

# News from TPJ

---

Texans for Public Justice \* 609 W. 18<sup>th</sup> Street, Suite E, \* Austin, TX 78701 \* [www.tpj.org](http://www.tpj.org)

For Immediate Release  
October 23, 2012

Contact: TPJ  
(512) 472-9770

## TPJ Suit Seeks Pension Payouts To Revolving-Door Lobbyists

**Austin, Texas:** Texans for Public Justice filed a [lawsuit](#) today in Travis County District Court to compel the state to disclose the *aggregate* amount of taxpayer-funded pension money paid to ex-lawmakers who became revolving-door lobbyists. The Texas Comptroller and officials at the Employees Retirement System (ERS) recently denied TPJ's requests for the aggregate data, citing repeated legislative actions over the past decade to protect the privacy of individual pensioners.

TPJ asked the Comptroller and ERS to disclose the total pension amount paid to a list of 103 revolving-door lawmakers. Texas has more revolving-door lawmakers than any other state.<sup>1</sup> Ex-lawmakers are among Texas' highest paid lobbyists. Over the past three years, the revolving-door legislators named in TPJ's request reported *combined* lobby incomes of from \$53 million up to \$105 million (lobbyists report incomes in ranges). That accounts for a stunning 11 percent of all Texas lobby dollars.<sup>2</sup>

TPJ contends the public has a right to aggregate data on state-funded pensions. State agencies stonewalled TPJ's similar requests in the late 1990's, until Attorney General Dan Morales ordered disclosure.<sup>3</sup> Since then, the public's right to pension data has come under attack by the state's two most powerful special interests: Texas lawmakers and lawmakers transformed into lobbyists. Between 1999 and 2011, legislators enacted a series of laws to increase privacy protections for individual pensioners. The resulting statute grants ERS "sole discretion" to decide if individual pension information will be disclosed, even eliminating the right to appeal such denials to the Attorney General.<sup>4</sup> Before becoming a revolving-door lobbyist for the Texas Retired Teachers Association, Rep. Barry Telford authored two of the bills limiting ERS disclosure.<sup>5</sup>

As the legislature increased privacy protections for individual ERS pensioners, it overlooked similar data maintained by the Teacher Retirement System (TRS). In a May 2011 ruling, Attorney General Greg Abbott assented to ERS denying TPJ's request but ordered TRS to disclose any responsive information. The Teacher Retirement System filed suit to block disclosure in June 2011, two weeks before Governor Perry signed legislation granting TRS the disclosure exemptions that ERS enjoys. Abbott then settled the TRS lawsuit on terms providing zero disclosure.

Attorney [Philip Durst](#) of the Austin firm Deats Durst Owen & Levy represents TPJ in today's lawsuit. It seeks to compel the Comptroller and ERS to disclose how many of the 103 revolving-door lobbyists receive public pensions and the aggregate amount of pension money that they collectively received.

"You cannot hide these pension costs from the public," said TPJ Director Craig McDonald. "The disclosure exemptions that lawmakers enacted are ludicrously broad and ERS interprets them even more broadly. They protect ex-legislators and future lobbyists at the expense of the public's right to know."

Durst represented TPJ in its 2003 disclosure [lawsuit](#) against a lawmaker. That litigation helped spur a reform that requires legislators who are attorneys to publicly disclose whenever they invoke a [legislative perk](#) to delay state court proceedings during a legislative session.

## Ex-Lawmakers Reporting the Highest Lobby Incomes (2009 Through 2011)

Revolving-Door Lobbyist	Max. Value of Contracts	Min. Value of Contracts
<a href="#">Stan Schlueter</a> (D)	\$8,155,000	\$5,350,000
<a href="#">Mike Toomey</a> (R)	\$6,495,000	\$3,475,000
<a href="#">Ron E. Lewis</a> (D)	\$6,360,000	\$3,485,000
<a href="#">Neal 'Buddy' Jones</a> (D)	\$4,925,000	\$1,505,000
<a href="#">Cliff Johnson</a> (D)	\$4,460,000	\$2,420,000
<a href="#">J.E. 'Buster' Brown</a> (R)	\$4,250,000	\$2,175,000
<a href="#">David Sibley</a> (R)	\$3,645,000	\$1,845,000
<a href="#">Bill Messer</a> (D)	\$3,275,000	\$1,580,000
<a href="#">Bill Siebert</a> (R)	\$3,205,000	\$1,640,000
<a href="#">Clint Hackney</a> (D)	\$3,165,000	\$1,750,000
<a href="#">Dianne W. Delisi</a> (R)	\$3,140,000	\$1,590,000
<a href="#">Gibson 'Gib' Lewis</a> (D)	\$2,865,000	\$1,315,000
<a href="#">Jaime Capelo Jr.</a> (D)	\$2,710,000	\$1,335,000
<a href="#">Mike Krusee</a> (R)	\$2,350,000	\$1,120,000
<a href="#">David Cain</a> (D)	\$2,325,000	\$1,160,000
<a href="#">Fred Hill</a> (R)	\$2,200,000	\$1,135,000
<a href="#">Charles Evans</a> (D→R)	\$1,995,000	\$985,000
<a href="#">Steve Holzhauser</a> (R)	\$1,975,000	\$1,010,000
<a href="#">Gordon 'Doc' Arnold</a> (D)	\$1,950,000	\$1,180,000
<a href="#">Dan Shelley</a> (R)	\$1,805,000	\$860,000

