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82nd Legislative Session Update

Fire Sprinklers – HB 1876 Hearing

House Bill 1876 by Representative Vicki Truitt (R-Keller), which will allow a municipality to hold an election giving it the authority to mandate expensive fire sprinklers in new one and two-family dwellings had a hearing on Wednesday in the House Urban Affairs Committee. If passed, this bill would effectively undo the actions of the 2009 Legislature prohibiting cities to mandate fire sprinklers in new and existing one and two-family dwellings. TAB had multiple witnesses testifying in opposition to this bill and after an hour and a half of testimony, the bill was left pending. A special thank you to those that came in to testify on this important issue.

Tree Ordinances in the ETJ – SB 732 Passed from Committee

Senate Bill 732 by Senator Robert Nichols (R-Jacksonville) prohibits cities from regulating the planting, clearing, harvesting or other uses of trees and other vegetation outside of its corporate limits on tracts of land in the city's ETJ. We are pleased to announce that the Senate Intergovernmental Relations Committee voted this bill out on a 3-0 vote.

The House companion, HB 1388 is still pending in the House Urban Affairs Committee and we hope it too will be voted out favorably soon. Please stay tuned for Call to Action alerts on these bills.

GOVERNOR – This week, Governor Rick Perry held a press conference with Texas Agriculture Commissioner Todd Staples, Texas and Southwestern Cattle Raisers Association Director Tom Perini and Abilene Mayor Norm Archibald to discuss legislation that would further **protect private property owners' rights** in Texas. The governor has designated protecting private property rights/addressing eminent domain issues as an emergency item for the legislative session. Governor Perry said, "The ownership of land is in many ways the culmination of the American Dream, and nowhere is the American Dream more accessible to more people than in

Texas. We've taken important steps in the past to rebuild private property protections in Texas, and these measures will further assure Texas landowners that the power of eminent domain will only be used for compelling, public reasons, never used lightly, and never used to pick winners and losers in the private sector."

SENATE – The Senate passed **SB 728** by Kel Seliger (R-Amarillo) which would provide that a **groundwater conservation district** is entitled to recover the district's attorney's fees, court costs, and reasonable expenses incurred in closing or capping a well from the owner of the land on which the well is located. Also passed this week, **SB 876** by Kirk Watson (D-Austin) which would provide **personal identification certificates to homeless persons** at no charge.

On Thursday, Senator Juan "Chuy" Hinojosa (D-McAllen) and Representative Beverly Woolley (R-Houston) hosted a rally on the South Steps of the Capitol in

support of **video lottery terminal** legislation. They were joined by Texas Association of Business President Bill Hammond and musician Lyle Lovett in support of **SB 1118**, which would allow for the operation of VLT's at existing racetracks and federally recognized Indian reservations.

Total number of bills reported out of Senate Committees this week: 140

Total number of bills passed by the Senate this week: 73

Total number of bills passed on the Local and Uncontested calendar: 32

HOUSE – The House gave preliminary approval to **HB 1404** by Ralph Sheffield (R-Temple) which clarifies that **deployment qualifies as the “material and substantial change”** required to place a temporary order giving a parent who has full or partial custody of a child the chance to put a non parent conservator in their place when they are called to deploy. The House also gave preliminary approval to **HB 215** by Pete Gallego (D-Alpine) which implements a recommendation made by the Timothy Cole Advisory Panel, which studied the causes of wrongful convictions. It would require law enforcement agencies to adopt a detailed written policy for photograph and **live lineup identification procedures**. Also on Wednesday, the House had its first Local and Consent calendar of the session.

On Thursday, the House debated **HB 4** by Jim Pitts (R-Waxahachie) which is the **supplemental appropriations bill** that addresses the revenue shortfall for the current budget cycle. It would reduce state agency appropriations for Fiscal 2011 by \$1.5 billion. After hours of discussion and 36 amendments considered, the House passed HB 4 to third reading by a vote of 100 to 46 essentially along party lines. Representative Rene Oliviera (D-Brownsville) was the only Democrat to vote for the bill. About his vote, he said, “HB 4 is necessary to finish the biennium, and to avoid adding to the budget shortfall. HB 4 in part makes final the cuts we implemented earlier. These cuts are a little more tolerable because the agencies themselves have developed most of them and minimized the damage to needy Texans. All day long, I voted to restore the cuts in HB 4 and spend more Rainy Day Fund money. Because I supported many of the cuts when I was on the LBB, I felt I needed to be consistent. I have been saying publicly for a year and a half that it is going to take a combination of budget cuts, all the Rainy Day Fund money, closing tax loopholes, and gaming to avoid a devastating state budget.” After the House gave preliminary approval to HB 4, Governor Rick Perry said, “Today’s action by the House on HB 4 demonstrates a commitment to the fiscally responsible government Texans have called for. I look forward to continuing to work with lawmakers to live within our means and fund our state’s priorities without raising taxes, while laying the foundation for continued job creation and our state’s future prosperity.”

