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BUILDERS

**Legislative Line**



313 E. 12th St.  
Ste. 210  
Austin, TX 78701  
(800) 252-3625  
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Summarizing state legislative and regulatory developments affecting housing and the building industry.

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**TRCC Update**

As widely reported by journalists and insiders covering the Capitol, the Texas Residential Construction Commission (TRCC) was discussed on the Senate floor on Thursday, May 21. The discussion was not about the proposed reforms of the agency, but rather on whether or not to include the agency in a bill - commonly known as the "savings" bill - which would delay any legislative decisions and reforms until the Legislature convenes again in 2011.

Consensus in the Texas Senate last Thursday was that they were not inclined to place the TRCC in the savings bill. Since the proposed TRCC reforms are not scheduled to be discussed by the Senate Business and Commerce Committee, it appears that the agency will be "sunsetting" and dissolved of its regulatory oversight of the residential construction industry.

Legislators are confronting a massive amount of backlogged legislation as well as procedural rules and legislative roadblocks. Amid the legislative wrangling, agency supporters have asked Legislators to take the actions necessary to reform the agency while critics of the TRCC counter that the proposed reforms do not go far enough and seek more regulatory control of the industry.

There is still one legislative proceeding that allows the opportunity to include the TRCC in the savings bill, but the final deadline for this opportunity ends at midnight on Saturday, May 30. Should the agency be dissolved, TAB staff will prepare guidance documents this summer on how to eliminate references to the agency in construction contracts as well as additional information for TAB members to use when discussing this situation with subcontractors, suppliers and potential homebuyers.

The Texas Association of Builders (TAB) Friday released the following statement regarding the status of House Bill 2295 (the TRCC Sunset bill).

The following quote can be attributed to TAB Executive Director Scott Norman:

"It appears that the Texas Residential Construction Commission is in serious jeopardy of being 'sunsetting' due to concerns both by those who believe the legislation does not go far enough, and those who maintain that the legislation creates too many regulatory burdens upon the homebuilding industry. The Texas Association of Builders is working hard to resolve these concerns but finds itself running into legislative deadlines that may not be overcome.

"If the TRCC is eliminated, the real losers are the consumers who will find themselves with nowhere to turn. Gone will be mandatory warranties and building and performance standards that new homes must meet, a quicker and less costly alternative to resolve construction defects, and a database of builders with information regarding their work history. With the regulatory structure over builders eliminated, no mechanism will prohibit bad actors from entering or staying in the homebuilding industry.

"Even though the Texas Association of Builders has opposed some provisions of the proposed bill as it has moved through the process, we continue to strongly state our willingness to work with lawmakers in order to maintain Texas' strong homebuilding market, which is the envy of the nation."

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**Fire Sprinkler Update**

We have worked to get an amendment into Senator Jackson's Senate Bill 1410 which relates to licensing and regulation of plumbers. The amendment was added in the House by Representative Otto. The bill has now gone back to the Senate for them to concur with the changes made by the House. We are actively working to see that this bill makes it to Governor Perry's desk to be signed into law with the fire sprinkler language for consumer choice in the bill.

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**Esther's Follies Event - Friday, June 26**



# HOME PAC Fun(d) Raising & Esther's Follies

*Bust a GUT,  
Knee Slapping,  
Side Splitting!*

**When:** June 26, 2009  
Pre-Party @ 7 p.m.  
Show @ 8 p.m.  
**Where:** 525 East 6th Street  
Austin, TX 78701  
**How:** Tickets available through  
the TAB office @ 800-252-3625  
**Tickets:** \$50 per person

Join US for the  
**FUN!**



## Registration Form

(Esther's Follies HOME PAC Fundraiser Only)

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**Phone:** ( ) \_\_\_\_\_ **HBA:** \_\_\_\_\_

**Ticket Quantity:** \_\_\_\_\_ @ \$50.00 each

**Total Amount Paid: \$** \_\_\_\_\_

**Credit Card #** \_\_\_\_\_

**Expiration Date:** \_\_\_\_\_

Mail or FAX your completed form w/ payment to 313 E. 12th St., Ste. 210, Austin, TX 78701 or FAX to (512) 476-6427.

**Unable to join us? You can still donate online @ [www.TexasBuilders.org/homepac](http://www.TexasBuilders.org/homepac).**

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## 81st Legislative Session Update

The legislature is headed into its final week, and a long list of significant issues are still unresolved including:

**Budget** – SB 1, the appropriations bill, is still in a conference committee trying to resolve the differences in the Senate's \$182.2 billion budget and the House's \$177.4 billion budget. The conference committee has concluded their decision-making and is expected to re-convene on Tuesday to vote the bill out. HB 4586, the supplemental appropriations bill, has passed the House and has been voted out of the Senate Finance Committee. HB 4583, which un-dedicates and re-dedicates funds in order to sweep unexpended balances into general revenue (which is necessary to fund the budget), has passed the House and has been voted out of the Senate Finance Committee. HB 2942, the Texas Government Accountability and Transparency Act of 2009, which would provide legislative oversight and accountability of the federal stimulus funds, has passed the House and the Senate. It now has to go back to the House for concurrence or appointment of a conference committee.

**Environment** – SB 16, the omnibus air quality bill, has passed the Senate, and has been set on the Major State calendar in the House. SJR 50, the constitutional amendment authorizing \$6 billion in bonds by the Texas Water Development Board for water projects, has passed the Senate and is on the House calendar. HJR 128, another \$6 billion water bond bill, has passed the House and has been reported out of Senate committee.

**Energy** – SB 545, which is the distributed solar generation incentive program, has passed the Senate and has been set on the House calendar. SB 921, the electric co-op reform bill, has passed the Senate and is on the Major State calendar in the House.

**Health** – HB 2962, which expands eligibility for the Children's Health Insurance Program, has passed the House but is not out of committee in the Senate. SB 841, which also increases CHIP eligibility, has passed the Senate and has been set on the House calendar.

**Higher Education** – SJR 35, the national research university fund constitutional amendment, has passed the Senate and has been set on the House calendar. SB 2146, the enabling bill for SJR 35 which would establish the allocation for constitutional funds for institutions of higher education, has also passed the Senate and been set on the House calendar. HB 51, creating additional Tier One Universities, has passed the House and has been reported out of Senate committee. SB 175, which would relax the Top 10% rule, has passed the Senate and is on the House's Major State calendar. SB 1443, the tuition cap bill, has passed the Senate and is out of committee in the House.

**Insurance** – SB 1007, the Texas Department of Insurance sunset bill, has passed the Senate and has been set on the Major State calendar in the House. SB 14, the Texas Windstorm Insurance Association bill, has passed the Senate and been set on the House calendar.

**Property** – SJR 42, a constitutional amendment to prohibit taking property through eminent domain for economic development purposes, has passed the Senate but has not been reported out of committee in the House. SB 18, an eminent domain reform bill, has passed the Senate and is on the House calendar. HJR 14, an eminent domain constitutional amendment requiring public entities that take private property to prove that the use of the property is public and necessary, has passed the House and is on the Senate Intent calendar. HB 2295, the Texas Residential Construction Commission sunset bill, has passed the House but has been pronounced "dead" by the Senate sponsor.

