fetal Abnormalities**

Due to State Rep. Byron Cook (R–Corsicana)’s refusal to advance most pro-life legislation during the 85<sup>th</sup> session, pro-life lawmakers attempted to amend much of the pro-life agenda on to Senate Bill 8, a bill relating to the disposing of fetal remains post abortion. Most were added to the legislation on the floor, but a particularly important one was defeated by a vote of 72-65.

The amendment offered by conservative State Rep. Matt Schaefer (R–Tyler) would have repealed an exception in Texas’ abortion laws that leaves unborn children with fetal abnormalities unprotected. Cook moved to reject Schaefer’s amendment, and rather than vote to protect life, a number of Republican lawmakers voted with Cook and the Democrats against the unborn only to later enter journal statements saying they “intended to vote otherwise.”

## **What Republicans Wasted Valuable Time On**

Every session, lawmakers return home to their districts and tell people like you that they really, really wanted to pass that conservative bill you cared about; they just ran out of time!

Here is just a sample of four bills that they prioritized and found the time to pass instead of the conservative priorities that you care about and that they put on their campaign mailers.

### **HB 486, a Property Tax Increase Without Voter Approval**

Currently, voter approval is required for school districts seeking to raise property taxes above the state defined “rollback” rate. HB 486, authored by liberal Republican State Rep. Gary VanDeaver of Texarkana and liberal Democrat Donna Howard of Austin, would have given certain districts the ability to avoid the current limit. The new limit would amount to the maximum property tax rate a district has levied since 2007, which would now include all outstanding bond debt, and allow school districts to create a floating “tax window” within which they could vary their rate up or down without securing voter approval.

The bill passed a vote in the House with a majority of Republicans opposed. After citizens like you flooded the Capitol with phone calls, it never received a hearing in the Senate.

### **HB 2766, the “Granny Tax”**

One of the most nefarious items that came before the Texas Legislature this session, House Bill 2766 by State Rep. J.D. Sheffield (R–Stephenville), would have imposed what activists called a “granny tax” on nursing home residents. Billed as a “reinvestment allowance,” the law would collect funds from nursing home customers and then return them to the nursing homes themselves. In essence, HB 2766 is little more than a price increase sponsored by the government, a maneuver for nursing home providers to shake down those under their care for more revenue, and shift the blame to the state.

House Bill 2766 passed the Texas House after liberal Republicans joined with Democrats to ram the legislation through before a deadline to pass house bills out of the chamber. The legislation was defeated in the Senate through the hard work of State Sen. Konni Burton (R–Colleyville) and citizens like you.

### **HB 3294, The NASCAR payout**

House Bill 3294, by State Rep. Tan Parker (R–Flower Mound), made two NASCAR races eligible to receive taxpayer money from the Major Events Trust Fund. The bill was initially brought to the floor in early May, and was overwhelmingly defeated by lawmakers who saw it for what it was: a waste of taxpayer money on a corporate welfare scheme. Parker then convinced House Speaker Joe Straus to allow the chamber to stand at ease for Democrat and Republican caucus meetings and used the time to browbeat members of his own party for killing his bill. They then moved to reconsider his bill and passed it with a much greater margin, with Democrat support. What the Democrats were given in order to get on board, if anything, is not known.

Only 21 lawmakers ultimately voted against the bill, which garnered criticism in Parker’s district. Unfortunately, the NASCAR payout passed through the Senate and was later signed by Gov. Greg Abbott.

**HB 550, the “Dinghy Bill”**

The Texas House stalled, then killed, then resurrected, then passed HB 550 by Democrat State Rep. Ryan Guillen. Dubbed the “dinghy bill,” it would have required Texans to carry a whistle with them while kayaking, paddle-boating, canoeing, etc. Guillen and Republican supporters of the bill argued the bill was necessary to come into compliance with existing federal law, and to collect money from the federal government, which is disbursed in exchange for state compliance. In other words, it’s a bribe by Congress to implement the federally-supported regulation.

State Rep. Jonathan Stickland (R–Bedford) fought the measure on the floor, noting that Texas had rejected forfeiting the freedom of her citizens in exchange for the promise of federal dollars dangled in front of us, and that the body should do the same here. After the bill was initially defeated, House leadership moved to reconsider the vote and it passed the House, but died in the Texas Senate.

A chart of each Republican lawmaker’s vote on this legislation is attached below. Each vote will also be included on the *2017 Fiscal Responsibility Index*, which was released upon the conclusion of the special session.

