

**“INSIDE”**

**INTELLIGENCE**

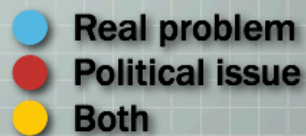
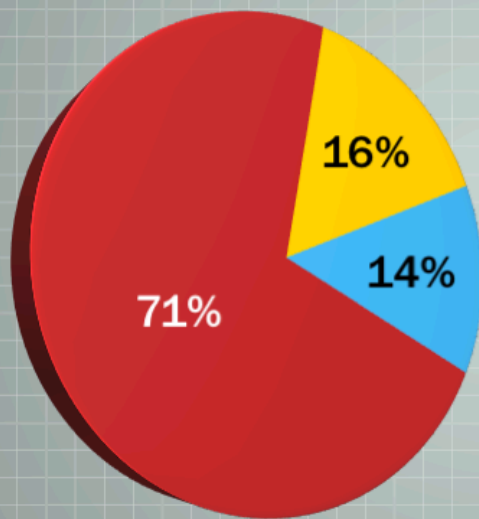
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**THE TEXAS TRIBUNE**  
TEXAS  WEEKLY

The insider's poll for the week of January 31.

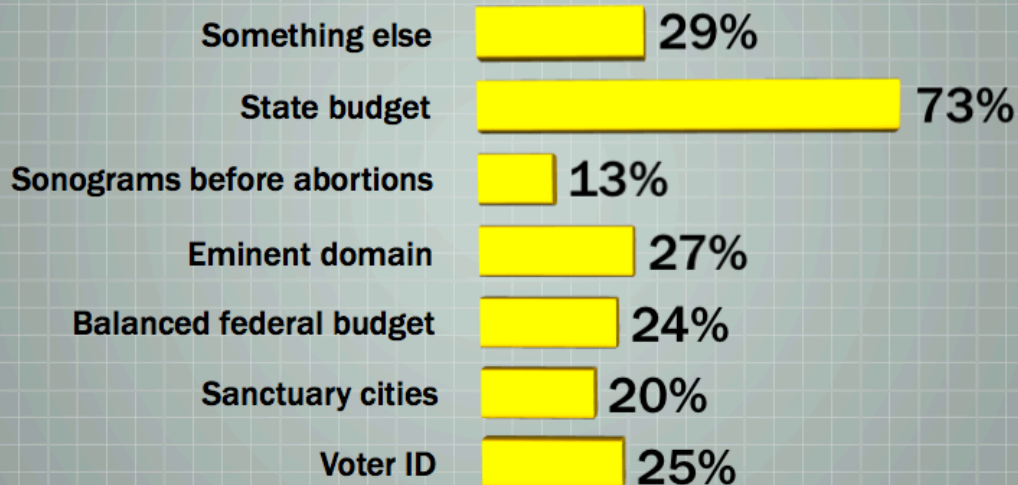
# INSIDE INTELLIGENCE

Is voter fraud a genuine problem, a political issue, or both?



# INSIDE INTELLIGENCE

What would you include as an emergency item?



\*More than one answer is allowed.

*This week's open-ended prompt was "How should emergency items be used? Should the Legislature even need the governor's designation to consider items during the early part of a session?" And here's how the insiders answered:*

- "Yes"
- "Legislative emergencies should be used for true emergencies, not the issues the Governor's pollster deems red meat. Also, answers to your first question will skew the voter ID debate - many believe voter fraud is real, but the only kind of fraud voter ID legislation addresses is voter impersonation at Election Day polling places. That type of fraud has not been shown to be a real issue, despite the AG's best efforts."
- "Only for true emergencies. Not his self-serving political agenda."
- "There should be no 'emergency declarations.' For Lord's sake, if the budget isn't an emergency, what is?"
- "yes, its in the Texas constitution"
- "No."
- "Emergencies should be used for issues which are having an immediate and negative impact on the citizens, businesses and economy of our state."
- "Yes, the Governor should set an agenda for the state. Doesn't mean he will, but he should."
- "Sparingly. Should be used in response to natural or man-made disaster. Used in response to lawsuit judgments impacting state services etc."
- "As it is, is a good constitutional balance. Just because a governor gives emergency status, the Lege is not compelled to act."
- "Supplemental appropriations for natural disasters, increasing law enforcement presence is times of unrest."
- "No; there should be no restriction on conducting business the first 60 days. It should be used passing bills not passing stupid resolutions and partying at lobby receptions."
- "The Governor has so little power in Texas. The power to give the legislature the ability to fast-track certain priorities seems appropriate, even if Rick Perry is misusing this power to run for President."
- "Given that he needs to deal with all of these for his own reasons, it is good to try to get the hot issues out of the way. maybe we can get the budget through that way."
- "Yes"
- "No"
- "No, no, no"
- "Yes, the Legislature should need the designation to proceed to legislation in the first 60 days. However, the designation should be used sparingly and only in cases of genuine emergency."
- "Like most of the powers granted the Governor, adding emergency items relies on a responsible and ethical leader. Draw your own conclusions in this case. But this doesn't really call out for a change — it does, however, call out on the press to highlight the non-literal use of 'emergency' by the governor."
- "One man's fire is another man's heater. The Governor is elected statewide and should be able to designate 'emergency' or 'priority' legislation as he/she sees fit. No, leg should not be able to consider items early without governor designation."
- "Current system works well."
- "For, you know, emergencies. And no, the Lege doesn't need the governor's opinion"
- "We need to amend the constitution to allow the legislature to start work at the start of the session so we don't need to have emergency items"
- "Considering the mess at the end of the session, 60 day rule should be modified"