**Public Education** – HB 3646, the public school finance/teacher payraise bill, has passed the

House and is on the Senate Intent calendar. HB 130, requiring school districts to provide a full-day Pre-Kindergarten to disadvantaged children, has passed the House and has been voted out of committee in the Senate. HB 3, the public education accountability bill has passed both houses and is a conference committee. HB 4294, allowing local school districts flexibility to spend textbook funds on electronic content and equipment, has passed the House and the Senate. It will now go back to the House to concur or for the appointment of a conference committee.

**Tax** – HB 4765, which would increase the franchise tax small business exemption to exempt businesses with less than \$1 million in gross receipts, has passed the House and has been reported out of Senate committee.

**Transportation** – HB 300, the Texas Department of Transportation sunset bill, has passed the House and Senate and is now on its way to the Governor's desk. SB 1350, the Transportation Revolving Fund bill, has passed the Senate and has been reported out of committee in the House. SB 855, the local option transportation funding bill, has passed the Senate and has been set on the House calendar.

**GOVERNOR** – On Wednesday, Governor Rick Perry and Texas Education Commissioner Robert Scott held a conference call with high school newspaper editors from across the state as a way to encourage their professional aspirations and provide a unique window on the challenges of state government. Governor Perry said, "Your time spent on the school newspaper is great preparation for life. It sharpens your senses as you observe life around you, allows you to hone your skills as a writer, and helps you better understand what really matters to the people in your community. . . You have chosen a very interesting time to get involved in the media business, since the Internet is pretty much changing all the rules, but I think your generation is more than ready to navigate this new landscape, and use all the resources available to report the news." In a freewheeling exchange, Governor Perry also took questions from several callers, addressing issues ranging from the top ten percent rule and school bus safety to the Texas economy and environment.

**SENATE** – The Senate was in session Monday through Saturday of this week. On Monday, the Senate passed SB 2584 by Senator Dan Patrick (R-Houston) which would require undocumented aliens convicted of a felony in Texas to be reported to federal officials. Senator Patrick said, "We've had a number of convicted felons, who have been let out and have committed crimes, including the loss of a police officer." He referred to the 2006 death of Houston police officer Rodney Johnson, who was killed by a man who had been deported in 1999 but illegally re-entered the country. SB 2584 would require that a sheriff or other officer in charge of a jail to make an attempt to verify the citizenship status upon taking custody of a person convicted of a felony that is a violent crime, drug offense, property crime or weapons charge. Other bills passed by the Senate on Monday include HB 3108 by Representative Tan Parker (R-Flower Mound) and Senator Chris Harris (R-Arlington) which would commission an interim study on recreational boating safety in Texas; and SJR 43 by Senator Eddie Lucio, Jr. (D-Brownsville) which proposes a constitutional amendment to permit emergency services districts to hold local option elections to levy a five cent ad valorem tax for equipment and capital improvements.

On Tuesday, Senator Rodney Ellis (D-Houston) announced that the effort to pass smoke-free Texas legislation has fallen short in the Texas Senate. The announcement ends a months-long effort by Senator Rodney Ellis (D-Houston), Representative Myra Crownover (R-Denton) and Lt. Governor David Dewhurst to build enough support to pass the measure into law. SB 544 would have eliminated smoking in indoor public places, including municipal worksites and private worksites including restaurants, restaurant bars and stand-alone bars. Senator Ellis said, "I am terribly disappointed that we were unable to ban smoking in public places. Make no mistake, a uniform, smoke-free workplace standard for Texas will happen, sooner rather than later. The vast majority of Texans understand the impact smoking has on our health and our economy. The legislation would have improved the health of Texans and save our state billions of dollars in health care costs over time." Lance Armstrong, founder and chairman of the Lance Armstrong Foundation said, "Big tobacco spent millions to kill smoke-free legislation and they got to enough of our legislators to win this round. On the state level we have to hit pause, but in local governments across Texas we're mobilizing starting June 1<sup>st</sup>. Nearly seventy percent of Texans support comprehensive smoke-free legislation and we want safe, smoke-free work places where we can earn a living. As we've seen in states all over America, it's just a matter of time before our efforts succeed."

On Tuesday, the Senate gave preliminary approval to SB 1164 by Senator Jeff Wentworth (R-San Antonio) which would allow concealed handgun license holders to carry guns on college campuses. Wentworth said that recent school shootings at colleges in Virginia and Illinois inspired the bill. He said, "They were picked off like sitting ducks in the classroom in Virginia. I just think we ought to be able to defend ourselves from that kind of situation. It happens very rarely, but when it does happen, it's catastrophic." Senator Leticia Van de Putte (D-San Antonio) tried unsuccessfully to add amendments to allow college administrators to decide whether to allow guns on campus and to allow students the option of living in a gun-free dorm room. SB 1164 was finally passed in the Senate on Wednesday by a vote of 20 to 11. An opponent of the bill, Senator Rodney Ellis (D-Houston) said, "This bill is a bad solution to a serious problem. It will do little to improve the safety of students on campus and could, in fact, make dangerous situations that much more deadly by creating confusion for law enforcement. We don't need to incentivize campus Rambos. It makes us feel like we've gotten tough – deputizing students – but the fact is that the universities don't want it and law enforcement doesn't want it because they know it will not make our campuses safer." On Tuesday, the Senate also passed HB 1257 by Representative Ken Legler (R-Pasadena), sponsored in the Senate by Senator Tommy Williams (R-The Woodlands), would allow small businesses damaged by a natural disaster to pay their property taxes in installments; and HB 2467 by Representative Eddie Rodriguez (D-Austin), sponsored in the Senate by Senator John Whitmire (D-Houston), which would make playgrounds drug free zones.

On Wednesday, the Senate passed SB 73 by Senator Jane Nelson (R-Lewisville) which would establish an adult stem cell research program. Senator Nelson said, "Adult stem cell research has already yielded treatments for about 70 diseases. Through this new structure, our universities can more easily pool resources, pool information and promote this life-saving research." The Senate also passed HB 1711 by Representative Sylvester Turner (D-Houston) and Senator John Whitmire (D-Houston), which would direct the Texas Department of Criminal Justice to create a comprehensive reentry program and rehabilitation program for the more than 70,000 inmates released from Texas prisons each year. The department would be required to develop programs to teach inmates life-skills training, like money management, nutrition and exercise, as well as education programs, employment training, substance abuse and mental health treatment programs.

On Thursday, the Senate approved HB 1358 by Representative Jim Keffer (R-Eastland) and Senator

Jane Nelson (R-Lewisville) which would make several technical changes and improvements to the Cancer Prevention and Research Institute including establishing criteria for awarding research grants; HB 1888 by Representative John Davis (R-Houston) and Senator Robert Duncan (R-Lubbock) which would require health plans that rank physicians to meet national standards; and HB 3391 by Representative Linda Harper-Brown and Senator Glenn Hegar (R-Katy), which is the Texas Parks and Wildlife Department sunset bill. Senator Leticia Van de Putte (D-San Antonio) was recognized for a motion to bring up SB 714 which would allow Texas Department of Insurance to regulate health care rental network contract arrangements. Texas Association of Business and several large corporations had worked the Senate in opposition to the bill because they said, "it would jeopardize the benefits of millions of Americans who receive their existing health insurance coverage through the employment-based system, also known as the Employee Retirement Income Security Act (ERISA)." The rules failed to suspend, so the bill was not taken up.

