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**INSIDE THIS ISSUE**

- [81st Legislative Session Update](#)
- [Bill Filing Deadline](#)
- [Bills of Interest](#)
- [Important Upcoming Hearings](#)
- [2009 NAHB Legislative Conference](#)
- [HOMEPAC](#)

**81st Legislative Session Update**

**GOVERNOR** – Governor Rick Perry requested that the U.S. Department of Agriculture (USDA) provide disaster relief assistance for Texas farms and ranches that have suffered economic and physical losses as a result of severe drought conditions. If Perry’s statewide request is approved, qualified farm operators in all Texas counties will be eligible for low-interest emergency loans from the USDA. The agency also offers additional programs, such as technical assistance, to eligible farmers.

Yesterday, Governor Perry announced that he is opting against the required expansion of the state’s unemployment insurance program, due to its long-term negative impact on the Texas economy. “During these tough times, Texas employers are working harder than ever to move products to market, make payroll and create jobs. The last thing they need right now is government burdening them with higher taxes and expanded obligations. Again and again, we hear that the purpose of the federal stimulus legislation is to create jobs, but this portion of it will actually slow job creation. I understand that the national economy is in a tough spot, and I feel for our Texas families that are directly experiencing the effects because a breadwinner lost a job.”

**SENATE** – On Monday, the Senate unanimously passed SB 643 by Jane Nelson (R-Lewisville). SB 643 is the first bill to pass the Texas Senate in the 81<sup>st</sup> Legislative Session. In February, Governor Rick Perry declared legislation to improve State Schools an emergency item for the 81<sup>st</sup> Legislature after a U.S. Department of Justice report found 250 instances of neglect or abuse and 53 cases of preventable death at 13 state schools in fiscal year 2007. SB 643 would increase standards and training for state school staff; require state and federal criminal background checks for all applicants; create a new staff training program; permit random drug testing of employees; require video surveillance of all common areas; and create a new office of ombudsman to protect the rights of school residents. Lt. Governor David Dewhurst said, “One of my priorities as Lt. Governor is making sure our state provides the best and safest care possible for Texans who truly can’t care for themselves. I want to thank Senator Jane Nelson for

authoring this important legislation and the Texas Senate for acting quickly to pass it, so we can continue to improve care and protect people's rights by giving them the freedom to choose the best setting for their care, whether it's in our State Schools or in community care.”

On Tuesday, the Senate convened in a committee of the whole to take up SB 362 by Senator Troy Fraser (R-Horseshoe Bay), which would require a voter to present photo identification at the polling place before voting. (In the absence of a photo ID, the voter could present two forms of alternate identification, such as a birth certificate, library card, or hunting or fishing license.) The Senate met for more than 24 hours straight on Tuesday and Wednesday debating the bill and hearing testimony. It was finally voted out of committee around 10:00a.m. Wednesday morning by a vote along party lines of 20 to 12. The 19 Senate Republicans and Lt. Governor Dewhurst voted for it and the 12 Democrats voted “no.” Lt. Governor David Dewhurst said, “The very foundation of our democracy rests on preserving the integrity of one person one vote, so we must do everything we can in Texas to ensure each vote cast is legal. I congratulate Senator Troy Fraser (R-Horseshoe Bay) on passing this legislation out of committee, moving Texas one step closer to a more secure voting system that will help us prevent voter fraud and instill greater confidence among all Texans that their vote counts.” Senate Democratic Caucus Chair Leticia Van de Putte (D-San Antonio) said, “The Senate approached this process in an unusual manner, one that I cannot recall ever occurring in the history of the Senate absent a filibuster. After granting only 10-20 minute reprieves every two and a half hours over twenty-four hours I now know that our Republican leadership has placed expediency and ends above deliberation and means. If this legislation passes, it must pre-clear the voting rights division of the Department of Justice, and inevitably withstand a federal legal challenge. I have mixed feelings about what has happened so far: on one hand, I'm proud to be a part of this team of Democrats fighting for the basic rights of Texans, and to be associated with those unwavering Texans who've waited over twenty-four hours to have their voices heard. On the other, I'm disappointed that we have chosen to spend our precious time—and the time of deserving Texans—on this single issue. There's so much else we must accomplish beyond this partisan atrocity.”

