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We are still under attack from the plaintiff's bar although there is nothing new to report—thank goodness!

The first strike was the reporting of HB 1657 (Entergy) from House Committee last week. The second strike was the Senate narrowly suspending the rules to consider SB 1123 (asbestos) and passing the bill. Our heroes on SB 1123 are Senators Huffman, Deuell, Williams, Nichols, Estes, Fraser, Jackson, Nelson, Shapiro & Patrick. Thank you's are certainly appropriate and encouraged. The Greater Houston Chapter is to be congratulated on sending Senator Joan Huffman to the Texas Senate. She did well in debate, as did Senators Deuell, Williams, Fraser and Patrick.

SB 1119 by Hinojosa (phantom damages) has been on the Senate Intent Calendar and remains on that calendar. This week, a substitute was circulated and labeled a "compromise." I assume this was a compromise among plaintiff attorneys. We have had to circulate letters to both the full Senate and House Committee explaining that we do not support any artificial damages and there is no compromise. Senator Joan Huffman has managed to gather and hold (under intense pressure from Senator Duncan) what we estimate to be 13 blockers (only 11 are needed, but you need a "safety" margin sometimes as we saw on SB 1123—we had 11 at one time). Obviously, this substitute was meant to knock off blockers. We are still not sure we can hold them all due to the influence of Senator Duncan on his fellow Republicans. The other good news we have heard is that apparently Senator Tommy Williams has been successful thus far in gathering enough blockers on SB 2063 (Entergy), and the bill has not yet been heard in Senate Committee.

In the House, the Committee on Judiciary and Civil Jurisprudence continues to hold both phantom damages (HB 1956) and asbestos causation (HB 1811). They are now holding a Senate bill (SB 1123) and business interests are working diligently to hold our votes.

Basically, in the House we need to re-double our efforts to hold HB 1956 and SB 1123 in the House Judiciary and Civil Jurisprudence Committee (remember—SB 1123 will have passed the Senate).

And, we need all hands on deck to try to get the House Calendars Committee to hold HB 1657 (Entergy)! Many thanks to those of you who responded to the VoterVoice alert and emailed or otherwise contacted members of the House Calendars Committee.

Last Tuesday, April 21, we had a hearing on a bad immigration bill (HB 48) as well as other measures in the House State Affairs Committee. I was the last witness recognized who

had signed up before that committee. That is quite common since the thinking is to recognize those who travel from out of town before those who live in town, especially paid lobbyists.

But, on a more positive note, our Alternative Delivery Systems bill (SB 1110 by Senator Mike Jackson) was passed on the Senate Local and Uncontested Calendar. And, our Trust Funds bill (HB 1513 by Rep. Wayne Smith) was set on the House Calendar for Tuesday. The companion to that bill (SB 1137 by Senator Mike Jackson) was also heard in the Senate Business and Commerce Committee on Tuesday. Ben Wescott of the Greater Houston Chapter (the issue leader on this bill) was in town to testify if testimony was needed. It was not and the bill was left pending to await the House bill which was finally passed on Wednesday. We have the support of both Texas Construction Association and Associated General Contractors-Texas Building Branch on the Trust Funds bill—they signed a joint letter with us last week which sent to all members of the House Calendars Committee. There was an amendment to HB 1513 on third reading in the House. The amendment placed another bill dealing with trust funds into HB 1513. This presents no problem to ABC of Texas since the bill attached was also supported by our Chapters (HB 1209).

The indemnification bill (HB 818 by Rep. Craig Eiland) was reported from the House Judiciary and Civil Jurisprudence Committee this week also.

Committee hearings this past week:

Monday, April 20

House Judiciary and Civil Jurisprudence—HB 1338 (slap suits) seeks to restrict lawsuits against individuals who register complaints with governmental agencies. This bill is designed to prevent businesses from suing those who file frivolous and harassing complaints against businesses with governmental agencies. Many businesses have opposed this in the past. The bill was left pending.

Tuesday, April 21

Senate Business and Commerce—SB 1137 (Trust Funds) was heard in Senate Committee and left pending to await HB 1513 which was finally passed on Wednesday. House State Affairs—HB 48 (suspending licenses of those who employ illegal immigrants) was heard between 7:00 and 11:30 p.m. I was recognized last among those witnesses who had signed in at the beginning of the hearing. That is normal for in-town lobbyists.

