

81ST LEGISLATURE - HOUSE COMMITTEE ASSIGNMENTS

An Outside Observer Analysis

House Committee assignments are sometimes controversial and always subject to debate. Usually the assignments are nothing more than "inside baseball", which has very little interest to outsiders, even those that work closely in Texas politics.

However, the assignments last week by Joe Straus are different. Much of what the assignments mean has been obscured by matters irrelevant in the grand scheme of things. Yes, the ABCs used the promise of "change" and "will of the House" to make a huge power grab. Yes, there were minor rewards and punishment. And yes, Straus assigned more Democrats as Chairs than Craddick did in 2007 (it would be hard to under perform if your benchmark were Craddick in 2007).

But through that smoke it is clear that partisan politics, specifically the 2010 election and fundraising, were the driving force behind the Speaker's decision-making. These decisions were thoughtful, comprehensive, and systemic, and they effectively stripped Democratic Members from any authority on policymaking.

Joe Straus' initial Speaker support out was 70 Democrats, 15 Republicans. That's over 82% Democratic. The House itself is over 49% Democratic.

Those numbers were irrelevant to the committee assignments. The appointments released last Thursday demonstrate a calculated agenda to exclude Democrats from any real authority over policy and to gain significant Republican advantages in the 2010 election cycle. While some Democrats might feel their personal assignments were influenced by something personal against them, this is not the case. The numbers below are not accidental or driven by individual pros and cons. They are not coincidental. They are part of an overall partisan political plan. As professionals that deal in partisan politics and elections, we must tip our hat to a masterful job done by our opponents.

THE REAL POWER IN THE HOUSE

While Democrats chair 47% of all committees, if you look at the committees of any real influence, Democrats only chair 28% of them (5 out of 18). And Democrats have majorities on only 5.5% on these committees of significance (1 out of 18). Someone might remind Straus that he was elected with over 82% of his support coming from Democrats, as these assignments don't reflect that reality. So clearly Straus must have had other motives.

More importantly, Joe Straus promised his Democratic supporters that the influence on committees would reflect that voters put 74 Democrats in the Texas House. This promise has not been fulfilled.

THE BIG THREE (or Four)

The top House committees all went to ABC Republicans - Calendars, Appropriations and State Affairs, with the addition Republican majorities on all committees.

Way & Means, which goes to a Democratic chair, has an 8-3 Republican super-majority. While Way & Means will likely pass no major tax bills this session, if something is passed, a Democratic chair simply will give Republicans cover for any tax increase. In addition, the large Republican majority on the committee assures that whatever comes out will be Republican plan with a Democratic chair merely acting as a figurehead.

Compare this to Calendars, Appropriations and State Affairs - all are both Chaired by Republicans and also have Republican majorities.

Of the Speaker preference appointments on these key committees, Republicans outnumber Democrats by a margin of 22 to 12. To the extent the Democrats have a voice at all on these committees, it is only because of seniority. Again, a 22-12 slant on the seats that Joe Straus personally selected demonstrates the Speaker personally assured the imbalance.

THE POLICY AGENDA

While elections are driven by money, Democrats have won despite large financial disadvantages. Why? Because Democrats have developed a strong message centered on core policies. The public understands these issues, and Democrats have won because of these issues.

We understand that since Republicans cannot win on these issues, their best hope is to steal them, or at least mislead the public into believing that Republicans are responsible for improving these areas. When members scratch their heads about specific assignments, this should be kept in mind.

One example –

Tuition deregulation is similar issue, and the same logic applies. Straus appointed Dan Branch to Chair the Higher Education committee. Branch voted for tuition deregulation in 2003, and he is now positioned to make sure the Republicans get credit for solving the problem that they created.

MONEY COMMITTEES and EDUCATION

Elections are indeed driven by money. Certain committees naturally get the attention of the biggest donors. For example, while Criminal Jurisprudence is a huge issue, District Attorneys, criminal lawyers and criminals themselves don't give a lot of campaign donations; the Chemical Council, AT&T and Merck do.

The issues that rose Democrats from 62 to 74 seats are well known – public education, tuition deregulation, CHIP cuts, electric and insurance rates top most lists. And on those core issues, Democrats have been given a back seat at driving the policy agenda, an agenda that the voting public put them there to solve. But importantly, Democrats have been put in the trunk on the committees that generate the most fundraising for House members.

Here is a look at the core power committees in the House and where Democrats stand.

Appropriations (15-12 Republican, ABC Republican Chair) – obviously this is the big one, needs no explanation.