## Top Clients of Ex-Lawmaker Lobbyists (2009 Through 2011)

Client	Max. Value of Contracts	Min. Value of Contracts
AT&T Corp.	\$3,505,000	\$1,860,000
<a href="#">Energy Future Holdings</a>	\$1,305,000	\$760,000
TXU Energy Retail	\$1,290,000	\$850,000
State Farm Insurance	\$1,250,000	\$825,000
Trinity Industries	\$1,200,000	\$1,050,000
<a href="#">Affiliated Computer Svcs.</a>	\$950,000	\$550,000
TX Medical Liability Trust	\$935,000	\$485,000
Assoc. Gen'l Contractors	\$900,000	\$725,000
Port of Houston Authority	\$900,000	\$450,000
Altria/Philip Morris/UST	\$875,000	\$505,000
Texans for Lawsuit Reform	\$825,000	\$435,000
Lower Colorado River Auth.	\$800,000	\$400,000
GTECH Corp.	\$700,000	\$450,000
Wind Coalition	\$670,000	\$525,000
TX Charter Schools Assn.	\$650,000	\$325,000
Alliance for Retail Markets	\$600,000	\$300,000
CenterPoint Energy	\$600,000	\$300,000
Disability Services of SW	\$600,000	\$300,000
TX Cable Assn.	\$600,000	\$450,000
TX Trial Lawyers Assn.	\$575,000	\$330,000

### The Attack on the Public's Right to Know About Public Pensions Paid to Revolving-Door Lobbyists

1997-1998	Attorney General Morales orders release of aggregate pension data ( <a href="#">OR1997-2758</a> ; <a href="#">OR1998-0413</a> ).
1999-2009	Texas enacts four laws to protect privacy of Employees Retirement System pensioners.
3/2/11	TPJ requests aggregate revolving-door pension data from Comptroller.
3/8/11	Truitt/Wentworth file placeholder version of <a href="#">HB 2460</a> .
4/26/11	<a href="#">HB 2460</a> revisions create disclosure exemptions for Teacher Retirement System (TRS).
5/20/11	Attorney General Abbott orders TRS to disclose aggregate pension data ( <a href="#">OR2011-07180</a> ).
6/2/11	TRS files suit to block disclosure.
6/17/11	Governor signs TRS privacy bill <a href="#">HB 2460</a> (which passed without opposition).
8/30/12	Attorney General Abbott <a href="#">settles</a> TRS lawsuit, securing zero disclosure.
10/23/12	TPJ files lawsuit seeking aggregate ERS pension data.

## Notes

<sup>1</sup> See "[Statehouse Revolvers](#)," Center for Public Integrity," October 12, 2006.

<sup>2</sup> During this three-year period, Texas lobbyists reported annual contracts worth a total of \$472 million to \$966 million. The ex-lawmakers account for 11 percent of that minimum and maximum amount. For more on the Texas lobby, see TPJ's biennial report, "[Austin's Oldest Profession](#)."

<sup>3</sup> After almost a year of haggling, the Comptroller disclosed in May 1998 that 56 of the 90 ex-lawmakers named in TPJ's request received 1997 pension checks worth a total of \$1,424,106 (or an annual average of \$25,430 apiece).

<sup>4</sup> The changes appear in [Government Code Sec. 815.503](#) as a result of these enacted bills: 1999's [S.B. 1130](#) (Armbrister/Telford); 2001's [S.B. 292](#) (Armbrister/Telford); 2003's [H.B. 2359](#) (Armbrister/Ritter); and 2009's [H.B. 2559](#) (Duncan/Truitt).

<sup>5</sup> Democratic Senator Ken Armbrister authored three of the bills before Governor Perry hired him as his legislative director.