On Wednesday, the Senate recessed until Friday at 10:00a.m. for the clerk to read and refer bills to committee. The full Senate will reconvene at 11:00a.m. on Monday, March 16<sup>th</sup>. SB 362, the voter ID bill, has been set as a special order on the calendar for Monday. Seven Senate committees that were scheduled to meet on Wednesday and Thursday were cancelled.

Total number of bills reported out of Senate Committees this week: 42  
Total number of bills passed by the Senate this week: 1

**HOUSE** – The House met Monday through Thursday this week. On

Thursday, they had a congratulatory and memorial resolutions calendar. The House will reconvene at 2:00p.m. on Monday, March 16, 2009.

Total number of bills reported out of House Committees this week: 4

Total number of bills passed by the House this week: 0

**STIMULUS FUNDS** – On Monday, Representative Jim Dunnam (D-Waco), Chairman of the House Select Committee on Federal Economic Stabilization Funding, filed the Texas Government Accountability and Transparency Act of 2009 to provide for active legislative oversight of the spending of Federal stimulus money in Texas. Some of the bill's provisions include:

- Strengthens the State Auditor by creating the State Fiscal Responsibility Office under his leadership with increased oversight and investigatory powers.
- Transfers the Texas Performance Review to the State Auditor so that all agency issues may be addressed at once.
- Creates a Recovery Act Accountability Board composed of legislators, public members, and members of Congress to coordinate all legislative oversight of stimulus spending in Texas.
- Allows for adequate prosecutorial assistance to concentrate on Recovery Act investigations.
- Requires the State Auditor to create a citizens' hotline and web portal to report fraud, waste and abuse of all government money, including stimulus funds.
- Enhances penalties for obstructing investigations into stimulus fund matters from a Class A misdemeanor to a third degree felony and civil penalties as an additional enforcement tool.
- Requires the Legislative Budget Board to provide monthly status reports on funds coming in and ongoing budget planning associated with these funds. This includes local government and private entities.
- Requiring the Texas Legislative Council to make information relating to the stimulus available to the public online.
- Designates the Legislative Reference Library as the central clearinghouse for all state agency documents related to the stimulus, including agency dealings with contractors and subcontractors.

**TAXATION** – On Wednesday, the House Ways and Means Committee took up:

**HB 16/HJR 11 by David Leibowitz (D-San Antonio) Relating to residence homestead exemption from ad valorem tax.** This bill proposes a constitutional amendment to increase the residence homestead exemption for school districts from \$15,000 to \$45,000. *They were left pending.*

**HB 87/HJR 18** by Armando “Mando” Martinez (D-Weslaco) proposes a constitutional amendment to increase the residence homestead exemption for school districts from \$15,000 to \$45,000. *They were left pending*

**HB 668/HJR 41 by Chuck Hopson (D-Jacksonville)** proposes a constitutional amendment to increase the school ad valorem tax homestead exemption from \$15,000 to \$30,000 with a corresponding decrease in the homesteads of an elderly or disabled person. *They were left pending.*

**HB 731/HJR 45 by Abel Herrero (D-Robstown)** proposes a constitutional amendment to increase the residence homestead exemption for school districts from \$15,000 to \$45,000. *They were left pending.*

**HB 637/HJR 40 by Ryan Guillen (D-Rio Grande City)** proposes a constitutional amendment authorizing the governing body of a political subdivision to institute an ad valorem tax exemption for residence homesteads of between \$5,000 and \$30,000. *They were left pending.*

**HB 1000/HJR 50 by Valinda Bolton (D-Austin)** proposes a constitutional amendment to provide for the adjustment in the amount of a residence homestead exemption based on changes in the appraised value of the homestead. *They were left pending.*