<b>Note: “BAD” is a vote AGAINST taxpayers, “GOOD” is a vote FOR taxpayers P=Present, A=Absent, AE=Absent, Excused</b>						
<b>First</b>	<b>Last</b>	<b>District</b>	<b>Granny Tax</b>	<b>NASCAR Payout</b>	<b>Dinghy Bill</b>	<b>Property Tax Increase</b>
Gary	VanDeaver	1	BAD	BAD	BAD	BAD
Dan	Flynn	2	GOOD	BAD	BAD	BAD
Cecil	Bell, Jr.	3	GOOD	BAD	BAD	BAD
Lance	Gooden	4	BAD	GOOD	BAD	BAD
Cole	Hefner	5	GOOD	GOOD	GOOD	GOOD
Matt	Schaefer	6	GOOD	GOOD	GOOD	GOOD
Jay	Dean	7	GOOD	BAD	BAD	GOOD
Byron	Cook	8	P	BAD	BAD	BAD
Chris	Paddie	9	BAD	BAD	BAD	BAD
John	Wray	10	GOOD	BAD	BAD	GOOD
Travis	Clardy	11	BAD	BAD	BAD	BAD
Kyle	Kacal	12	BAD	BAD	BAD	BAD
Leighton	Schubert	13	GOOD	BAD	BAD	GOOD
John	Raney	14	GOOD	BAD	BAD	BAD
Mark	Keough	15	GOOD	GOOD	BAD	GOOD

<b>First</b>	<b>Last</b>	<b>District</b>	<b>Granny Tax</b>	<b>NASCAR Payout</b>	<b>Dinghy Bill</b>	<b>Property Tax Increase</b>
Will	Metcalf	16	GOOD	BAD	BAD	GOOD
John	Cyrier	17	GOOD	GOOD	BAD	GOOD
Ernest	Bailes	18	BAD	BAD	BAD	BAD
James	White	19	BAD	GOOD	BAD	GOOD
Terry	Wilson	20	GOOD	GOOD	GOOD	GOOD
Dade	Phelan	21	BAD	BAD	BAD	BAD
Wayne	Faircloth	23	BAD	BAD	BAD	GOOD
Greg	Bonnen	24	GOOD	BAD	BAD	GOOD
Dennis	Bonnen	25	GOOD	BAD	BAD	GOOD
Rick	Miller	26	BAD	BAD	BAD	GOOD
John	Zerwas	28	BAD	BAD	BAD	GOOD
Ed	Thompson	29	GOOD	BAD	BAD	BAD
Geanie	Morrison	30	BAD	BAD	BAD	BAD
Todd	Hunter	32	GOOD	BAD	BAD	GOOD
Justin	Holland	33	BAD	BAD	BAD	GOOD
J.M.	Lozano	43	BAD	BAD	BAD	BAD
John	Kuempel	44	BAD	BAD	BAD	BAD
Jason	Isaac	45	GOOD	GOOD	BAD	GOOD
Paul	Workman	47	BAD	BAD	BAD	BAD
Larry	Gonzales	52	GOOD	AE	BAD	GOOD
Andrew	Murr	53	GOOD	GOOD	BAD	BAD
Scott	Cosper	54	BAD	BAD	BAD	BAD
Hugh	Shine	55	BAD	BAD	BAD	BAD
Charles "Doc"	Anderson	56	GOOD	BAD	BAD	GOOD
Trent	Ashby	57	BAD	GOOD	AE	BAD
DeWayne	Burns	58	BAD	BAD	BAD	BAD
J.D.	Sheffield	59	BAD	BAD	BAD	BAD
Mike	Lang	60	GOOD	GOOD	GOOD	GOOD
Phil	King	61	BAD	BAD	BAD	GOOD
Larry	Phillips	62	BAD	BAD	BAD	BAD
Tan	Parker	63	BAD	BAD	BAD	GOOD
Lynn	Stucky	64	BAD	BAD	BAD	BAD
Ron	Simmons	65	BAD	BAD	BAD	GOOD
Matt	Shaheen	66	GOOD	GOOD	GOOD	GOOD
Jeff	Leach	67	GOOD	BAD	GOOD	GOOD
Drew	Springer	68	BAD	BAD	BAD	BAD
James	Frank	69	GOOD	BAD	BAD	GOOD

<b>First</b>	<b>Last</b>	<b>District</b>	<b>Granny Tax</b>	<b>NASCAR Payout</b>	<b>Dinghy Bill</b>	<b>Property Tax Increase</b>
Scott	Sanford	70	GOOD	BAD	GOOD	GOOD
Stan	Lambert	71	BAD	BAD	BAD	BAD
Drew	Darby	72	BAD	BAD	BAD	BAD
Kyle	Biedermann	73	GOOD	BAD	GOOD	GOOD
Brooks	Landgraf	81	BAD	GOOD	BAD	GOOD
Tom	Craddick	82	GOOD	BAD	BAD	BAD
Dustin	Burrows	83	GOOD	GOOD	GOOD	GOOD
John	Fruzzo	84	BAD	BAD	BAD	GOOD
Phil	Stephenson	85	BAD	BAD	BAD	GOOD
John	Smithee	86	BAD	BAD	BAD	GOOD
Four	Price	87	BAD	BAD	BAD	GOOD
Ken	King	88	BAD	BAD	BAD	BAD
Jodie	Laubenberg	89	AE	BAD	GOOD	AE
Stephanie	Klick	91	BAD	BAD	GOOD	GOOD
Jonathan	Stickland	92	GOOD	GOOD	GOOD	GOOD
Matt	Krause	93	GOOD	BAD	GOOD	GOOD
Tony	Tinderholt	94	GOOD	GOOD	GOOD	GOOD
Bill	Zedler	96	GOOD	GOOD	GOOD	GOOD
Craig	Goldman	97	GOOD	BAD	BAD	GOOD
Giovanni	Capriglione	98	BAD	BAD	GOOD	BAD
Charlie	Geren	99	BAD	BAD	BAD	BAD
Linda	Koop	102	BAD	BAD	BAD	BAD
Rodney	Anderson	105	A	BAD	BAD	GOOD
Pat	Fallon	106	GOOD	GOOD	GOOD	GOOD
Morgan	Meyer	108	GOOD	BAD	BAD	BAD
Angie Chen	Button	112	BAD	BAD	BAD	BAD
Cindy	Burkett	113	GOOD	BAD	BAD	BAD
Jason	Villalba	114	BAD	BAD	BAD	BAD
Matt	Rinaldi	115	GOOD	GOOD	GOOD	GOOD
Lyle	Larson	122	BAD	BAD	BAD	A
Kevin	Roberts	126	BAD	BAD	BAD	BAD
Dan	Huberty	127	BAD	BAD	BAD	BAD
Briscoe	Cain	128	GOOD	GOOD	GOOD	GOOD
Dennis	Paul	129	GOOD	BAD	BAD	GOOD
Tom	Oliverson	130	BAD	BAD	BAD	BAD
Mike	Schofield	132	GOOD	BAD	GOOD	BAD
Jim	Murphy	133	BAD	BAD	GOOD	BAD

