



May 15, 2009

Last week, I warned you about three bad things that could happen. One of them didn't—the bill limiting the use of Multi-District Litigation Panels was not set. One of them did—the Entergy bill was set by the House Calendars Committee and passed the House (narrowly). One is yet to come—the Texas Department of Insurance Sunset Bill.

Wednesday night, following extensive debate, the House passed HB 1657 (Entergy) by a vote of 75-69. But, 2 of the positive votes were cast in error. Thus, when the bill came up for third reading and final passage, the margin narrowed to 73-71. The only good news is that now that we have a record vote, we know where to concentrate our efforts—of course, so does the other side! Republicans voting for the bill were: Joe Crabb, Dan Gattis, Tuffy Hamilton, Brian Hughes, Todd Smith, John Smithee and Burt Solomons. Democrats voting against the bill were: Chuck Hopson, Eddie Lucio III, Marisa Marquez, Tara Rios Ybarra, Patrick Rose and Mark Strama.

We still anticipate the Texas Department of Insurance Sunset Bill—SB 1007—to be considered as early as Tuesday, May 19. We will likely re-fight the battle on Entergy and face amendments dealing with “phantom damages,” multi-district litigation panels (if it is germane), and subrogation. There may even be more creative amendments offered by plaintiff lawyer advocates. This will be a critical battleground that will likely last until the very end.

In another setback, the Senate Education Committee added requirements for a fine arts course and physical education to the core curriculum, taking the 8 “free” credit hours down to 6. This would be a major blow to our Career and Technical Education programs if sustained. The House bill had many other good CTE provisions that were stripped in the Senate. This bill will end up in a conference committee to resolve the differences.

Committee hearings this past week:

Tuesday, May 12

Senate Business and Commerce—HB 1513 (Trust Funds) was voted out of the Senate Business and Commerce Committee this week. It still has no opposition and was recommended for the Local and Uncontested Calendar. In conversations with Senator Jackson's office, there are indications that they may put the bill on the Senate Intent Calendar if it appears that it will take too long to get on the Local and Uncontested Calendar.

Committee hearings next week (as of today):

Committees are winding down their work. Most meetings are formal meetings just to report bills. The ADS bill (SB 1110) is still in the House Committee on State Affairs. As of this writing, it has not been voted out. We anticipate it being voted on soon. (See deadlines at the end of this bulletin)

When the Legislature convenes on Monday, there will be only 15 days left inclusive.

Below is a brief summary of action or relevant information on ABC of Texas' Priority Legislative Issues that remain active:

Immigration—Immigration issues appear to be dead for the session.

Alternative Delivery Systems—SB 1110 by Senator Mike Jackson was heard in the House Committee on State Affairs. We anticipate the bill being reported today (Friday, May 15).

Indemnification/Workers' Compensation/Third Party Liability—ABC of Texas is supporting SB 555 by Senator Robert Duncan. The Senate bill passed on Wednesday, March 18. It was heard in House committee on April 6. The House Bill was reported from committee but did not get set (likely because there is a Senate Bill also in Calendars). Efforts are focused on getting SB 555 set for House action next week. ABC of Texas is also an active participant in joint efforts led by Texans for Lawsuit Reform and TCJL to oppose any erosion in tort reform this session and to protect favorable court decisions. As mentioned above, HB 1657 (Entergy) passed narrowly. SB 2063 is the Senate version. It has not yet been heard in committee. ABC of Texas has been working with TLR and TCJL to secure 11 "blockers" to prevent Senate consideration. Our Senate "champions" are Senator Tommy Williams and Senator Joan Huffman. They report our blockers are still firm. Lieutenant Governor David Dewhurst has said that the Entergy bill is dead in the Senate.

Trust Funds—HB 1513 by Rep. Wayne Smith and Senator Mike Jackson has been passed the House and been reported by Senate Committee as mentioned above.

Prevailing Wage—HB 1042 by Rep. Tan Parker was heard in the House Committee on Technology, Economic Development and Workforce. The author, Rep. Tan Parker is Vice Chair of the committee. A late hearing spelled doom for the bill. Rep. Parker is considering proposing an interim study which could give us traction for some changes in the future.

Trades Legislation—Thanks to the efforts of ABC of Texas members, we have successfully killed all the bad trades legislation. One bill dealing with electrical apprentices was amended to allow our NCCER craft training programs to qualify as apprentice training.

On Monday, May 4, there will be only 15 days left inclusive.

Here are some critical deadlines coming up:

- Wednesday, May 20—Last House Local and Consent Calendar with local House Bills must be printed and distributed
- Friday, May 22—Last day for House to consider local bills; first day the Senate can consider bills on the first day they are posted on the Intent Calendar
- Saturday, May 23—Last day for House Committees to report Senate Bills
- Sunday, May 24—Last House Daily Calendar with Senate Bills must be printed and distributed
- Monday, May 25—Last House Local and Consent Calendar with Senate Bills must be printed and distributed
- Tuesday, May 26—Last day for the House to consider Senate Bills on 2nd reading
- Wednesday, May 27—Last day for the House to consider local and consent Senate Bills on 2nd and 3rd reading and all 3rd reading Senate Bills on the regular calendar; last day for the Senate to consider any bill on 2nd or 3rd reading (as a practical matter, any Senate

Bill considered on this day is dead since the House deadline has passed for Senate Bills)

- Thursday, May 28—Senate amendments to House Bills must be printed and distributed by midnight
- Friday, May 29—Last day for the House to consider Senate amendments to House Bills (concur or go to conference committee); before midnight, Senate copies of Conference Committee Reports on tax, general appropriations and reapportionment bills must be printed and distributed
- Saturday, May 30—Before midnight, House copies of all Conference Committee Reports must be printed and distributed; before midnight, Senate Conference Committee Reports on bills other than those with a Friday deadline must be printed and distributed
- Sunday, May 31—Last day for the House to adopt Conference Committee Reports; last day for Senate to concur in House amendments to Senate Bills or adopt Conference Committee Reports
- Monday, June 1—Corrections only in House and Senate.

As the session winds down, the issue list gets smaller. The workload does not get lighter, it just gets more focused!

We've got Trust Funds, ADS and Indemnification still in play. We have to block the Entergy bill in the Senate and keep the Texas Department of Insurance Sunset bill "clean." Next week will be very, very busy.