On Friday, the Senate passed 23 bills including HB 2531 by Representative Norma Chavez (D-El Paso) and Senator Florence Shapiro (R-Plano) which would require annual reporting on Emerging Technology Fund awards; and HB 3544 by Representative Eddie Lucio, III (D-San Benito) and Senator Troy Fraser (R-Horseshoe Bay), which would authorize Texas Commission on Environmental Quality to utilize electronic means to transmit information including notices, orders, and decisions issued by the commission. Senate committees met and voted out over 100 House bills.

On Saturday, after meeting in a "caucus," the Senate returned to the floor and passed 30 bills. Many of them were loaded down with amendments that were bills previously passed by the Senate that are dying in the House because of the calendar delay. The Senate passed HB 431 by Representative Eddie Lucio, III (D-San Benito) and Senator Juan "Chuy" Hinojosa (D-Mission), which would require new state buildings to be designed and constructed so that the building achieves certification under a high-performance building standard; HB 2003 by Representative Brian McCall (R-Plano) and Senator Kirk Watson (D-Austin) which creates the offense of online harassment; and HB 4294 by Representative Dan Branch (R-Dallas) and Senator Florence Shapiro (R-Plano), which would authorize local school districts to use textbook funds for instructional materials and electronic textbooks.

Total number of bills reported out of Senate Committees this week: 577

Total number of bills passed by the Senate this week: 294

Total number of bills passed on the Local and Uncontested Calendar: 119

**HOUSE** – The House was in session Monday through Sunday of this week. On Monday, the House added three more floor amendments to the committee substitute and two floor amendments they adopted last week and gave final approval to SB 546 by Senator Troy Fraser (R-Horseshoe Bay) and Rafael Anchia (D-Dallas), which would require electric utilities to create programs to facilitate the widespread delivery of energy efficiency and demand-side renewable energy programs. It passed by a vote of 97 to 45. The House gave preliminary approval to SB 28 by Senator Judith Zaffirini (D-Laredo) and Joe Deshotel (D-Beaumont) which would institute penalties for the creation or use of zombies or botnets; and SB 643 by Senator Jane Nelson (R-Lewisville) and Patrick Rose (D-Dripping Springs) which would establish measures for oversight, safety, and the prevention of abuse, neglect, and exploitation of individuals with mental retardation residing in state schools. Upon passage of SB 643, Governor Rick Perry said, "This comprehensive legislation provides enhanced protection for some of our most vulnerable citizens. A key provision in this bill, the use of surveillance cameras in common areas of state schools, is paramount to preventing, deterring, and detecting abuse and neglect of state school residents." They also took up SB 472 by Senator Craig Estes (R-Wichita Falls) and Representative Joe Deshotel (D-Beaumont), which would extend from 30 days to 60 days the period that a tenant has to vacate a building purchased through a tax foreclosure sale. After 13 floor amendments were added, it failed to pass to third reading by a vote of 67 to 62. When it was reconsidered on Tuesday, seven floor amendments were withdrawn, and it passed to third reading by a vote of 79 to 61. It finally passed the House on Wednesday by a vote of 89 to 54.

On Tuesday, the House gave preliminary approval to SB 476 by Senator Jane Nelson (R-Lewisville) and Representative Donna Howard (D-Austin) which would increase the role of nurses in hospital staffing decisions. It would require 60% of the members of a hospital's nurse staffing committee to be nurses, and would prohibit mandatory overtime for hospital nurses in most cases. The House gave final approval to SB 78 by Senator Jane Nelson (R-Lewisville) and Representative John Smithee (R-Amarillo) which would create the TexLink to Health Coverage Program to inform the public about health coverage; and SB 395 by Senator Eddie Lucio, Jr. (D-Brownsville) and Representative Eddie Lucio, III (D-San Benito), which would create the Early Childhood Health and Nutrition Interagency Council to assess the health of children under age 6 in Texas compared to children in other states and assess the existence of requirements for nutrition and physical activity in early childhood care settings.

On Wednesday, the House gave preliminary approval to SB 283 by Senator Jane Nelson (R-Lewisville) and Representative Mark Shelton (R-Fort Worth) which would require school health advisory councils, which advise school districts on health curriculum, to meet at least four times a year and to make formal recommendations to the local school board. Representative Mike Villarreal (D-San Antonio) proposed an amendment for schools that teach about contraception to have a curriculum that includes only medically accurate and age-appropriate information. The amendment was killed on a point-of-order. The House also gave preliminary approval to the sunset bills for the Commission on Jail Standards and Texas Department of Agriculture.

On Wednesday, over 50 House Democrats held a press conference to highlight unfinished business before the Legislature during the final days of the 81<sup>st</sup> Legislative session. Democrats urged the Speaker and the House Leadership to take up insurance reform, utility rate relief, and tax relief for veterans before placing a divisive issue such as Voter ID on the House Calendar. Representative Rafael Anchia (D-Dallas) said, "To be clear, voter impersonation – the only kind of voter fraud that could be prevented by Voter ID – simply does not exist in Texas. After countless hours and taxpayer dollars spent on investigations, Texas' Republican Attorney General has not prosecuted a single case of voter impersonation." Representative Trey Martinez Fischer (D-San Antonio) said, "Today, Texans pay the highest insurance rates in the country, only to be denied again and again by the big insurance companies. We pay higher utility bills than ever, and with the summer months just around the corner, rate payers desperately need relief." Representative Marc Veasey (D-Fort Worth) added, "By forcing the House into a fight over the controversial Voter ID bill, while issues vital to our economy and hard working families remain unaddressed, Joe Straus is taking a big risk in rehashing old partisan battles, thought by everyone to be over, that marked the tenure and divisive leadership style of the previous Speaker." Representative Jim Dunning (D-Waco) concluded, "If the House Republican leadership chooses to make unnecessary Voter ID a higher priority than important issues like insurance reform, tax relief for veterans or utility rate relief they will destroy the goodwill and bipartisan problem-solving that could otherwise be the legacy of this legislative session." Later in the afternoon on Wednesday,

Democrats began offering trivial amendments to SB 1016, the Texas Department of Agriculture sunset bill, and asking each other questions at length about the types of fruits and vegetables that might be affected by the various amendments. The stalling tactics were meant to be a demonstration of how the Democrats can slow down debate in the House in an attempt to discourage the leadership from setting the voter ID bill for debate. In his closing remarks, Representative Dan Flynn, House sponsor of SB 1016, said, "I am pleased that so many members of the House are interested in agriculture."