Business & Industry (6 to 5 Republican, Democratic Chair) – will deal with the TRCC this session which is up for Sunset. Large Republican donors, such as homebuilders Bob Perry and David Weekly, will figure prominently here.

Calendars (8-5 Republican, ABC Republican Chair) – see Appropriations comment above.

Energy Resources (5-4 Republican, ABC Republican Chair) – Railroad Commission, Chemical Council, Oil & Gas donors. The oil & gas industry and their subsidiaries will keep a close eye on any legislation referred to Energy Resources.

Environmental Regulation (5-4 Republican, ABC Republican Chair) – Big pollution donors, like the electricity companies, will look to preserve their current business model and fight any attempt to produce clean burning electricity.

Higher Education (5 to 4 Democratic, Republican Chair) – New Chair voted for tuition deregulation in 2003 and represents some of the wealthiest neighborhoods in the state. The Chair has been on record wanting to modify the top 10% rule.

Human Services (5 to 4 Democratic, Democratic Chair)

Insurance (5 to 4 Republican, Republican Chair) – Insurance companies are some of the biggest Republican donors. With the Texas Department of Insurance in Sunset and skyrocketing insurance rates, the looks to be one of the major issues of the day. Insurance companies will fight tooth and nail to keep their current business practices in place, no matter the effect on hardworking Texas families.

Judiciary and Civil Jurisprudence (8-3 Republican, Republican Chair) – TLR and the Texas Supreme Court are in heaven.

Licensing and Administrative Procedure (5-4 Republican, ABC Republican Chair) – Gambling interests were among the biggest donors last cycle.

Natural Resources (6 to 5 Republican, Democratic Chair) – Water drives a lot of donations.

Pension, Investments & Financial Services (5 to 4 Republican, Republican Chair) – that means banks and financial folk.

Public Education (6-5 Republican, ABC Republican Chair) – while not a big money committee, Public Education has star appeal and is a core Democratic issue.

Public Health (6 to 5 Republican, Republican Chair) – TMA, drug companies and medical donors will look to make friends on this committee.

State Affairs (8-7 Republican, ABC Republican Chair) – Utility and telecom donors. As an aside, the House's rejection of creating a "King Solomons' Committee" during the rules debate certainly showed the Will Of The House. Straus' giving State Affairs to Solomons, as pointed out on Quorum Report, flies in the face of his pledge to follow the Will Of The House.

Technology, Economic Development & Workforce Training (6 to 3 Republican, Dem Chair) – again we see a Democratic Chair on a potentially good committee, but a super-majority of Republicans.

Transportation (6 to 5 Republican, Democratic Chair)

Ways & Means (8 to 3 Republican, Democratic Chair)

The numbers don't lie - Republicans dominate the committees that have put more Democrats in power and the committees that allow members to raise campaign dollars.

81st Legislature Committee Appointment Stats

- 24 committees have Republican majorities; 10* have Democratic majorities.

*During the 80th session, 12 committees had Democratic majorities, meaning Straus gave Democrats less voice than Craddick did.

- Committees with Democratic majorities:
 - Border & Intergovernmental Affairs
 - Corrections
 - Criminal Jurisprudence
 - Culture, Recreation, and Tourism
 - Defense and Veterans' Affairs
 - Human Services
 - Land and Resource Management
 - Public Safety
 - Rules and Resolutions

- Urban Affairs

Clearly, none of these committees are considered “money committees” that help at campaign time (even more on that later).

- Of the 16 committees chaired by a Democratic Member, 9 have a Republican majority. Of the 18 committees chaired by a Republican Member, only 3 have a Democratic majority, and you can guess they are the non-money committees (Defense & Veterans' Affairs, Land & Resource Management, and Public Safety).
- Of the 18 major committees that have the most potential to have a major impact on Texans' daily lives and also raise campaign cash - only 5 are chaired by Democrats, and only 1 has a Democratic majority. None of those committees has a Democratic chair *and* a Democratic majority.

- Appropriations
- Business & Industry (Dem Chair)
- Calendars
- Elections
- Energy Resources
- Environmental Regulation
- Higher Education (Dem majority)
- Insurance
- Local & Consent (Dem Chair)
- Natural Resources
- Pensions
- Public Education
- State Affairs
- Technology, Economic Development & Workforce (Dem Chair)
- Transportation (Dem Chair)
- Ways & Means (Dem Chair)

All of the above, aside from Higher Ed, Public Ed and Local Calendars are “money committees”. But even those three have huge policy impact potential.