- "For the most part, emergency items should be used for political purposes. There is very little with which the Leg deals that is urgent or qualifies as a true emergency. Emergency items are and should be used to shape agendas and perceptions."
- "Emergency items should be used rarely such as dire budget issues or matters involving health and safety issues. A little political posturing is okay, but Perry's partisan items or beyond the pale."
- "For true emergencies, not for checking items off a political agenda."
- "It would be silly to think of the 'emergency item' concept as anything other than an illusory tool for the Governor to make a political statement. Any change to the current farce would make the Governor more powerful. Not sure that would get a lot of support."
- "The Lege should need the governor's recommendation, otherwise there would be an undue crowding to the front of the queue. The governor usually only names a few emergency items and that lets the Lege use the first 60 days for committee work and hearings."
- "For items of a true emergency nature, not for political reasons"
- "To identify the top one or two issues that must be addressed during the session. No, very few, if any, bills actually need to be on a fast track."
- "While I'm not sure of their historical use 100 years ago, they're now just political tools to highlight issues and give the Governor cover to say he tried to address big problems. It's not as though any of the issues highlighted this session are such emergencies that the difference of 2 or 3 months is important."
- "Use emergency items as a tool to get the legislature working earlier, but limit to matters that are truly an emergency or are controversial. Limit to Governor only."
- "yes"
- "No changes needed. I'm in no hurry to start working harder than I already have to now."
- "Existing rules are ok."
- "Last session proved that the House has the ability to be direction-LESS. Leadership was missing last session, so the governor is filling the void."
- "1) The budget is already an 'emergency' item, in the ordinary sense of that word, because the budget is getting huge attention. Anyone read the paper? Is Pitts answering questions before the House on any other bills? ... 2) An 'emergency' in the technical sense is just a rule; it is nothing more than a procedure. Any Lege procedure can be used for a political purpose. The Governor has figured out this strategy of using the emergency procedure as a way to make sure his key support groups know that he is delivering on specific campaign promises. Pretty clever of him. ... 3) Since when have we gotten hung up on the name of a legislative procedure? The Gov's use of the 'emergency' process is equally valid to the criticisms against him for using it. In other words, he is using a legal procedure in a legal way (albeit for political purposes) and his opponents are using the name of the procedure to criticize him (albeit for political purposes). That seems an appropriate approach on both sides."
- "Only for true emergencies — natural disaster type situations, emergency appropriations that are needed, etc."
- "Everything should be declared an emergency or the constitutional rule should be suspended."
- "The designation should be used to highlight a real emergency, not hot button issues."
- "It may be a bit archaic, but it is a constitutional rule and unlikely to be changed. However, the constitution does not require that anything be given the emergency tag."
- "Emergency items should be used for those matters that are threatening public safety, health or welfare and should be fixed as urgently as possible."

