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2001: May 11

MINUTES

SENATE COMMITTEE ON JURISPRUDENCE

Friday, May 11, 2001

7:00 a.m.

Capitol Extension, Room E1.028

LEGISLATIVE COUNCIL

MAY 15 2001

Pursuant to a notice posted in accordance with Senate Rule 11.18, a public hearing of the Senate Committee on Jurisprudence was held on Friday, May 11, 2001, in the Capitol Extension, Room E1.028, at Austin, Texas.

MEMBERS PRESENT:

Senator Royce West
Senator David Bernsen
Senator J. E. Brown
Senator Robert Duncan
Senator Rodney Ellis
Senator Mike Jackson
Senator Jeff Wentworth

MEMBERS ABSENT:

None

The chair called the meeting to order at 7:04 a.m. The following business was transacted:

The chair laid out HB451 and recognized the Senate sponsor, Senator Brown, 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. Upon arrival of a quorum, Senator Brown moved that HB451 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 nay, 0 present not voting, and 2 absent. Senator Brown moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB2367 and recognized the Senate sponsor, Senator Bernsen, 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. Upon arrival of a quorum, Senator Bernsen moved that HB2367 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 nay, 0 present not voting, and 2 absent.

The chair laid out HB2731 and recognized the Senate sponsor, Senator Bernsen, 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. Upon arrival of a quorum, Senator Bernsen moved that HB2731 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB3192 and recognized the Senate sponsor, Senator Wentworth, to explain the bill. Upon arrival of a quorum, Senator Wentworth moved that HB3192 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 nay, 0 present not voting, and 2 absent. Senator Wentworth moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The clerk called the roll. There was a quorum present.

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Senator Brown moved adoption of the minutes from the previous hearing held on May 9, 2001; without objection, it was so ordered.

The chair laid out HB3694 and recognized the Senate sponsor, Senator Lucio, Jr., to explain the bill. Senator Duncan moved that HB3694 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 nay, 0 present not voting, and 2 absent. Senator Brown moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB715 and recognized the Senate sponsor, Senator Lucio, Jr., to explain the bill. Senator Bernsen moved that HB715 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB497 and recognized Senator Brown, in the absence of the Senate sponsor, to explain the bill. Senator Brown moved that HB497 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 nay, 0 present not voting, and 2 absent. Senator Brown moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB78 and recognized Senator Wentworth, in the absence of the Senate sponsor, to explain the bill. Senator Wentworth moved that HB78 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 nay, 0 present not voting, and 2 absent. Senator Wentworth moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 7:35 a.m. Senator Bernsen assumed the chair.

The chair laid out HB539 and recognized the Senate sponsor, Senator West, 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 Bernsen moved that HB539 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB638 and recognized the Senate sponsor, Senator West, to explain the bill. Senator Bernsen moved that HB638 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB3203 and recognized the Senate sponsor, Senator West, 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 Bernsen moved that HB3203 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB1363 and recognized Senator West, in the absence of the Senate sponsor, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list.

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The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Bernsen moved that HB1363 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB485 and recognized the Senate sponsor, Senator Duncan, to explain the bill. Senator Duncan moved that HB485 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 nay, 0 present not voting, and 2 absent. Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 7:50 a.m. Senator West moved that the committee stand recessed; without objection, it was so ordered.

The Committee reconvened.

The chair laid out HB2735 and recognized Senator Brown, 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 Brown moved that HB2735 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 nay, 0 present not voting, and 3 absent. Senator Brown moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB2152 and recognized the Senate sponsor, Senator Jackson, to explain the bill. Senator Jackson moved that HB2152 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 nay, 0 present not voting, and 3 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB1813 and recognized Senator Bernsen, 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 Bernsen moved that HB1813 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 nay, 0 present not voting, and 3 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB2111 and recognized Senator Bernsen, in the absence of the Senate sponsor, to explain the bill. Senator Bernsen moved that HB2111 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 nay, 0 present not voting, and 3 absent.

The chair laid out HB1566 and recognized Senator Bernsen, 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 Bernsen moved that HB1566 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB588 and recognized the Senate sponsor, Senator Jackson, to explain the bill. Senator Jackson moved that HB588 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes,

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0 nay, 0 present not voting, and 1 absent.

