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PUBLISHER'S NOTE

Giselle Bernard
Publisher

I love the month of October. It signifies the beginning of fall and a reprieve from the summer heat. While the golfers find themselves on the fairways more often and hunters rev up for the season, I find myself looking forward to seeing the deciduous trees' leaves change color and float to the ground, along with watching the evergreens start to turn yellow. It's the month to plant daffodils, tulips, hyacinths and crocuses, some of my favorite flowering bulbs,

It's the time of year for outdoor entertaining and backyard barbecues. There is nothing like wearing just a light jacket to join friends for cocktails and dinner at a restaurant with an outdoor patio and live music wafting in the crisp breeze. October is also the month in which I indulge in one of my favorite delicacies – raw oysters on the half-shell. Yum! It's also the beginning of football season with all of the camaraderie that we love so much. And it's the one time of year that I give myself permission to dress up and pretend to

be whatever I want because, of course, it's Halloween. I was reminded not long ago that we are never promised tomorrow. So, as they say, live like there is no tomorrow but dream like you'll live forever.

What do you look forward to in October?

This month's feature builders, a father and son team who have made the Braziel Building Group into a widely recognized and successful building company, have more to be thankful for. Let us all congratulate grandparents Kevin and Connie Braziel and their son and daughter-in-law John and Addie Braziel on the birth of their baby boy, Colin Elliot Braziel, born Sept. 6 and weighing in at 7 lbs. 5 oz. and measuring 20 3/4" long. Congratulations! May your lives be filled forever with joy and bliss!

Giselle Bernard- Publisher



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Father, Son Form Braziel Building Group, LLC

By Kathy Bowen Stolz



It takes trust and respect for any partnership to be successful, whether it's between business partners or homeowner and builder. The same is true for a father and son to form a company together. And L. Kevin Braziel and his son John Braziel certainly have both trust and respect for each other.

Previously working together for six years at Kevin's former company, Lawrence-Micheal Custom Homes, they created Braziel Building Group, LLC, in January 2013 after John indicated a strong desire to be a greater part of the company. They determined that a new company with a new company name would signal fresh ownership to the community.

Continued on page 10

Subcontractor Agreements – Necessary Evil or Saving Grace?

By Ian P. Faria & Jon Paul Hoelscher of

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Most builders and remodelers utilize contracts with homeowners. But, many builders and remodelers do not have contracts with their subcontractors. Subcontractor agreements are an important part of any construction project and every builder and remodeler should consider utilizing these agreements to protect themselves. While every contract form is different, every subcontractor agreement should include provisions related to indemnity, insurance, independent contractor status, and payment terms.

Indemnity. Agreements with subcontractors should also include indemnity provisions. Indemnity is generally defined as a promise to pay for damages. Indemnity agreements typically provide that one party will promise to pay for any damages incurred by the other party. It is important that your subcontract include an indemnity provision that requires the subcontractor to indemnify you for any loss or damage you may suffer due to the subcontractor's acts or omissions. For example, if subcontractor's employee gets hurt on the job site and they sue you, an indemnity agreement would provide you with avenue to require the subcontractor to defend you in the lawsuit and if they are unwilling to, then you would have a claim against the subcontractor.

Insurance. In addition to indemnity provisions, all subcontracts should spell out the exact type and level of insurance that your subcontractor must obtain. Insurance provisions should require the subcontractor to obtain enough insurance to satisfy any claims that may be result from the project. Subcontractor agreements should also require that the builder or remodeler be named as an additional insured. An additional insured means that you are put into the same shoes as the subcontractor. In injured subcontractor employee example, being named as an additional insured would allow you to make a direct claim with the subcontractor's insurance policy for any claim

Every builder and remodeler that requires their subcontractor to name them as an additional insured should make sure they get a copy of the insurance

policy. Most obtain a copy of the Additional Insurance Certificate; however, these do not give you a clear idea of what the insurance policy actually provides.