On Thursday, the House adopted a congratulatory and resolutions calendar and gave final approval to the four bills they had passed on second reading on Wednesday. They then spent the balance of the day debating two bills: SB 1569 by Senator Kevin Eltife (R-Tyler) and Representative Mark Strama (D-Austin) which would change eligibility for unemployment compensation in order for Texas to receive the \$500 million in federal stimulus funds that the governor has declined; and SB 175 by Senator Florence Shapiro (R-Plano) and Dan Branch (R-Dallas) which would cap at 60% the number of students that institutions of higher education would have to admit under the top 10% rule that requires them to automatically admit students who graduate in the top 10% of their graduating class. SB 1569 was postponed when the House was debating amendment number 15 (eight of which had already been adopted) and an amendment to the amendment was being drafted. In order not to delay debate on SB 175, Representative Strama made the motion to postpone SB 1569 until later in the day. The House then spent about three hours debating SB 175. After nine floor amendments were adopted, the House had a computer system failure, so they adjourned around 7:30p.m. leaving both bills unresolved.

On Friday, the House took up a Local and Consent calendar with over 200 bills on it. Normally, there is very little debate and the bills on Local and Consent pass quickly. House Democrats, who do not want the House to get to the voter ID bill which has been set on the Major State Calendar, began discussing each bill on the calendar for the allowed ten minutes per bill. That slowed down House proceedings to a crawl. The House was in session until midnight and had only taken up 63 bills, leaving 159 Local and Consent bills still on the calendar.

On Saturday, House Democrats continued "chubbing" bills only taking up another 54. Representative Jim Dunnam gave notice that he would make a motion to take up important bills that are on the calendar in order to let the House debate the Texas Department of Insurance sunset bill, the Texas Windstorm Insurance Association bill, and an ad valorem tax exemption for disabled veterans. 62 members signed a list opposing any move to take up bills out of order, so the Local and Consent debate continued.

On Sunday, Democrats let several Local and Consent bills authored by Republicans be adopted quickly while continuing to speak for ten minutes each on the bills sponsored by Democrats. On Sunday afternoon, the House Democratic Caucus issued a memorandum saying, "As Speaker Straus affirmed this morning from the dias, Corrected Minutes must be filed within 3 days of the meeting where those corrections are adopted. This is because of Rule 4, Section 18(c), which states that 'All other committee minutes must be filed with the committee coordinator within three days of the committee meeting for a substantive committee. . . .' On May 7, 2009, the Elections Committee adopted Corrected Minutes for the Voter ID bill. Those corrected Minutes were filed with the committee coordinator on May 14, 2009, 4 days late. Speaker Straus confirmed from the dias that such a bill which has its minutes filed late is ineligible for consideration. This morning, after the parliament inquiry, the minutes were presented to the Speaker showing the time stamps. He was also presented with another Point of Order on Voter ID which is, if possible, stronger than the one on the minutes. We have proposed that the Voter ID bill be brought forward so that the Points can be called and sustained immediately and the House proceed with other business. We are informed that the House Republican Caucus would prefer to continue on the present course." Representative Will Hartnett (R-Dallas) e-mailed a response to the House Republican Caucus saying, "More than the Voter ID Bill is at stake in the current political crisis. The greater question is whether we will allow the Local and Consent Calendar to be turned into a blocker bill and, more importantly, a chronic hostage. If the House Republicans give any concession to free up the Local and Consent Calendar, we will create a precedent that will haunt all future Legislatures. Because the large majority of bills each session pass through the Local and Consent Calendar, it is imperative that we keep it as free from partisan politics as possible. We face a historic test. If we do not stand firm, the Local and Consent Calendar will be abused every session to hold the entire legislative process hostage. Any concession will effectively create a Super Calendar Committee composed of whatever group of Members are brazen enough at any particular time to seize control of the Local and Consent process. Since the inception of the Ten Minute Debate Rule in 1975, the Local and Consent Calendar has never been abused like what we are seeing now. We must send a loud message of 'hands off.' As all know, paying one kidnap ransom inevitably fosters more kidnappings."

The House adjourned after midnight having completing all of the Local and Consent calendar except for one bill that is still being negotiated. The speaker announced that when the House reconvenes at 10:00 on Monday morning, they will take up SB 2456, the last Local and Consent bill and then will finish debating SB 175 by Senator Florence Shapiro (R-Plano) and Representative Dan Branch (R-Dallas), the top 10% rule change.

Total number of bills reported out of House Committees this week: 436

Total number of bills passed by the House this week: 94

Total number of bills passed on the Local and Consent Calendar: 24

**BUDGET** - On Monday, the **Senate Transportation and Homeland Security Committee** took up: **HB 4102** by Craig Eiland (D-Texas City) would require state and local governmental entities that received funding from the Disaster Contingency Fund to reimburse the fund when the entity is reimbursed by the federal government, an insurer, or another source. *It was reported favorably and recommended for the Local and Uncontested calendar. Two floor amendments were adopted and it passed the Senate unanimously on Thursday.*

On Thursday, Senator Steve Ogden (R-Bryan) announced that the conference committee on SB 1, the general appropriations bill, had completed deliberations and that it will move out of conference committee on Tuesday so that it can be approved by the Senate and House by the end of next week. Senator Ogden said, "I'm proud of the budget. It is balanced, I think we used the stimulus money about as wisely as we possible could, and I think as we go forward, the state of Texas is going to be in good shape with this budget." Ogden highlighted three major shifts in spending policy represented in the budget bill. First, is a substantial increase in money for Texans with intellectual disabilities. The budget has \$500 million more for community-based services for these individuals, which Ogden believes will cause a shift from institutionalized treatment to treatment options closer to home. The second shift centers around public education spending. Ogden said the conference committee put \$1.9 billion more toward public education, contingent on a new school finance bill, one that emphasizes transparency and equity, clearing the Legislature, a prospect about which he is optimistic. The final

change is a shift in funding for the Texas Department of Transportation. Ogden said that this session's budget reduces diversions from the state highway fund by \$400 million, and utilizes billions in voter-approved general obligation bonds toward transportation infrastructure.

On Friday, the **Senate Intergovernmental Relations Committee** took up:

**HB 4583** by Jim Pitts (R-Waxahachie) would un-dedicate all dedicated funds and accounts on August 31, 2009 in order to sweep the unexpended balances into the general revenue fund and then re-dedicates the dedicated funds. *It was reported favorably.*

Also on Friday, the **Senate State Affairs Committee** took up:

**HB 1485** by Jim Pitts (R-Waxahachie) would authorize the Governor's Office of Budget and Planning to grant an award of up to 10% of the net savings or revenue increases to a state agency that demonstrates significant improvement and reduces state expenditures by increasing agency efficiency, increasing state revenues, or increasing agency productivity as a direct result of the improvement. *It was left pending.*

On Saturday, the **Senate Finance Committee** took up:

**HB 464** by Ken Paxton (R-McKinney) would require the Legislative Budget Board to prepare a dynamic fiscal impact statement based on dynamic scoring principles for each bill or joint resolution that raises or lowers the rate of a tax or fee and for which a fiscal note is prepared indicating a positive or negative impact on revenue of at least \$100 million of up to five years. *It was left pending.*

**ECONOMIC DEVELOPMENT** – On Monday, the **Senate Economic Development Committee** took up:

**HB 1770** by Robert Miklos (D-Mesquite) would authorize counties to designate a contiguous geographic area in the county as a reinvestment zone under the Tax Increment Financing Act. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

