



Vol. I, Issue 8

March 20, 2009

I keep telling my colleagues it will get worse before it gets better. This week was no exception. There were some high points however. We have to this point been able to hold HB 1657 in the House Committee on Business and Industry. We are working to secure 11 votes in the Senate to block this bill which may affect its fate in the House. On the plus side, the Senate version of indemnification (SB 555) passed this week.

We had an unanticipated hearing on the “phantom damages” bill (SB 1119) in Senate State Affairs (only 48 hours notice is required in the Senate for committee hearings).

And, our Trust Funds bill (HB 1513) is set for hearing next Tuesday—we have two witnesses coming from the Greater Houston Chapter—Jason Walker and Richard McCormack.

Committee hearings this week:

Monday, March 16

House Committee on Business and Industry—HB 1657 which reverses the *Entergy* decision in Workers’ Compensation. ABC of Texas had preserving this decision as one of its priority items. We were not able to secure an ABC of Texas witness. We sent out a targeted email to those whose address is in the district of the committee members, and indications are that only one member (out of 45) emailed their legislator. We have also requested the appropriate Chapter Presidents to have their members call the committee members. We are very concerned about this bill.

Tuesday, March 17

Both Senate and House Education Committees are heard the large public school bills by their respective chairs. There are some improvements for CTE in those bills—just not as much as we would like to see (most of it is freeing up hours for courses by eliminating all but the 4 X 4 mandate). Both bills are pending before committee.

Senate Business and Commerce heard SB 470 (electrician apprentice training) and SB 802 (plumber’s apprentice). ABC of Texas did not have witnesses for either bill. When I contacted the author’s office to find out more about the bill and register our opposition, I was told that SB 802 actually relaxed certain requirements. Thus, I did not put in a card opposing that bill. At the hearing, there were questions about our opposition to SB 470, but the author correctly stated our position.

Senate Criminal Justice heard SB 730 (requiring employers to allow employees with concealed handgun permits to store the unloaded guns in their locked cars in open parking lots). We are relying on opposition by the Texas Association of Business and the Texas Association of Manufacturers to help on this bill. ABC of

Texas is working with these groups to lobby to keep this bill in House Committee—see below under next week’s hearings. The bill was reported from Senate Committee. It may be unstoppable. It was barely killed last session by TAB.

House State Affairs—HB 431 (LEED standard for state buildings) and HB 987 (competitive procurement and change orders), both supported by ABC of Texas, were heard. HB 1246 (preference in government purchasing decisions for those that provide health insurance or equivalent health savings benefits) was also being heard. ABC of Texas did not get a witness against this bill. This year’s version allows equivalent savings benefits to be considered, so it is not as rigid as in the past.

Wednesday, March 18

House Licensing and Administrative Procedures heard the House version of plumber’s apprentice training—HB 1758.

Senate Intergovernmental Relations heard the Senate version of requiring notice before the adoption of model building codes—SB 820. It was recommended for the Local and Uncontested Calendar following a substitute that was accepted by the Texas Municipal League.

Thursday, March 19

Senate State Affairs heard the “phantom damages” bill—SB 1119. Texans for Lawsuit Reform is leading the opposition to this bill. ABC of Texas registered its opposition. The bill was left pending, but we anticipate it being reported soon.

Committee hearings next week (as of today):

Monday, March 23

House Business and Industry Subcommittee on Workers Compensation and HOA will hear 3 bad “comp” bills—HB 32, HB 33 and HB 699. We will follow TAB’s lead and put in cards in opposition to all those bills.

House Judiciary and Civil Jurisprudence will hear HB 998 which provides for license suspension of revocation hearings to be held before a neutral examiner at the State Office of Administrative Hearings. It is assumed that removing the hearing from the agency so the agency is not prosecutor and judge is good for licensees.

House Public Safety will hear the House version of the concealed handgun bill—HB 1301. ABC of Texas will be working with TAB to protect the private property rights of employers by trying to hold this bill if possible.

Tuesday, March 24

House Business and Industry Subcommittee on TRCC, Property, Landlord and Tenant Issues will hear SB 1513—one of ABC’s priority legislative issues dealing with trust funds. ABC of Texas has 2 witnesses for this bill (see note above).

The ABC of Texas Board will meet on Wednesday, March 25. This is a special legislative meeting designed to make mid-course adjustments, review progress thus far, and plan for the rest of the legislative session. It will not be a usual business meeting. Among the items to be discussed are how we can better secure witnesses from hearings where we oppose bills and how to make better use of VoterVoice (specifically, how to get better response from ABC members).