**HB 1092/HJR 55 by Tan Parker (R-Flower Mound)** proposes a constitutional amendment authorizing the legislature to permit the voters of a county to allow county and any municipal ad valorem taxes to be imposed on real property on the basis of a five-year average of taxable value. *They were left pending.*

**HB 209 by Dwayne Bohac (R-Houston)** would limit reappraisal of residence homesteads to no more often than every two years and prohibits increase in the appraised value of a residence in a tax year when the property is not appraised. *It was left pending.*

**HB 386 by Sid Miller (R-Stephenville)** would increase the number of members of an appraisal district board from five to seven with two elected county-wide and five appointed by the participating taxing units. *It was left pending.*

**HB 500 by Lois Kolkhorst (R-Brenham)** would provide that if the chief appraiser determines that the value of commercial or residential real property is reduced by 15% or more, the market value of the property could not be increased for the first two tax years following the tax year in which the market value of the property was reduced unless an improvement is made to the property (other than routine repairs or maintenance). *It was left pending.*

**HB 1037 by Ken Paxton (R-McKinney)** would allow persons

acquiring a new residence to receive a homestead exemption for the year in which the property is acquired. *It was left pending.*

**HB 1038 by Ken Paxton (R-McKinney)** would require a chief appraiser to consider the value of other residential property located in the same neighborhood (even if the property was sold at a foreclosure sale within the past three years or has a market value that has declined because of a declining economy) in determining the market value of a residence homestead. *It was left pending.*

To look up any bill, visit the [Texas Legislature Online](#).

[Top](#)

### **Bill Filing Deadline**

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The bill-filing deadline is today, Friday, March 13<sup>th</sup>. On Monday through Thursday of this week, 1,066 Senate bills and joint resolutions were filed (compared to 589 in 2007 and 537 in 2005); and 1,362 House bills and joint resolutions were filed (compared to 1,077 in 2007 and 839 in 2005). At least 800 more are expected to be filed on Friday.

Through Thursday of this week, 397 more Senate bills and 614 more House bills had been filed than the same time last session for a total of 1,011 more bills so far this time (a 20% increase). After the deadline, it will take a 4/5<sup>th</sup> vote to grant permission to introduce a new bill. On Monday, legislators can start debating bills on the floor of the Senate and House even if they are not declared an emergency by the Governor.

[Top](#)

### **Bills of Interest**

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On Tuesday, **HB 1511** by Representative John Otto, was heard in the House Insurance Committee. This bill, that TAB is in full support, would allow home owners the option (but not a requirement) to have fire sprinklers installed in their homes if their cities chose to adopt a fire sprinkler mandate in their building code. The committee has left the bill pending but the indications are that it will be voted out very soon. Thank you to everyone that wrote letters of support and taking the time to travel to Austin to testify at the hearing.

**HB 225 (Jimmie Aycock, R-Killeen) Relating to an exemption from ad valorem taxation of the portion of the appraised value of a person's property attributable to the implementation on the property of water conservation initiatives, desalination and brush**

**control.** This bill proposes tax exemptions for the portion of the assessed property value attributable to water conservation such as rainwater harvesting.

**HB 516 (Mark Strama, D-Austin)/SB 108 (Rodney Ellis, D-Houston) Relating to the establishment and funding of a green job skills training program.** This bill provides that the Texas Enterprise Fund may be used “to make one or more grants to the Texas Workforce Commission to implement the Commission powers and duties related to green job skills training program.” The bill also authorizes the Work Force Commission to give grants for the implementation, expansion and operation of green jobs training.

**HB 595 (David Leibowitz, D-San Antonio)/SB 822 (Leticia Van de Putte, D-San Antonio) Relating to a restriction on permits authorizing discharges of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.** This bill adds a new section to the Water Code that stops the TCEQ from issuing a new permit authorizing the discharge of sewage effluent into any water in the contributing or recharge zones of the San Antonio or Barton Springs segment of the Edwards Aquifer. The TCEQ Commission may still issue new discharge permits related to storm water runoff from construction sites.