First	Last	District	Granny Tax	NASCAR Payout	Dinghy Bill	Property Tax Increase
Sarah	Davis	134	AE	BAD	BAD	BAD
Gary	Elkins	135	A	A	GOOD	GOOD
Tony	Dale	136	BAD	BAD	BAD	GOOD
Dwayne	Bohac	138	GOOD	BAD	GOOD	GOOD
Valoree	Swanson	150	GOOD	GOOD	GOOD	GOOD

### Sample Questions to Ask Your Lawmaker

One of the most common requests we receive at Empower Texans is from citizens asking what questions they should ask their own lawmakers. Routinely, we advise that they ask questions that will help to reveal their principles and force them to defend their records, often referring to votes they've taken (and we've recorded on the *Fiscal Responsibility Index*) as well as our news coverage in the *Texas Scorecard*.

While each lawmaker's record and district are different, here are six starter questions taxpayers can put to their lawmakers:

- 1. Strong state spending limits passed the Texas Senate in early March. Why did it never receive a hearing in the House?*
- 2. Did you support the decision of Charlie Geren to gut the revolving door ethics bill? If not, what did you do to help pass that bill?*
- 3. The first bill passed by the Texas Senate was SB 14, an omnibus ethics bill that had the unanimous support of the Texas Senate (31-0) and Gov. Greg Abbott. However, House Speaker Joe Straus refused to refer the bill to a committee for more than two months, all but ensuring the bill would die. Meanwhile, members who tried to force the bill to be referred to committee were not recognized for their motions. How can the Speaker be prevented from killing legislation like the ethics bill through his refusal to refer bills to committees?*
- 4. The House Republican Caucus held a special meeting to whip votes into supporting corporate welfare for NASCAR under the state's Major Events Trust Fund. Why was there not a similar push for something more critical to taxpayers like **[issue important to you]**?*
- 5. Nursing home conglomerates went to Austin to lobby for a hidden fee on senior citizens in their facilities that earned the name "The Granny Tax." How is it conservative to vote for a tax on people who often live on fixed incomes and can afford these increases the least?*
- 6. House Bill 486 would have weakened property tax protections by allowing school districts to bypass rollback elections. Do you think voter approval is an essential component of our property tax system, and did you support the portion of Senate Bill 2 that would have lowered the rollback rate?*

