

Last Week in the Legislature 5/15/2009
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Bipartisan Effort on Voter ID?

Not exactly. After many days trying to craft a voter ID bill that could be supported by at least some Democrats as well as Republicans, Rep. Todd Smith (R-Euless), Elections committee chair, gave up and asked his committee to vote out SB 362. Rep. Heflin (D-Crosbyton) was one of the five votes needed to clear the committee. According to *The Quorum Report* (QR), <http://www.statesman.com/news/content/region/legislature/stories/05/11/0511voterid.html> Rep. Heflin prefaced his vote on the premise that some of Rep. Smith's proposed compromises would be brought up as amendments on the House floor. Rep. Heflin said he was also voting the wishes of his district. I guess that's what happens when a Democrat gets elected in a Republican district and is faced with a totally partisan issue.

Most of the Republican members of the committee wanted the bill strengthened, perhaps by requiring a photo ID in all cases, and were not interested in Rep. Smith's proposed compromises. The Senate bill requires either a photo ID or two other forms of identification. Evidently everyone understands that if Rep. Heflin had voted "no" then another Republican would have voted yes to get the bill out of the committee. Nevertheless, according to QR some of Rep. Heflin's Democratic brethren were not happy with his vote because it gives the Republicans the platform to claim bipartisan support. Check out Gardner Selby's article in the *Austin American Statesman* for more. <http://www.statesman.com/news/content/region/legislature/stories/05/11/0511voterid.html>

Rep. Smith himself will offer amendments on the House floor, among others, to be sure. Rep. Smith doesn't think the bill can pass the House in its present form. A long debate on this bill next week could mean the demise of more legislation waiting in the wings.

Margin Tax Bills Wait in the Senate

Rep. Oliveira's HB 4765 which increases the franchise tax revenue exemption from \$300,000 to \$1 million for the next two years awaits a hearing before the Senate Finance Committee. The bill will only affect tax returns filed in 2010 and 2011. The bill is probably being held in the Senate Finance committee because the budget conferees have not yet decided to fund the \$172 million price tag according to *The Lone Star Report*. HB 4265 and HB 4270 by Rep. Charlie Howard (TSCPA initiated bills) likewise await a hearing before Senate Finance.

One of the bills that didn't make the deadline for passing the House (see *Dying Gasps* below) was Rep. McCall's HB 1994 that exempted doctor's costs for vaccines from taxable revenue. Likewise, HB 3131 by Rep. Hartnett (R-Dallas) that would have exempted payments made by destination management companies from taxable revenue died on the House vine.

Dying Gasps

The first House rules deadline hit this week. Getting your bill on the House calendar early in the week did not guarantee the House would get to the bill by the appropriate deadline. Thursday was the deadline for the House to debate House bills on second reading and Friday was the deadline for final passage. The House started out with a 24 page calendar on Monday and got through about 25% of it by working until almost 11:00 PM, then had a 26 page calendar on Wednesday and got through about six pages. Since Thursday was the last day for House bills to be considered on second reading it was apparent that having your bill on the House calendar was no guarantee it would come up for a vote. They did work a little faster on Thursday making it through eight pages of the calendar. Nevertheless, this was a funeral day not only for those on the calendar that didn't make it, but for all those House bills that never made it that far.

Legislators that want to accept the \$555 million in federal stimulus unemployment benefit funds need to get a move on. Sen. Eltife's (R-Tyler) SB 1569 which makes the changes necessary in unemployment benefits to qualify Texas to accept the funds must be approved by the house by next Wednesday to give the legislature a chance to override a Gov. Perry veto.

http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/DN-unemployment_13tex.ART.State.Edition1.4cf8af7.html The bill is currently in the Calendars committee where the current emphasis is on House bills. According to the Austin *American Statesman* there is \$250 million of federal stimulus funds available for unemployment insurance that does not require the changes in SB 1569, but to get the money a small technical change in the law is needed (that does not increase benefits). http://www.statesman.com/blogs/content/shared-gen/blogs/austin/politics/entries/2009/05/13/here_is_a_new_wrinkle.html The political irony is that the only bill to which that small technical change could be added is HB 1569.