**HB 880 (Mark Strama, D- Austin) Relating to the exemption from ad valorem taxation of certain energy efficiency-related improvements to real or personal property.** This bill entitles a person to “an exemption from taxation of the amount of the appraised value of real or personal property owned by the person that arises from the installation of an energy efficiency-related improvement that is permanently attached to or incorporated into the property.” SECO and the Comptroller will be used to develop the guidelines. This goes into affect January 1, 2010 but only a Texas Constitutional amendment authorizing the exemption is approved by the voters.

**HB 972 (Chente Quintanilla, D- Tornillo) Relating to inclusion on certain advertising documents of the license or certificate of registration number of certain individuals regulated by this state who solicit business in consumers’ homes.** Amends the Occupations Code to mandate state regulatory agencies to require their registrants/licensees to display the registrant’s registration/license number on: 1) any documents (advertisement, business card, logo, communication, etc.) used to solicit business in a consumer’s home as a regular business practice; and 2) any documents provided to a consumer as part of an effort to solicit business in general. Provides for up to a \$1,000 fine for a violation.

**HB 1006 (Vicki Truitt, R-Keller) Relating to the exclusion of certain amounts from the total revenue of property owners' associations for purposes of the franchise tax.**

This bill states that a POA may not include assessments received in the association's total revenue if the assessments were used to benefit the residential subdivision.

**HB 1016 (Frank Corte, Jr., R- San Antonio) Relating to a fee on sales of alcoholic beverages in certain municipalities to fund fire and emergency services and related educational activities.** This bill allows for cities with a population of one million or more to the fund of emergency services and alcohol awareness program through a 10 cent tax on alcoholic drinks.

**HB 1824 (Ken Paxton, R- McKinney) Relating to foreclosure of a property owner's association's assessment lien.** This bill adds prerequisites to POA's filing suit foreclosing on property due to delinquent assessments. The assessment must be 3 months overdue, POA must send certified letter of delinquency, a hearing must be given and the option of a payment plan must be proposed.

**SB 599 (Leticia Van de Putte, D-San Antonio) relating to an exemption from the sales tax for certain renewable energy devices and manufacturing equipment.** Amends the Tax Code to exempt equipment necessary for the manufacture of solar panels from the sales tax. Also exempts the sale, use, installation, etc. of solar panels from the sales tax if it is connected or placed on a building.

**SB 677 (Eliot Shapleigh, D- El Paso) Relating to requiring solar panels to be offered by certain builders of new homes.** This bill amends the Property Code and would require builders to offer the home buyer an option to install a solar energy device on the home for heating or cooling or for the production of power. The bill would only apply to builders in a subdivision where they have built, or are expected to build, more than 50 units.

To look up any bill, visit the [Texas Legislature Online](#).

[Top](#)

## **Important Upcoming Hearings**

**House Business and Industry:** Monday March 16, 2009 at 2:00 or upon final adjournment in room E2.026. TAB is tracking **HB 1657 (Helen Giddings, D- De Soto) Relating to workers' compensation insurance coverage regarding certain contractors** in this hearing.

**House Business and Industry, Subcommittee on Texas Workers Compensation and HOA Issues:** Monday, March 16, 2009, upon adjournment of the full committee in room E2.026. TAB is tracking the

following bills in this hearing:

**HB 257 (Leo Berman, R-Tyler)** *Relating to extension of modification of restrictive covenants in certain residential real estate subdivisions.*

**HB 372 (Jim Jackson, R-Carrollton)** *Relating to the meetings and records of certain property owners' associations.*

**HB 1824 (Ken Paxton, R- McKinney)** *Relating to foreclosure of a property owner's association's assessment lien.*

**House Natural Resources:** Tuesday, March 17, 2009 at 8:00 a.m. in room E2.010. TAB is tracking the following bills in this hearing:

**HB 43 (Frank Corte, R-San Antonio)** *Relating to permitting requirements of groundwater conservation districts, including permits to transfer water.*

