

Last Week in the Texas Legislature 5/1/2009
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It's May

We made it to May without any major legislation hitting Governor Perry's desk. Sine Die is one month from today (for you new readers, Sine Die is the Latin way to say the session's over). But May 11 is the last day House committees can vote out bills and May 13 is the final day the House can pass House bills. That's less than two weeks. If legislators want to get bills on Gov. Perry's desk in time to override a possible veto they need to get in high gear.

Perhaps because of that realization the House Business and Industry committee approved SB 1659 by Sen. Eltife (R-Tyler) on a 6-2 vote. That's the bill that makes the law changes necessary for Texas to qualify for the \$555 million in unemployment benefits and the bill most likely to draw a Gov. Perry veto. The committee eliminated an amendment to the bill that was added on the Senate floor making the law contingent on the state receiving the feds money. Evidently they believe that amendment would violate federal guidelines (see Stimulus...below for more).

Realizing time is short has also shortened some tempers. Rep. Yvonne Davis (D-Dallas), frustrated over her bills languishing in committee, took it out on a committee chair on the House floor this week. "It's usually not good strategy to tug on Superman's cape or kick a chairman."

<http://trailblazersblog.dallasnews.com/archives/2009/04/yvonne-davis-starts-a-differen.html> According to Jason Embry, writing online for the Austin American Statesman, in another flap where Rep. Flores (D-Palmview) was complaining to Calendars Chair McCall (R-Plano) about one of his bills not yet scheduled for the floor McCall said: "that bills are not placed on the calendar in order of their importance." I'd say that's stating the obvious. Yesterday they passed the bill naming the paluxysaurus jonesi the state's official dinosaur. http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-dinosaur_01tex.ART.State.Edition1.4a6a587.html

Rumors are rife that the House plans to work every Saturday in May except for Mother's day weekend (they are working Saturday May 2). Rep. Geren (R-Fort Worth), House Administration committee chair announced that making guest introductions from the floor would not be permitted during Friday and Saturday sessions. The Senate does not have a calendar posted for Saturday.

All of this talk of the slow session and Saturday workdays seemed to motivate the body on Wednesday as the House gaveled through almost 100 bills in 75 minutes according to the Austin American Statesman.

<http://www.statesman.com/news/content/region/legislature/stories/04/29/0429house.html>

Voter ID Posturing

Rep. Todd Smith (R-Eules), House Election committee chair, circulated a draft of his compromise voter ID legislation and was met with a statement signed by

71 House Republicans stating their unequivocal requirements for the bill. They said the bill must:

Ensure valid photo identification is needed to vote

Take effect at the next possible uniform election date

Be free of any registration requirements such as same day voter registration that dilutes the intent of the bill, which is ensuring fair and accurate elections

Increase criminal penalties for voter fraud and registration

Rep. Smith's bill evidently fails on the first two points and Smith is reportedly working on bill revisions. No word for sure when the committee will schedule the hearing.

Tricks of the Trade

The Senate Higher Education committee never adjourns, it just recesses. Before a committee can do business a quorum must be present. Once the quorum is established, hearings can be conducted even if the quorum disappears. Many committee hearings start out with a quorum so they can come to order, but then members go elsewhere to attend to other responsibilities (other meetings, naps, lunch, etc.). Under Sen. Zaffirini's (D-Laredo) leadership members don't have to worry about being there at the start of a meeting. She established the quorum with the first meeting and then just recesses rather than adjourns so she has one continuous meeting for the entire session. That means she can start hearing bills first thing, even if she is the only one there (which was the case last Wednesday).

Smoke Filled Room

Literally. According to The Quorum Report (QR) when staff unlocked the House State Affairs hearing room to start a hearing which includes Rep. Crownover's (R-Denton) statewide smoking ban bill it was filled with smoke. No one has claimed responsibility for the prank. Was it by those opposed to the smoking ban or those that support it? Looks to me like the latter could certainly use the event to make their point. Despite the prank, the committee hearing took place and here's a play by play.

http://www.star-telegram.com/state_news/story/1345737.html The bill was left pending. Committee chair Solomons (R-Carrollton) is not in favor of the bill, never a good sign for the author. The Senate side has yet to schedule a hearing on their corresponding bill.

No Smoke Filled Room for Budget Conferees

Lt. Gov. Dewhurst named Senators Ogden (R-Bryan), Hinojosa (D-McAllen), Shapiro (R-Plano), West (D-Dallas) and Williams and Speaker Straus picked Representatives Pitts (R-Waxahachie), McClendon (D-San Antonio), Otto (R-Dayton), Raymond (D-Laredo) and Zerwas (R-Richmond) to the budget conference

committee. The conferees will do much of their work in meetings open to the public. The House instructed their conferees not to meet with a quorum present without adequate public notice. Sounds good, but much of the budget negotiations takes place in meetings without a quorum. If you're interested in what they are arguing over, the Legislative Budget Board has a 15 page summary of the differences between the two budgets. http://www.lbb.state.tx.us/Bill_81/5_Conference/Bill-81-5_Conference_PresentationSummary_0409.pdf

Property Tax Bills Continue to Advance

Passed the House:

- HB 8 by Rep. Otto (R-Dayton) makes the Comptroller's value study every other year with a study of appraisal district process and procedures in the alternate year.
- HB 408 by Rep. Isett (R-Lubbock) allows disabled veterans to make installment property tax payments.
- HB 3612 by Rep. Otto (R-Dayton) establishes a pilot program allowing appraisal review board orders to be challenged by an appeal to the State Office of Administrative Hearings. The three year pilot program applies to taxpayers in Bexar, Cameron, Dallas, El Paso, Harris, Tarrant, and Travis counties.
- HJR 36 by Rep. Otto (R-Dayton) is a constitutional amendment to limit homestead appraisals to the value as a residence.