**HB 2531** by Norma Chavez (D-El Paso) would require the governor to annually report to the legislature and post on the governor's Internet website a report on the Texas Emerging Technology Fund. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

**HB 4525** by Tan Parker (R-Flower Mound) would authorize qualified manufacturing project zones to attract new or expanded manufacturing facilities. *It was left pending.*

On Wednesday, the **Senate International Relations and Trade Committee** took up:

**HB 4067** by Veronica Gonzales (D-McAllen) would establish the Bureau for Economic Development of the Border Region to draft and submit reports and to advise the legislature about economic development opportunities in the border region. *It was reported favorably.*

On Friday, the **Senate Economic Development Committee** took up:

**HB 394** by Patrick Rose (D-Dripping Springs) would add as a priority for use of the Enterprise Fund to encourage the creation, development, and location of small businesses. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

**HB 773** by Rene Oliveira (D-Brownsville) would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2009 to September 1, 2019. *It was reported favorably and recommended for the Local and Uncontested calendar. It is also on the Senate Intent calendar for Monday.*

**HB 1052** by Barbara Mallory Caraway (D-Dallas) would authorize municipalities with a population of one million or more to create a film district to promote the film industry in a designated area in the municipality. *It was reported favorably and recommended for the Local and Uncontested calendar.*

**HB 1277** by Angie Chen Button (R-Garland) would allow Texas Enterprise Fund money to be used for incentives to retain businesses. *It was left pending.*

**HB 3222** by Kelly Hancock (R-North Richland Hills) would authorize two or more municipalities to designate a contiguous area in the jurisdiction of each of the municipalities to be a joint reinvestment zone. *It was reported favorably.*

**ENVIRONMENT** – On Monday, the **Senate State Affairs Committee** took up:

**HB 3544** by Eddie Lucio, III (D-San Benito) would authorize the Texas Commission on Environmental Quality to utilize electronic means of transmission of information. *It was reported out favorably as substituted.*

On Tuesday, the **House Public Health Committee** took up:

**SB 1214** by Bob Deuell (R-Greenville) would require the executive commissioner of the Health and Human Services Commission to issue or update consumption advisories for fish, and other aquatic or terrestrial animals that indicate that levels of methyl mercury in the tissues of fish or other animal. *It was left pending.*

**SB 2384** by Eliot Shapleigh (D-El Paso) would require the Department of State Health Services to assist schools and child-care facilities to reduce the potential for children's exposure to area-wide soil contamination. *It was reported out favorably.*

Also on Tuesday, the **House Transportation Committee** took up:

**SB 448** by John Carona (R-Dallas) would authorize the Texas Department of Transportation to mitigate adverse environmental impacts resulting from the construction, improvement, or maintenance of state highways or state highway facilities. *It was reported out favorably and recommended for the Local and Consent calendar.*

**SB 897** by Eliot Shapleigh (D-El Paso) would give Texas Department of Transportation rather than the Railroad Commission jurisdiction over reporting requirements in connection with the transportation of hazardous materials by a railroad company. *It was reported favorably.*

And on Wednesday, the **Senate Intergovernmental Relations Committee** took up:

**HB 2536** by Brandon Creighton (R-Conroe) would direct interest earned on funds in the floodplain management account to stay in the account. *It was reported out favorably and it is on Monday's Senate Intent calendar.*

On Thursday, the **Senate Natural Resources Committee** took up:

**HB 284** by Rafael Anchia (D-Dallas) would require business entities that operate in Texas and ship electronic parts or equipment to a location outside the United States for reuse, disposal or recycling, to report quarterly to Texas Commission on Environmental Quality information on the company and the amount and type of electronic parts and equipment transported. *It was left pending.*

**HB 1669** by Bill Callegari (R-Houston) would provide that if a municipality refuses to provide water and sewer service to property in the municipality's extraterritorial jurisdiction, a retail public utility could apply for a certificate of public convenience and necessity to serve the property which could be approved even if the municipality does not consent to the certification. *It was left pending.*

**HB 1796** by Warren Chisum (R-Pampa) would require the Bureau of Economic Geology at the University of Texas at Austin to conduct a pilot study of state-owned offshore submerged land to identify potential locations for a carbon dioxide repository. *It was reported favorably.*

**HB 2748** by Warren Chisum (R-Pampa) would abolish the Texas Environmental Education Partnership Fund. *It was reported favorably and recommended for the Local and Consent calendar.*

**HB 3547** by Gary Elkins (R-Houston) would authorize the Texas Commission on Environmental Quality to issue a notice of violation or a notice of closure to a dry cleaning facility or dry cleaning drop station that is not registered with the commission. *It was reported favorably.*

**HB 3827** by Kelly Hancock (R-North Richland Hills) would prohibit the delivery of any regulated substance into an underground storage tank unless the storage tank has been issued a valid, current underground storage tank registration and certificate of compliance. *It was reported favorably.*

**HB 4031** by Brian McCall (R-Plano) would add renewable biomass aggregators and bio-coal fuel producers to the list of entities eligible for grants under the agricultural biomass and landfill diversion incentive program. *It was reported favorably as amended and recommended for the Local and Uncontested calendar.*

**HB 4247** by Jim Keffer (R-Eastland) would dedicate cash deposits filed with the Railroad Commission in connection with the drilling of an oil and gas well to the oil-field cleanup fund. *It was reported favorably and recommended for the Local and Uncontested calendar.*

**HB 4299** by Patrick Rose (D-Dripping Springs) would require a rainwater harvesting system technology for nonpotable indoor use and landscape watering to be incorporated into the design and construction of each new state or institution of higher education building. *It was reported favorably as substituted.*

Also on Thursday, the **Senate Business and Commerce Committee** took up:

**HB 821** by David Leibowitz (D-San Antonio) would establish recycling requirements for televisions. *It was reported favorably and recommended for the Local and Uncontested calendar.*

And on Thursday, the **Senate Finance Committee** took up:

**HB 3206** by Al Edwards (D-Houston) would require Texas Commission on Environmental Quality to adopt rules establishing a method to determine a partial exemption for pollution control equipment. *It was reported favorably and recommended for the Local and Uncontested calendar.*

On Friday, the **Senate Intergovernmental Relations Committee** took up:

**HB 3119** by Carol Alvarado (D-Houston) would institute a franchise tax credit for the purchase and installation of air quality monitoring devices. *It was left pending.*

**ENERGY/ELECTRIC UTILITY** – On Monday, the **Senate Government Organization Committee** took up:

**HB 431** by Eddie Lucio, III (D-San Benito) would require new or renovated state buildings to be designed and constructed so that the building achieves certification under a high-performance building standard. *It was reported favorably as substituted and it passed the Senate as amended on Saturday.*

Also on Monday, the **Senate Agriculture and Rural Affairs Committee** took up:

**HB 2582** by Yvonne Gonzalez Toureilles (D-Alice) would add renewable diesel to the Fuel Ethanol and Biodiesel Production Incentive Program. *It was reported favorably and is on the Senate Intent calendar on Monday.*