After the grueling debate on HB 4, the House spent another five hours debating 21 amendments to **HB 275** which would appropriate \$3.1 billion from the **Rainy Day Fund** and deposit it in the general revenue fund for use during fiscal 2011. It ultimately passed by a vote of 142 to 2. The two voting against the bill were Representatives Gary Elkins (R-Houston) and Barbara Mallory-Caraway (D-Dallas).

On Friday, the House will take up **HB 1**, the **general appropriations bill**.

Total number of bills reported out of House Committees this week: 159

Total number of bills passed by the House this week: 53

BUDGET –

On Monday, the Senate Finance Committee’s **Subcommittee on Public Safety** recommended increasing appropriations by almost \$300 million. The recommendations would restore allocations to current budget levels for several programs. The recommendations would put more money into probation and drug treatment programs and would move \$100 million from the state’s transportation fund (Fund Six) to the Department of Public Safety.

The **Senate Finance Committee** took up:

SB 165 by Florence Shapiro (R-Plano) would require the Legislative Budget Board to produce a **zero-based budget** and a performance review report for each agency up for sunset review. *It was left pending.*

SB 1252 by Tommy Williams (R-The Woodlands) would require a fiscal note on a **concurrent resolution that authorizes an expenditure** or grants permission to sue the state. *It was left pending.*

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

HB 1900 by Lon Burnam (D-Fort Worth) would establish the **Unfunded Mandates Interagency Work Group**; and would provide that political subdivisions would not be required to comply with an unfunded mandate. *It was left pending.*

HCR 75 by Lon Burnam (D-Fort Worth) would express the legislature’s intent to avoid placing **unfunded mandates** on local governments. *It was left pending.*

On Thursday, the **Senate Select Committee on Open Government** took up:

SB 701 by Kirk Watson (D-Austin) would encourage state agencies to **post data sets online**. *It was reported out favorably and recommended for the Local and Uncontested calendar.*

On Thursday, the Senate Finance Committee heard the recommendations of the **Senate Subcommittee on Medicaid**. The subcommittee recommended increasing Medicaid appropriations. Subcommittee chair Jane Nelson (R-Flower Mound) said that members and staff worked long hours to develop a plan that “meets our responsibility to those who depend on our state services and the taxpayers that expect us to ensure that state government lives within its means.” The subcommittee found \$3 billion in efficiency savings that Senator Nelson said will improve the quality of care in many arenas. The subcommittee divided recommendations into two groups – priority one and priority two with full funding for the first group and funding for priority two if additional funds are found. Priority one restores cuts made to Child Protective Services staff, funding for foster parents, funding for preventive and early intervention at the Department of Family and Protective Services, money for HIV medication, funding for smoking cessation and drug abuse programs, funds for occupational rehabilitation, for services for blind and autistic children, and restores some of the cuts to provider reimbursement rates. Senate Finance Committee chair Steve Ogden (R-Bryan) said the committee should wait until the Subcommittee on Fiscal Matters submits its report. He left the recommendations pending.

ECONOMIC DEVELOPMENT – On Monday, the **Senate Agriculture and Rural Affairs Committee** took up:

SB 1086 by Craig Estes (R-Wichita Falls) would authorize the Texas Department of Agriculture to sell **advertising and Go Texan program merchandise** to promote

agriculture, horticulture, and other industries that grow, process, or produce products in Texas. *It was left pending.*

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

SB 1150 by Kel Seliger (R-Amarillo) would require non-ERCOT utilities to comply with **energy efficiency goals**. *It was voted out favorably and recommended for the Local and Uncontested calendar. It is on Monday's Senate Intent calendar.*

SB 1219 by John Carona (R-Dallas) would require the Railroad Commission, with the assistance of the Department of Information Resources to publish and operate a **power to choose website** redesigned using a user-centered design approach. *It was left pending.*