# 2017 Fiscal Responsibility Index

## Texas House of Representatives

<i>District</i>	<i>Legislator</i>	<i>Party</i>	<i>Rating</i>	<i>District</i>	<i>Legislator</i>	<i>Party</i>	<i>Rating</i>
131	Allen, Alma A.	D	20	75	González, Mary	D	19
104	Alonzo, Roberto R.	D	21	4	Gooden, Lance	R	42
145	Alvarado, Carol	D	21	41	Guerra, Robert "Bobby"	D	24
103	Anchia, Rafael	D	21	31	Guillen, Ryan	D	31
56	Anderson, Charles "Doc"	R	54	119	Gutierrez, Roland	D	23
105	Anderson, Rodney	R	70	5	Hefner, Cole	R	90
116	Arevalo, Diana	D	18	143	Hernandez, Ana	D	21
57	Ashby, Trent	R	42	34	Herrero, Abel	D	25
18	Bailes, Ernest	R	42	49	Hinojosa, Gina	D	18
3	Bell Jr., Cecil	R	66	33	Holland, Justin	R	62
123	Bernal, Diego	D	21	48	Howard, Donna	D	19
73	Biedermann, Kyle	R	96	127	Huberty, Dan	R	41
76	Blanco, César	D	18	32	Hunter, Todd	R	45
138	Bohac, Dwayne	R	82	45	Isaac, Jason A.	R	72
25	Bonnen, Dennis	R	61	50	Israel, Celia	D	19
24	Bonnen, Greg	R	71	100	Johnson, Eric	D	21
113	Burkett, Cindy	R	48	139	Johnson, Jarvis	D	29
58	Burns, DeWayne	R	66	12	Kacal, Kyle	R	44
83	Burrows, Dustin	R	75	15	Keough, Mark	R	88
112	Button, Angie Chen	R	51	88	King, Ken	R	40
128	Cain, Briscoe	R	100	61	King, Phil	R	59
40	Canales, Terry	D	33	80	King, Tracy	D	29
98	Capriglione, Giovanni	R	63	91	Klick, Stephanie	R	76
11	Clardy, Travis	R	40	102	Koop, Linda	R	47
147	Coleman, Garnet	D	17	93	Krause, Matt	R	98
95	Collier, Nicole	D	22	44	Kuempel, John	R	39
8	Cook, Byron	R	39	71	Lambert, Stan	R	43
117	Cortez, Phillip	D	19	81	Landgraf, Brooks	R	65
54	Cosper, Scott	R	49	60	Lang, Mike	R	100
82	Craddick, Tom	R	58	122	Larson, Lyle	R	40
17	Cyrier, John	R	70	89	Laubenberg, Jodie	R	64
136	Dale, Tony	R	56	67	Leach, Jeff	R	95
72	Darby, Drew	R	40	35	Longoria, Oscar	D	30
134	Davis, Sarah	R	33	43	Lozano, J.M.	R	42
111	Davis, Yvonne	D	20	38	Lucio III, Eddie	D	25
7	Dean, Jay	R	57	39	Martinez, Armando	D	17
22	Deshotel, Joe	D	27	16	Metcalf, Will	R	71
46	Dukes, Dawnna	D	20	108	Meyer, Morgan	R	60
142	Dutton Jr., Harold	D	22	26	Miller, Rick	R	57
135	Elkins, Gary W.	R	63	124	Minjarez, Ina	D	21
23	Faircloth, Wayne	R	62	78	Moody, Joseph "Joe"	D	19
106	Fallon, Pat	R	89	30	Morrison, Geanie W.	R	44
148	Farrar, Jessica	D	15	36	Muñoz Jr., Sergio	D	27
2	Flynn, Dan	R	49	133	Murphy, Jim	R	55
69	Frank, James	R	61	53	Murr, Andrew	R	67
84	Fruzzo, John	R	50	107	Neave, Victoria	D	24
99	Geren, Charlie	R	41	74	Nevárez, Poncho	D	22
120	Gervin-Hawkins, Barbara	D	24	37	Oliveira, René	D	20
109	Giddings, Helen	D	20	130	Oliverson, Tom	R	60
97	Goldman, Craig	R	70	77	Ortega, Evelina	D	15
52	Gonzales, Larry	R	43				

<i>District</i>	<i>Legislator</i>	<i>Party</i>	<i>Rating</i>
9	Paddie, Chris	R	42
63	Parker, Tan	R	57
129	Paul, Dennis	R	68
144	Perez, Mary	D	18
21	Phelan, Dade	R	53
62	Phillips, Larry	R	53
79	Pickett, Joe	D	36
87	Price, Four	R	44
14	Raney, John	R	41
42	Raymond, Richard	D	31
27	Reynolds, Ron	D	19
115	Rinaldi, Matt	R	100
126	Roberts, Kevin	R	58
51	Rodriguez, Eddie	D	24
125	Rodriguez, Justin	D	18
90	Romero Jr., Ramon	D	24
110	Rose, Toni	D	15
70	Sanford, Scott	R	89
6	Schaefer, Matt	R	100
132	Schofield, Mike	R	82
13	Schuber, Leighton	R	61
66	Shaheen, Matt	R	100
59	Sheffield, J.D.	R	38
55	Shine, Hugh	R	37
65	Simmons, Ron	R	69
86	Smithee, John	R	53
68	Springer, Drew	R	65
85	Stephenson, Phil	R	47
92	Stickland, Jonathan	R	100
121	Straus, Joe	R	N/A
64	Stucky, Lynn	R	55
150	Swanson, Valoree	R	99
146	Thierry, Shawn	D	19
29	Thompson, Ed	R	64
141	Thompson, Senfronia	D	21
94	Tinderholt, Tony	R	100
101	Turner, Chris	D	17
118	Uresti, Tomas	D	24
1	VanDeaver, Gary	R	40
114	Villalba, Jason	R	43
149	Vo, Hubert	D	19
140	Walle, Armando	D	20
19	White, James	R	68
20	Wilson, Terry	R	87
47	Workman, Paul	R	52
10	Wray, John	R	50
137	Wu, Gene	D	18
96	Zedler, Bill	R	93
28	Zerwas, John	R	44

