

The House Committee on Civil Practices

77th Legislature

April 4, 2001

2:00 p.m. or upon final adjourn./recess

Capitol Extension, E2.026

Pursuant to a notice posted on March 30, 2001 and an announcement from the floor, the House Committee on Civil Practices met in a public hearing and was called to order by the chair, Representative Bosse, at 3:19 p.m.

The roll was answered as follows:

Present: Representatives Bosse; Janek; Hope; Martinez Fischer; Zbranek (5).

Absent: Representatives Clark; Dutton; Nixon, Joe; Smithee (4).

A quorum was present.

Chairman Bosse announced that no action would be taken on HJR 22.

HB 560

The chair laid out HB 560.

The chair recognized Representative Keffer to explain the measure.

The chair recognized Representative Keffer to close on the measure.

Representative Zbranek moved that HB 560, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Hope; Martinez Fischer; Zbranek (5).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Clark; Dutton; Nixon, Joe; Smithee (4).

Representative Martinez Fischer moved to reconsider the vote by which HB 560, without amendments, was reported favorably. The motion to reconsider prevailed without objection.

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Representative Zbranek moved that HB 560, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed and be sent to the Committee on Local and Consent Calendars. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Hope; Martinez Fischer; Zbranek (5).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Clark; Dutton; Nixon, Joe; Smithee (4).

HB 2400

The chair laid out HB 2400.

The chair recognized Representative Geren to explain the measure.

(Representative Dutton now present.)

Testimony was taken. (See attached witness list.)

The chair recognized Representative Geren to close on the measure.

The bill was left pending without objection.

HB 2367

The chair laid out HB 2367.

The chair recognized Representative Williams to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Williams to close on the measure.

The bill was left pending without objection.

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HB 235

The chair laid out HB 235.

The chair recognized Representative Hawley to explain the measure.

(Representative Nixon, Joe now present.)

(Representative Smithee now present.)

Testimony was taken. (See attached witness list.)

The chair recognized Representative Hawley to close on the measure.

The bill was left pending without objection.

HB 276

The chair laid out HB 276.

The chair recognized Representative Berman to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Berman to close on the measure.

The bill was left pending without objection.

(Representative Martinez Fischer now present.)

HB 1063 & HB 1147

The chair laid out HB 1063 & HB 1147.

The chair recognized Representative Nixon, Joe to explain both measures.

Chairman Bosse offered a complete committee substitute for HB 1063.

Testimony was taken. (See attached witness list.)

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The chair recognized Representative Nixon, Joe to close on both measures.

The committee substitute was withdrawn without objection.

Both bills were left pending without objection.

HB 1803

The chair laid out HB 1803.

The chair recognized Representative Salinas to explain the measure.

(Representative Clark now present.)

Testimony was taken. (See attached witness list.)

(Representative Zbranek now present.)

The chair recognized Representative Salinas to close on the measure.

The bill was left pending without objection.

HB 3196

The chair laid out HB 3196.

The chair recognized Representative Jones, Elizabeth to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Jones, Elizabeth to close on the measure.

The bill was left pending without objection.

HB 1917

The chair laid out HB 1917.

(Representative Zbranek in chair.)

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The chair recognized Representative Turner, Bob to explain the measure.

The chair offered a complete committee substitute.

(Representative Smithee now present.)

Testimony was taken. (See attached witness list.)

(Representative Bosse now present.)

The chair recognized Representative Turner, Bob to close on the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 1918

The chair laid out HB 1918.

The chair recognized Representative Turner, Bob to explain the measure.

The chair offered a complete committee substitute.

(Representative Clark now present.)

(Representative Hope now present.)

Testimony was taken. (See attached witness list.)

(Representative Nixon, Joe now present.)

The chair recognized Representative Turner, Bob to close on the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

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HB 1263

(Representative Bosse in chair.)

The chair laid out HB 1263.

The chair recognized Representative Clark to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Clark to close on the measure.

(Representative Janek now present.)

The bill was left pending without objection.

HB 284

The chair laid out HB 284 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Hope moved that HB 284, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Clark; Hope; Martinez Fischer; Nixon, Joe (6).

Nays: Representative Zbranek (1).

Present, Not Voting: None (0).

Absent: Representatives Dutton; Smithee (2).

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HB 792

The chair laid out HB 792 as pending business.

The chair offered a complete committee substitute.

(Representative Smithee now present.)

Representative Clark offered amendment #1 to the committee substitute.

Amendment #1 was adopted without objection.

Representative Clark offered amendment #2 to the committee substitute.

Amendment #2 was adopted without objection.

The chair directed the staff to incorporate the amendments into a committee substitute.

