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HOUSE

Committee on Judiciary
March 13, 1991 2:25 p.m.

Room 101, Reagan Building

Pursuant to a notice posted on March 7, 1991, in accordance with House Rules, the Judiciary Committee met in a public hearing and was called to order by the Chair, Representative Betty Denton.

The roll was answered as follows:

Present: Representatives Betty Denton, Chair, John Smithee, Paul Sadler, Sue Schechter, Tom Uher (5).

Absent: Representatives Toby Goodman, Will Hartnett, Sam Hudson, Paul Moreno (4).

A quorum was present.

Subcommittee report on HB 57:

The Chair laid out H.B. 57 on subcommittee report and recognized the subcommittee Chair, Representative Tom Uher, who explained the subcommittee report.

Representative Uher moved that H.B. 57 be reported favorably to the House without amendment with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Sadler seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Sadler, Schechter, Uher (5).

Nays: None (0).

Absent: Goodman, Hartnett, Hudson, Moreno (4).

PNV: None (0).

Representative Goodman now present.

S.B. 264, companion to H.B. 57, was received by the committee and was eligible for consideration.

The Chair laid out S.B. 264.

Representative Uher moved that S.B. 264 be considered in lieu of H.B. 57.

Representative Uher withdrew his motion.

Representative Uher moved that S.B. 264 be reported favorably to the House without amendment with the recommendation that it do pass and be printed; and that it be placed on the local and consent calendar.

Representative Sadler seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Sadler, Schechter, Uher (6).

Nays: None (0).

Absent: Hartnett, Hudson, Moreno (3).

PNV: None (0).

Subcommittee report on HB 58:

The Chair laid out H.B. 58 on subcommittee report and recognized subcommittee Chair, Representative Sadler, who explained the subcommittee report.

Representative Sadler moved that H.B. 58 as substituted be reported favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Uher seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Sadler, Schechter, Uher (6).

Nays: None (0).

Absent: Hartnett, Hudson, Moreno (3).

PNV: None (0).

HB 112:

The Chair called up H.B. 112, which was pending business.

Representative Uher offered a complete committee substitute.

Representative Uher offered an amendment to the substitute, and moved that it be adopted.

There were no objections and it was so ordered.

Representative Uher moved to send the committee substitute to H.B. 112 as amended favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the regular calendar.

Representative Sadler seconded the motion.

Representative Moreno now present.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Moreno, Sadler, Schechter, Uher (7).

Nays: None (0).

Absent: Hartnett, Hudson (2).

PNV: None (0).

Representative Hartnett now present.

H.B. 609:

The Chair called up H.B. 609, which was pending business.

Representative Goodman moved to send H.B. 609 without amendment favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Sadler seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Hartnett, Moreno, Sadler, Schechter, Uher (8).

Nays: None (0).

Absent: Hudson (1).

PNV: None (0).

H.B. 495:

The Chair called up H.B. 495, which was pending business.

S.B. 169, companion to H.B. 495, was received by the committee and was eligible for consideration.

The Chair moved to consider S.B. 169 in lieu of H.B. 495.

There were no objections, and S.B. 169 was considered in lieu of H.B. 495.

The Chair moved to lay H.B. 495 on the table subject to her call.

There were no objections, and H.B. 495 was left on the table subject to the call of the Chair.

Representative Uher moved to send S.B. 169 without amendment favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Sadler seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Hartnett, Moreno, Sadler, Schechter, Uher (8).

Nays: None (0).

Absent: Hudson (1).

PNV: None (0).

H.B. 666:

The Chair called up H.B. 666, which was pending business.

The Chair called up the committee substitute.

The Chair moved to leave H.B. 666 as pending business.

There were no objections, and H.B. 666 was left as pending business.

S.B. 124:

The Chair called up S.B. 124, which was pending business.

Representative Goodman moved to send S.B. 124 without amendment favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Uher seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Hartnett, Moreno, Sadler, Schechter, Uher (8).

Nays: None (0).

Absent: Hudson (1).

PNV: None (0).

