

Last Week in the Legislature 4/25/2009
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House Budget Debate

The House budget debate, which lasted until the wee hours last Saturday morning, was surprisingly civil <http://www.statesman.com/news/content/region/legislature/stories/04/19/0419housebudget.html> and ended with a unanimous vote in favor of the appropriations bill. It was clear that the House leadership was willing to let House members express their concerns and add any amendments for which they had the votes, even if it is likely the amendment will not survive the conference committee. When members challenged one another with a point of order, in most cases they agreed to withdraw the amendment rather than take the time for the point of order to be adjudicated. Unlike budget debates in recent sessions, there was little obstruction or conflict just to make points and try to embarrass one party or another.

According to The Quorum Report, Republican and Democrat leadership met the evening before the budget discussion to go over all the proposed amendments. They said they were just doing “traffic management.” They clearly didn’t want anyone to think they were directing House members in any way.

But if the House members decided to make nice with one another, they continued to display their differences with Gov. Perry. In one amendment almost all of Governor Perry’s appropriation to run his office was eliminated.

<http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/041909dntexhousebudget.e4ed7a0a.html> Then they voted to eliminate funding for the Texas Enterprise Fund (Gov. Perry’s treasure chest to lure business to Texas) unless Gov. Perry agreed to accept the \$555 million in fed funds for unemployment insurance. These were Democratic initiatives, so not everything was bipartisan. Most Republicans went along with these amendments to avoid lengthy debate knowing they would not survive the conference committee.

When it was all said and done, it was just the next necessary step to take before the real budget negotiations begin in the conference committee.

<http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/041909dntexhousebudgetpassed.e8653aaf.html> By voting unanimously for the budget the House definitely strengthened the hand of its conference committee negotiators. The Senate negotiators can’t claim the same unanimity supporting their version of the budget.

Senate Rebuffs Governor Perry, Too

Meanwhile the Senate finally passed Sen. Eltife’s (R-Tyler) SB 1569, making the changes necessary in Texas unemployment benefit laws to qualify the state for the \$555 million in federal unemployment insurance funds. The bill passed on a 19-11 vote

<http://www.chron.com/dispatch/story/mpl/metropolitan/6383162.html> which is not a veto proof margin. Sen. Ogden, Finance committee chair voted for the bill after adding an amendment that makes the bill contingent on receiving the federal money. The bill also contains provisions which would help require reconsideration of the law after federal funds run out. Gov. Perry says that's not likely but the Austin American-Statesman's Jason Embry disagrees. <http://www.statesman.com/blogs/content/shared-gen/blogs/austin>

There appears to be a conservative bloc of about nine senators who consistently vote together, but that's not enough to keep a bill from coming to the floor. There are about three or four conservative senators who sometimes vote with the bloc, but there is just enough independence to make each issue stand on its own.

Veto Session to get Senate Hearing

In what has to be considered more Perry backlash, HJR 29 by Rep. Elkins (R-Houston) authorizing a so-called veto session of the legislature has passed the House and will now get a hearing in the Senate. A similar bill passed the House last session but was bottled up in the Senate State Affairs committee. Sen. Duncan (R-Lubbock), who chairs State Affairs (and chaired it last session), has evidently agreed to schedule the bill for a hearing according to Lubbock Online.

http://www.lubbockonline.com/stories/042009/loc_431010230.shtml

Property Tax Reform Advances

While none of these property tax reform bills will guarantee lowering your property taxes, they do try to reform the appraisal system to provide some standards, consistency and oversight. All the bills that have cleared the House and Senate committees are authored by CPAs Otto (R-Dayton) and Williams (R-The Woodlands). Both have authored bills and resolutions to amend the constitution to ensure that residences are appraised only as residences – no highest and best use appraisal methods will be allowed for homesteads. Both have also authored bills that standardize the use of comparables in the appraisal process, although the bills have different approaches.