The committee substitute, as amended, was adopted without objection.

Representative Janek moved that HB 792, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Clark; Hope; Martinez Fischer; Nixon, Joe; Smithee; Zbranek (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Dutton (1).

HB 3136

The chair laid out HB 3136 as pending business.

The chair offered a complete committee substitute.

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The committee substitute was adopted without objection.

Representative Nixon, Joe moved that HB 3136, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Clark; Hope; Martinez Fischer; Nixon, Joe; Smithee; Zbranek (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Dutton (1).

HB 3473

The chair laid out HB 3473 as pending business.

The chair offered a complete committee substitute.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 176

The chair laid out HB 176 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Janek moved that HB 176, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Clark; Martinez Fischer; Nixon, Joe; Smithee; Zbranek (7).

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Nays: Representative Hope (1).

Present, Not Voting: None (0).

Absent: Representative Dutton (1).

HB 781

The chair laid out HB 781 as pending business.

The bill was left pending without objection.

HB 740

The chair laid out HB 740 as pending business.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Zbranek moved that HB 740, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Hope; Martinez Fischer; Smithee; Zbranek (6).

Nays: Representatives Clark; Nixon, Joe (2).

Present, Not Voting: None (0).

Absent: Representative Dutton (1).

HB 3125

The chair laid out HB 3125 as pending business.

The chair offered a complete committee substitute.

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The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 1986

The chair laid out HB 1986 as pending business.

The chair offered a complete committee substitute.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

SB 84

The chair laid out SB 84 as pending business.

Representative Janek moved that SB 84, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bosse; Janek; Clark; Hope; Martinez Fischer; Nixon, Joe; Smithee; Zbranek (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Dutton (1).

HB 2885

The chair laid out HB 2885.

The chair recognized Representative Gallego to explain the measure.

(Representative Dutton now present.)

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Testimony was taken. (See attached witness list.)

Chairman Bosse closed on the measure.

The bill was left pending without objection.

HB 3477

The chair laid out HB 3477.

The chair recognized Representative Eiland to explain the measure.

The chair recognized Representative Eiland to close on the measure.

The bill was left pending without objection.

HB 2225

The chair laid out HB 2225.

The chair recognized Representative Davis, John to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Davis, John to close on the measure.

The bill was left pending without objection.

HB 3533

The chair laid out HB 3533.

The chair recognized Representative Tillery to explain the measure.

(Representative Clark now present.)

The chair recognized Representative Tillery to close on the measure.

The bill was left pending without objection.

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HB 3078

The chair laid out HB 3078.

The chair recognized Representative Clark to explain the measure.

(Representative Zbranek now present.)

(Representative Janek now present.)

Testimony was taken. (See attached witness list.)

(Representative Dutton now present.)

(Representative Janek in chair.)

(Representative Hope now present.)

The chair recognized Representative Clark to close on the measure.

The bill was left pending without objection.

HB 1119

The chair laid out HB 1119.

The chair recognized Representative Dutton to explain the measure.

Representative Hope offered a complete committee substitute.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Dutton to close on the measure.

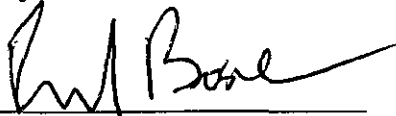
The committee substitute was withdrawn without objection.

(Representative Bosse in chair.)

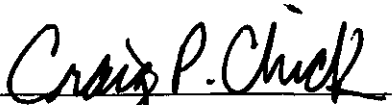
The bill was left pending without objection.

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At 9:15 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.



Rep. Bosse, Chair



Craig Chick, Clerk

WITNESS LIST

Civil Practices Committee

April 4, 2001 - 2:00PM or upon final adjourn./recess

HB 235

For: Jungman, James P. (Live Oak County Emergency Management Agency)
On: Neal, Jr., Samuel L. (Self and City of Corpus Christi)
Millwee, Tom (Texas Dept. of Public Safety, Div. of Emergency Management)

HB 276

For: Crowley, Tim (Texas Association of Sports Officials-Executive Director)
Sandoval, Frank (Self and TASO Chapter - Tyler)

HB 1063

Against: Hile, Richard (Texas Trial Lawyers Assn.)

HB 1119

For: Hile, Richard (Texas Trial Lawyers Assn.)
Against: Crow, Shellie (Council of School Attorneys)
Douglass, Cathy (Texas Association of School Boards)

HB 1147

Against: Hile, Richard (Texas Trial Lawyers Assn.)

HB 1263

Against: Ramsey, Mike (Texas Trial Lawyers Assn.)