On Tuesday, the **Senate Business and Commerce Committee** took up:

**HB 1783** by Burt Solomons (R-Carrollton) would require video archives of all public meetings of the Public Utility Commission and the Electric Reliability Council of Texas to be available on the commission's Internet website. *It was reported favorably and has been set on the Local and Uncontested calendar.*

**HB 2052** by Harvey Hilderbran (R-Kerrville) would authorize (rather than require) the Public Utility Commission to take enforcement action if any of the utility's feeders with 10 or more customers has had a SAIDI of SAIFI average that is more than 300% greater than the system average of all feeders. *It was reported out favorably and has been set on the Local and Uncontested calendar.*

On Wednesday, the **House State Affairs Committee** took up:

**SB 541** by Kirk Watson (D-Austin) would require the Public Utility Commission to provide a "Made in Texas" incentive for renewable energy credits generated by generation equipment that is wholly produced or substantially transformed by a Texas workforce. *It was reported favorably and has been set on the House calendar.*

On Thursday, the **Senate Natural Resources Committee** took up:

**HB 1993** by Rafael Anchia (D-Dallas) would require critical government facilities to evaluate whether equipping the facility with a combined heating and power system would result in expected energy savings that would exceed the expected costs of purchasing, operating, and maintaining the system. *It was left pending.*

**HB 2783** by Rafael Anchia (D-Dallas) would adopt the International Residential Code as it exists on May 1, 2009 as the state's energy code for single-family residential construction and the International Energy Conservation Code existing on May 1, 2009 for all other residential, commercial and industrial construction. *It was reported favorably as amended.*

Also on Thursday, the **Senate Business and Commerce Committee** took up:

**HB 1182** by Sylvester Turner (D-Houston) would dedicate all money in the system benefit fund to assist needy customers with their utility bills and would allow the money to be spent without any other legislative action or appropriation. *It was reported favorably as substituted and is on Monday's Senate Intent calendar.*

**HB 1243** by Pete Gallego (D-Alpine) would require electric utilities to offer net metering service to all retail customers. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

**HB 1799** by Dwayne Bohac (R-Houston) would require retail electric providers to include on a customer's bill a statement, in at least 14-point type on the front of the first page that reads: "For more information about your electric service please visit [www.powertochoose.com](http://www.powertochoose.com)." *It was reported favorably and recommended for the Local and Uncontested calendar.*

On Friday, the **Senate Intergovernmental Relations Committee** took up:

**HB 1937** by Mike Villarreal (D-San Antonio) would authorize municipalities to enter into contracts with property owners in a specified area of the municipality where the property owner pays an assessment to finance energy efficiency public improvements. *It was reported favorably and recommended for Local and Uncontested calendar.*

**GENERAL BUSINESS** - On Tuesday, the **Senate Business and Commerce Committee** took up:

**HB 2127** by Helen Giddings (D-DeSoto) would make it a Class C misdemeanor to fail to obtain the identity of people attempting to recycle plastic bulk merchandising containers; and would double the fine for a subsequent offense. *It was reported favorably as substituted.*

Also on Tuesday, the **House State Affairs Committee** took up:

**SB 1732** by Royce West (D-Dallas) would require an owner, manager, operator, or other attendant of a public swimming pool or other artificial body of water used for recreation to implement safety standards as stringent as those imposed under the federal Virginia Graeme Baker Pool and Spa Safety Act. *It was reported favorably and recommended for the Local and Consent calendar.*

On Wednesday, the **House Criminal Jurisprudence Committee** took up:

**SB 1835** by Dan Patrick (R-Houston) would set a minimum fine for the offenses of unauthorized duplication, unauthorized recording, and unauthorized labeling of recordings (current law only lists maximum fines). *It was reported favorably as amended and recommended for the Local and Consent calendar.*

On Thursday, the **Senate Business and Commerce Committee** took up:

**HB 1569** by Senfronia Thompson (D-Houston) would prohibit a person that owns or operates a public accommodation from restricting an individual from access or admission to the accommodation solely because the individual operates a motorcycle, is a member of an organization or association that operates motorcycles; or wears clothing that displays the name of an organization or association. *It was left pending.*

**HB 2128** by Helen Giddings (D-DeSoto) would allow the attorney general or appropriate prosecuting attorney to investigate violations of failure to obtain the identity of people attempting to recycle plastic bulk merchandising containers. *It was reported favorably and recommended for the Local and Uncontested calendar.*

**PROPERTY** – On Tuesday, the **House Transportation Committee** took up:

**SB 1609** by Glenn Hegar (R-Katy) would require a decision by a district engineer of Texas Department of Transportation denying access to a controlled access highway be in writing and include the reasons for the denial. *It was reported out favorably and recommended for the Local and Consent calendar.*

Also on Tuesday, the **House Land and Resource Management Committee** took up:

**SB 978** by Royce West (D-Dallas) would authorize the establishment of public improvement districts. *It was reported favorably and recommended for the Local and Consent calendar.*

On Wednesday, the **House Criminal Jurisprudence Committee** took up:

**SB 1391** by Jeff Wentworth (R-San Antonio) would make it a defense to prosecution under the criminal trespass statute if the person committing the offense was an employee or agent of an electric or gas utility performing a duty within the scope of employment who reasonably believed had effective consent to enter the property. *It was reported favorably.*

Also on Wednesday, the **Senate Intergovernmental Relations Committee** took up:

**HB 1730** by Jim Pitts (R-Waxahachie) would authorize the issuance of bonds for the reimbursement of the cost of public improvements located in public improvement districts in Ellis County. *It was left pending.*

**HB 2833** by Marissa Marquez (D-El Paso) would authorize the commissioners court in counties within 50 miles of a international border to regulate residential land development in the unincorporated area of the county. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar. It is on the Senate Intent calendar.*

**HB 3025** by Garnet Coleman (D-Houston) would prohibit a property owners' association from prohibiting its property owners or residents from displaying religious items on the entry of their dwellings. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

And on Wednesday, the **Senate Subcommittee on Base Realignment** took up:

**HJR 132** by Frank Corte (R-San Antonio) proposes a constitutional amendment to allow the legislature to authorize a municipality or county to issue bonds or notes to finance the acquisition of buffer areas or open spaces adjacent to a military installation for the prevention of encroachment or for the construction of roadways or infrastructure to protect or promote the mission of the military installation. *It was reported favorably.*

On Wednesday, the **Senate Veteran Affairs and Military Installations Committee** took up:

**HB 2919** by Susan King (R-Abilene) would make changes to land use authority to ensure compatible development with military facilities. *It was reported favorably. It is on the Senate Intent calendar.*

On Thursday, the **Senate Natural Resources Committee** took up:

**HB 3464** by Jim Keffer (R-Eastland) would provide that jurisdiction over offenses relating to development regulations in Hood County be moved from district court to a local justice court. *It was reported favorably and recommended for the Local and Uncontested calendar.*

Also on Thursday, the **Senate Business and Commerce Committee** took up:

**HB 459** by David Leibowitz (D-San Antonio) would give a county the power of abatement for unsafe buildings that are a public nuisance. *It was reported favorably as substituted. It is on the Senate Intent calendar.*

