



## **LEGISLATIVE UPDATE**

May 27, 2009

At midnight last night, the House deadline for considering bills on second reading came and went with a number of major bills still pending on the calendar. These included anti-indemnity legislation ([SB 555](#)) and the Texas Department of Insurance sunset bill ([SB 1007](#)). These bills may now only be considered if the House votes to suspend its rules, which requires a two-thirds majority. Given the close partisan balance in the House, it seems unlikely that the rules will be suspended for any controversial legislation at this point.

House Democrats slowed consideration of the Local Calendar for five days in order to block voter identification legislation from coming to the House floor. Although this was successful, they are taking criticism for also killing bills related to children's health insurance, windstorm insurance, and clean air. Governor Perry has indicated that he may call an immediate special session to consider the windstorm issue.

The Senate deadline for considering bills on third reading is today. Of note, [HB 1657](#), the Entergy legislation, is pending on the Senate Intent Calendar, but lacks the votes to come to the floor. Even if a two-thirds majority could be mustered for the bill during today's debate, it would in all likelihood lack the four-fifths majority needed to suspend the constitutional three-day rule. It would thus appear that the Entergy legislation is dead for this session.

Additionally, bills related to asbestos-related mesothelioma, paid or incurred, multi-district litigation, and the Fortis rule are likewise dead, both in their

original and amendment form. Proponents of these bills had hoped to tack them on to the TDI sunset legislation. Also on the dead list are the jury questions bill ([SB 445](#)), judicial selection, and court reorganization. One thing that will apparently pass is the abolition of the Texas Residential Construction Commission. Although the agency was reauthorized by the House, the Senate could not come to agreement on the bill and voted to phase out the agency within the year.

There are still six days remaining in the session, and either house could suspend rules to take up moribund bills. The Senate is also using House bills to salvage parts of bills that died on the House Calendar last night, so we will keep you posted on developments through the weekend.

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