H.B. 828:

The Chair called up H.B. 828, which was pending business.

Representative Goodman moved to send H.B. 828 without amendment favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Uher seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Hartnett, Moreno, Sadler,
Schechter, Uher (8).

Nays: None (0).

Absent: Hudson (1).

PNV: None (0).

H.B. 473:

The Chair laid out H.B. 473 and recognized the author, Representative Gregory Luna, to explain the bill.

Representative Hudson now present.

H.B. 267:

The Chair laid out H.B. 267 and recognized the author, Representative Gregory Luna, to explain the bill.

The Chair noted the following written affirmation on H.B. 267:

Mr. Robert Sneed, attorney, representing the Texas Land
Title Association.

The Chair moved to leave H.B. 267 and H.B. 473 as pending business.

There were no objections and H.B. 267 and H.B. 473 were left as pending business.

H.B. 460:

The Chair laid out H.B. 460 and recognized the author, Representative Henry Cuellar, to explain the bill.

Representative Uher moved to send H.B. 460 without amendment favorably to the House with the recommendation that it do pass and be printed; and with the recommendation that it be placed on the local and consent calendar.

Representative Sadler seconded the motion.

The motion prevailed by the following vote:

Ayes: Denton, Smithee, Goodman, Hartnett, Moreno, Sadler, Schechter, Uher (8).

Nays: None (0).

Absent: Hudson (1).

PNV: None (0).

H.B. 736:

The Chair laid out H.B. 736 and recognized the author, Representative M.A. Taylor, to explain the bill.

The Chair recognized the following written affirmations in favor of H.B. 736:

Mr. Thomas D. Swann, attorney, representing the Methodist Home; and

Mr. Joe W. Bailey, Jr., Assistant Administrator of Finance, representing the Methodist Home.

The Chair recognized the following written affirmation on H.B. 736:

Mr. Alvin T. Golden, attorney, representing the Texas Academy of Probate and Trust Lawyers.

H.B. 844:

The Chair laid out H.B. 844 and recognized the author, Representative M.A. Taylor, to explain the bill.

The Chair recognized the following witness to testify in favor of H.B. 844:

Mr. Thomas D. Swann, attorney, representing the Methodist Home.

The Chair recognized the following written affirmation in favor of H.B. 844:

Mr. Joe W. Bailey, Jr., Assistant Administrator of Finance, Methodist Home, representing the Methodist Home.

The Chair recognized the following written affirmation on H.B. 844:

Mr. Alvin J. Golden, attorney, representing the Texas Academy of Probate and Trust Lawyers.

The Chair moved to leave H.B. 736 and H.B. 844 as pending business.

There were no objections and H.B. 844 and H.B. 736 were left as pending business.

H.B. 264:

HB 844 & HB 736 do not appear again in these 3-13-91 minutes.

The Chair laid out H.B. 264 and recognized the author, Representative Debra Danburg, to present the bill.

The Chair recognized the following witnesses to testify in favor of H.B. 264:

Mr. Jay S. Ginsberg, attorney and title insurance executive, representing himself; and

Mr. James Patton, County Clerk, Walker County.

The Chair recognized the following written affirmation in favor of H.B. 264:

Ms. Laura Smreker, Deputy General Counsel, representing The Texas Bankers Association.

The Chair moved to leave H.B. 264 as pending business.

There were no objections, and H.B. 264 was left as pending business.

H.B. 755:

The Chair laid out H.B. 755 and recognized the author, Representative Ken Marchant, to explain the bill.

The Chair recognized the following witnesses to testify in favor of H.B. 755:

Mr. Randy C. Cain, Assistant City Attorney of Dallas, representing the City of Dallas; and

Mr. Larry Nieman, attorney, representing the Texas Apartment

Association and Texas Building Owners and Managers Association.

The Chair recognized the following written affirmation in favor of H.B. 755:

Ms. Shanna Igo, representing the Texas Municipal League.

The Chair recognized the following witness to testify on H.B. 755:

Mr. Robert Sneed, lawyer, representing the Texas Land Title Association.