SB 1501 by Kirk Watson (D-Austin) would add energy use programs with measurable and verifiable results that inform commercial or residential consumers about energy efficient materials or methods to reduce energy consumption through behavioral changes that lead to efficient use patterns and practices to the list of program options approved by the Texas Commission on Environmental Quality to satisfy the **Goal for Energy Efficiency**. *It was voted out favorably as substituted.*

SB 1693 by John Carona (R-Dallas) would allow the Public Utility Commission or a regulatory authority, on the petition of an electric utility, to approve a tariff or rate schedule in which a **nonfuel rate may be periodically adjusted** upward or downward based on changes in the utility's investment. *It was left pending.*

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

HB 3137 by Myra Crownover (R-Lake Dallas) would authorize home rule cities to buy, own, construct, maintain, and operate a **combined heating and power system** and to sell commodities from the system. *It was left pending.*

HB 3610 by Senfronia Thompson (D-Houston) would allow the Public Utility Commission or other regulatory authority, on the petition of an electric utility, to approve a tariff or rate schedule in which a **nonfuel rate** may be periodically adjusted upward or downward based on changes in the utility's investment. *It was left pending.*

Also on Wednesday, the **House Energy Resources Committee** took up:

HB 3310 by Eddie Rodriguez (D-Austin) would allow a new light-duty motor **vehicle powered in part by an electric motor**, including a vehicle that draws power from a battery or a hybrid engine, to be eligible for a \$2,500 incentive. *It was left pending.*

On Thursday, the **Senate Transportation and Homeland Security Committee** took up:

SB 20 by Tommy Williams (R-The Woodlands) would require the Texas Commission on Environmental Quality to establish and administer the **Texas Natural Gas Vehicle Grant Program**. *It was voted out favorably as substituted.*

Passed the Senate:

SB 238 by Royce West (D-Dallas) would prohibit a property owners' association from enforcing provisions in a dedicatory instrument that prohibits or restricts a property owner from installing a **solar energy device**. *The committee substitute was adopted and it passed on the Local and Uncontested calendar.*

SB 855 by Robert Duncan (R-Lubbock) would allow the Office of Public Utility Counsel to advise persons who are interested parties on procedural matters related to proceedings before the commission on an **application for a certificate of**

convenience and necessity. *It passed on the Local and Uncontested calendar.*

Passed the House:

HB 805 by Bill Callegari (R-Katy) would provide that the term “**affected utility**” applies in a county with a population of 350,000 (instead of 400,000) or more adjacent to a county with a population of 3.3 million for purposes of the requirement of an emergency preparedness plan to be submitted to the Texas Commission on Environmental Quality. *It passed on the Local and Consent calendar.*

ENVIRONMENT – On Monday, the **Senate Government Organization Committee** took up: **SB 660** by Juan “Chuy” Hinojosa (D-McAllen) is the **Texas Water Development Board** sunset bill. *It was reported out favorably as substituted.*

On Tuesday, the **House Natural Resources Committee** took up:

HB 1979 by Jodie Laubenberg (R-Wylie) would provide that a **water district annexed for limited purposes** must be in the municipality’s extraterritorial jurisdiction and contiguous to the corporate boundaries of the municipality or an annexed area unless the district consents to noncontiguous annexation. *It was left pending.*

HB 2112 by Four Price (R-Amarillo) would allow the Texas Commission on Environmental Quality to create a groundwater conservation district over all or part of a priority **groundwater management area** and to add land from a priority groundwater management area. *It was left pending.*

HB 2113 by Four Price (R-Amarillo) would require a **groundwater conservation district** in a priority groundwater management area to be composed of territory in two or more contiguous counties, unless the commission determines that a district composed of territory in noncontiguous counties will result in more effective or efficient groundwater management than other options available to the commission. *It was left pending.*

HB 2364 by Wayne Christian (R-Center) would require the executive director of the Texas Commission on Environmental Quality to give written **notice of water contamination** to each groundwater district with authority to regulate water wells located in the area affected within 30 days. *It was left pending.*

HB 3391 by Doug Miller (R-New Braunfels) would authorize financial institutions to consider making loans for developments that will use **harvested rainwater** as the sole source of water supply; would require rainwater harvesting system technology to be incorporated into the design for new state buildings; and would encourage cities and counties to promote rainwater harvesting. *It was left pending.*

Also on Tuesday, the **Senate Natural Resources Committee** took up:

SB 635 by Robert Nichols (R-Jacksonville) would allow the executive director of the Texas Commission on Environmental Quality to establish **interim rates** to be in effect until a final decision is made in an appeal. *It was left pending.*