Here are the deadlines that passed this week and those to come:

May 11 – Last day for House committees to report House bills and joint resolutions

May 14 – Last day for House to consider House bills and resolutions for second reading on the regular calendar

May 14 – Last day for House to consider House bills and resolutions for final passage on regular and consent calendar

May 19 – Last day for bills to pass with the chance to override a Perry veto

May 22 – Last day for House to consider local bills

May 26 – Last day for House to consider Senate bills and resolutions for second reading on regular calendar

May 27 – Last day for House to consider Senate bills and resolutions for final passage on regular and consent calendar

May 29 – Last day for House to consider Senate amendments

May 31 – Last day for Senate to concur in House amendments

June 1 – Last day of the session – corrections only may be considered in the House or Senate

Tort Re-reform Bill Passes House

HB 1657 by Giddings (D-Dallas), which reverses the now infamous Entergy Supreme Court decision, passed the House on a 75-69 vote with some Democrats voting against the measure and some Republicans voting for it. I believe that's called a bipartisan vote. Despite heavy opposition from the tort reform lobby the bill is on its way to the Senate. The issue is whether a contract worker, covered by workmen's comp insurance, has the right to sue the owner of the property.

<http://www.statesman.com/news/content/region/legislature/stories/05/14/0514entergy.html> The Supreme Court said no but HB 1657 says yes.

No Help from Comptroller Susan Combs

Budget conferees are still at it and the revenue estimate from the Comptroller will not change. Frequently, about franchise tax filing deadline, the Comptroller will revise the estimated revenue to be collected for the next biennium. The legislature cannot pass a budget that exceeds the Comptroller's estimate. This year the word is there will be no revision. That actually may be good news for budget writers as some speculated any revision would have been downward.

Book Your Trip to Vegas

You won't be going to a Texas casino any time soon. Gambling bill's demise is reported by the *El Paso Times*. http://www.elpasotimes.com/newupdated/ci_12354878 Rep. Menendez also pulled down his poker room bill in the midst of some amusing banter. He said you had to "know when to fold 'em."

"The Road to Hell...

"is paved by the Texas Legislature" according to the Austin *American Statesman* article about the House passed TxDot Sunset legislation that had something like 180 amendments added on the House floor resulting in a sausage-like piece of legislation.

http://www.statesman.com/opinion/content/editorial/stories/05/13/0513highways_edit.html

Undoubtedly the legislation creates a real life nightmare where more of our transportation money can be spent on needless bureaucracy instead of roads.

New Heroes

However, Reps. Elkins (R-Houston) and Ortiz (D-Corpus Christi) are the new red light camera heroes. The amendment they added to the TxDot Sunset legislation not only turned over red light cameras to TxDot, but would end all red light camera contracts as the current ones run out. According to *QR*, Elkins says the cameras are dangerous and that some were not being honest in reporting the safety results of the cameras. They are also expensive.

Elk Hybrids

I thought it might be the name of a new automobile, but, no, it's the name of the latest livestock in Texas. HB 375 by Rep. Sid Miller (R-Stephenville) expands the Agricultural Code definition of livestock to include "elk and elk hybrids." I wonder how many miles to the gallon they get? The bill has passed and is on its way to the governor. Miller's HB 836, the "pork chopper" bill allowing hunting of feral hogs by helicopter passed to third reading and probably passed Friday.

Blue Light Special

Sid Miller is on a roll. His HB 529 restricting the use of blue lights on automobiles to authorized emergency vehicles passed the House.

Stimulus Bureau on the Way

HB 2842 by Rep. Dunnam (D-Waco) passed to third reading with hope for final passage Friday. The bill establishes the Texas Fiscal Responsibility Office and the Recovery Act Accountability Board. These are both additional bureaucrats and advisors entitled to compensation of expense reimbursement. I'm still not sure if the federal money pays for this or just Texas taxpayers.

Thanks to Bill Owen, CPA, for much of the above information.