The Chair recognized the following witness testifying against H.B. 755:

Ms. Laura Smreker, Deputy General Counsel representing The Texas Bankers Association.

The Chair motioned that H.B. 755 be referred to a subcommittee.

There were no objections, and the Chair appointed the following subcommittee on H.B. 755:

Goodman, Chair
Uher
Sadler

H.B. 516:

The Chair laid out H.B. 516 and recognized the author, Representative Robert Eckels, to explain the bill.

The Chair recognized the following written affirmations in favor of H.B. 516:

Mr. John H. Williams, Justice of the Peace, representing the Justice of the Peace and Constables Association of Texas;

Ms. Laura Smreker, Deputy General Counsel, representing The Texas Bankers Association;

Mr. Michael A. Hatcher, Chief Deputy Montgomery County, Precinct 1, representing the Justice of the Peace and Constable Association; and

Mr. Jerry Kunkle, Constable, representing the Justice of the Peace and Constables Association.

The Chair recognized the following witnesses testifying in favor of H.B. 516:

Mr. Terry Nelson, Public Warehouseman, representing himself; and

Don Chumley, Constable, representing himself and the Justice of the Peace and Constables Association.

Representative Smithee now in the Chair.

Representative Denton now in the Chair.

The Chair moved to leave H.B. 516 as pending business.

There were no objections, and H.B. 516 was left as pending business.

H.B. 135:

The Chair laid out H.B. 135 and recognized the author, Representative Sylvester Turner, to explain the bill.

Representative Schechter offered a substitute to H.B. 135.

The Chair recognized the following written affirmations in favor of H.B. 135:

Mr. Ron Mangus, Assistant City Attorney for the City of Houston, representing the City of Houston Legal Department;
and

Mr. Mike Kelly, Director of State Relations, representing the City of Houston.

The Chair recognized the following witness to testify in favor of H.B. 135:

Representative Paul Colbert.

The Chair moved that H.B. 135 be referred to a subcommittee.

There were no objections, and the Chair appointed the following subcommittee on H.B. 135:

Goodman, Chair
Uher
Schechter

H.B. 94:

The Chair laid out H.B. 94 and recognized the author, Representative Fred Blair, to explain the bill.

The Chair laid out the substitute to H.B. 94.

The Chair recognized the following witnesses to testify in favor of H.B. 94:

Mr. Wendell F. Duncan, real estate appraiser, representing himself and the Appraisal Institute, San Antonio Chapter;

Mr. William J. McCaffrey, representing the Texas Silver-Haired Legislature;

Mr. W.J. Lynn, Executive Vice President and Real Estate Appraisers of Texas, representing the Real Estate Appraisers of Texas; and

Mr. Randall Kopfer, real estate appraiser, representing the National Association of Independent Fee Appraisers.

The Chair recognized the following written affirmations in favor of H.B. 94:

Mr. John W. Holtermann, representing himself;

Ms. Ginny Beaver, representing herself;

Mr. Raymond P. Ivy, representing the Texas Silver-Haired Legislature; and

Mr. Jim D. Pearson, real estate appraiser, representing himself and the Appraisal Institute, Dallas Chapter.

The Chair recognized the following witnesses to testify against H.B. 94:

Ms. Laura Smreker, Deputy General Counsel, representing The Texas Bankers Association;

Mr. Larry Niemann, attorney, representing the Texas Apartment Association and the Texas Building Owners and Manager Association;

Mr. James D. Patton, County Clerk of Walker County, representing the County and District Clerks Association;

Mr. Steve Patrick, representing The Texas Association of Builders;

Mr. Robert C. Sneed, lawyer, representing the Texas Land Title Association; and

Mr. Jay Ginsburg, representing himself.

Representative Smithee now in the Chair.

Representative Denton now in the Chair.

The Chair moved that H.B. 94 be referred to a subcommittee.

There were no objections, and the Chair appointed the following subcommittee on H.B. 94:

Uher, Chair
Hudson
Smithee

Representative Smithee now in the Chair.

