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FOR IMMEDIATE RELEASE

February 15, 2007

SENATE SET A BAD PRECEDENT WITH PASSAGE OF SCR 20

Sen. Patrick: "We won't know the negative ramifications of this immediately, but they could be considerable"

HOUSTON – On Valentine's Day 2007, the Texas Senate passed Senate Concurrent Resolution (SCR) 20 that sets into motion more than \$14 billion dollars in additional government spending to pay for tax shifts passed in 2006. Senator Dan Patrick (R-Houston) offered the following reflections as a "position statement" after his vote against SCR 20:

THE RUSH AND THE PRECEDENT: Prior to the beginning of Wednesday's session, the members of the Senate did not get a chance to review SCR 20 prior to voting. SCR 20 was introduced that morning and we were voting on it before lunch. The consideration of the resolution did not allow for a committee hearing, witness testimony or public reaction. Yes, SJR 13 (a related measure) was considered in committee, but we shouldn't allow a last minute "bait and switch" with an entirely separate piece of legislation. The reason for the last minute switch was obvious. Proponents abandoned a doomed constitutional amendment path when it was obvious the votes weren't there to overcome the 2/3rds threshold. A path of least resistance, with no allowance for public input, was substituted in an effort to salvage the plan.

What kind of precedent are we setting? By a ruling of the presiding officer, the Senate can take up a SCR on the floor without any other member knowing its effect on state government or its policies. A converse example is worth considering, in the 78th Legislature, the Senate considered SCR 1 requesting Congress to restore the deductibility of sales taxes for income tax purposes. This SCR had no effect on general law or policies of the state and every member of the Senate signed on as a co-author; however, it was referred to the Senate Finance Committee prior to being considered on the Senate floor. Wednesday's actions have set a perturbing precedent and a record of such has now been recorded in the Senate journal. While I doubt we would ever suffer the harmful effects of this new precedent with our current Lt. Governor what about future presiding officers? Why did SCR 20 have to be rushed? There was no impending deadline that had to be met, no budget up for consideration. No need to rush and no need to create this precedent.

EXPIRATION OF THE TAX SHIFT AND THE NEW SPENDING CAP FLOOR: The "tax relief" that has been much advertised will expire in 2009. And when it does, it will take an affirmative action (and a 2/3rds vote) in the next session to extend it. The bill that created the tax shift cleared the 2/3rds hurdle by just one vote in the Senate last year. What if we don't have the votes to extend next time? Property tax rates will again be on the rise, we likely still won't have appraisal cap relief, but we will have a new floor for government spending. That floor will now be \$14 billion higher with the passage of SCR 20. This government is projecting to spend somewhere around 17% more in this budget than it did in the last budget.

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This year some are calling it "tax relief." Who will lay claim to the money next session? I have been, and will forever be, for reducing the overall tax burden on our state. Not until we reduce the amount of money this state collects from its citizens will we truly have a tax cut.

THE 2/3RDS RULE/BLOCKER BILL: Much has been said about how the blocker bill (or the 2/3rds rule) brings about consensus. Hogwash! Wednesday, the vote counters could not overcome the 2/3rds block to consider the Constitutional Amendment. So an alternative was crafted. The alternative was not an effort to seek consensus, rather to find a way to pass a monumental and historical reclassification of spending with a simple majority vote. Frankly, I agree we should be able to pass legislation with a simple majority. But for now, majority rule is reserved for just a couple things - congressional redistricting and reclassifying \$14 billion in spending as *not spending*.

Make no mistake; we busted the spending cap on Valentine's Day of 2007. This time it was to allow the state to pay for the "Great Tax Shift of 2006." Next year, we will have at least \$14 billion in new money to fight over. Will the taxpayers come out on top or will the "needs" of the state prevail? I don't have confidence in government to do the right thing when it comes to lowering the overall tax burden on its citizens. There is a long track record to support my skepticism.

It has been said that my vote against SCR 20 was because I don't understand the budget. It is true - I don't understand why we are hell-bent on spending 17% more in this budget than the last. I don't understand how we can tell people, with a straight face, we have cut taxes when the overall tax burden has actually increased. The taxpayers don't understand either, and they are the ones paying for the lessons.

Valentine's Day 2007 in the Texas Senate was hugs and kisses for more spending and bigger government!

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