<b>Texas Senate</b>			
<i>District</i>	<i>Legislator</i>	<i>Party</i>	<i>Rating</i>
7	Bettencourt, Paul	R	92
22	Birdwell, Brian	R	91
24	Buckingham, Dawn	R	85
10	Burton, Konni	R	100
25	Campbell, Donna	R	88
4	Creighton, Brandon	R	87
30	Estes, Craig	R	81
6	Garcia, Sylvia	D	28
2	Hall, Bob	R	97
9	Hancock, Kelly	R	91
20	Hinojosa, Juan	D	55
16	Huffines, Don	R	99
17	Huffman, Joan	R	80
1	Hughes, Bryan	R	89
18	Kolkhorst, Lois	R	84
27	Lucio, Eddie	D	56
26	Menendez, Jose	D	37
13	Miles, Borris	D	43
12	Nelson, Jane	R	85
3	Nichols, Robert	R	81
28	Perry, Charles	R	82
29	Rodriguez, Jose	D	34
5	Schwertner, Charles	R	85
31	Seliger, Kel	R	75
11	Taylor, Larry	R	80
8	Taylor, Van	R	100
19	Uresti, Carlos	D	45
14	Watson, Kirk	D	33
23	West, Royce	D	47
15	Whitmire, John	D	50
21	Zaffirini, Judith	D	35

**Statistics**

House Average	47
House GOP Average	62
House Dem Average	21
House Chair Average	42
House GOP Chair Average	50
House Dem Chair Average	24
Total Passing	27 of 150
Senate Average	71
Senate GOP Average	88
Senate Dem Average	42
Senate Chair Average	70
Senate GOP Chair Average	87
Senate Dem Chair Average	45
Total Passing	20 of 31

For more information on the Fiscal Responsibility Index, please visit:  
[index.empowertexans.com](http://index.empowertexans.com)

## **Explaining the Motion to Censure**

Rule 44 of the Republican Party of Texas was adopted at the 2016 state convention after years of grassroots efforts to add a formal censure provision to the party rules. The rule creates a process for the party to impose certain penalties on Republican office holders and party officials.

All organizations can inherently pass resolutions to censure individuals. They are, at their core, simply a formal expression of admonishment. However, under the specific provisions of Rule 44, there are requirements to allow a county executive committee or county or senate district convention to initiate a process whereby the party may bind other county parties and party auxiliaries in the imposition of penalties against specific Republican office holders.

Rule 44, if invoked, explicitly nullifies any party neutrality requirements and bars party resources, except those mandated by law, from being used to support the office holder who is censured.

Under the terms of Rule 44, the office holder who is censured must have taken three actions during the current biennium in opposition to the core principles of the Republican Party of Texas. Currently there are 10 such principles identified on page one of the Republican Party of Texas Platform.

In order to censure a Republican office holder, a party member needs to draft a resolution identifying the three actions. The resolution should be specific and identify particular actions in opposition to one or more specific principles. The resolution should also include a provision requesting that if the resolution is adopted locally by the appropriate threshold, it be forwarded to the SREC or Convention with a request it impose the Rule 44 penalties.

The resolution then must be brought forward in either a county executive committee meeting or at a county or senate district convention that contains at least part of the district of the relevant office holder. The resolution must pass by at least a 2/3 vote.

After the resolution passes at the local level, it will then be taken up by the State Republican Executive Committee or by the State Convention (or both) where the penalties may be imposed by a 2/3 vote of the full membership of the SREC or by a majority vote of convention delegates.





**Empower Texans Activist Report**  
**85<sup>th</sup> Texas Legislature**  
**First Called Session Addendum**

## **Abbott Calls Legislators Back to Austin**

Though he was perceived as sitting on the sidelines for much of the regular session, Gov. Greg Abbott was thoroughly dissatisfied with the Texas Legislature's failure to pass crucial sunset legislation and pro-taxpayer property tax reforms during the regular session, and decided to call lawmakers back.

When the Texas Legislature adjourned *sine die*, many conservatives believed the best they could hope for was a special session on the sunset legislation, privacy protections, and property tax reform, Abbott announced that he would be calling a special session of the Texas Legislature starting July 18th to address a bevy of conservative priorities the legislature failed to pass during the 140-day regular session.

"Legislators have six weeks to prepare for this special session," Abbott said at the time. "If they fail it will not be for a lack of time. It will be because of a lack of will."

Topping Abbott's extensive list was property tax reform, which was passed in the Texas Senate, but scuttled in the Texas House through maneuvering by House Speaker Joe Straus working in collusion with Democrat lawmakers. In the aftermath of that defeat, citizens across the state flooded Abbott's office with thousands of letters and phone calls demanding he bring lawmakers back to finish the job.

"Texans need property tax reform right now. I'm calling on the legislature to pass SB2, with the rate rollback provision, or pass a better law," said Abbott. "A better law that will reform the spiraling property taxes in Texas. If we are going to come together and work this summer at taxpayers' expense, then let us work on relieving Texas homeowners from out of control property taxes."