H.B. 1431:

Pursuant to suspension of the 5-day posting rule, the Chair, Representative Smithee, laid out H.B. 1431.

Representative Uher offered a substitute to H.B. 1431.

The Chair, Representative Smithee, recognized the author, Representative Betty Denton, to explain the substitute to H.B. 1431.

The Chair recognized the following written affirmation in favor of H.B. 1431:

Mr. Ray E. Dittmar, representing H.A.L.T., Help Abolish Legal Tyranny (Americans for Legal Reform).

The Chair moved to leave H.B. 1431 as pending business.

There were no objections, and H.B. 1431 was left as pending business.

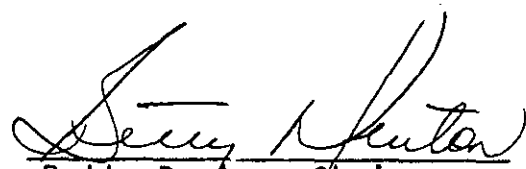
Representative Denton now in the Chair.

Representative Sadler moved that the committee stand adjourned subject to the call of the Chair or until the next regular committee meeting.

Representative Uher seconded the motion.

There being no objection, the committee adjourned at 5:25 P.M.


Bryan R. Manuel, Clerk


Betty Denton, Chair

COMMITTEE TAPE LOG

COMMITTEE <u>Judiciary</u> SUBCOMMITTEE		LOCATION: <u>Reagan 101</u>		DATE: <u>3/13/91</u>
TAPE #	SIDE	BILL #	WITNESS/ACTION	REMARKS
<u>I</u>	<u>A</u>	<u>H.B. 57</u>	<u>S. COMM. REC. PASS</u>	<u>LEFT OVER FROM LAST WEEK</u>
		<u>H.B. 58</u>	<u>substitute</u>	
		<u>495</u>	<u>substitutes</u>	
		<u>S.B. 124</u>	<u>substitutes H.B. 381</u>	
		<u>H.B. 631</u>	<u>postponed</u>	
		<u>H.B. 473</u>	<u>Rep. Luna</u>	
<u>I</u>	<u>A/B</u>	<u>H.B. 267</u>	<u>Rep. Luna</u>	<u>earnest money contract</u>
		<u>H.B. 460</u>	<u>Rep. Cuellar</u>	<u>expansion of jurisdiction</u>
		<u>H.B. 736+841</u>	<u>Rep. Taylor</u>	
		<u>"</u>	<u>Thomas Swan</u>	
		<u>H.B. 264</u>	<u>Rep. Danburg</u>	<u>Microfilming Texts</u>
		<u>"</u>	<u>Jay Ginsburg (real estate specialist)</u>	
<u>II</u>	<u>A.</u>	<u>H.B. 755</u>	<u>Marchant</u>	<u>Turnover of property owner</u>
			<u>Randy Cain (Asst. County Atty.)</u>	<u>filing deeds of ownership</u>
			<u>Larry Kneeman (for)</u>	
			<u>Robert Sincad (on)</u>	

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COMMITTEE TAPE LOG

COMMITTEE		LOCATION:		DATE:
SUBCOMMITTEE				
TAPE #	SIDE	BILL #	WITNESS/ACTION	REMARKS
II	A	755	Marchant	send H.B. 755 to Sub-committee
		H.B. 516	Rep. Eckels	
		"	Terry Nelson (President of U.S. Movers)	Learn be. Attached to assignment
		"	Don Chanley (constable)	
	B	H.B. 135	Rep. Turner	renewing restrictions
		"	Rep. Colbert	comprehensive zoning
		H.B. 94	Rep. Blair	max. Appraisal
III	A	"	Windell Duncan	
		"	McKafree (silverhead leg.)	selling price of property be recorded
	A	"	Copier (for)	financial
		"	Smircher (Tx Banker Ass.)	against disclosure of transactions
	A	"	Larry Kneeman (oppose)	"
		"	James D. Patton (oppose)	"
	B	"	Mr. Patrick	
	B	"	Robert Sneed (Rep. Land Title)	
			Jake Ginsburg	

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