

Analysis: The Texas Legislature blows its deadline

The state's top leaders couldn't close a session-ending deal over the final weekend, giving advocates of bathroom and property tax legislation — if the governor allows it — another chance.

BY ROSS RAMSEY MAY 29, 2017 12 PM

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The Texas Legislature doesn't have a closer.

That's the person who comes in, with some authority, to bring together the final details that will lead to some kind of handshake. Even a reluctant handshake.

The elements were there. Only two issues left. One is a business transaction, basically, over whether or not to have automatic rollback elections when local property taxes are rising, and what rate of increase should trigger them.

That's a no-brainer for Republicans: Find a trigger rate where everyone is more or less comfortable and go home.

The other — the pesky bathroom conundrum that has bedeviled this 85th Legislature from start to finish — is an ideological issue that splits conservative factions into those worried about social issues and those worried about economic issues. The lieutenant governor has rallied the social conservatives. The speaker of the House has leaned on business conservatives. They started with an impasse, and ended without much movement.

Now it looks like the Legislature has to come back.

This isn't complicated: Lt. Gov. [Dan Patrick](#) said [a couple of weeks ago](#) that he would force a special session of the Texas Legislature if he didn't get his way on bathroom and property tax legislation. He didn't get his way. The Senate forced a special session.

The autopsies are multiplying. The blamers are marching. The weapon changes every session. In recent sessions, important legislation has been blocked by [Senate filibusters](#), by maddening [time delays](#) in the House, by parliamentary maneuvers and peculiar rulings from presiding officers. This time it was must-pass legislation [never called up](#) for a Senate vote.

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Dismiss the Senate argument that this is the fault of the House or of House Speaker Joe Straus — a failure caused by the lower chamber's dithering on several pieces of "sunset" legislation necessary to keep state agencies afloat. It's entirely true that the House dithered. But it was the Senate that decided to use that dithering to force a special session. The House's mistake was trusting the Senate to bail everybody out; they should've believed Patrick's threat from earlier in the month.

Why is more important than how. This session failed because a couple of issues important to one of the principal players weren't getting enough love, and that particular player found a way to push the game into overtime. It made some people mad, but Patrick played within the rules to keep trying to get his way. Maybe he'll prove good enough at this to get a win in overtime. "I'm making it very clear, governor," he said at a news conference on the final Sunday of the session. "I want you to call us back on your time."

The sunset bill that didn't pass would have kept a handful of state agencies alive until after the next legislative session. At a Monday news conference, Gov. Greg Abbott called passing that legislation a task that would have been "incredibly easy to achieve, that members could have gotten together and agreed upon, but [that] simply was not done." He said he'll make an announcement later this week about a special session.

And at the end of a regular session controlled by the lieutenant governor and not the governor, Abbott finally started to reassert his authority. "When it gets to a special session, the time and the topics are solely up to the governor of the state of Texas, and we will be, if we have a special session, convening only on the topics that I choose at the time of my choosing," he said.

No need to hurry.

Abbott might wait until he's reviewed the Legislature's regular-session work to decide what still needs to be done. The bills sent to his desk need to be signed, vetoed or allowed to become law without his signature. The budget offers a chance for line-item vetoes and — after the governor asserted himself two years ago without legislative pushback — an opportunity for him to delete any of the budget's detailed policy-making "riders" he finds objectionable.

That veto/signing period lasts through Father's Day.

Plenty of time for a special session after that.