Here are the other issues that Abbott added to the special session call:

- Prioritizing school spending to give teachers a pay increase of \$1,000
- Administrative flexibility in teacher hiring and retention practices
- School finance reform commission
- School choice for special needs students
- Property tax reform including voter approval of tax increases
- Caps on state and local spending
- Preventing cities from regulating what property owners do with trees on private land
- Preventing local governments from changing rules midway through construction projects
- Speeding up local government permitting processes
- Municipal annexation reform including prohibiting forced annexation
- Preemption of the patchwork of texting while driving laws
- Privacy in intimate facilities, particular for school students
- Prohibition of government collection of union dues
- Prohibition of taxpayer funding for abortion providers
- Pro-life insurance reform
- Strengthening abortion reporting requirements when health complications arise
- Strengthening patient protections relating to do-not-resuscitate orders
- Cracking down on mail-in ballot fraud
- Extending the maternal mortality task force

*To see the final outcome of each of these priorities, please refer to page 34.*

## **#SunsetAndSineDie vs. #PassThemAll**

Shortly after Abbott announced the special session, House Democrats began discussing ways to kill it. Quickly, the chatter centered on leaving the state en masse – a move they have used in the past to deny a quorum and prevent the Texas Legislature from being able to conduct business.

Once that proposal failed to draw sufficient support from within the House Democratic Caucus, left-wing reporters, lobbyists, and Democrat activists began the drumbeat for lawmakers to simply kill Gov. Abbott’s legislative package under the hashtag #SunsetAndSineDie.

If such a motion was made to adjourn “sine die” (meaning they would not meet again), it would only have required a simple majority (76 votes if all members were present). Assuming all Democrats voted for the motion, only the votes from 21 Republican legislators would be required for the motion to pass.

Such a maneuver, however, would place those Republican legislators against Abbott, and more importantly, their constituents who had rallied under their own hashtags, #20for20 and #PassThemAll, in support of his agenda.

Though he was criticized for being absent from the legislative process during the regular session, Abbott was outspoken and increasingly active in the lead-up to the special session. Shortly before the special session began, Abbott doubled down by calling on citizens to help him shine a spotlight on the legislators who support his agenda – and those who don’t.

“I didn’t just call a special session and leave it at that. My staff and I have been engaging directly with members of the Texas Legislature to get ready,” said Abbott.

Asked to address the rumored #SunsetAndSineDie, Abbott said flatly that #SunsetAndSineDie would not happen on his watch and that he’d hold lawmakers accountable for what they failed to pass.

“I’m going to be establishing a list,” he continued. “We all need to establish lists that we publish on a daily basis to call people out – who is for this, who is against this, who has not taken a position yet. No one gets to hide.”



*Note: To view the lists to lawmakers who supported (and who obstructed) Abbott’s agenda, please visit [EmpowerTexans.com/PassThemAll](http://EmpowerTexans.com/PassThemAll).*

## **More of the Same**

Despite Gov. Greg Abbott aggressively advocating for conservative policy outcomes in the special session, what ultimately occurred was simply a repeat of what happened in the regular session of the Texas Legislature.

As expected, Lt. Gov. Dan Patrick and the Texas Senate worked quickly and methodically to pass almost every item on Abbott's agenda – moving the majority of the reforms out of the upper chamber in less than a week. Ultimately, the Texas Senate would pass 18 of the 20 reforms called for by Abbott – within the first seven days – with only local government spending limits and contracting reform failing to make it through.

And both of those issues fell short not because of a lack of legislative will, but a logistical problem related to crafting satisfactory legislation in so little time.

The Texas House, meanwhile, was a different story.

Like they did during the regular session, House Speaker Joe Straus and his allies employed their go-to strategy to kill the conservative priorities he called “horse manure” – dilute as much as possible, delay as long as possible, destroy as much as possible. Most reforms died by their hand.

Some, such as preventing local governments from aiding and abetting abortion advocates like Planned Parenthood or protecting the privacy of women and girls were again entombed in State Rep. Byron Cook's (R-Corsicana) State Affairs committee, and never given a chance at passage.

Others, such as property tax reform, died after House legislators watered them down to the point of nothingness, and then refused to even enter negotiations with the Texas Senate.

But a few suffered outright public defeats.

School choice was adamantly rejected by a majority of Republican lawmakers on the floor of the Texas House. An amendment to merely study the effect of allowing government employees to automatically deduct their labor union dues from their paychecks was defeated by a majority of Republicans uniting with Democrats to defeat their conservative colleagues.

And strengthening the state spending limit?

On that issue, for once, House Republican Caucus Chairman Tan Parker of Flower Mound finally stood up and led the fight for reform. But his bill didn't pass. No, it was corrupted by one of Straus' lieutenants, who inserted a point of order into the bill that Democrats could use to defeat it on the floor.

But Parker didn't give up. To his credit, he actually fought for the bill and appealed Straus' ruling that the bill was out of order. If a majority of his colleagues agreed – something that should not be difficult given Republicans' numerical superiority in the chamber – Parker could pass the bill anyway.

However, that was not the case. Straus' henchmen partnered with Democrats to oppose his motion. Although 70 Republicans voted to move forward on the legislation, it was scuttled by the roughly two dozen Republicans, who again partnered with Democrats, to defeat it.

## **Straus Adjourns the Texas House Early to Kill Conservative Reforms**

After effectively killing the vast majority of Gov. Greg Abbott's special session agenda by delaying and diluting the bills to death, House Speaker Joe Straus adjourned the chamber sine die a full day early over the objections of dozens of lawmakers.