Independent Contractor Status. Another important part of any subcontractor agreement is a specific agreement that the subcontractor and its employees are independent contractors of the builder and not employees of the builder. This is important for a multitude of reasons, including applicability of workers compensation, OSHA liability and liability in lawsuits. Employees are usually insured for on the job injuries through workers compensation insurance. If a subcontractor's employee is injured, there is a chance that they could qualify under your workers compensation policy unless there is a clear agreement that they are not an employee but an independent contractor. Similarly, if there is an agreement that clearly states that subcontractors and their employees are independent contractors, then the agreement can be shown to OSHA during any inspection to demonstrate that the builder had no control over the individual who may have violated safety protocols. Likewise it is very helpful in defending lawsuits for both personal injuries as well as construction defects when the injured person or person who caused the injury or defects was an independent contractor.

Payment Terms. Subcontractor agreements should also include specific payment terms. Payment terms should mirror those terms the builder has agreed to in the contract with the home owner so as not to create any gaps in payment. For example, if the builder's contract with the owner includes a retainage withholding allowance, then the subcontracts should do the same. Payment provisions should also provide for the need for change orders, invoices, supporting documents and conditional lien waivers by the subcontractor for each and every payment request. This will insure that you safeguard your project from potential payment disputes as well as liens.

As always, builders and remodelers should consult with their attorneys and insurance professionals to make sure

their contracts and insurance requirements comply with applicable laws and regulations.



Ian P. Faria is a Director with Coats | Rose and a member of the firm's Construction/Surety Law and Oil and Gas/Energy sections. Ian was selected as a Texas Super Lawyer in 2014 in Construction Law. This is an honor conferred upon only on 5% of the total lawyers in Texas (previously he was selected as a Texas Super Lawyer "Rising Star" in Construction Law in 2012 and 2013). He was also selected by his peers for inclusion in The Best Lawyers in America© 2014 and 2015 in the field of Construction Law. In 2015, he received the highest rating, AV Preeminent®, by Martindale-Hubbell® Law Directory. This is Martindale-Hubbell's highest possible rating for both ethical standards and legal ability.



Jon Paul Hoelscher is Director with Coats | Rose and a member of the firm's Construction and Litigation sections. He has been selected as a Texas Super Lawyer "Rising Star" for Construction Law by Texas Monthly since 2012, an honor conferred upon only 2.5% of the total lawyers in Texas. He also has served a councilmember for the Houston Bar Association Construction Law Section since 2011.

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DIALOGUE WITH A DESIGNER

Sweetlake Interior Design, LLC

Morrison knows that dreams, reality and inspiration make a house a home. They also know that an interior designer or interior design firm often become an intricate part of this process. Design professionals should be committed to creating individualized and functional designs to meet the lifestyles of their clients' families. Morrison Showrooms work to inspire these ideas and is conveniently located in the heart of Houston. Morrison offers many brands and designs, all exhibited in unique settings with interactive displays. Whether it's appliances, plumbing, hardware or lighting, they have brand to fit every budget and a style to fit every design. Contact Morrison's Showroom Manager for more details at 713-861-2343.

This month Morrison speaks with Lori Toups-Fenton, owner and principal designer of Sweetlake Interior Design, LLC, who has provided some of Houston's most fabulous properties with unique custom designs since 1996. Sweetlake Interior Design, LLC, a full-service, high-end residential and commercial design firm and a licensed general contractor, is owned by award-winning interior designer, Lori Toups-Fenton, an allied member of ASID (American Society of Interior Designers).

Sweetlake designers are experienced in all aspects of interior design, which enables them to provide a variety of design services. By assisting clients with architectural details, construction specifications, new construction and remodeling projects, they provide an attentive level of service from start to finish. Sweetlake Interior Design is able to provide this level of service consistently, which is expected from a client during the design process. They are dedicated to fulfilling each client's vision. Whether it is a large scale home restructuring, an in-house remodeling project or specialty design and decorating, let Sweetlake Interior Design make your design dreams a reality!

Morrison: What motivated you to go into the interior design field?

Sweetlake Interior Design: Having a passion for creating beautiful and functional modern spaces

Morrison: How has the field of interior design changed since you graduated?

Sweetlake Interior Design: In many ways such as using AutoCAD to do 3D, scaled renderings which are extremely advanced and it helps clients to visualize a room and all of its features prior to the demo phase of



any project.