And on Thursday, the **Senate Administration Committee** took up:

**HB 2609** by Doug Miller (R-New Braunfels) would make it a defense to prosecution under the criminal trespass statute if the person committing the offense was an employee or agent of an electric or gas utility performing a duty within the scope of employment who reasonably believed had effective consent to enter the property. *It was reported favorably as substituted and recommended for Local and Uncontested calendar.*

Also on Thursday, the **Senate State Affairs Committee** took up:

**HJR 14** by Frank Corte (R-San Antonio) proposes a constitutional amendment to require the state or political subdivision of the state that takes, damages, or destroys property to prove by clear and convincing evidence that the contemplated use of the property is public and necessary at the time an attempt is made to take, damage, or destroy the property. *It was reported favorably as substituted. It is on the Senate Intent calendar.*

On Friday, the **Senate Intergovernmental Relations Committee** took up:

**HB 1680** by Pete Gallego (D-Alpine) would authorize the commissioners court of counties near an

international border to impose a fee based on the cost of processing an application to revise a subdivision plat, including costs associated with required notices. *It was reported favorably as substituted.*

**HB 3065** by Dwayne Bohac (R-Houston) would allow a municipality to require registration of a vacant building. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

**TAXATION** – On Monday, the **Senate Committee on Administration** took up:

**HB 2908** by Ken Paxton (R-McKinney) would authorize the Consumer Credit Commissioner or the commissioner's representative to examine each place of business of a property tax lender and investigate the lender's transactions. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

On Wednesday, the **Senate Intergovernmental Relations Committee** took up:

**HB 4412** by Larry Taylor (R-League City) would allow a property owner who requests binding arbitration to appeal appraisal review board orders involving two or more tracts of contiguous land to only pay one arbitration deposit. *It was reported favorably and recommended for the Local and Uncontested calendar. It has been set on the Senate Intent calendar.*

On Thursday, the **Senate Finance Committee** took up:

**HB 4265** by Charlie Howard (R-Sugar Land) would change the definition of controlling interest for a trust. *It was left pending.*

**HB 4270** by Charlie Howard (R-Sugar Land) would clarify that in calculating cost of goods sold, if a payment made by a member of a combined group to a non-combined affiliate is not at arm's length, the member includes only the arm's length portion of the payment in calculating cost of goods sold. *It was left pending.*

Also on Friday, the **Senate Intergovernmental Relations Committee** took up:

**HB 1801** by Dwayne Bohac (R-Houston) would add school supplies (as defined by the Streamlined Sales and Use Tax Agreement) to the sales tax holiday. *It was reported favorably. It is on the Senate Intent calendar.*

**HB 3477** by Valinda Bolton (D-Austin) would authorize emergency services districts to impose an ad valorem tax of up to ten cents per \$100 valuation for the operating capital support and five cents per \$100 valuation for the acquisition of land, equipment, or apparatus or the construction of capital improvements. *It was reported favorably.*

**HB 3613** by John Otto (R-Dayton) would require the market value of a residence homestead to be determined solely on the basis of the property's value as a residence homestead, regardless of whether the residential use of the property by the owner is considered to be the highest and best use of the property. *It was reported favorably and recommended for the Local and Uncontested calendar. It has been set on the Senate Intent calendar.*

**HB 4765** by Rene Oliviera (D-Brownsville) would increase the small business exemption to \$1 million for two years. *It was left pending.*

**HJR 36** by John Otto (R-Dayton) proposes a constitutional amendment to allow the legislature to provide for taxation of a residence homestead solely on the basis of the property's value regardless of whether it is the highest and best use of the property and would authorize consolidation of adjoining appraisal entities. *It was reported favorably as substituted.*

And on Friday, the **Senate Economic Development Committee** took up:

**HB 3896** by Rene Oliviera (D-Brownsville) would authorize municipalities and counties to enter into an ad valorem tax abatement agreement that defers the abatement period for a mutually agreed period of time. *It was reported favorably as substituted. It is on the Senate Intent calendar.*

On Saturday, the **Senate Finance Committee** took up:

**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.*

**HB 3454** by John Otto (R-Dayton) would require appraisal districts to take into account all available evidence that is specific to the value of a property in determining the property's market value. *It was left pending.*

#### **TORT REFORM:**

##### **Committee Reports:**

**HB 1083** by Gary Elkins (R-Houston) would prohibit a court from ordering mediation in an action that is subject to the Federal Arbitration Act. *It was reported favorably from the Senate Jurisprudence Committee and recommended for the Local and Uncontested calendar.*

**SB 1153** by Juan "Chuy" Hinojosa (D-Mission) would provide that a landowner would not be liable for property damages arising from an incident or accident caused by livestock of the landowner due to an act or omission of a peace officer or a firefighter acting within the scope of his/her authority with or without the permission of the landowner. *It was reported favorably from the House Judiciary and Civil Jurisprudence Committee and recommended for the Local and Consent calendar.*

**SB 1211** by Troy Fraser (R-Horseshoe Bay) would limit the liability of a volunteer audiologist, assistant in audiology, speech-language pathologist, or assistant in speech-language pathology who provides health care services without compensation. *It was reported favorably from the House Judiciary and Civil Jurisprudence Committee and recommended for the Local and Consent calendar.*

**SB 1650** by Robert Duncan (R-Lubbock) would provide that in a matter subject to the Federal Arbitration Act, a person would take an appeal or writ of error to the court of appeals from the judgment or interlocutory order of a district court, county court at law, or county court under the same circumstances that an appeal from a federal district courts order or decision would be permitted. *It was reported favorably from the House Judiciary and Civil Jurisprudence Committee and recommended for the Local and Consent calendar.*

**WORKERS' COMPENSATION** - On Monday, the **Senate State Affairs Committee** took up:

**HB 2547** by Helen Giddings (D-DeSoto) would require an injured worker's employer (if the employer has 75 or more employees) to provide the treating doctor, upon request, a specific description of the scope of the injured employee's employment and any specific tasks the injured employee was required to perform or specific duties the injured employee was required to fulfill in the course of the injured employee's employment prior to the compensable injury. *It was reported favorably and it has been set on the Local and Uncontested calendar.*

On Wednesday, the **Senate State Affairs Committee** took up:

**HB 3625** by Gary Elkins (R-Houston) would change the timeframe when utilization review determinations must be issued to require a notice of adverse determination to be sent out within three business days, not calendar days. Saturday, Sunday and official holidays would not count. *It was reported favorably and recommended for the Local and Uncontested calendar.*

**HB 4545** by Richard Raymond (D-Laredo) would extend the time period to file judicial review to no later than the 40th day after the latest date on which any party receives the decision of the appeals panel, regardless of when the decision was filed with the division. *It was reported favorably as substituted and recommended for the Local and Uncontested calendar.*

On Saturday, the **Senate State Affairs Committee** took up:

**HB 1657** by Helen Giddings (D-DeSoto) would clarify that owners are not general contractors for workers' compensation purposes. *It was left pending.*

**WORKFORCE** – On Thursday, the Texas Workforce Commission announced that the agency has requested a \$2.3 million National Emergency Grant from the U.S. Department of Labor to assist hundreds of workers impacted by the closure of the Rockdale-based aluminum plant owned by Alcoa Inc. NEG funds will be used to provide job-search assistance and training for more than 900 workers. TWC Chairman Tom Pauken said, "Due to the significant number of workers affected by the Alcoa layoff at the plant in Milam County, TWC has requested emergency funds to bolster our efforts to help these laid off employees find jobs. TWC Commissioner Representing Labor Ronny Congleton said, "Such a significant layoff requires additional resources for job-search services and training. TWC has turned to the Department of Labor for funding to increase our response."

