

## MINUTES

### SENATE COMMITTEE ON JURISPRUDENCE

Friday, May 20, 2011

1:30 PM or upon adjournment

Betty King Committee Room

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Jurisprudence was held on Friday, May 20, 2011, in the Betty King Committee Room at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator Chris Harris, Chair

Senator Jose Rodriguez, Vice Chair

Senator Robert Duncan

Senator Mario Gallegos, Jr.

Senator Carlos Uresti

#### **MEMBERS ABSENT:**

Senator John Carona

Senator Joan Huffman

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The chair called the meeting to order at 9:40 PM. There being a quorum present at 9:52 PM, the following business was transacted:

The chair laid out HB 3856 and recognized the Senate sponsor, Senator Watson, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 3856 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 3856 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 3856.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3844 and recognized the Senate sponsor, Senator Fraser, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 3844 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 3844 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 0 nays, 0 present not voting, and 3 absent.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3475 and recognized the Senate sponsor, Senator West, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 3475 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 3475 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 3475.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3674 and recognized the Senate sponsor, Senator Duncan, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 3674 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 3674 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 3674.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2949 and recognized the Senate sponsor, Senator Eltife, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 2949 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 2949 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 2949.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2310 and recognized the Senate sponsor, Senator Wentworth, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 2310 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 2310 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 2310.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 1897 and recognized the Senate sponsor, Senator Deuell, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 1897 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that HB 1897 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 1897.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2367 and recognized the Senate sponsor, Senator Uresti, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 2367 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Uresti moved that HB 2367 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 2367.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2492 and recognized the Senate sponsor, Senator Uresti, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 2492 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Uresti moved that HB 2492 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 2492.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2047 and recognized the Senate sponsor, Senator Uresti, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Uresti moved that HB 2047 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 0 nays, 0 present not voting, and 3 absent.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 230 and recognized the Senate sponsor, Senator Gallegos, Jr., to explain the bill.

Senator Gallegos, Jr. sent up a committee substitute; the chair recognized Senator Gallegos, Jr. to explain the difference between the committee substitute and the house bill as engrossed. Senator Harris moved adoption of the committee substitute; without objection, it was so ordered.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 230 do not pass but that CSHB 230 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on CSHB 230.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3125 and recognized the Senate sponsor, Senator Patrick, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Uresti moved that HB 3125 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 3125.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3439 and recognized the Senate sponsor, Senator Rodriguez, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodriguez moved that HB 3439 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 3439.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 149 and recognized Senator Gallegos, Jr., in the absence of the Senate sponsor, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Gallegos, Jr. moved that HB 149 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 149.

The chair laid out HB 1314 and recognized Senator Gallegos, Jr., in the absence of the Senate sponsor, to explain the bill.

There being no witnesses, the chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Gallegos, Jr. moved that HB 1314 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

Senator Gallegos, Jr. moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3172 and recognized Senator Uresti, in the absence of the Senate sponsor, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 3172 be left pending; without objection, it was so ordered.

At 10:40 PM Senator Rodriguez assumed the chair.

The chair laid out HB 3833 and recognized the Senate sponsor, Senator Harris, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that HB 3833 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0

nays, 0 present not voting, and 2 absent. Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on HB 3833.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 10:43 PM Senator Harris resumed the chair.

There being no further business, at 10:45 PM Senator Harris moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Chris Harris, Chair

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Katie Qualls, Clerk