- "Emergency items are a device to speed consideration, but appear to be a list of legislative priorities. They could be dispensed with, at no great loss."
- "The slow walk at the beginning of the session is totally unnecessary and is one of the cause's of the traffic jam in the Last Days. Change it."
- "When there is an imminent threat to the health, safety or economic security of our residents. Not when you are running for president."
- "Should be used sparingly, if ever"
- "No"
- "Emergency items should be declared to address specific, contemporary problems facing the state, without regard to a partisan agenda. The emergency items, though declared solely by the Governor, should be of concern to all Texans. Otherwise, the bills can go through the standard order of consideration."
- "If the legislature doesn't think so, then pass a constitutional amendment repealing the 60 days and get the voters to ratify it."
- "They should be used for real emergencies, like shoring up the base or fixing a bad past veto. Practically, they're used when the Guv wants to use them. As clogged as the sausage grinder is at the end of the session, it's probably best to keep the early session for organization and deliberation."
- "Should? Can only observe that they appear to be more likely to be used for political sound bite issues than for substantive public policy challenges."
- "They don't need an emergency declaration to work through concepts and drafts. The lobby enjoys seeing emergency items addressing 'political' items rather than items that affect paying clients."
- "Should remain at the discretion of the governor. Voters still have the ability to hold the governor accountable for his decisions."
- "Emergency items should be used for special sessions."
- "Absolutely... the legislative process created by our Founding Fathers was supposed to slow and designed to kill bills. The process was intended to limit the expansion of government."
- "The Constitutional 'regular order of business' is archaic. The governor's designation should be for real emergencies and — from a political perspective — in aid of communicating his priorities."
- "No, it is not necessary for the Gov to direct consideration of critical state business which has been building for 2 years."
- "Yes the Governor should make the decision. They should be used only when there is truly an emergency like our budget shortfall."
- "Emergency designation is no more than a political tool. Bills which are true emergencies (very few) can be passed by both houses with super majorities anyway. If they are truly emergencies, they should be able to get the supermajorities needed."
- "Yes"
- "Yes, but not for the Governor to use as a political grandstand. His soap box is tall enough."
- "Yes that should continue to be the practice."
- "The governor is the chief executive and is the right one to set priority considerations in regular and special sessions. We already have plenty of laws and plenty of time for the legislature to address perceived needs."
- "Important Governor have and use this power along with the bully pulpit. It will shape his credibility on every issue important to him this Session."
- "No, I have always thought that this was not a good way to start, issues that are emergency should be first and governors and legislatures

should decide what is an emergency and not be bound by archaic rules"

- "If we had Governor's that cared about the public interest and not their personal politics it is a good idea. With this partisan fool it is an abuse of power."

- "Emergency items should be items that need to pass and thus should be considered before the rush to consider legislation in committee begins (61st day). There has to be a gatekeeper. Our constitution provides for a weak Governor. Taking away this exclusive power would further weaken our Governor."

- "No"

- "They should actually be used for state emergencies, but using them to calm the masses and show what the administration sees as a priority is what usually happens. Right now the wrath of the masses is more a political emergency than a state emergency."

- "No, Lege should be able to address emergency items on their own."

- "As a general rule, the fewer bills they pass, the better off we all are. The system works just fine as it is."

- "The leg should be allowed to take up measures with the governor's designation."

- "It is important that the Governor designate emergency items because it helps identify what issues are most important statewide and is an appropriate check the Legislature's power from an otherwise weak executive branch."

- "Yes, because of constitutional restrictions on certain actions."

- "Simply for emergencies ... not political agendas."

- "Yes they should. Set the agenda so items of concern of the people of Texas get considered early and not clog up system late in session."

- "Real emergencies and not the Governor's political agenda. NO."

- "For emergencies like the budget. Yes"

- "No ... but it is in the Constitution. The Legislature should, and usually does, suspend the Constitutional provision and moves forward."

- "The state constitution grants the authority to the governor but an amendment should be considered to allow the legislature to declare an emergency with a 2/3rds vote of both houses."

- "Emergency items should used to deal with issues that have arisen during the interim and need to be dealt with quickly. Our governor would rather score political points with his base than use emergency item designation as it was intended."

- "Governor should have this ability but ideally should not just be campaign issues. Should take on something like the public education crisis-there are teachers that might be laid off if the Legislature doesn't do something quickly, and Perry is squandering a real opportunity here."

- "No, Governor's action should not be required. Any real emergency will be recognized by legislative leaders who should act accordingly. The process underway is pure bullshit, and everyone involved knows it."

- "Should not be used."

- "To examine truly pressing state problems not for addressing politicians political ambitions"

- "Only if it's an emergency, which it rarely is."

- "Emergency items should be used for time sensitive matters that really need a head start. It should be like calling a special session in the midst of a regular session. Don't do it if you don't need to."

- "It seems that the emergency item designation is now outdated. It would be more practical to reduce the number of days in session by 30 and change the constitutional requirement restricting consideration of bills at the beginning of session."