**HB 595 (David Leibowitz, D-San Antonio)** *Relating to a restriction on permits authorizing discharges of sewage effluent into any water in the contributing or recharge zone of the San Antonio or Barton Springs segment of the Edwards Aquifer.*

**HB 1508 (Valinda Bolton, D- Austin)** *Relating to a restriction on permits authorizing direct discharge of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer.*

**HB 1741 (Tracy King, D- Eagle Pass)** *Relating to recharge of the Edwards Aquifer.*

**House Business and Industry, Subcommittee on TRCC, Property, and Landlord and Tenant Issues:** Tuesday, March 17 at 10:00 a.m. or upon final adjournment in room E2.030. TAB is tracking the following bills in this hearing:

**HB 421 (Dawna Dukes, D-Austin)** *Relating to the mortgage servicer's notice of sale to a debtor and the debtor's subsequent notice to tenant.*

**HB 881 (Eddie Rodriguez, D- Austin)** *Relating to residential tenant's right to rescind a rental application or lease agreement.*

**HB 882 (Eddie Rodriguez, D- Austin)** *Relating to a residential tenant's right of restoration after certain unlawful conduct.*

**HB 883 (Eddie Rodriguez, D- Austin)** *Relating to early termination of a residential lease agreement.*

**HB 1471 (Kristi Thibaut, D- Galveston)** *Relating to foreclosure sales of residential real property.*

**HB 1819 (Dwayne Bohac, R- Houston)** *Relating to minimum habitability standards for multi-family rental buildings in certain municipalities.*

**Senate Natural Resources:** Tuesday, March 17 at 1:00 or upon adjournment in room E1.012. TAB is tracking the following bills in the hearing:

**SB 184 (Kirk Watson, D-Austin)** *Relating to "no regrets" greenhouse gas emissions reduction strategies.*

**SB 267 (Chuy Hinojosa, D-Mission)** *Relating to design, construction*

*and renovation standards for state buildings and facilities.*

**SB 598 (Leticia Van de Putte, D-San Antonio)** *Relating to a pilot revolving loan program for retrofitting public school buildings with photovoltaic solar panels and associated energy efficiency improvements.*

**SB 608 (Kirk Watson, D- Austin)** *Relating to the creation of the Texas Center for Sustainable Business.*

**SB 724 (Glenn Hegar, R- Katy)** *Relating to the qualification of supervisors of a fresh water supply district.*

**SB 800 (Tommy Williams, R- The Woodlands)** *Relating to a Texas Commission on Environmental Quality water quality protection area pilot program applicable to portions of the San Jacinto River.*

**House Licensing and Administrative Procedures:** Wednesday, March 18, 2009 at 8:00 a.m. in room E2.012. TAB is tracking the following bills in this hearing:

**HB 28 (David Leibowitz, D- San Antonio)** *Relating to requiring notice by a seller of real property of potential annexation of the property by a municipality.*

**HB 45 (Frank J. Corte, Jr. R-San Antonio)** *Relating to notice requirements for certain municipal zoning actions.* **HB 774 (Todd Smith, R-Eules)** *Relating to procedures for the adoption of a municipal zoning regulation or zoning district boundary.*

**House Ways and Means:** Wednesday, March 18, 2009 at 10:30 a.m. or upon final adjournment in room E1.010. TAB is tracking the following bills in this hearing:

**HB 46/HJR 15 (Debbie Riddle, R-Houston)** *Relating to a local option election in a county to set a limit on the maximum appraised value of a residence homestead for ad valorem tax.*

**HB 127/HJR 21 (Bill Callegari, R-Houston)** *Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.*

**HB 406 (Eddie Rodriguez, D-Austin)** *Relating to the claims for excess proceeds of a tax sale of real property.*

**HB 700/HJR 42 (John Zerwas, R- Richmond)** *Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.*

**HB 711/HJR 44 (Patrick Rose, D- Dripping Springs)** *Relating to the limitation on increases in the appraised value of a residence homestead ad valorem taxation.*