In the video archive, a number of lawmakers can be heard objecting to the motion and calling for a record vote. Straus never recognized any of the members' objections and adjourned without a vote in defiance of the House's rules and the Texas Constitution. Even the Texas House journal demonstrates as many as 17 lawmakers noting their objections in the journal:

"(The following members gave notice of their objection to adjourn sine die," it reads. "C. Anderson, Biedermann, Bohac, Cain, Flynn, Hefner, Krause, Lang, Leach, Paul, Rinaldi, Schaefer, Schofield, Swanson, E. Thompson, Tinderholt, and Zedler.)

Two lawmakers also entered journal statements concerning Straus' dictatorial maneuver.

"When the motion to adjourn sine die was made, several members, including myself, objected to the motion and called for a record vote. The speaker refused to recognize the objections and adjourned without a vote. I oppose adjourning sine die while there is still time to appoint a conference committee to pass meaningful property tax relief," wrote Matt Rinaldi (R-Irving).

"I called for a record vote and strict enforcement on the motion to adjourn sine die. Our requests were ignored and the speaker gaveled the house to adjournment sine die. The people of Texas deserve better," wrote Briscoe Cain (R-Deer Park).

Each of these statements make clear something Texans already know.

Since his election in 2009, Straus has always claimed to lead a "member-driven House," yet in every instance he has used his power and influence to override their will and supplant it with his own.

Bills like the Texas Privacy Act never even came to the floor this session after he abdicated his duty under the rules and refused to refer them to committee. He routinely refused to recognize lawmakers to make routine motions, and he twisted the rules to further deny them their ability to offer amendments he didn't favor.

Under his leadership, the Texas House has been run like a criminal enterprise, and Texans from Orange to El Paso have been victimized.

The only remaining question is whether a majority of the Texas House will continue to be complicit in his actions, or whether they will finally rise up and replace him.

*For more information on this topic, visit [empowertexans.com](http://empowertexans.com)*

## **Special Session Reforms Passed by the Texas Legislature:**

### ***Pro-Life Insurance Reform (HB 214, 1<sup>st</sup> Called)***

*End Result:* The bill prohibits qualified health plans under Obamacare from providing coverage for elective abortion. It does not prevent a person from purchasing optional or supplemental coverage for these procedures and passed both chambers before being signed by the Governor.

### ***Abortion Reporting (HB 215 and HB 13, 1<sup>st</sup> Called)***

*End Result:* Both bills passed during the special session and were signed by the Governor. HB 215 requires doctors to report on minors seeking abortions, while HB 13 requires physicians and abortion facilities to report details concerning abortion complications.

### ***Do Not Resuscitate Order Reform (SB 11, 1<sup>st</sup> Called)***

*End Result:* This item of the special session call had little difficulty passing in both chambers. The measure creates protections against do-not-resuscitate orders being placed on a patient against their wishes, as well as carving out a good faith exception.

### ***Mail-In Ballot Fraud (SB 5, 1<sup>st</sup> Called)***

*End Result:* Aiming to improve the integrity of the ballot box and ensure voter confidence in elections, strengthening of the state's mail-in ballot fraud laws increasingly became an issue ripe for reform with new investigations arising around Texas. SB 5 passed in both chambers and has been signed into law.

### ***Teacher Retirement Benefits (SB 19, 1<sup>st</sup> Called)***

*End Result:* Initially the battleground over funding mechanisms between the two chambers, on the last day of session the House concurred in the senate's financing method in HB 21, which was amended to include \$212 million to subsidize rising health care costs for retired teachers.

### ***School Finance Reform (HB 21, 1<sup>st</sup> Called)***

*End Result:* Initially proposing to inject nearly \$2 billion in new funding for an inefficient public education system, the Senate successfully negotiated a change that would put \$351 million in state funds into public schools and creates a commission to provide recommended reforms by the end of next year.

### ***Limits on Local Tree Regulations (HB 70, 1<sup>st</sup> Called)***

*End Result:* Senate Bill 14, the "Real Tree Bill" actually passed the senate, but the house refused to even refer it to a committee, instead advancing this watered-down house version that only exempts small trees on certain residence property and provides for a discounted fee.

### ***Annexation Reform (SB 6, 1<sup>st</sup> Called)***

*End Result:* Following the death of a similar bill on the final day of the regular session, Gov. Abbott included this item on the special session call to give voters a voice in proposed annexation by large cities. While these protections weren't afforded to all Texans, the reforms are welcome relief for those in the targets of big-city governments hungry for a larger tax base.

### ***Maternal Morbidity (SB 17, 1<sup>st</sup> Called)***

*End Result:* Initiated by the legislature in 2013, the Maternal Mortality and Morbidity Task Force became a focal point during the special session. With unexplained increases in maternal mortality in recent

years, the bill extends the task force through 2023 and will study potential causes and make recommendations.