- "Those which are time sensitive for the state and its citizens."
- "No, the legislature should be able to take up what it chooses though the governor could/should certainly lay out his preferences"
- "No — should require agreement by Lt. Gov. and Speaker"
- "For real emergencies, not partisan posturing."
- "It is very frustrating to the average citizen to be told that we are in crisis and then see the legislature appearing to do very little beyond resolutions for the first 60 days or so. Any changes that would allow the legislature to get off to a faster start, particularly in the House, would make sense."
- "For real emergencies."
- "No."
- "I'm mixed. Probably not, but the governor has such little legislative power, maybe so."
- "To highlight issues of greatest concern to the state. It does help give legislation a head start."
- "No, these items should require the Governor's consent."
- "The notion of 'emergency' items has become bastardized by this governor. The legislature ought to have the authority to address whatever issues it deems appropriate without having to wait for the governor who is more interested in making political points than in actually addressing the state's big problems."
- "No."
- "Should be used to focus legislative attention on a few critical or political issues before the calendar gets crowded. Emergency tags help highlight campaign pledges or respond to bona fide crises. The budget doesn't need to be tagged because it gets legislative attention and will not be completed until session's end anyway."
- "Emergency items should be those items requiring immediate action (immediate effective date) and cannot wait until the end of session."
- "I think it should be the Speakers choice to call an emergency item. The gov is doing this to stay in the light and play to the conservative base ... not something we need this session and I have been disappointed in his action ... especially with regards to the sonograms...what a JOKE"
- "No. This has created bogus political theatre."
- "We have enough laws, why make it easier to pass more?"
- "Yes, the Constitution requires it."
- "No."
- "Emergency items should be items of statewide concern — not political bs."
- "Emergency items should be ignored if not an emergency."
- "In effect, emergency items allow the Governor and Lt. Governor to work together to avoid the 2/3 suspension rule in the Senate for the first weeks of session. If the Lt. Governor doesn't name committees and send bills to committee, or only sends emergency bills to committee, there's no bill to suspend on the regular order of business. If the budget's an emergency, maybe Senate Finance ought to kick out SB 1 now so we won't be here all summer."
- "Anachronism ... biennial Lege shouldn't wait 60 days ... should have even-yr budget session"
- "Yes, the legislature should need the governor's designation."
- "Emergency items should be just that: issues that need immediate attention that otherwise won't get the proper consideration due to constitutional limits. However, Gov. Perry chooses to use his proclamation power to cater to his select conservative constituents instead of the needs of the state as a whole. I

don't know which part of '\$27 billion deficit' the Governor doesn't understand, but if he refuses to acknowledge the quandary that he and the Republicans help get us into then expect more wedge issues to surface as the Lege goes forward."

- "Presumably the bar on early consideration is to encourage focus on the budget — doesn't work. So should be opened up."

- "I just hope we can get past these emergencies and get on with the important business of laying off teachers and public servants! On the other hand, we're gonna need to hire some folks to run our new government sonogram program... The power of emergency legislation is used for political purposes now ... we don't really need that."

- "The Texas Governor and legislature should focus its time and energy to find solutions to the budget shortfall Texas currently faces. With an estimated \$15 billion dollar shortfall, the Texas Governor and legislature should focus on real emergencies not create emergencies that are nonexistent like the Voter ID. The 82nd legislature's energy should focus on job creation, halting home foreclosures, ensure that Texas education system provides a quality education and graduates the tomorrow's workforce, as well as provide services."

- "Nope."

- "Don't take away one of the few Governor's powers. The houses can already suspend their rules to take up stuff early if they want. So humor the executive office."

- "No — the Legislature should decide what's an emergency and what's not. The Governor should make suggestions."

- "The restriction on action the first 60 days should be repealed. The legislature should say thanks for the advice we will get back to you with what we think are the most pressing matters."

- "Emergency items are really the only way a Texas Governor can suggest legislation. I think there should be even more items"

- "It's in the constitution"

- "Emergency items should be used for, well, emergencies. The state rarely has a situation that calls for implementation. The Lege can, and has in the past, done this without the governor."

- "The designation of emergency items is one of the Governors very few legislative powers. Veto is another. Declaring emergency items is one of the ways the Governor communicates. It all goes to the balance of powers."

- "It is a great calendar management tool whether each one meets the definition of an emergency. The governor has made it harder to kill these bills in the end of session logjam. Smart."

- "ANTIQUATED METHODS; SCRAP IT"

- "Emergency items are and should remain at the discretion of the Governor, not the Legislature."