Williams has a bill that prevents appraisal districts from ignoring successful taxpayer protests. Evidently just because a taxpayer wins a protest for one year does not prevent the appraiser from ignoring that result when the next year's appraisal is made, requiring the taxpayer to have to go through the appraisal protest process year after year. Williams' bill limits appraisal increases after a successful protest. Otto has a bill that starts a pilot program to allow appraisal protests to be made to an administrative law judge at the State Office of Administrative Hearings. All of these bills should start hitting the House and Senate floors soon.

Other property tax legislation that has cleared committee:

- HB 637 by Guillen (D-Rio Grande City) which authorizes homestead exemptions up to \$30,000.
- HB 649 by Yvonne Davis (D-Dallas) prohibits an appraisal district from posting the name of the property owner on the Internet upon request by the property owner.

- HB 770 by Donna Howard (D-Austin) allows the homestead exemption to continue after a casualty loss during reconstruction.
- HB 2363 by Villarreal (D-San Antonio) requires the Comptroller to provide an Internet appraisal manual and information on appraisal software online.

Check Your Guns at the Door

Legislators are working on a bill to allow you to carry guns on college campuses, but they don't want any concealed handguns in the House or Senate galleries. I guess they don't want "the most law-abiding citizens in the country" in the galleries. I don't blame them. It's scary enough that the legislators themselves can carry on the floor. <http://www.dailytexanonline.com/concealed-weapons-restricted-at-capitol-1.1725457>

Insurance Renewed

I mentioned a couple of weeks back that Sen. Hegar was having trouble getting the 21 votes to bring up the Insurance sunset bill for final approval. He evidently got enough votes by agreeing to allow Democrats to offer a number of amendments on the floor. All but four were defeated and the major reforms were turned down before the bill finally passed. http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-insurance_21tex.ART.State.Edition1.4a6b717.html I'm sure the Democrats will try again in the House. If you think your insurance rates are too high, you might agree that the Insurance Commission should pre-approve premium increases. That's one of the reforms that didn't make it.

Big Brother Backs Off Boaters

Do you have your boater's license? You almost needed one. Sen. Wentworth (R-San Antonio) got his bill through committee and all the way to the Senate floor where it was sunk by Sen. Whitmire (D-Houston). I'm confused: here is a Republican wanting more regulation and a Democrat objecting. Has someone started political change operations? Wentworth wants boat-drivers to go to school to learn how. Whitmire suggested otherwise and the bill was withdrawn. <http://www.statesman.com/news/content/region/legislature/stories/04/21/0421boating.html>

But Not Tanners

HB 1310 by Rep. Solomons (R-Carrollton) requiring anyone under 18 to have a doctor's permission to use a tanning booth, which passed the House, was amended on the House floor to prohibit anyone under age 16.5 from using tanning booths and substituting a parent's consent for the doctor's permission for teens between 16.5 and 18. The parent must give consent in person, in writing before the teen can tan. The facility must also get a written acknowledgement that the tanner understands the Texas Medical Board's warning on dangers of tanning. They did not require pictures posted of tans gone bad. <http://www.statesman.com/news/content/region/legislature/stories/04/22/0422tanning.html>

Bigger Brother - Back Off!

That's the message Rep. Creighton (R-Conroe) wants to send to the feds with HCR 50. If you want to read the latest in wishful thinking, check out this Fort Worth Star-Telegram article. <http://www.star-telegram.com/804/story/1330923.html> The resolution claims state sovereignty and demands the feds quit usurping state's rights and holding us hostage to federal funding. And if they don't? Is that when we secede? The resolution was heard before the House State Affairs committee this week and left pending.

Toad Hops from House to Senate

HCR 18 by Rep. Bonnen (R-Angleton) designating the Texas Toad as the official State Amphibian of Texas passed the House, so now it's up to the Senate to decide if the "Buddha-like visage, spirit, charm and determination" of the Texas Toad are worthy.

Thanks to Bill Owen, Texas Society of CPA's for much of the above information.