On Friday, the **Senate Higher Education Committee** took up:

**HB 1935** by Mike Villarreal (D-San Antonio) would establish the Texas Adult Career Education Grant Program to provide grants to support community-based initiatives that assist unemployed and underemployed adults in receiving postsecondary education necessary to obtain employment in local, high-demand occupations that provide a living wage, health benefits, and opportunities for career advancement. *It was reported favorably as substituted.*

**SLOWDOWN RULES** – Many of the slow down rules which establish deadlines for the House and Senate to consider bills have passed and additional rules are coming up next week:

**May 11<sup>th</sup>** is the last day for House committees to report HB's and HJR's

**May 14<sup>th</sup>** is the last day for the House to consider 2<sup>nd</sup> reading HB's and HJR's

**May 15<sup>th</sup>** is the last day for the House to consider consent HB's and HJR's

**May 22<sup>nd</sup>** is the last day for the House to consider local HB's

**May 23<sup>rd</sup>** is the last day for House committees to report SB's and SJR's

**May 26<sup>th</sup>** is the last day for the House to consider 2<sup>nd</sup> reading SB's and SJR's

**May 27<sup>th</sup>** is the last day for the House to consider local and consent SB's and SJR's

**May 27<sup>th</sup>** is the last day for Senate to consider all Bills and JR's

**May 29<sup>th</sup>** is the last day for the House to consider Senate Amendments.

**May 31<sup>st</sup>** is the last day for the House to adopt Conference Committee Reports.

**May 31<sup>st</sup>** is the last day for Senate to concur in House Amendments or adopt Conference Committee Reports.

**June 1<sup>st</sup>** only corrections will be allowed in both the House and Senate.

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

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## **Bills of Interest**

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**HB 1657 (Helen Giddings, D- De Soto) Relating to workers' compensation insurance coverage regarding certain contractors.** Amends the workers comp statute to clarify that a general contractor is one who undertakes work or service for the benefit of another. HB 1657 would eliminate tort immunity for owners of a jobsite who provide workers' compensation insurance coverage and serve as their own general contractor. Adding the underlined phrase will reverse the Entergy decision that said a property owner is a contractor for purposes of workers comp.

**HB 2692 (Eddie Rodriguez, D-Austin) Relating to the preservation and creation of affordable housing opportunities near commuter rail stations.** This bill alters the restriction on inclusionary zoning by exemption property located within one-half mile of a rail station.

**HB 2919 (Susan King, R-Abilene) Relating to the regulation of land use to ensure compatible development with military facilities.** This bill states that any changes to rules, plans or ordinances within ten miles of a military base must consider comments from the military base.

**HB 3484 (Garnet Coleman, D-Houston) Relating to the powers and duties of special purpose districts and related matters.** Amends the powers and duties of special purpose districts.

**SB 1123 (Robert Duncan, R-Jacksonville)/HB 1811 (Craig Eiland, D-Texas City) Relating to the standard of causation in claims involving mesothelioma caused by exposure to asbestos fibers.** Changes the causation in mesothelioma (asbestos) cases to a more lenient one.

**SB 1299 (Kirk Watson, D- Austin) Relating to the regulation of stormwater management by certain counties.** This bill adds that "a county with a population of 800K or more that contains a portion of the Edward Aquifer" enforce storm water regulations under Chapter 573 of the Local Government Code.

**HB 3866 (Elliott Naishtat, D-Austin) Relating to fire safety inspections.** This bill stipulates that only an individual certified as a fire inspector may conduct fire safety inspections required by state or local laws.

**SB 1370 (Eddie Lucio Jr., D- Brownsville) Relating to authorizing certain counties and municipalities to regulate land development.** This bill allows the border counties to regulate density,

structure size, lot layout, building codes. The bill authorizes counties to issue building permits and collect fees.

**SB 2222 (Leticia Van de Putte, D-San Antonio) Relating to authorizing the creation of regional military sustainability commissions around military installations and requiring certain property disclosures.** This bill authorizes the creation of regional military sustainability commissions (RMSC) and sets forth the process by which RMSCs are to be created, the composition of an RMSC, and the regulatory powers of an RMSC; and sets forth provisions relating to the development of a regional plan to ensure compatible development five miles around a military installation.

**SB 2223 (Leticia Van de Putte, D- San Antonio) Relating to allowing a municipality to create a defense base regulatory authority.** This bill allows a municipality to create a defense base authority to regulate and zone economic activity around an active defense base in or near a municipality.

To look up any bill, visit the [Texas Legislature Online](http://www.texaslegislature.com).

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### **The 2009 Star Awards Call for Entries is Open!**

**The Calls for Entries are now available for download at [www.TexasBuilders.org](http://www.TexasBuilders.org).** This year we have separate Calls for Entries for the following: Custom Builder, Volume Builder, Remodeler, Developer, Green Building and Individual Achievement.

The Star Awards recognizes excellence in all areas of the home building industry. Both members of the Texas Association of Builders (TAB) and non-members may enter to win one of these prestigious awards that recognize the industry's best from the Southwest region of the United States: Texas, Arkansas, Louisiana, New Mexico and Oklahoma.

All home building, remodeling and promotional projects completed between January 1, 2008 and July 13, 2009 may be entered for consideration. If you meet our Early Bird submission deadline of 5 p.m., June 22, 2009, the entry fees are \$100 per entry for members, and \$200 per entry for non-members. The final deadline to receive entries is 5 p.m., Monday, July 13, 2009. The TAB member fee is \$125 per entry; the non-member fee is \$225 per entry.

The entries will be judged by a distinguished panel of industry experts. Finalists will be notified in September, and the 2009 Star Awards Gala will be held on Friday, October 30, at the Gaylord Texan Resort in Grapevine, Texas. The awards ceremony is held in conjunction with the annual Sunbelt Builders Show™ and Education Conference ([www.SunbeltBuildersShow.com](http://www.SunbeltBuildersShow.com)).

If you have questions or need additional information after you have downloaded the entries from [www.TexasBuilders.org](http://www.TexasBuilders.org), please call TAB at (800) 252-3625.

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### **HOME PAC**

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Thank you for your generous past support of HOME PAC, the Texas Association of Builders political action committee. TAB's continued legislative success at the Texas Capitol is due to your commitment as a HOME PAC contributor. We encourage you to donate at one of the following annual levels of giving so that you, along with the other 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!**

**Capitol Club - \$5,000    Diamond Key - \$3,000    Platinum Key - \$1,500**  
**Gold Key - \$1,000      Silver Star - \$500      Lone Star - \$250**

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