Senator Brown moved that HB706 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 nay, 0 present not voting, and 2 absent.

The chair laid out HB691 and recognized Senator Bernsen, in the absence of the Senate sponsor, to explain the bill. Senator Bernsen moved that HB691 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 nay, 0 present not voting, and 3 absent.

Senator Jackson moved that HB3136 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 nay, 0 present not voting, and 3 absent.

Senator Duncan moved that HB842 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 nay, 0 present not voting, and 3 absent. Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB1137 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator Duncan moved that HB1137 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB1315 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator West moved that HB1315 be left pending; without objection, it was so ordered.

The chair laid out HB1766 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator Duncan moved that HB1766 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB2804 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator Duncan moved that HB2804 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

The chair laid out HB3171 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator Bernsen moved that HB3171 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

The chair laid out HB596 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator Bernsen moved that HB596 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

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The chair laid out HB920 and recognized Senator Jackson, 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 Bernsen moved that HB920 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

Senator Duncan assumed the chair.

The chair laid out HB792 and recognized the Senate sponsor, Senator West, to explain the bill. Senator Bernsen moved that HB792 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 nay, 0 present not voting, and 2 absent.

Senator West resumed the chair.

The chair laid out HB2351 and recognized the Senate sponsor, Senator Van de Putte, 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 Wentworth moved that HB2351 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 nay, 0 present not voting, and 2 absent.

The chair laid out HB2638 and recognized the Senate sponsor, Senator Shapiro, 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 Jackson moved that HB2638 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB3296 and recognized Senator Jackson, in the absence of the Senate sponsor, to explain the bill. Senator Jackson moved that HB3296 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Duncan moved that HB2249 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB1050 and recognized the Senate sponsor, Senator Brown, 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 Jackson moved that HB1050 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 nay, 0 present not voting, and 2 absent.

The chair laid out HB1167 and recognized the Senate sponsor, Senator Brown, to explain the bill. Senator West moved that HB1167 be left pending; without objection, it was so ordered.

The chair laid out HB1823 and recognized Senator Wentworth, in the absence of the Senate sponsor, to explain the bill. Senator Wentworth moved that HB1823 be reported favorably to the

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Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nay, 0 present not voting, and 2 absent.

The chair laid out HB3613 and recognized Senator Brown, in the absence of the Senate sponsor, to explain the bill. Senator Bernsen moved that HB3613 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 nay, 0 present not voting, and 2 absent.

The chair laid out HB2410 and recognized Senator Brown, in the absence of the Senate sponsor, to explain the bill. Senator Bernsen moved that HB2410 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 nay, 0 present not voting, and 2 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB2368 and recognized Senator Brown, in the absence of the Senate sponsor, to explain the bill. Senator Wentworth moved that HB2368 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 nay, 0 present not voting, and 2 absent.

The chair laid out HB1883 and recognized Senator Brown, 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 Bernsen moved that HB1883 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, 1 nay, 0 present not voting, and 1 absent.

The chair laid out HB546 and recognized the Senate sponsor, Senator Gallegos, Jr., to explain the bill. Senator Wentworth moved that HB546 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Bernsen moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB1921 and recognized the Senate sponsor, Senator Gallegos, Jr., 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 Duncan moved that HB1921 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

The chair laid out HB2723 and recognized the Senate sponsor, Senator Shapleigh, 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 Jackson moved that HB2723 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, 1 nay, 0 present not voting, and 1 absent.

Senator Bernsen assumed the chair.

The chair laid out HB1377 and recognized Senator West, in the absence of the Senate sponsor, to explain the bill. Senator Jackson moved that HB1377 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

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The chair laid out HB336 and recognized Senator West, in the absence of the Senate sponsor, to explain the bill. Senator Duncan moved that HB336 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

The chair laid out HB3498 and recognized the Senate sponsor, Senator West, to explain the bill. Senator Wentworth moved that HB3498 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 nay, 0 present not voting, and 2 absent.

Senator West resumed the chair.

The chair laid out HB900 and recognized the Senate sponsor, Senator Wentworth, 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 Wentworth moved that HB900 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 1 absent.

