



TEXAS LEGISLATIVE REPORT

May 20, 2011

By Barbara Douglas, LAT Executive VP

Ten days left in the Texas Legislative Session. School Funding, the Budget, and Redistricting are still being worked on and are the BIG issues that, if not resolved, will require a special session. House members will start meeting seven-days-a-week until the end of session in order to work through a backlog of Senate bills.

HB 716 is headed to the governor for signature, so if the world does not end on May 21, it will be permissible to depredate feral hogs and coyotes by helicopter after September 1.

Bills that LAT supported / opposed / watched:

BILLS HEADED TO GOVERNOR FOR SIGNATURE....

HB 268 by Hilderbran, relating to the exemption from the sales and use tax for certain agricultural items was passed out of the Senate intent this week – with an exemption for dairy operations. This legislation, when signed by the Governor, will require buyers of sales tax-exempt agricultural and timber goods to present a valid tax exemption number from the state comptroller, to the seller of the goods. This will take the burden from the retailer to the purchaser to prove agriculture-related sales are valid.

HB 2482, The Organized Retail Crime bill, , passed out of the Senate this week and is headed to the Governor. This law increases penalties for organized retail theft based on the value of merchandise stolen and increases penalties if the actors tamper with fire alarms or theft detectors and if the victim/owner is elderly.

HB 1390 by Deshotel is a retainage bill that amends and clarifies statutes relating to completion dates and notice requirements for subcontractors and suppliers. It passed out of the Senate this week and is headed to the Governor. This bill amends current law relating to retainage under certain construction contracts.

HB 1456 by Orr, our **lien waiver bill**, passed out of the Senate Business & Commerce committee this week and recommended for local & uncontested calendar in the Senate. **HB 1860, liens for removables**, which we opposed as originally written, was still being targeted to ride on our bill, despite our opposition

HB 1906 by Howard relating to the idling of motor vehicles; an offense if the person violates a rule adopted by the commission concerning locally enforced motor vehicle idling limitations. Notwithstanding any other law, an offense under this section is a Class C misdemeanor effective September 1.

SB 539 by Carona relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens – ensures that a successful party recovers reasonable costs after having to go through the expense of bringing an action by requiring a judge to award costs and reasonable attorney's fees to the prevailing party in a suit to foreclose on a mechanic's or materialman's lien or a claim against a construction-related bond. **SIGNED BY THE GOVERNOR 5/12 – effective September 1, 2011**

STILL BEING WORKED ON

CSSB 321 is in House Conference committee this week. It seeks to prohibit an employer from prohibiting an employee who lawfully possesses a firearm or ammunition from transporting or storing the firearm or ammunition in a locked, privately owned motor vehicle in a parking area the employer provides for employees, with certain exceptions.

HB 2990 by Deshotel relating to the electronic storage of personal identification information obtained from driver's licenses or personal id certificates (In Senate Transportation & Homeland Committee)

SB 1425 by Wentworth relating to certain deposits in a construction account (In Calendars committee).

GOING NOWHERE...left pending in committee

HB 131 by Alvarado relating to requiring contractors in certain state construction contracts to provide health benefits to employees (left in State Affairs committee)

SB 361 by Duncan (**HB 2010** by Smithee) **Indemnification bill**, got stuck in the House Insurance committee.

HB 958 by Workman, (**SB 561** by Wentworth) were left pending in committee. They would have reduced the amount of damages, both actual and exemplary, by 10% for each anniversary of the date of substantial completion of the construction or repair that occurs before the date of the claim.

HB 959 by Harper-Brown relating to transportation of loose materials (left in Transportation committee)

HB 1428 by Deshotel **Trust Fund Retainage bill** also got stuck in a House committee.

HB 3040 by Chisum **Lender Notice bill** also did not make it out of committee.

HB 1370 by Workman relating to establishment of the Texas Construction Academy as a residential construction training and high school center for certain public high school students and high school graduates (left in Public Education committee)

HB 1378 by Frullo relating to the amount of the discount allowed for prepayment of sales and use taxes. (left in Ways & Means committee)

HB 1739 by Walle relating to required workers' compensation insurance coverage for building and construction contractors / **SB 938** by Lucio (companion to **HB 1739**) (left in State Affairs committee)

HB 1838 by Eiland relating to the repeal of franchise tax rates (left in Ways and Means committee)

HB 1888 by Miller relating to requiring employers to participate in the federal electronic verification of work authorization program, or E-Verify / **HB 3129** by Price (left in State Affairs committee)

HB 1913 by Hancock relating to requirements for businesses (with more than 20,000 sf of retail space) that offer plastic checkout bags to customers **HB 1877** & **HB 3236** similar – all left pending in committee

HB 1987 by Workman relating to required workers' compensation insurance coverage for building and construction contractors (left in State Affairs committee)

HB 2326 by McClendon relating to the punishment for the offense of theft (left pending in Criminal Jurisprudence Committee)

HB 2776 by Bohac relating to the retention of the \$1 million total revenue exemption for the franchise tax (left pending in Ways & Means committee).

HB 2878 by Berman relating to the creation of certain criminal offenses involving unauthorized aliens, to the forfeiture of property in relation to criminal offenses involving unauthorized aliens, and to the creation of a private cause of action for employing or contracting with unauthorized aliens (left pending in State Affairs committee).

HB 2989 by Deshotel relating to establishing the Workplace Fraud Prevention Act; providing penalties (left in Calendars)

HB 3011 by Giddings relating to prohibiting the use or retention of zip codes obtained by businesses in verifying the identity of customers (left in Calendars)

HB 3394 by Oliviera Relating to county building code standards for new residential construction; providing a penalty (withdrawn)

SB 671 by Gallegos – and all related bills - relating to the creation of a state occupational health and safety plan; establishing a maintenance tax (left in State Affairs committee)

SB 1031 by Carona relating to design, construction, renovation, and energy efficiency standards for buildings (left pending in Natural Resources Committee)

SB 1040 by Ellis relating to exemptions from the sales and use tax for certain energy-efficient products (left pending in Finance committee)

SB 1173 by Deuell 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 3040** by Chisum (left pending in House & Senate Business committees)

SB 1274 by Williams relating to the registration of roofing contractors (left pending in Business & Commerce committee)

SB 1254 by Carona (& HB 2450) relating to the creation of the offense of employing an individual not lawfully present in the United States (left pending in committee)

SB 1389 by Gallegos relating to safety training for employees of certain contractors with a governmental entity (left pending in committee)

SB 1362 by Lucio relating to county building code standards for new residential construction; providing a penalty (left pending in committee)

Specific bill language and updates can be found at www.capitol.state.tx.us