SB 694 by Royce West (D-Dallas) would add several items to the **list of regulated metals**; and would prohibit a metal recycling entity from disposing of, processing, selling, or removing from the premises an item of regulated metal unless the entity acquired the item more than 72 hours before, and obtained a digital or video photograph of the seller of the regulated material and the regulated material purchased. *It was voted out favorably.*

SB 908 by Troy Fraser (R-Horseshoe Bay) would require businesses that offer a plastic checkout bag to a customer to make reusable bags available for sale at a

reasonable price and to display the reusable bags at or near the point of sale or entrance to the business; and would require the businesses to establish a **plastic checkout bag recycling program**. *It was reported out favorably and is on Monday's Senate Intent calendar.*

On Wednesday, the **House Environmental Regulation Committee** took up:

HB 821 by Jessica Farrar (D-Houston) would require the Texas Commission on Environmental Quality to prohibit a person from intentionally or knowingly disposing of **used computer equipment** in a municipal solid waste landfill or incinerator; and would allow a penalty to be assessed for each item of used equipment disposed of at a landfill or incinerator in violation of this law. *It was left pending.*

HB 1648 by Wayne Smith (R-Baytown) would prohibit a person who is in the business of recycling, shedding, or destroying **plastic bulk merchandise containers** from paying for the purchase of any plastic bulk merchandise container with cash; and would require each transaction in which the person purchases one or more plastic bulk merchandise containers, to record the method of payment used to purchase the containers. *It was left pending.*

HB 1933 by Wayne Smith (R-Baytown) would make several changes to **metal recycling statutes**. *It was left pending.*

Passed the Senate:

SB 332 by Troy Fraser (R-HorseshoeBay) would provide that a landowner, or the landowner's lessee or assign, would have a vested ownership interest in and right to produce **groundwater** below the surface of the landowner's real property. *The committee substitute was adopted.*

SB 691 by Craig Estes (R-Wichita Falls) would prohibit a **groundwater conservation district** from requiring a permit for a **well used solely for domestic use**, or for providing water for livestock or poultry, if the well is located on a tract of land larger than 10 acres; and either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day. *The committee substitute was adopted.*

SB 727 by Kel Seliger (R-Amarillo) would specify the development board as the Texas Water Development Board; and would provide for the approval of the **management plan** to remain in effect until the executive administrator approves the readopted management plan or until the date on which any dispute is resolved. *The committee substitute was adopted.*

SB 737 by Glenn Hegar (R-Katy) would require a **groundwater conservation district** to issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve an applicable desired future condition. *The committee substitute adopted.*

SB 791 by Robert Duncan (R-Lubbock) would require the secretary of state to provide electronic notification of rulemaking filings by a state agency available upon request to the lieutenant governor, a member of the legislature, or a legislative agency. *The committee substitute was adopted and it passed on the Local and Uncontested calendar.*

GENERAL BUSINESS – On Monday, the **House Business and Industry Committee** took up: **SB 1748** by Mario Gallegos (D-Houston) would authorize the Texas Department of Insurance to institute licensing requirements for **fire protection sprinkler technicians**. *It was left pending.*

On Wednesday, the **House State Affairs Committee** took up: **HB 2757** by Aaron

Pena (R-Edinburg) would be the **Texas Commission on Immigration and Migration Act** and would establish the Texas Commission on Immigration and Migration to conduct a review of the economic, legal, cultural, and educational impact of illegal immigration on the state and to explore the implications of a guest-worker program. *It was left pending.*

HUMAN RESOURCES/EMPLOYMENT – On Monday, the **House Business and Industry Committee** took up: **HB 2989** by Joe Deshotel (D-Beaumont) would establish the **Workplace Fraud Prevention Act**; and would prohibit a contractor from failure to properly designate an individual as an employee of the contractor; a person to knowingly form or assist in the formation of a corporation, partnership, limited liability corporation, or other business entity; or a person to knowingly assist, aid, or a person to knowingly assist, aid, or a person to conspire with an individual in committing a violation of this law. *It was left pending.*

On Wednesday, the **House Economic and Small Business Development Committee** took up: **HB 665** by Mike Villarreal (D-San Antonio) would prohibit **employment discrimination** on the basis of sexual orientation or gender identity or expression. *It was left pending.*