It is important to continue to emphasize that we can be most effective as an organization if we get well-reasoned arguments against passage and **witnesses that can testify if the bills**

are heard. And, delivering positions in a timely manner allows us to potentially delay and better prepare for hearings (and know what our position is before a bill is heard).

Below is a brief summary of action or relevant information on ABC of Texas' Priority Legislative Issues:

Immigration—ABC of Texas is opposing 2 of the 3 immigration bills sent to the Chapters for positions. Those are HB 48 by Rep. Debbie Riddle (knowingly employing persons not legally in the United States) and HB 266 by Rep. Leo Berman (comprehensive bill that would punish employers). ABC of Texas ended up supporting HB 128 by Rep. Burt Solomons (prohibiting the issuance of licenses to those not legally in the country), although the vote was close. That bill was heard last week and is still pending. ABC of Texas is taking a leadership role in opposing state action on illegal immigration and will be joining other TEIR members in weekly meetings to coordinate efforts. We are obviously against all bills that would cancel business licenses for employing illegal aliens since there is no system for protecting employers from honest mistakes and avoiding employment discrimination.

Contractor Licensing—Great news!!! AGC-TBB did not have the bill we had been opposing introduced this session. Congratulations to ABC of Texas members who provided assistance in pointing out the problems with that proposal.

Alternative Delivery Systems—SB 1110 by Senator Mike Jackson was referred to the Senate Committee on Government Organization, and HB 2106 by Rep. Charlie Geren was referred to the House Committee on State Affairs. We anticipate a hearing on the Senate bill Monday, March 30. There is a committee substitute that has been circulated to ABC of Texas issue leaders.

Indemnification/Workers' Compensation/Third Party Liability—ABC of Texas is supporting SB 555 by Senator Robert Duncan and HB 818 by Rep. Craig Eiland. The Senate bill passed on Wednesday, March 18. This bill is the result of negotiations among AGC-TBB, the Texas Construction Association and the TCJL. ABC of Texas is also an active participant in joint efforts led by TLR and TCJL to oppose any erosion in tort reform this session and to protect favorable court decisions. A very damaging bill (HB 1657) was heard Monday in House Committee. ABC of Texas is working with TLR to secure 11 "blockers" to prevent Senate consideration. Our Senate "champion" is Senator Tommy Williams. If Senator Williams can secure 11 identified blockers, it might prevent movement of the bill in the House.

Trust Funds—HB 1513 by Rep. Wayne Smith and SB 1137 by Senator Mike Jackson. The House bill has been referred to a Subcommittee of the House Committee on Business and Industry for a hearing which is set for Tuesday, March 24. The Senate bill was referred to the Senate Committee on Business and Commerce today.

Prevailing Wage—HB 1042 by Rep. Tan Parker was referred to the House Committee on Technology, Economic Development and Workforce this week. The author, Rep. Tan Parker is Vice Chair of the committee. Rep. Parker's office has contacted us about witnesses for the hearing.

Trades Legislation—Bills are starting to get introduced. We are circulating them to chapters for positions if we are not certain. We will need witnesses at short notice on some of these bills

In addition, ABC of Texas has taken positions on the following bills. For text of the bills, please see <http://www.capitol.state.tx.us/> --use the Search Legislation menu.

SB 127 (state building standards)—Against
SB 180 (State OSHA)—Against
SB 222 (prohibiting arbitration agreements in contracts)—Against
SB 229 (expanding availability of design-build)—For
SB 447 (allowing local preference in municipal contracts)—Against
SB 470 (elec. apprentice training)—Against
SB 496 (*Qui Tam*)--Against
SB 508 (local preference for bids)—Against
SB 555 (indemnification)—For
SB 648 (employee leave for special ed students)—Against
SB 692 (employee family leave)—Against
HB 48 (license suspensions for employing illegal aliens)—Against
HB 128 (checking immigration status for licenses)—For
HB 266 (punitive and expansive immigration bill)—Against
HB 303 (tax exemption for green buildings)—For
HB 308 (employer jury duty pay)—Against
HB 431 (state building standards—LEED)—For
HB 535 (preference for employers with health insurance)—Against
HB 707 (local preference for bids)—Against
HB 818 (indemnification)—For
HB 987 (comp. procurement and change orders for local gov'ts)—For
HB 963 (employee criminal history check for license—vol.)—For
HB 1005 (employee school leave)—Against
HB 1136 (drug testing for unemployment ins.)—For
HB 1173 (card check for Austin police and fire)—Against
HB 1209 (trust funds)—For
HB 1291 (disaster remediation contractors)—Against
HB 1564 (strikers unemployment insurance)—Against
HB 1606 (registration of construction manager-agents doing business with government)—
Against
HB 1854 (roofing contractor licensing)—Against
HB 1971 (fire sprinkler technicians)—Against