Morrison: How can an experienced interior designer help a custom home builder or a remodeling contractor with their building or remodeling projects?

Sweet Lake Interior Design: By designing all aspects of the space with scaled plans and detailed specifications on how to build out a space

Morrison: What sets you apart from other designers?

Sweetlake Interior Design: We are a design and build firm for both residential and commercial projects. We start with the planning phase, then bid out the entire project, down to the hardware (such as knobs for cabinetry), while avoiding any allowances. This ensures we stay on budget, and it prevents most unforeseen overages/obstacles. Then we enter the building phase and watch the design come to life.

Morrison: What has been your most challenging project and why?

Sweetlake Interior Design: That is hard to answer. We love the challenges that arise from a client's wishing for a dream kitchen, spa-like master bath and complete home renovations. Every project teaches us something new about the industry, keeping our designs fresh and original. In the end, designing and building is always exciting. The greatest challenge is to make no two homes alike.



Continued from page 5

“John’s business degree in entrepreneurial management and his MBA, both earned at Texas Christian University (TCU), make him well suited for ownership,” his dad said. “He also holds a real estate brokers’ license, which complements the services we provide.”

Lawrence-Micheal Custom Homes, which Kevin started in 1995, is the foundation for Braziel Building Group (BBG); it uses the same subcontractors and suppliers. “Our focus is to provide exceptional quality, service and value in custom home design and construction that fully address the expressed needs and desires of the client,” Kevin said. “The design emphasis is driven by listening to our customers’ needs.”

Lawrence-Micheal Custom Homes’ commitment to

communities, including Towne Lake, Rock Creek and Benders Landing Estates. The Braziels determine where to build their spec homes based on location, amenities, likelihood of future value retention and developer character. John oversees the spec homes’ projects, an aspect the company intends to grow in the next five years.

Both men cite advantages to working together in a family business. “The trust as well as the incomparable commitment to each other creates an environment where we’re both pulling in the same direction. There’s no struggle for power as in many companies,” Kevin said. “We’ve always been very competitive — a trait John took to new levels when playing football for TCU — especially with each other, and this [partnership] challenges each of us to be our best in every respect,” he added.



“Our focus is to provide exceptional quality, service and value in custom home design...”

this focus was honored in 2012 by the Greater Houston Builders Association with the prestigious Houston’s Best Prism Award for Best Custom Home Design in the \$400-800k category. John managed that award-winning project for Lawrence-Micheal.

BBG builds custom homes for the region around the Magnolia area of southern Montgomery and northern Harris counties. It offers design/build custom homes on owners’ property as well as speculative homes in select

Their shared philosophy, which stems from their Christian faith, is stated on the company’s website, www.bbghomes.com: “We regard the building process as a personal relationship with our customers where trust, honesty and integrity are our guiding principles. We also firmly believe in transparency throughout the entire process to ensure open lines of communication and eliminate surprises. Each home is built as if it were our own, with the utmost attention to quality and craftsmanship.”



Brazil Building Group offers its customers multiple services, including property acquisition, site evaluation, building design and financing. It manages the complete construction responsibility, including clearing, permits, driveways, utilities and septic systems.

Kevin learned all aspects of building – including sales, field supervision and finance – during the 16 years he worked for national builders. While in those companies’ top management positions, Kevin earned recognition as both Houston and National Builder of the Year. He began his career in homebuilding with General Homes in 1977 after earning a bachelor’s degree in business administration from Southwest Texas State University in 1975. His first job out of college was in sales, where he used his analytical skills and learned a commitment to serve customers. “My business degree opened doors to opportunities that would not have otherwise existed for me at the national company and put me in the position to learn homebuilding through its excellent management program.