- "Unless there is a clear emergency — not just less money to spend as all are crying — then Governor's should use them to cover their politics to continue to motivate their voting base."

- "Yes."

- "Rarely and only on important matters. Government intrusion into a pregnant woman's life and the ballot box are not emergency items, and they aren't what the party of small government should be advocating."

- "Yes, emergency proclamations should be reserved for issues that warrant the legislature's immediate attention."

- "No — both chambers can handle through their own rules"

- "The governor should only use the authority for items such as a threat to public health or safety or to ensure the state is able to meet its financial obligations. Giving the Legislature the same authority to designate emergency items would no doubt end up just like this — putting political items ahead of all others. Self-regulation would be nice but there is no evidence to support it. The Legislature doesn't have to take up the items the governor



designates as an emergency early in the session — or ever."

- "Yes — the Legislature should need the governor's emergency designation to consider items this early. The founders of America's representative democracy brilliantly envisioned a process in which it is easier to kill legislation than pass it, and Texas' back-loaded legislative calendar reflects that wisdom. What should emergency items should NOT be used for? Let's start with a) desperately trying to make good with the Farm Bureau (eminent domain), b) 'solving' fake policy problems that play to your base (Voter ID and sanctuary cities) and c) big government health care (sonograms). You

gotta hand it to Perry's people though; they really don't give a sh\*t about actually governing the state, and they really don't care who knows it."

- "Very rarely."
- "Yes. However, this Governor is only using them to make political statements."
- "It is used to get press"
- "Not sure how to answer part a. No, Lege should not be required to have Gov's designation in order to consider items as emergencies. Gov would still be able to veto."

Our thanks to this week's participants: Cathie Adams, Brandon Aghamalian, James Aldrete, Clyde Alexander, George Allen, Jay Arnold, Jim Arnold, Kip Averitt, Louis Bacarisse, Charles Bailey, Mike Barnett, Walt Baum, Eric Bearse, Dave Beckwith, Tom Blanton, Hugh Brady, Steve Bresnen, Jay Brown, Andy Brown, Terri Burke, Jose Camacho, Lydia Camarillo, Kerry Cammack, Marc Campos, Snapper Carr, Janis Carter, William Chapman, George Cofer, Rick Cofer, Harold Cook, Kevin Cooper, Hector Deleon, Scott Dunaway, Anne Dunkelberg, David Dunn, Jeff Eller, Jack Erskine, Alan Erwin, Gay Erwin, Ryan Erwin, Jon Fisher, Kyle Frazier, Wil Galloway, Neftali Garcia, Bruce Gibson, Eric Glenn, Daniel Gonzalez, Jim Grace, Thomas Graham, Alan Gray, John Greytok, Michael Grimes, Wayne Hamilton, Sandy Haverlah, Albert Hawkins, Adam Haynes, Jim Henson, Shanna Igo, Cal Jillson, Jason Johnson, Karen Johnson, Robert Kepple, Richard Khouri, Tom Kleinworth, Kenneth Kramer, Sandy Kress, Tim Lambert, Nick Lampson, Pete Laney, Dick Lavine, Donald Lee, Luke Legate, Leslie Lemon, Richard Levy, Ruben Longoria, Vilma Luna, Matt Mackowiak, Bryan Mayes, Richard McBride, J. McCartt, Dan McClung, Scott McCown, Mike McKinney, Kurt Meacham, Debra Medina, Robert Miller, Lynn Moak, Bee Moorhead, Steve Murdock, Craig Murphy, Richard Murray, Sylvia Nugent, Todd Olsen, Gardner Pate, Bill Pewitt, Royce Poinsett, Kraege Polan, Jay Propes, Ted Melina Raab, Bill Ratliff, Tim Reeves, Carl Richie, Kim Ross, Jeff Rotkoff, Luis Saenz, Mark Sanders, Jim Sartwelle, Stan Schlueter, Bruce Scott, Steve Scurlock, Terri Seales, Christopher Shields, Patricia Shipton, Ed Small, Martha Smiley, Terral Smith, Todd Smith, Larry Soward, Jason Stanford, Bill Stevens, Keith Strama, Bob Strauser, Colin Strother, Charles Stuart, Frank Sturzl, Michael Quinn Sullivan, Russ Tidwell, Bruce Todd, Trey Trainor, John Weaver, Ken Whalen, Darren Whitehurst, Chad Wilbanks, Ellen Williams, Michael Wilt, Alex Winslow, Eric Wright, Peck Young, and Angelo Zottarelli.