## **Special Session Reforms Killed in the Texas House**

### ***School Choice for Special Needs Children (SB 2, 1<sup>st</sup> Called)***

*Passed the Senate: July 24th*

*End Result:* Having killed a broader bill, and preemptively acting to cut off school choice funding during the regular session, the House never voted on the narrower special session bill after being slow-played through the referral and committee process. With days to go, SB 2 died in the House Calendars committee.

### ***Property Tax Reform (SB 1, 1<sup>st</sup> Called)***

*Passed the Senate: July 24th*

*End Result:* The House substitute heavily watered down this reform package to the point of irrelevance. On second reading in the house, an amendment to restore taxpayer protections was defeated on the floor, and House leadership proceeded to cut off all debate and amendments during third reading. House sponsor and Ways & Means committee chair, State Rep. Dennis Bonnen (R–Angleton), refused to appoint conferees to negotiate with the Senate prior to a premature adjournment sine die.

### ***State Spending Limit (HB 208, 1<sup>st</sup> Called)***

*Companion Passed the Senate: July 25th*

*End Result:* Though the Senate companion sailed through the upper chamber, the house version was slowly advanced slightly ahead of the senate bill. Once on the House floor, a point of order was sustained by the chair, followed by an appeal. House leadership joined with Democrats to sustain a rare point of order ruling that had not been handed down for years.

### ***Expedited Local Permits (SB 13, 1<sup>st</sup> Called)***

*Passed the Senate: July 26th*

*End Result:* The measure, aimed at creating a new, uniform process and timeline for certain local entity permit applications passed with ease in the Senate, only to meet its demise at the hand of House State Affairs committee chairman and Joe Straus hatchet-man, Rep. Byron Cook. The bill was never scheduled for a vote.

### ***Local Texting Regulation Preemption (SB 15, 1<sup>st</sup> Called)***

*Passed the Senate: July 25th*

*End Result:* While the state passed a statewide law prohibiting texting while driving, Gov. Abbott's special session agenda included a measure to preempt local regulations in conflict with the state law. The bill was part of the package of bills passed early by the Senate, but was never referred in the House.

### ***Privacy Act (SB 3, 1<sup>st</sup> Called)***

*Passed the Senate: July 25th*

*End Result:* Although a majority of Texans supported the Texas Privacy Act, House Speaker Joe Straus announced his intention to kill the legislation before the special session and in private meetings. Siding with transgender lobby organizations and echoing false liberal proclamations by the Texas Association of

Business, House leadership completely ignored the chorus of Texans and the bill, simply allowing it to expire without action.

***Automatic Union Dues Collection (SB 7, 1<sup>st</sup> Called)***

*Passed the Senate: July 25th*

*End Result:* Yet another conservative priority passed the senate early in the special session, only to serve as another vehicle for House leadership and Speaker Straus to poke a thumb in the eye of conservatives. The bill was received in the house with weeks to go, however the issue was never even given the dignity of a committee referral.

**Special Session Priorities that Died in Both Chambers**

***Local Government Spending Limits (SB 19, 1<sup>st</sup> Called)***

*End Result:* Succumbing to pressure from local government officials and lobbyists, and after being postponed multiple times the bill was never taken back up. While local governments continue to see their spending outpace taxpayers' ability to pay, the issue will stay front and center as a priority reform.

***Grandfathering Permits (SB 12, 1<sup>st</sup> Called)***

*End Result:* Without an analogue during the regular session, the bill and novel topic encountered various stakeholder pushback as well as health and safety concerns throughout the process. In need of significant changes, SB 12 was not passed out of the Senate Committee on Business and Commerce.



## **Closing Thoughts**

Again, thank you for stepping forward as a citizen in the fight to take back government and return Texas to self-government. Thanks to you, Texans have already won major victories in the fight to restore political power to the people, with more on the horizon!

We hope that this material will be informative and useful for you as you continue to lead your fellow citizens in the fight for Texas. Remember, we exist to serve YOU... and your success is Texas' success!

For Texas!

*The Empower Texans Staff*



# Texas Torchbearers

What is a Torchbearer?

These are the people willing to shine a light so that others can work more effectively. The Texas Torchbearer Initiative is open to anyone willing to lead by example in their community by exposing what those in power would rather leave hidden.

When you become a Torchbearer, the Empower Texans staff work with you, building your knowledge and helping you to grow your sphere of influence, while preparing for effective engagement. We only ask that Torchbearers commit to shining the bright light of liberty in their communities.

For those Texans willing to be Torchbearers, we provide tools and services to help them lead others in more effective public engagement on the ideas of liberty. The result will be a more brightly shining Lone Star State.



## ***What Does a Torchbearer Do?***

- Stay in touch with their elected officials
- Attend town-halls and meetings in their community
- Share Empower Texans content with friends and family
- Maintain up-to-date social media accounts
- And more!

## ***Torchbearers Receive...***

- Materials to help you motivate and engage your community
- Personal support from the Empower Texans team
- Invitations to regular strategy calls and other exclusive events with the Empower Texans team
- Other exclusive benefits

Are you ready to carry the torch of liberty in your community? Apply today at:

**[www.TexasTorchbearers.com](http://www.TexasTorchbearers.com)**

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