“Working as the controller exposed me to the entire operation and gave me valuable knowledge for owning my own company,” Kevin noted. “It positioned me well to handle all aspects without having specialists in the areas I was unfamiliar with. I see a lot of outstanding builders fail because they don’t understand the business side. Others know the business but can’t put out a quality product.” Kevin started his own company because he sought a challenge with unlimited opportunity where personal achievement was acknowledged and rewarded. Although Kevin never encouraged his son to pursue a career as a homebuilder, John helped his dad on job sites as a boy. He later used his dad’s Lawrence-Micheal company more than once for his business school case studies. His analyses confirmed that his dad was good at his work. “Seeing construction and project details that I hadn’t been exposed to up to that point gave me a new appreciation for the trade,” John said.



“I gained a lot of interest in homebuilding in my junior and senior years of college [at TCU] when I was working on those class projects.” Still, John tried on the corporate hat at Hughes Supply Co. during an internship and for a year after earning his MBA degree. During this time, he learned he wasn’t suited for a desk job but would instead thrive in an environment where he could tap into his creativity and see building concepts materialize into finished projects.



If he weren't involved in homebuilding, John is sure he'd be doing something involving ingenuity and "elbow grease." Do-it-yourself projects – including building computers, designing and constructing a saltwater reef aquarium, building remote control planes and installing advanced theater room equipment – give him great satisfaction.

Both he and his dad find happiness in making their customers happy. "The most satisfying [aspect of homebuilding] is the appreciation shown by our clients for the homes we create for them," Kevin said. "I can't imagine not being significantly involved in homebuilding."

John added, "In addition to the relationship built with clients and the appreciation they show, I get satisfaction in just the project itself. I'm continuously looking for ways to make any additional improvements throughout the construction process. Adding to that satisfaction is when people other than the homeowners realize that level of thought and care that has gone into all aspects of the project."

Customer satisfaction is a key to the Braziels' marketing efforts. "Our customers primarily market our services via word of mouth," Kevin noted. However, they rely on a custom home central sales office for its spec subdivisions.



As far as the future goes, both are committed to making BBG successful. "Unlike many small businesses, especially in homebuilding, when the principle owner retires, the company just ceases to operate. My commitment is to leave John with the very best company I can whenever that time comes," Kevin vowed. And unlike some families in business together, this father and son still enjoy spending time together. Not being able to vacation together now that they are each other's primary back-up at work is one thing they cited as a disadvantage to their business partnership. Kevin said, "We have done so once, and that was the best vacation I have ever had."



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Wimberley Glassworks'

Options Light Up Any Decor

Unless you've stumbled upon it in your travels or weekend getaways to the hill country, you're probably unaware of Wimberley Glassworks, a decorative art treasure nestled into the countryside of San Marcos, Texas, that awaits your discovery.

Inside the blown glass studio and gallery of Wimberley Glassworks (WGW) is a wealth of colorful and creative art glass and lighting choices for builders wanting to provide unique features and individual customer choices for their custom homes.

With artisans using centuries-old techniques, the Glassworks' staff creates exclusive handcrafted collections, limited edition vases, sculptures, platters and lighting. Since 1992, their custom lighting designs have been featured in luxury and commercial properties worldwide.

The company embraces a wide variety of architectural styles and scales, from residential lighting to large commercial art installations, working intimately with clients to create beautiful pieces that function perfectly in their space.

"Each space has its own emotion, its own sense of

discovery to the public, the owners, the architects and to me. It is my desire as the artist to work with all concerned, to highlight, expand, bring forth and share with the public, the wonder, excitement, and joy of each space," Tim de Jong, owner and creative director, commented.

Wimberley Glassworks' residential lighting selection creates a focal point in any home or office. Refracted and colored light from these pieces provides ambiance as well as desired task lighting. Customers, with assistance from showroom consultants, make their own artistic





combinations from a broad selection of glass patterns, shade shapes and metal finishes.

In addition to its residential lighting, Wimberley Glassworks also creates large scale custom art installations. The staff has worked extensively with design build firms, interior designers, architects and builders to create fresh and interesting concepts. Each project is developed by the Glassworks' team and lighting designer. A portfolio of these works is on the "installation" page of the company website (www.wgw.com) where additional design concepts are available for consideration.

The inspiration for the Glassworks began years ago. "After my discovery of the sunset beaming through winter ice buildup on the railings at Niagara Falls, I began to put light through my art glass. Today, light emits through all my works on a grander scale, leaving a sense of discovery that is a thought-provoking and positive experience," said De Jong.

