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LEGISLATIVE SCORECARD

BASED ON THE PRINCIPLES OF THE U.S. CONSTITUTION



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Art Fierro

Texas Representative, HD-079 (D)

freedomindex.us/11239/



TX Legislative Scorecard 2021: 33%

✓ Constitutional ✗ Unconstitutional — Did not Vote **Vote**

1. Border Security Funds: Appropriates approximately \$1.8 billion for border security efforts.

Estimated Cost per household: **-\$182.00/year.**

Constitutional: **Yes** · Cast: **No** · HB9 · 08/30/2021



2. Budget: Appropriates approximately \$248.6 billion for the FY 2022-23, of which roughly \$248.1 billion became law.

Estimated Cost per household: **-\$25,045.00/year.**

Constitutional: **No** · Cast: **Yes** · SB1 · 05/27/2021



3. Texas Pandemic Response Act: Allows the governor to issue "pandemic disaster" declarations and establishes the 10-member Pandemic Disaster Legislative Oversight Committee to oversee them when the legislature is not convened.

Constitutional: **No** · Cast: **No** · HB3 · 05/11/2021



4. No-Knock Warrant Limits: Limits the issuance of 'no-knock' arrest and search warrants to only situations in which it is "necessary to avoid the risk of death or serious bodily injury to peace officers and others."

Constitutional: **Yes** · Cast: **Yes** · HB492 · 05/06/2021



5. Abortion Restrictions: Prohibits an abortion after a fetal heartbeat has been detected, except for when a woman has a "medical emergency," which places the woman in danger of death or a serious risk of substantial impairment of a major bodily function.

Constitutional: **Yes** · Cast: **No** · SB8 · 05/06/2021



6. Permitless Firearm Carry: Allows permitless carry of a handgun for persons 21 years of age or older.

Constitutional: **Yes** · Cast: **No** · HB1927 · 04/16/2021



Why do these votes matter?

1. Border Security Funds

HB9 appropriates approximately \$1.8 billion for border security efforts. It devotes \$750 million to construct an additional boarder barrier, as well as \$450 million to increase the numbers of Texas National Guard and other law enforcement personnel at the border.

The federal government has failed to secure the border, which it is obligated to do under Article IV, Section 4, of the U.S. Constitution. As such, states can and should use their powers reserved under the 10th Amendment to address the crisis of illegal immigration and provide for their own public safety.

2. Budget

SB1, as passed by the Texas Legislature, appropriates approximately \$248.6 billion for the FY 2022-23. After the Governor's line-item veto proclamation, roughly \$248.1 billion of those appropriations became law as part of the biennial state budget.

Texas' spending plan for 2022-23 includes \$84.8 billion of mostly unconstitutional federal funding, representing 34.2% of the state's entire budget. It not only continues participation in a number of the state's Medicaid programs, which have expanded to more than 5 million recipients, but relies on \$13.8 billion in funds available through the federal American Rescue Plan Act (ARPA). States should oppose the use of federal taxpayer money for purposes not authorized under Article 1, Section 8, of the U.S. Constitution.

3. Texas Pandemic Response Act

HB3 would create the Texas Pandemic Response Act, allowing the governor to issue "pandemic disaster" declarations. It also establishes the 10-member Pandemic Disaster Legislative Oversight Committee, which includes the lieutenant governor, to oversee pandemic disaster declarations when the legislature is not convened in regular or special session.

Oversight of executive emergency powers belongs to the legislative branch of government. HB3 relegates the Legislature as less than a co-equal, granting too much authority to the Governor, who should not be able to renew a disaster declaration beyond 30 days. Under Article IV, Section 4, of the U.S. Constitution, each state is guaranteed a republican form of government, which requires a limitation and separation of powers.

4. No-Knock Warrant Limits

HB492 limits the issuance of 'no-knock' arrest and search warrants to only situations in which it is "necessary to avoid the risk of death or serious bodily injury to peace officers and others." It also requires their approval at the highest level of a law enforcement agency and the authorization of a district court or statutory county court judge.

'No-knock' warrants undermine the rights of Americans protected specifically by the 4th, 5th, and 6th Amendments to the U.S. Constitution. 'No-knock' warrants, by definition, violate the basic principle that law enforcement should not forcibly enter a premises without first providing notice of their authority and purpose of executing a warrant.

5. Abortion Restrictions

SB8 prohibits an abortion after a fetal heartbeat has been detected, except for when a woman has a "medical emergency," which places the woman in danger of death or a serious risk of substantial impairment of a major bodily function.

States should act to ban abortion and guarantee the right to life for all persons. The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and protected by the 5th and 14th Amendments to the U.S. Constitution.

6. Permitless Firearm Carry

HB1927 allows permitless carry of a handgun for persons 21 years of age or older. It also makes a person who has been convicted of an offense involving the unlawful carrying of a handgun on another's property before September 1, 2021, eligible to have all records and files relating to the arrest expunged.

The fundamental right of the American people to keep and bear arms should not be infringed, as guaranteed by the 2nd Amendment of the U.S. Constitution.