HB 2494/ HJR 122 by Ken Legler (R-Pasadena) would propose a constitutional amendment authorizing the garnishment of wages for recovery of **fraudulently obtained unemployment benefits**. *They were left pending.*

HB 2654 by Kenneth Sheets (R-Dallas) would eliminate employer unemployment compensation charge backs for employers that reinstate a **qualified uniformed service member** with reemployment rights and benefits. *It was left pending.*

HB 2831 by Drew Darby (R-San Angelo) would require the Texas Workforce Commission to adjust the **extended benefit eligibility unemployment benefits** period as necessary to maximize the receipt of any fully funded federal extended unemployment benefits, if full federal funding for those benefits is available. *It was left pending.*

INTERNET – On Monday, the **House Administration Committee** took up:

HB 2754 by Trey Martinez Fischer (D-San Antonio) would require the Legislative Council to provide a public Internet website to allow a person to submit **electronic testimony** regarding a bill or resolution that is pending before a Senate or House committee or subcommittee. *It was left pending.*

TAX – On Monday, the **House Business and Industry Committee** took up: **HB 1118** by Allan Ritter (R-Nederland) would allow a taxing unit that purchased **property at a tax sale** to sell the property at a private sale for an amount equal to or greater than its market value. *It was voted out favorably as substituted.*

Also on Monday, the **House Ways and Means Committee** took up:

HB 379 by Ryan Guillen (D-RioGrandeCity) would move the **sales tax holiday** for clothing and footwear from the third weekend in August to the Friday before the 9th day preceding the earliest date on which any school district may begin instruction. *It was left pending.*

HB 1317 by Elliot Naishtat (D-Austin) is the **affiliate nexus** bill. It would create a rebuttable presumption that a retailer is doing business in Texas, and thus required to collect sales tax, if the retailer enters into an agreement with a Texas resident under which the resident receives a commission or other consideration for direct or indirect referrals by any means, including a link on an Internet website, and the

retailer received at least \$10,000 in gross receipts from such residents over the previous four calendar quarters. The presumption may be rebutted by proof that the Texas resident did not engage in any solicitation in Texas on behalf of the retailer that would satisfy Constitutional nexus requirements. *It was left pending.*

HB 2403 by John Otto (R-Dayton) would require **remote sellers** to collect sales tax if they use a website or server in Texas to sell digital goods or they are affiliated with (50% control test) an entity in Texas which performs sales related to activities for the retailer or sells products similar to the retailer under a similar business name. *It was left pending.*

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

SB 393 by Dan Patrick (R-Houston) would authorize local taxing jurisdictions to request an independent audit review of the Comptroller's determination that **local taxes must be reallocated to another jurisdiction** if the amount of taxes the Comptroller proposes to reallocate is the lesser of \$200,000 or 10% of the tax revenue received by the local taxing jurisdiction in the previous calendar year. *It was left pending.*

SB 758 by Bob Deuell (R-Greenville) would require the comptroller to provide upon the request of a local governmental entity information on **businesses** within the entity's jurisdiction that annually **remit sales tax payments** of more than \$500 (rather than \$25,000). *It was left pending.*

SB 1051 by Rodney Ellis (D-Houston) would establish the **Select Commission on Periodic Tax Preference Review** to identify each state and local tax preference, develop a state and local tax preference review schedule in which each preference is reviewed once a year, and specifically identify any tax preference that reduces by less than one-fourth of one percent the total revenue derived from the tax to which the preference applies; and would require the **Legislative Budget Board to review each state and local tax preference** to determine the intended purpose of the tax preference and evaluate whether the preference accomplishes its intended purpose, is inefficient, ineffective or unnecessary, and the effect of the preference on economic development, the number of high wage jobs, funding for public services, and the distribution of the tax burden. *It was left pending.*

SB 1172 by Bob Deuell (R-Greenville) would require the comptroller to establish guidelines by which a retailer is certified to operate an **automated sales tax remittance system**. *It was left pending.*

TECHNOLOGY - On Tuesday, the **Senate Jurisprudence Committee** took up:

SB 1098 by Joan Huffman (R-Houston) would add to the **definition of "recording"** to include a memory card, flash drive, hard drive, and storage device for purposes of unauthorized recordings statutes. *It was reported out favorably and recommended for the Local and Uncontested calendar.*