Tim was born in Saskatchewan, Canada. He studied

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Continued from page 9

Morrison: How do you begin the materials selection process when working with builders' and remodelers' clients?

Sweetlake Interior Design: We speak and/or meet with the client to determine their needs and style. Then, we digitally create the selections/space in AutoCAD for the client to review for approval. Once approved, we purchase the client's selections and have it professionally installed/delivered.

Morrison: What are some common mistakes made by builders and homeowners?

Sweetlake Interior Design: Not planning or pricing out a project prior to starting

Morrison: Speaking about staying current, how to you keep yourself up to date with all the design trends happening in the industry today?

Sweetlake Interior Design: By constantly being involved and up to date on the latest trends and materials in the world of interior design. Also, through completing CEUs that are relevant for designers and builders.

Morrison: What is your favorite design style?

Sweetlake Interior Design: Clean lines and mid-century, functional modern

Morrison: What fascinates you and how have you incorporated that into your designs.

Sweetlake Interior Design: Creating a new design for every client and not using the same materials over and over again.

Morrison: How would you characterize your personal style?

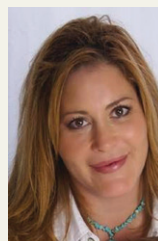
Sweetlake Interior Design: Modern, with a transitional twist.

Morrison: What would be your recommendation for "what to do first" in a decorating project when working with the builders and/or homeowners?

Sweetlake Interior Design: Floor plan layout and placement

Morrison: How to you keep yourself up to date with current design trends in the market?

Sweetlake Interior Design: By attending markets and keeping up with my obligations to ASID



Lori Toups-Fenton, Allied ASID

You may learn more about Sweetlake Interior Design, LLC, by contacting Lori Toups-Fenton, Allied ASID, owner, at 1935 Springwell Dr., Houston, TX 77043 or by phone at office/fax 713.861.5444 or at cell 281.808.1281.

You may also visit the websites www.sweetlakeinteriordesign.com and www.loritoups.com.

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ceramics, sculpture and glass at Alfred University in New York before earning a bachelor of fine arts degree with a concentration in glass art from Tyler's School of Art at Temple University in Pennsylvania.

In 1991 Tim came to Texas on vacation and fell in love with the Texas Hill Country. Within a year of his visit, he purchased property and opened Wimberley Glassworks just south of the village of Wimberley. In 2006 the company moved to a new and larger location. What started as a small shop with a few lawn chairs for visitors to view glassblowing has grown into a demonstration area with seating for 90 people.

All glass is created in a 6,500-square-foot facility with glassblowing studio, gallery and showroom. Tim is the sole owner; he has built WGW into the Southwest's premier art glass and custom lighting studio. The in-house creative team includes four glass artisans led by De Jong and an accredited lighting designer, Ashley Main, who makes their artistic projects a reality. The creative team considers maintenance and cleaning, UL listings, LED compatibility, environmental impact and LEED ratings in its designs. The company prides

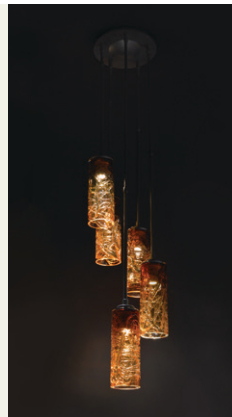
itself on minimal outsourcing outside of the United States.

Customers may make custom combinations from a broad selection of glass patterns. Each unique piece is mounted on either Hubbardton Forge fixtures or on WGW's custom designed lighting.

Customers also may purchase glass shades separate from the fixtures; the shades are universally drilled for use on any fixture that secures shades with a ceramic ring around a standard- or candelabra-sized socket. Light bulb choices are specific to each shade and made from a variety of LED options, some of which are dimmable. Lighting options include chandeliers, sconces, pendants, outdoor lighting and lamps.