Why did this happen? Follow The Money

1. Someone with partisan insight impacted assignments.

While Joe Straus promised not to campaign against any incumbent, his assignments have a clear pattern of giving fundraising advantages to Republicans over Democrats in marginal seats.

Harris County

With Straus at first rollout

Against Straus at first rollout

Democrat in Marginal District

Kristi Thibaut

Culture, Recreation, & Tourism

Land & Resource Management

Republican in Marginal District

Ken Legler

Environmental Regulation

Human Services

North Texas

With Straus at first rollout

Democrat in Marginal District

Carol Kent

Criminal Jurisprudence
Workforce

Urban Affairs

Rules & Resolutions

Robert Miklos

Criminal Jurisprudence

Urban Affairs

Allan Vaught

Criminal Jurisprudence

Defense & Veterans' Affairs

Chris Turner

Defense & Veterans' Affairs

Urban Affairs

Against Straus at first rollout

Republican in Marginal District

Angie Button

Tech, Economic Development &

Appropriations

Linda Harper-Brown

Elections

Transportation

None of these Democrats ended up on any "money committees", but the Republicans did. Someone must have had an eye on 2010 election needs in making these assignments.

While this list is not comprehensive, the pattern is real, and it cannot be just a coincidence. If you were a Democrat who helped Straus get over the top, Straus has assured that your individual fundraising efforts will not benefit from being on a "money committee". On the other hand, if you were a Republican who waited until the race was over to support Straus, you are on committees that will help your individual fundraising. Joe Straus might not campaign against incumbents, but his committee assignments show that partisanship is more important than loyalty.

2. If you are a client of Brian Eppstein, you did real well.

Brian Eppstein has been actively helping the ABCers for at least 2 years. Eppstein represents Byron Cook, Charlie Geren, Jim Keffer, Edmund Keumpel, Brian McCall, Tommy Merritt and Burt Solomons. It is understandable that those members obviously did well.

However, consider the following members who were not supporting Joe Straus, and some of whom were aggressively critical of Straus, some right up to swearing in:

Bohac

Bonnen

Darby

Driver

Hamilton

Hilderbran

Jackson

King

Kolkhorst

Otto

Sheffield

Swinford

Truitt

Except for Sheffield and Jackson, all of the above members landed on either Appropriations, Ways & Means, State Affairs, Licensing & Administrative Procedures, Calendars, or were given a chairmanship. All are also clients of Brian Eppstein. That Eppstein represents the core ABCs, and a dozen Eppstein clients who opposed Straus received significant committee help, one must conclude that politics again was given greater significance than loyalty or core ability.

The simplest example is Lois Kolkhorst. Kolkhorst, who was actively holding out with Gattis, gets to Chair Public Health- an area where she has no experience. Members like Elliott Naishtat and Garnet Coleman wanted this Chair and had the ability and experience to handle it, were given lesser committee assignments. Again, the only explanation was keeping Democrats out of positions that would allow them any meaningful fundraising potential based on committee assignment.

3. Spreading the Pie Around?

Finally, Straus systematically gave excessively gratuitous things to several Members. Joe had 70 Democrats roll out with him. So one would think he would spread things out among the Democrats as much as possible. Instead, you see multiple Vice-Chairs among members. One Chair or Vice-Chairmanship is a reward for a Member's talent, experience, and work ethic. What a 2nd Chair or Vice-Chair does for anyone is debatable.

Democrats who hold multiple Chair and Vice-Chairmanships:

Patrick Rose (Chair, Human Services and Vice-Chair, House Administration)

Senfronia Thompson (Chair, Local & Consent Calendars and Vice-Chair, Licensing & Administrative Procedures)

Republicans who hold multiple Chair and Vice Chairmanships:

Byron Cook (Chair, Environmental Regulation and Vice-Chair, Local & Consent Calendars)

Larry Philips (Vice-Chair, Transportation and Vice-Chair, General Investigating & Ethics)

Likewise, there are now three members (Cook, Eissler, and Geren) who are on 4 committees. Collectively the original 10 Republicans who came out with Straus at the start hold the following:

10 Chairs

5 Seats on Calendars

4 Seats on State Affairs

1 Vice-Chair
19 seats on the other big or “money” committees

Conclusion

These appointments demonstrate a thoughtful, calculated, and comprehensive agenda to exclude Democrats from any real authority over policy, while at the same time giving meaningful and significant fundraising advantages to Republicans going into the 2010 election cycle. These assignments have the fingerprints of a Republican political consultant all over them. Our hat is off to them from a professional standpoint – they did a very good job of what they were asked to do. It’s not good for Texas, but that has never been the Republicans strong suit.