TORT – On Monday, the **House Judiciary and Civil Jurisprudence Committee** took up: **HB 1971** by Jim Jackson (R-Carrollton) would eliminate the duty of care that an owner, lessee, or occupant of land owes to a **trespasser on the land**; and would provide that the owner, lessee, or occupant may be liable for an injury to a child younger than 16 caused by a condition the owner should have known, or reasonably should have known existed and realized or should have realized involved an unreasonable risk of death or serious bodily harm to such children. *It was left pending.*

HB 2034 by Doug Miller (R-New Braunfels) would allow a MDL (multi-district litigation) pretrial court, on its own motion, may **dismiss any action without prejudice** that has been pending for more than 180 days in which the claimant has

not submitted a required report documenting the medical evidence of asbestos or silica related injury; and would require a claimant to file a notice of all the asbestos trusts that may be liable and any payments already received from such trusts. *It was left pending.*

HB 2437 by Kenneth Sheets (R-Dallas) would amend the existing **offer of settlement** statute to eliminate the provision limiting the defendant's recovery of litigation costs to an offset against the plaintiff's judgment. *It was left pending.*

HB 2661 by Tim Kleinschmidt (R-Lexington) would amend the existing **offer of settlement** statute to eliminate the provision limiting the defendant's recovery of litigation costs to an offset against the plaintiff's judgment. *It was left pending.*

HB 3445 by Jim Jackson (R-Carrollton) would limit **county court at law jurisdiction** to \$200,000 and would create uniform rules for magistrates. *It was sent to subcommittee.*

HB 3673 by Harold Dutton (D-Houston) would eliminate a defendant's election of **offer of settlement** and would provide that damages caps would not affect fee shifting against a defendant. *It was left pending.*

On Tuesday, the **Senate Jurisprudence Committee** took up: **SB 376** by Jeff Wentworth (R-San Antonio) would institute a \$25 **jury fee for civil cases** before a justice or small claims court in which a person applies for a jury trial. *It was left pending.*

On Wednesday, the **House Judiciary and Civil Jurisprudence Committee's Subcommittee on Barratry** took up: **HB 1890** by Allen Fletcher (R-Tomball) would make several changes to the **barratry** statute including allowing a client to bring an action to void a contingent fee contract within four years of the date the client knew that the contract was voidable; allowing a person affected by barratry to bring an action against the person who engaged in barratry and could be awarded all amounts paid, damages for past and future mental anguish, up to three times actual damages, attorneys fees, pre and post-judgment interest and an injunction prohibiting the defendant from engaging in future acts of barratry; and setting the standard of proof as preponderance of the evidence. *It was left pending.*

HB 2163 by Connie Scott (R-Corpus Christi) would include **barratry** as a deceptive trade practice. *It was left pending.*

HB 2164 by Connie Scott (R-Corpus Christi) would remove "written communication" from the definition of **barratry** and would define it as an unsolicited contact that is either in person or by telephone. *It was left pending.*

WORKERS' COMPENSATION – On Monday, the **Senate State Affairs Committee** will meet on Monday, March 20, 2011 at 9:00a.m. in the Senate Chamber to take up:

SB 1714 by Robert Duncan (R-Lubbock) would **define workers' compensation insurance** as insurance obtained through a licensed insurance company or through self-insurance for purposes of actions filed by employees against employers. *It reported out favorably and recommended for the Local and Uncontested calendar.*

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

HB 2088 by John Smithee (R-Amarillo) would allow carriers to suspend indemnity benefits when an **injured worker fails to attend a designated doctor examination** without good cause; and would order carriers to reinstate (and retroactively pay) indemnity benefits if the injured worker attends the rescheduled examination and had good cause for missing the previous appointment. *It was left pending.*

HB 2089 by John Smithee (R-Amarillo) would establish a procedure to allow

carriers to seek reimbursement for **overpayments**; and would also allow injured workers to seek additional compensation for **underpayments**. *It was left pending.*
HB 2692 by Joe Deshotel (D-Beaumont) would allow the **Office of Injured Employee Counsel** to seek grant funding. *It was left pending.*

Upcoming Hearings

House Business and Industry: Monday, April 4 at 8:30 a.m. in E2.016. TAB is tracking:

HB 765 (Lozano) relating to restrictions on the prices of certain consumer goods and services during an abnormal disruption of the market.

HB 1868 (Paxton) Relating to payment of delinquent property owners' association assessments and foreclosure of a property owners' association assessment lien.

HB 2086 (Bohac) Relating to deceptive trade practices relating to the advertisement of certain goods.

HB 2779 (Bohac) Relating to unenforceable restrictive covenants affecting residential homes.