Chandelier designs vary in configurations suited for foyers and dining areas. Several designs are also available in large scale versions with 12 or more shades. Sconces provide accent and task lighting for stairways, media rooms and bathrooms. Wimberley Glassworks' Platter Sconce design is adjustable to a range of diameters and can be grouped as a wall display. Pendants provide task or accent lighting and feature





standard-sized shades or cylinders for use over kitchen islands as well as large half dome shades for use over tables. The WGW Universal Pendant is available in varying and custom lengths and finishes with full swivel canopy.

Outdoor lighting provides task or accent light for front entries, patios, decks and landscaping. These blown glass shades are thick and durable enough for any weather condition. Customer have even reported snowdrifts around their homes being lit from within by the Glassworks' colored light!

To complete the whole look, customers may choose from a selection of blown glass table and floor lamps. These lamps' shades are supported by an adaptable harp. More lighting combinations can be found at the company website on the "lighting" page. The company continually adds new designs and patterns to the website. Wimberley Glassworks invites you to create this sense of discovery in your own custom home designs or for your homeowners' friends and family to experience.

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 Visit Wimberley Glassworks at www.wgw.com or see its showroom at 6469 Ranch Road 12, San Marcos, TX 78666. Or you may call 1-888-796-3962 or 512-213-4148 or email info@wgw.com to discuss your custom lighting needs and ideas.

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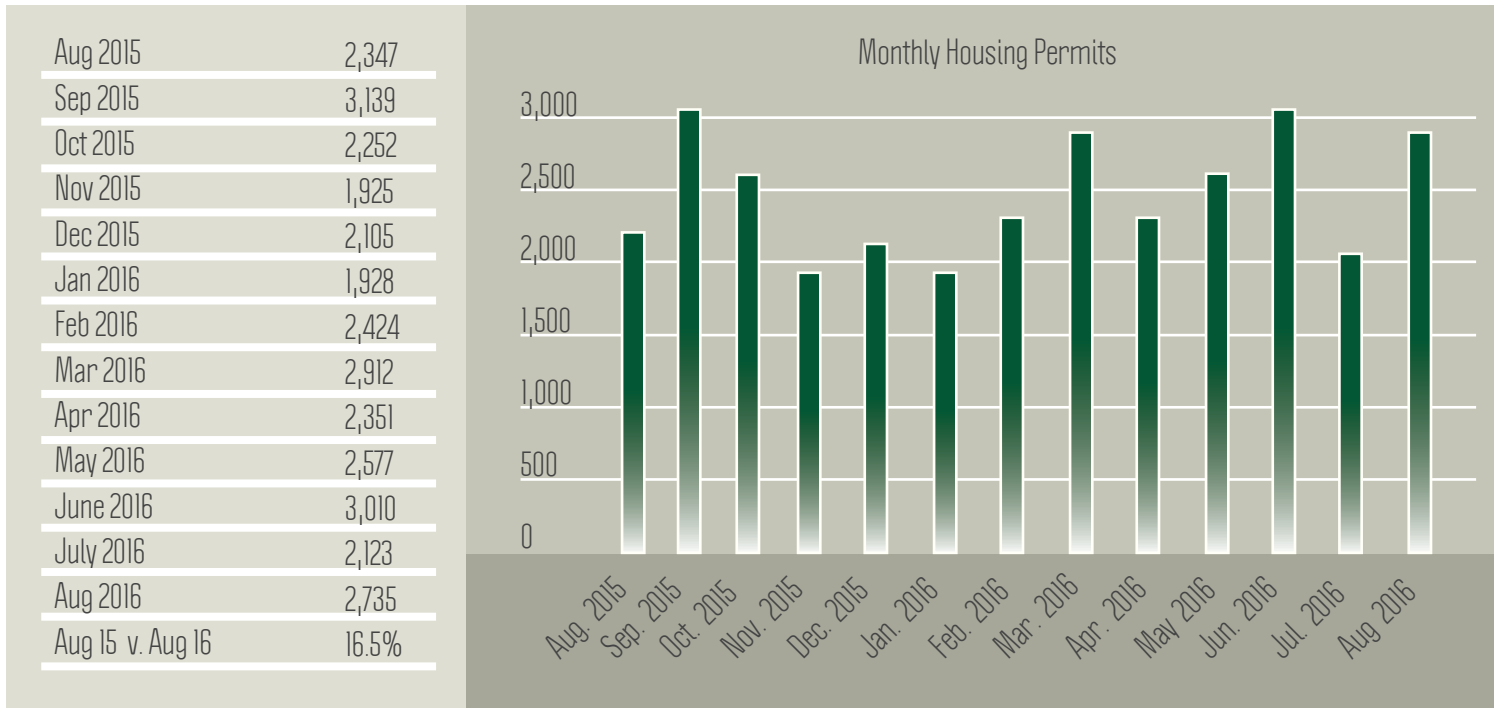
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Houston Housing Picture

