



March 13, 2009

This has been another very busy week at the Legislature for your State Office. We had more committee hearings on bills of interest, met with more members of the Senate on tort reform issues, planned a briefing of House staff on education/workforce issues, participated on a conference call the Texas Employers for Immigration Reform, and met with other construction industry groups—Texas Construction Association and Associated General Contractors-Texas Building Branch—to compare notes on bills being watched and acted on.

Committee hearings this week:

Monday, March 9

Senate Committee on State Affairs—Bob Parker testified on behalf of ABC of Texas in support of SB 555 (indemnification). House Committee on Business and Industry—opposed HB 615 (special ed. parent leave), HB 1005 (parent leave for school), and HB 1057 (family leave). Supported HB 1209 (construction trust fund payments)

Tuesday, March 10

House Committee on Insurance—your ABC of Texas President was the lone witness opposing HB 1291 (disaster remediation contractors)—no one else even put in a card against the bill. Even Republican committee members were sympathetic with the author's concern, questioning why registration would be a problem. Under questioning, I was instructed to provide written suggestions on how to fix the bill.

Committee hearings next week (as of today):

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. I am trying to get an industry witness. We have sent out a targeted email to those whose address is in the district of the committee members. It does little good to send emails to anyone other than your own representatives since most block out of district email. 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 hearing 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).

House State Affairs—Both HB 431 (LEED standard for state buildings) and HB 987 (competitive procurement and change orders), supported by ABC of Texas, are being heard. And, HB 1246 (preference in government purchasing decisions for those that provide health insurance or

equivalent health savings benefits) is also being heard. ABC of Texas needs a witness to effectively oppose this bill. This year's version allows equivalent savings benefits to be considered, so it is not as rigid as in the past.

Just in case you were wondering.....with today left to add to these totals.....

**Comparison of Bills Filed
March 8, 2007 - March 13, 2009
1 Days to 60th Day**

| | 80th Leg | 81st Leg | +/- | % |
|--------------|----------|----------|-------|------|
| House Bills | 3457 | 4071 | +614 | +18% |
| Senate Bills | 1678 | 2075 | +397 | +24% |
| Total | 5135 | 6146 | +1011 | +20% |

Legislation has been introduced to require secret ballots for union elections in Texas (unfortunately, it will have no effect if the U.S. Congress passes EFCA). That legislation is SB 1430 by Senator Tommy Williams of The Woodlands and HB 3606 by Rep. Charles "Doc" Anderson of Waco.

Senator Glenn Hegar of Katy has filed the Texas Employers for an Educated Workforce bill in the Senate—SB 1955.

The Consolidated Insurance Program bills supported by the Texas Construction Association have been filed—SB 1551 by Senator John Carona of Dallas and HB 3759 by Rep. John Smithee of Amarillo. We have been told that the House Bill is an old version of the bill and the Senate Bill represents the current proposal.

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 prepare for hearings (and in some cases 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 this week. 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—Nothing new to report.

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.

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 was heard in the Senate Committee on State Affairs on Monday, March 9. Bob Parker testified on behalf of ABC of Texas. The Senate Committee Substitute was reported from Committee at that hearing. 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 damaging bill (HB 1657) is up for hearing Monday—see above.

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, and 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
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