HB 2253 (Veasey) Relating to prohibiting property owners' associations from requiring property owners to use specified contractors for property alteration, maintenance, or repair.

HB 2525 (Harper-Brown) Relating to a mechanic's and materialman's lien for landscaping.

HB 2821 (Paxton) Relating to posting notice of real property sale by electronic display.

HB 3038 (Chisum) Relating to unenforceable restrictive covenants affecting residential homes.

HB 3040 (Chisum) Relating to lender notice of default to contractors regarding a construction loan or financing agreement for an improvement to real property and related procedures for suspending contractors' performance.

HB 3389 (Workman) Relating to a seller's disclosure of natural or liquid propane gas on residential real property.

HB 3756 (Carter) Relating to imposing liens for labor and materials provided by interior designers.

Senate Government Organization: Monday, April 4 at 9 a.m. in 2E.20. TAB is tracking:

SB 661 (Nichols) Relating to the continuation of the Electric Reliability Council of Texas, the Office of Public Utility Counsel, and the Public Utility Commission of Texas and to the transfer of functions from the Texas Commission on Environmental Quality.

Senate International Relations and Trade: Monday, April 4 at 9 a.m. in E1.016. TAB is tracking:

SB 825 (Lucio) Relating to the provision of affordable housing in rural communities and small municipalities.

SB 136 (Lucio) Relating to authorizing certain counties and municipalities to regulate land development.

SB 1364 (Lucio) Relating to authorizing certain border counties and municipalities in those counties to regulate land development.

SB 146 (Lucio) Relating to the enforcement of subdivision platting requirements in certain counties near the international border of this state.

SJR 40 (Lucio) Proposing a constitutional amendment authorizing a county to regulate land development if approved by a majority vote in a countywide election.

House Border and Intergovernmental Affairs: Monday, April 4 at 9 a.m. in E1.010. TAB is tracking: HB 2736 (Gonzalez, Naomi) Relating to the designation of certain code compliance division employees as peace officers.

House Land and Resource Management: Monday, April 4 upon adjournment on E2.012. TAB is tracking: HB 1643 (Zerwas) Relating to development agreements governing land in a municipality's extraterritorial jurisdiction.

HB 2081 (Lozano) Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.

HB 2241 (Kuempel) Relating to amendment of restrictions in certain residential real estate subdivisions.

HB 2902 (Zerwas) Relating to the release of extraterritorial jurisdiction by certain general-law municipalities.

HB 3513 (Creighton) Relating to the power of certain municipalities to establish performance standards for underground utilities, landscaping, tree preservation and sign control in a neighborhood empowerment zone.

House Ways and Means: Monday, April 4 at 3p.m. in E2.014. TAB is tracking:

HJR 5 (Otto) Proposing a constitutional amendment regarding an increase in the maximum amount to be retained in the constitutional economic stabilization fund and dedicating for deposit in that fund certain sales and use tax revenues.

HB 803 (Bonnen) Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

HB 1435 (Elkins) Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

HB 1531 (Ritter) Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.

HB 1796 (Paxton) Relating to the transfer of an ad valorem tax lien.

HB 1887 (Villarreal) Relating to procedural changes to property tax protests and appeals.

HB 3509 (Villarreal) Relating to the computation of taxable margin for purposes of the franchise tax by a taxable entity principally engaged in Internet hosting.

House Natural Resources: Tuesday, April 5 at 8 a.m. in E2.010. TAB is tracking:

HB 1730 (Ritter) Relating to the vested ownership interest in groundwater beneath the surface and the right to produce that groundwater.

HB 1755 (Callegari) Relating to the authority of a groundwater conservation district to adopt different rules for the management of groundwater resources located in different areas of the district.

HB 2311 (Miller, Doug) Relating to exemptions from groundwater conservation district permit requirements.

HB 2668 (Miles) Relating to administrative penalties imposed by the Texas Commission on Environmental Quality.

HB 2760 (Garza) Relating to species-protection programs for the Edwards Aquifer, the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system.

House Licensing and Administrative Procedures: Tuesday, April 5 at 8 a.m. in E2.012. TAB is tracking: HB 1799 Bonnen Relating to the exemption of certain real estate professionals from registration as property tax consultants.

HB 1859 (Hochberg) Relating to the applicability of architectural barrier standards.

HB 2284 (Hardcastle) Relating to the practice of engineering.