Bohlke Consulting Group, LLC

Monthly housing permits filed by builders in the Houston Area.



MARKET	Sep 14-Sep 15	Sep 15 - Aug 16	ANNUAL % CHANGE	-	-
Grand Total	33,151	29,481	-11.1%	-	-
Lennar Homes	1,838	1,660	-9.7%	-	-
DR Horton Homes	1,655	1,591	-3.9%	-	-
Perry Homes	1,443	1,309	-9.3%	-	-
Postwood/Long Lk	1,229	1,187	-3.4%	-	-
KB Homes	1,019	924	-9.3%	-	-
Express Homes	741	827	11.6%	-	-
Meritage Homes	925	785	-15.1%	-	-
Beazer Homes	830	766	-7.7%	-	-
Taylor Morrison	828	763	-7.9%	-	-
David Weekley	650	703	8.2%	-	-
	-	-		-	-

Monthly permit activity shows a 16.5% increase between August 2015 and August 2016, while annual permit numbers continue to soften, reporting a 11.1% decrease for the Houston market area for the twelve month period ending August, 2016. The top ten builders account for 35.67% of permit activity in the Houston market area, issuing 10,515 permits for the twelve month permit ending August, 2016.

Cantwell-Hatch Bill Would Boost Low-Income Housing Tax Credit



Before adjourning for the Senate's summer recess, Sens. Maria Cantwell (D-Wash.) and Orrin Hatch (R-Utah) introduced the Affordable Housing Credit Improvement Act (S. 3237), legislation that would increase the annual housing credit allocation by 50%, in addition to a number of critical improvements to the Low-Income Housing Tax Credit. Sen. Ron Wyden (D-Ore.) is a cosponsor of the bill.

The bill would make permanent the 4% credit rate for acquisition and bond-financed existing projects. In addition, the legislation would allow energy tax incentives to be used in combination with Low-Income Housing Tax Credits and help combat local opposition to affordable housing projects by prohibiting local approval and contribution requirements.

"The Low-Income Housing Tax Credit is the most successful affordable housing program in the nation," said NAHB First Vice Chairman Granger MacDonald, a tax credit developer from Kerrville, Texas. "This bill will provide the program with the resources necessary to meet the nation's affordable housing needs."

The bill would also:

Provide a new incentive for projects that target homeless or extremely low income individuals and families. These projects would be eligible to receive a 50% credit boost, allowing them to remain financially feasible while targeting the neediest populations.

Repeal the Qualified Census Tract population cap, enabling properties in more areas to receive a basis boost.

Include relocation expenses in rehabilitation expenditures.

Allow states to determine the definition of a community revitalization plan to give them flexibility to determine local criteria.

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Increase the amount of housing credits that developments serving extremely low-income tenants can receive in order to make developments serving the lowest-income tenants more financially feasible.

Allow states to award a basis-boost to housing bond-financed developments to provide additional equity when needed.

Provide for a purchase option that would allow non-profit and government sponsors to acquire Low-Income Housing Tax Credit properties when the current 15 year compliance period expires.

Require states to consider the needs of Native Americans when allocating housing credits and provide additional support to projects located in Indian areas by automatically making them eligible for an additional 30% credit boost if necessary for financial feasibility.

Permit broader income-mixing within housing credit developments in order to preserve rigorous targeting while providing more flexibility and responsiveness to local needs, while maintaining a 60% area median income average.

NAHB will work with its coalition partners to build support for this bill.



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