Passed the Senate:

- SB 20 by Sen. Williams is an omnibus property tax reform bill that includes allowing consolidated appraisal districts, appraising residential property on residential value only, establishing a taxpayer ombudsman in appraisal districts, changing the Comptroller's value study to every other year and institutes an appraisal standards audit in the interim year, establishes the Comptroller's Property Value Study Advisory Committee and a pilot program for appraisal appeals to SOAH.
- SJR 48 by Sen. Williams is a constitutional amendment to limit homestead appraisals to the value as a residence.
- SB 771 by Sen. Williams limits the use of comparables in the appraisal process to a twenty-four month window and requires the appraiser to consider any changes in events or circumstances between the time of the comparable and the appraisal date.
- SB 873 by Sen. Harris (R-Arlington) allows electronic filing of appraisal value protests.

Passed out of committee:

- HB 637 and the related HJR 40 by Rep. Guillen (D-Rio Grande City) allow a taxing unit to provide a homestead exemption in a fixed dollar amount instead of a percentage amount. The bill analysis says that since using a percentage allows taxpayers with more expensive homes a greater dollar exemption

“HB 637 provides taxing units the option of adopting a set exemption amount as an alternative to a percentage homestead tax exemption, providing all taxpayers an equal exemption.” Obviously it’s okay to pay higher taxes but inappropriate to get higher deductions.

- SB 1497 by Sen. Williams provides for binding arbitration in property appraisal disputes and specifies that CPAs may represent taxpayers in disputes.

No More Zero Tolerance

We’ve all read or hear of stories of some school kid getting a punishment that sounded too severe for the crime because of a school’s zero tolerance policy. Like getting strip searched to find two Advil or being booked and photographed by police for pulling a fire alarm on a dare. No more if Sen. Gallegos’ (D-Houston) SB 2270 is received as well in the House as it was in the Senate where it passed 31-0. The bill says school authorities must take mitigating circumstances into consideration when determining appropriate punishment.

No More TAKS

In an unusual happenstance, both the House and the Senate were debating their own school accountability bills at the same time on Wednesday. HB 3 and SB 3 were debated at length with the House debate getting the prize for most amendments offered - 92 – including one that allows good students to grow long hair. If you’re interested in the details, including the hair amendment, check out this Dallas Morning News article. Both bills passed and will now head to a conference committee to develop a compromise bill. Both bills eliminate the infamous TAKS test.

<http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/042909dntexlegeschools.3181797.html>

Stimulus Controversy Continues

Speaking of posturing, those opposed to accepting the \$555 million from the feds for unemployment insurance were active this week. SB 1569 may be on the House floor for debate next week. Here are a few quotes from The Quorum Report on the subject.

“In a press conference today, representatives from the Texas chapter of the NFIB, the Texas Association of Business, and Americans for Prosperity, the Texas Public Policy Foundation and Texans for Fiscal Representative reiterated their dislike of SB 1569. Central to their critique was their contention that the short-term benefits of receiving the aid would be meager, especially when compared to the long-term costs of expanding the state’s unemployment benefits.

Will Newton of the NFIB say that the enhanced federal aid would be enough to cover seven weeks of outlays from unemployment fund. Meanwhile, he said the changes to the unemployment insurance system would cost between \$70 million and \$75 million annually. Bill Hammond of the TAB said that he figured the legislation would become a bad deal for the state in about five years and would be a burden on Texas businesses “until the Rapture.”

Many consider a Gov. Perry veto of the legislation highly likely. The other side of the argument was taken by Sen. Duncan who evidently doesn't think much of the aforementioned organizations. Duncan was originally opposed to the bill but changed his mind. Once again quoting from QR Duncan said in response to the veto question:

"I would hope he [Gov. Perry] would do as I have and listen to those with Texas' best interests at heart, and take their advice,"

Register Your Golf Cart?

SB 2018 passed the Senate today. The bill, by Sen. Watson (D-Austin) requires registration of "neighborhood vehicles" or golf carts (\$30) if you are going to drive them on streets more than two miles from a golf course.

Lt. Governor Dewhurst's Wine Lovers Bill

From last week's news reports the story goes that Lt. Gov. Dewhurst has trouble finding wines he likes in Austin eateries so he asked Sen. Williams to file a bill for wine aficionados. SB 2423 allows wine lovers to BYOB to a restaurant, allows the restaurant to pour and charge a corkage fee and lets the customer leave with any leftover wine. (Don't forget to put the wine in the trunk – there is no exception to the open container law). The bill passed the Senate this week 31-0. This was a great bill for those that like to drink expensive wines. Restaurants should be okay with this bill because they can charge the corkage fee, which might run as much as \$20. That might be pretty high if you take a \$20 bottle of wine.

Speaking of leaving with your liquor, the Senate also passed CPA Sen. Averitt's (R-Waco) SB 2341 which allows patrons of a mixed beverage permit holder in a city that is less than 15,000 in population, in a county with less than 65,000 population and that contains a historical preservation district that borders on a lake to leave the premises with their drink in hand. But they have to walk because they can't take them in their vehicles (unless you want to ride in the trunk).

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