Wednesday, April 22

House Judiciary and Civil Jurisprudence—I registered opposition to HB 3913 which would set up a new bureaucracy to deal with construction disputes. The bill was left pending.

Committee hearings next week (as of today):

Monday, April 27

House Technology, Economic Development and Workforce—HB 1042 by Rep. Tan Parker which would repeal the state's prevailing wage laws will be heard at 8:00 a.m. Chuck Swallow, chair of the Central Texas Chapter Board and a member of the ABC of Texas Board, has agreed to testify for the bill. Also being heard at that same meeting is HCR 64 by Rep. Carl Isett which asks Congress to oppose any efforts to pass the Employee Free Choice Act. And, HB 1136, which would disqualify employees from the receipt of unemployment compensation benefits when they violate employer drug testing policies, is also on the agenda. ABC of Texas will register support for HCR 64 and HB 1136.

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**. **We continue to need both arguments or ways to fix and witnesses if we are opposing a bill**. **Most chapters are just sending us positions which severely handicaps our ability to impact the legislation**. **If we cannot obtain witnesses, I could at least prepare written testimony if I received specific arguments against the bill**.

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

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 which was heard in committee this past week (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 previously and is still pending. Two similar bills were also heard Tuesday night in the House State Affairs Committee. ABC of Texas is taking a leadership role in opposing state action on illegal immigration and has been joining other Texas Employers for Immigration Reform 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. Time is getting short and that is good for us. It is possible for a bill to pass the House, but it will have to be something with little opposition. This issue has emotional advocates on both sides.

Alternative Delivery Systems—SB 1110 by Senator Mike Jackson has passed on the Local and Uncontested Calendar. It is anticipated that this bill will be heard in House Committee soon.

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. It was heard in House committee on April 6. Chairman Todd Hunter has asked that the parties deal with Rep. Bryan Hughes (Vice Chair) to try to find some common ground on points of opposition. This bill is the result of negotiations among AGC-TBB, the Texas Construction Association and the Texas Civil Justice League. A committee substitute has been circulated to ABC of Texas issue leaders. ABC of Texas is also an active participant in joint efforts led by Texans for Lawsuit Reform and TCJL to oppose any erosion in tort reform this session and to protect favorable court decisions. As mentioned above, HB 1657 (Entergy) came out of committee last week. SB 2063 is the Senate version. It has not yet been heard in committee. ABC of Texas is working with TLR and TCJL to secure 11 "blockers" to prevent Senate consideration. Our Senate "champion" is Senator Tommy Williams. We are working the House Calendars Committee to try to keep the bill from being set.

Trust Funds—HB 1513 by Rep. Wayne Smith and SB 1137 by Senator Mike Jackson. The House bill was passed last week and the Senate bill was heard in committee. The House bill should come out of Senate committee the meeting after it gets referred.

Prevailing Wage—HB 1042 by Rep. Tan Parker is set for a hearing in the House Committee on Technology, Economic Development and Workforce. The author, Rep. Tan Parker is Vice Chair

of the committee. As mentioned above, Chuck Swallow, chair of the Central Texas Chapter and a member of the ABC of Texas Board, will testify for the bill.

Trades Legislation—We have circulated several bills to chapters for positions if we are not certain. Our biggest problem is securing witnesses and good arguments to oppose. Unfortunately, we begin scrambling for witnesses on Thursday and Friday for hearings the next Monday, Tuesday and Wednesday. That is just the process. The Senate only requires 48 hours notice! Thus, we will need witnesses at short notice on some of these bills. I have been working with Mike Gremillion and have engaged John Bernard and Kimberly Bernard from the Southeast Texas Chapter, as well as Bob Jett of the South Texas Chapter, to try to get some language to fix the electrical apprentice bill (SB 470). We are working with NCCER also. We have language which allows ABC Chapters' NCCER programs to qualify. That language has been blessed by the Independent Electrical Contractors. We are also working with the IEC on some language dealing with legislative intent.

On Monday, April 27, there will be only 36 days left inclusive. As of Thursday, Day 101, the House had passed 165 fewer bills than at this point last session (321 last session; 156 this session). The pace is higher on the Local and Consent Calendar where the House is only 50 bills behind the pace of last session (206 versus 156).

Things will get increasingly hectic.