**HB 866 (Mike Villarreal, D- San Antonio)** *Relating to a study regarding ad valorem tax relief through the use of a circuit breaker program.*

**HB 979/HJR 49 (William Callegari, R- Houston)** *Relating to a limitation on the maximum appraised value of real property for ad valorem tax purposes of 110 percent of the appraised value of the property for the preceding tax year.*

**HB 1006 (Vicki Truitt, R-Keller)** *Relating to the exclusion of certain amounts from the total revenue of property owners' associations for purposes of the franchise tax.*

**HB 1018/HJR 51 (Betty Brown R- Terrell)** *Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.*

**HB 1106/HJR 56 (Dwayne Bohac, R- Houston)** *Relating to the limitation on increases in the appraised value of a residence homestead for taxation by certain school districts and other taxing units in Harris County.*

**HB 1172/HJR 59 (Mando Martinez, D- Weslaco)** *Relating to an exemption from ad valorem taxation of the residence homesteads of certain partially disabled veterans.*

**HB 1211/HJR 61 (Charlie Howard, R- Sugar Land)** *Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem tax purposes.*

**HB 1221 (Charlie Howard, R- Sugar Land)** *Relating to the provision of information by tax officials related to ad valorem tax rates.*

**House Environmental Regulation:** Wednesday, March 18, 2009 at 2:00 in room E1.014. TAB is tracking the following bill in this hearing:

**HB 1717 (Paula Pierson, D-Arlington)** *Relating to the regulation of metal recycling entities.*

**HB 1424 (David Leibowitz, D- San Antonio)** *Relating to the procedure for the disannexation of territory from a municipality.*

**HB 1445 (Dennis Bonnen, R- Angleton)** *Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.*

**HB 1680 (Pete Gallego, D- Alpine)** *Relating to an application filed with a county commissioners court to revise a subdivision plat.*

**HB 2073 (Dennis Bonnen, R- Angleton)** *Relating to plans by local government in coastal areas for reducing public expenditures for erosion and storm damage losses to public and private property.*

**HB 2074 (Dennis Bonnen, R- Angleton)** *Relating to the designation by the commissioner of the General Land Office of critical erosion areas for purposes of the coastal erosion response plan.*

**HB 2387 (Dennis Bonnen, R-Angleton)** *Relating to the authority of the General Land Office to undertake coastal erosion studies and projects in conjunction with qualified project partners.*

To review committee schedules and to further research a bill, visit the [Texas Legislature Online](#).

[Top](#)

## **2009 NAHB Legislative Conference**

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**NAHB's Legislative Conference Comes at Crucial Time for**

## Economy

Builders looking to send a message to Congress that housing deserves 100% of their ongoing attention to lead the nation's troubled economy back to higher ground should mark their calendar now for the most important grassroots event of the year — the 2009 NAHB Legislative Conference — which will take place on **Tuesday, March 24** in Washington, D.C.

The timing of this year's Legislative Conference — which, for the first time will take place independently from the NAHB spring board meeting — is particularly significant considering the growing downward momentum in housing and the nation's job market.

With policymakers in Washington confronting the most difficult financial crisis since the 1930s, attending this year's conference could be one of the most important decisions that builders make this year.

Builders are encouraged to travel to the nation's capital and to urge their representatives and senators to support policies that will stabilize home values, mitigate foreclosures, bolster consumer confidence and get the economy moving forward.

The annual NAHB conference provides an ideal opportunity for association members to share their concerns on housing-related issues with lawmakers on Capitol Hill.

Especially in these challenging times, participation by NAHB members can make a huge difference as various interest groups compete to push their agendas in Washington.

A strong builder turnout on **March 24** will send a powerful message to members of Congress that housing must remain a top national priority.

For more information and to register for NAHB's 2009 Legislative Conference visit [www.nahb.org](http://www.nahb.org).

[Top](#)

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## HOME PAC

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builder, developer and associate members of TAB may continue to play a crucial role in Texas politics. Whichever level you choose, your donation will have an impact.

We need you to make a difference!

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