Senator Bernsen moved that HB1712 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 nay, 0 present not voting, and 2 absent.

The following bills had no action taken:

HB363

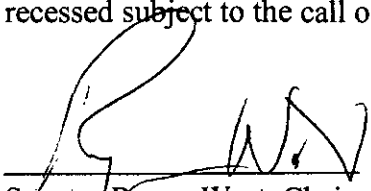
SB1098

SB1584

The following bill was tagged:

HB1451

There being no further business, at 8:06 p.m. Senator West moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.



Senator Royce West, Chair



Stephanie Hoover, Clerk

WITNESS LIST

Jurisprudence
May 11, 2001 - 7:00 AM

HB 451

ON: Oeller, Carol Director, Harris Cty Office of Ct. Serv. (Harris County Office of Court Services), Houston, TX

Registering, but not testifying:

FOR: Mendez, Mark Assistant County Administrator (Tarrant County Commissioners Court), Fort Worth, TX
Ramon-Duran, Rosie Asst. Director Travis Co. CSCD (Travis County Pretrial Services)
Rodriguez, Jr., Geraldo Manager, Pretrial Services (Pretrial Services)

HB 539

Registering, but not testifying:

FOR: Herman, Guy Judge (Probate Judges), Austin, TX

HB 900

FOR: Herman, Guy Judge (Statutory Probate Judges), Austin, TX

HB 920

FOR: Tindall, Harry Attorney (Texas Commission on Uniform State Laws)

Registering, but not testifying:

ON: Childress, Charles A. Attorney (Texas Department of Protective and Regulatory Services), Austin, TX
Sampson, Jack Law Professor U.T. Law School (Self), Austin, TX

HB 1050

Registering, but not testifying:

FOR: Rothermel, John Title Insurance (Stewart Title), San Antonio, TX

HB 1363

FOR: Tindall, Harry Attorney (Self), Houston, TX

HB 1566

ON: Childers, Charles G. Attorney (Texas Department of Protective and Regulatory Services)

HB 1813

Registering, but not testifying:

ON: Childers, Charles G. Staff Attorney (Texas Department of Protective and Regulatory Services), Austin, TX

HB 1883

AGAINST: Karisch, Glen Attorney (Texas Academy of Probate Lawyers), Austin, TX

Registering, but not testifying:

FOR: Herman, Guy Judge (Statutory Probate Judges), Austin, TX

HB 1921

Registering, but not testifying:

ON: Otto, Kingsbery Attorney (Texas Department of Protective and Regulatory Services), Austin, TX

HB 2351

AGAINST: Noll, Chuck Asst. District Attorney (Harris County District Attorney's Office), Houston, TX

ON: Montford McCracken, Mindy Assistant District Attorney (Texas District Attorney's Association)

Registering, but not testifying:

FOR: Hampton, Keith S. Law (Texas Criminal Defence Lawyers Association)
Harrell, William Lawyer (ACLU, NAACP, LULAC, NCCR), Austin, TX

HB 2367

FOR: Stout, Bob Government Relations (The Woodlands Operating Co. L.P.), The Woodlands, TX

HB 2368

Registering, but not testifying:

FOR: Pardue, Craig Governmental Affairs (Dallas County)

HB 2638

FOR: Pardue, Craig Governmental Affairs (Dallas County)

HB 2723

FOR: Blackwell, Tom Self Employed (Self)

Registering, but not testifying:

FOR: Harrell, William Lawyer (ACLU, NAACP), Austin, TX

ON: Parnell, David A. Student/Staff - Rep. Raymond (Self)

HB 2731

FOR: Herman, Guy Judge (Statutory Probate Judges), Austin, TX

AGAINST: Karisch, Glen Attorney (Texas Academy of Probate Lawyers), Austin, TX

HB 2735

FOR: Helmerichs, Cristina Free Lance Interpreter (Self and Austin Area
Trans/Interp Ass), Austin, TX

Registering, but not testifying:

ON: Kuntz, William Executive Director (Texas Department of Licensing and
Regulation)

HB 3203

FOR: Pardue, Craig Governmental Affairs (Dallas County)

Registering, but not testifying:

FOR: Mendez, Mark Assistant County Administrator (Tarrant County
Commissioners Court), Fort Worth, TX