



TADC *e-Update*
The Texas Association of Defense Counsel, Inc.

LEGISLATIVE UPDATE

April 22, 2009

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The TADC, through its hard-working Legislative Committee, its officers and directors, its Legislative Consultant, and its Executive Director, have been very busy this Spring working in your behalf on a multitude of legislative issues. The following is a status report on at least some of the bills of interest.

With only six weeks remaining in the legislative session, the pressure is mounting to move bills through the process.

May 11 is the last day for House committees to report House bills and joint resolutions; May 12 the last day for the House to print and distribute the last House Daily Calendar. The final day for the House to consider non-local bills and joint resolutions is May 14. As a practical matter, if a House bill is not out of its committee of origin by the end of this week, it is unlikely that the bill will make it to the Calendars Committee in time to be scheduled for debate.

Senate bills already in the House have a much better chance, and there are at least three of those of great interest to TADC. First, the jury note-taking and questions bill, [SB 445](#) by Senator Wentworth, passed the Senate three weeks ago and is awaiting hearing in the House Judiciary and Civil Jurisprudence Committee. This bill will not be heard until next week at the earliest, since House committees are rushing this week to hear remaining House bills. Second, the anti-indemnity bill, [SB 555](#) by Senator Duncan, is likewise in the House Judiciary and Civil Jurisprudence, but has already had a hearing by virtue of its House companion, [HB 818](#) by Rep. Eiland. This bill is expected to move sometime in the next week. Third, [SB 1123](#), the mesothelioma causation bill, also by Senator Duncan, passed the Senate today (by a 19-11 margin). Its House companion has likewise been heard and is awaiting committee action.

Two other bills of interest to TADC are out of their committees of origin and awaiting floor action in their respective houses. [SB 1119](#) by Senator Hinojosa, the "paid or incurred" legislation, has been pending on the Senate Intent Calendar for two weeks, lacking the necessary votes to come before the full Senate. The House companion, [HB 1811](#) by Rep. Eiland, is pending in the House Judiciary and Civil Jurisprudence Committee. [HB 1657](#) by Rep. Giddings, which reverses the Texas Supreme Court's decision in *Entergy v. Summers*, cleared the House Business & Industry Committee last week and is awaiting placement on the House Calendar. The Senate companion, [SB 2063](#) by Senator Duncan, has not yet been heard in the Senate State Affairs Committee.

TADC has testified on a number of other bills as well. [SB 992](#), the court reorganization bill by Senator Duncan, has been reported from the Senate Jurisprudence Committee and is awaiting Senate debate. The appoint-elect-retain plan for appellate and district courts, [HB 3995](#) by Rep. Todd Hunter, Chair of the House Judiciary and Civil Jurisprudence Committee, was heard two weeks ago in committee and left pending. The bill faces significant obstacles to passage this session, as it has in the past. Finally, [SB 152](#) by Senator Rodney Ellis, which changes the emergency room standard of care, was heard in Senate State Affairs nearly a month ago and is still pending. It would appear that this legislation lacks support in committee.

The TADC continues to monitor legislation of interest and will keep you updated on the progress of key bills. Do not hesitate to contact the TADC should you have a question regarding any bill in this update or any other legislation of interest.

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