

Substitute the following for the Geren amendment:

Floor Amendment No. 25 to **CSHB 4** by Rose as follows:

(1) On page 6 of the amendment, strike line 1, and substitute the following: "a preponderance of the evidence presented by an insurer that:".

(2) On page 6 of the amendment, line 12, strike "unreasonable or".

(3) On page 7 of the amendment, line 25, strike "85" and substitute "81".

(4) On page 8 of the amendment, strike lines 2 through 6 and substitute the following: "coverage on January 1, 2003, or, if the insurer did not insure that insured on January 1, 2003, 81 percent of the amount the insurer would have charged that insured on January 1, 2003. An insurer may".

(5) On page 8 of the amendment, strike lines 8 through 10 and substitute the following: "A proceeding under this article is a contested case under Chapter 2001, Government Code. The commissioner shall not grant the exception unless the insurer proves by a preponderance of the evidence that the rate reduction is confiscatory. If the insurer meets this evidentiary burden, the commissioner may grant the exception only to the extent that the reduction is confiscatory."