HB 2480 (Geren) Relating to the licensing and regulation of geoscientists, the regulation and licensing of land surveyors by the Texas Board of Architectural Examiners, and the abolition of the Texas Board of Professional Land Surveying.

HB 3382 (Fletcher) Relating to the regulation of residential appliance installation under the Texas Electrical Safety and Licensing Act.

House Insurance: Tuesday, April 5 at 1:30 p.m. in E2.026. TAB is tracking:

HB 1803 (Hancock) Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance.

HB 2924 (Taylor, Larry) Relating to contractual limitations periods in property insurance policies.

HB 3613 (Walle) Relating to the operation of the Texas Windstorm Insurance Association.

House Public Education: Tuesday, April 5 at 2:00 p.m. in E2.036. TAB is tracking:

HB 839 (Elkins) Relating to treatment under the public school finance system of school district revenue resulting from reduction or elimination of an optional homestead exemption.

HB 2485 (Hochberg) Relating to public school finance.

HB 2484 (Hochberg) Relating to the state property tax compression percentage and the homestead property tax exemption under the public school finance system.

Senate Intergovernmental Relations: Wednesday, April 6 at 9:30 a.m. in E1.028. TAB is tracking:

SB 446 (Jackson, Mike) Relating to encumbrances that may be fixed on homestead property.

SB 459 (Seliger) Relating to voluntary assessment of property owners by a municipality to finance water or energy efficiency improvements.

SB 609 (Rodriguez) Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

SB 768 (Watson) Relating to the creation of the Rio de Vida Planning and Improvement District No. 1.

SB 1496 (Uresti) Relating to scope and validity of correction instruments in the conveyance of real property.

SJR 19 (Jackson, Mike) Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an obligation to pay certain property owners' association fees and fines without permitting the forced sale of the homestead.

SB 437 (Nelson) Relating to residency requirements for voting in certain municipal utility district elections.

House Urban Affairs: Wednesday, April 6 at 10:30 a.m. in E2.016. TAB is tracking:

HB 990 (Rodriguez) Relating to certain homestead preservation reinvestment zones.

HB 3246 (Elkins) Relating to public improvement districts designated by a municipality or county.

HB 363 (Turner, Sylvester) Relating to urban renewal authority of municipalities.

HB 2106 (Davis, Yvonne) Relating to the acquisition of real property for public use.

HB 1818 (Harper-Brown) Relating to the continuation and functions of the Texas State Affordable Housing Corporation.

HB 2608 (Harper-Brown) Relating to the continuation and functions of the Texas Department of Housing and Community Affairs.

HB 2660 (Davis, John) Relating to transferring certain functions of the Texas Department of Housing and Community Affairs to the Texas State Affordable Housing Corporation.

HB 3716 (Guillen) Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

Senate Business and Commerce: Wednesday, April 6 at 1 p.m. in E1.004. TAB is tracking:

SB 1123 (Carona) Relating to the regulation of inspectors qualified to perform windstorm inspections and to persons acting as those inspectors.

SB 1432 (Carona) Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

SB 1740 (Fraser) Relating to the Texas Windstorm Insurance Association.

SB 1797 (Ellis) Relating to the operation of the Texas Windstorm Insurance Association.

SB 1842 (Fraser) Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

House Defense and Veteran's Affairs: Thursday, April 7 at 8 a.m. in E2.012.

TAB is tracking:

HB 1127 (Gutierrez) Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

SB 101 (Van de Putte) Relating to prohibiting nonjudicial foreclosure by a property owners' association on residences owned by certain members of the military.

HB 1397 (Farias) Relating to prohibiting nonjudicial foreclosure by a property owners' association on residences owned by certain members of the military.

HB 3533 (Larson) Relating to granting certain local governments general zoning authority around certain military facilities.

HB 3580 (Frullo) Relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces.

HB 3720 (Turner, Sylvester) Relating to the transfer of housing funds from the Texas Department of Housing and Community Affairs to the Texas Veterans Commission.

82nd Legislature Dates of Interest

Monday, May 30, 2011 (140th Day)

Last day of 82nd Regular Session. The Legislature adjourns Sine Die.

Sunday, June 19, 2011 (20th Day Following Final Adjournment)

Last day governor can sign or veto bills passed during the regular legislative session.

Monday, August 29, 2011 (91st Day Following Final Adjournment)

Date that bills without specific effective dates (that could not become effective immediately) become law.

Helpful Links

[Texas House of Representatives](#)

[Texas Senate](#)

To research bills of interest, visit the [Texas Legislature Online](#).



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