HB 1803

For: Miller, James B. (Self and Wilson County Volunteer Ambulance Association)
Against: Ramsey, Mike (Texas Trial Lawyers Assn.)

HB 1917

For: Meador, Stan (Self and Texas Nature Tourism Council - a Committee of the Texas Travel Industry Association)
Salmon, Stephen J. (Riverside & Landowners Protection Coalition, Texas Sheep & Goat Raisers Association)
Against: Elliott, Chris (Texas Trial Lawyers Assoc.)

HB 1918

Against: Elliott, Chris (Texas Trial Lawyers Assoc.)

HB 2225

For: Crowe, Michael (Texas Assisted Living Association)
Gadberry, Gavin (Texas Health Care Association)
Hooser, Greg (Texas Association of Homes & Services for the Aging)
Mathews, Carl E. (Self and TX Org. of Residential Care Homes, Houston Assn. of Residential Care Homes, Carlinda Ranch Residents)

Rich, Sid (Texas Association of Residential Care
Communities)
Against: Bedolla, Elida (Self)
Bragg, David (AARP)
Ferris, Beth (Texas Advocates for Nursing Home Residents)
Gipson, Maria (Self)
Ramsey, Mike (Texas Trial Lawyers Assn.)

HB 2367

For: Tough, Bruce (The Woodlands Community Assn., Fire Dept.,
Assn., Inc., & Commercial Owners Assn.)

HB 2400

On: Elliott, Chris (Texas Trial Lawyers Association)

HB 2885

Against: Ramsey, Mike (Texas Trial Lawyers Assn.)
On: Cain, Delmar L. (Texas A&M University System)
Duffy, Dennis P. (University of Houston System)

HB 3078

For: Crow, Shellie (Texas Association of School Boards & Council
of School Attorneys)
Against: Ramsey, Mike (Texas Trial Lawyers Assn.)
On: Click, Grady (Office of Attorney General of Texas
Transportation Division)
Smith, David Allen (City of Austin)

HB 3196

For: Talerico, Jeanne (Texas Association of Local Housing Finance
Agencies)

COMMITTEE TAPE LOG

COMMITTEE ON: *CIVIL PRACTICES*

DATE: *4-4-01*

SUBCOMMITTEE:

LOCATION: *E2.026*

TAPE #:	SIDE:	BILL #:	PERSON SPEAKING/ACTION:
<i>1</i>	<i>A</i>	<i>H.B. 560</i>	<i>REP. KEFFER</i>
<i>1</i>	<i>A</i>	<i>HB 2400</i>	<i>REP. GEREN</i>
<i>1</i>	<i>A</i>	<i>HB 2400</i>	<i>CHRIS ELLIOT</i>
<i>1</i>	<i>A</i>	<i>HB 2367</i>	<i>REP. WILLIAMS</i>
<i>1</i>	<i>A</i>	<i>HB 2367</i>	<i>BRUCE TOUGH</i>
<i>1</i>	<i>A</i>	<i>HB 2367</i>	<i>REP. WILLIAMS</i>
<i>1</i>	<i>A</i>	<i>HB 235</i>	<i>REP. HAWLEY</i>
<i>1</i>	<i>A</i>	<i>HB 235</i>	<i>SAMUEL LOYD NEID</i>
<i>1</i>	<i>A</i>	<i>HB 235</i>	<i>JAMES P. YOUNGMAN</i>
<i>1</i>	<i>A</i>	<i>HB 235</i>	<i>TOM MILLWEED</i>
<i>1</i>	<i>A</i>	<i>HB 276</i>	<i>REP. BERMAN</i>
<i>1</i>	<i>A</i>	<i>HB 276</i>	<i>FRANK SANDIVALL</i>
<i>1</i>	<i>A</i>	<i>HB 276</i>	<i>TIM CRAWLY</i>
<i>1</i>	<i>A</i>	<i>HB 276</i>	<i>REP. BERMAN</i>
<i>1</i>	<i>B</i>	<i>HB 1063 + HB 1147</i>	<i>RICHARD HILE</i>
<i>1</i>	<i>B</i>	<i>HB 1803</i>	<i>REP. SALINAS</i>
<i>1</i>	<i>B</i>	<i>HB 1803</i>	<i>JAMES B. MILLER</i>
<i>1</i>	<i>B</i>	<i>HB 1803</i>	<i>MIKE RAMSEY</i>
<i>1</i>	<i>B</i>	<i>HB 1803</i>	<i>REP. SALINAS</i>
<i>1</i>	<i>B</i>	<i>HB 3196</i>	<i>REP. JONES</i>
<i>1</i>	<i>B</i>	<i>HB 3196</i>	<i>JAMES</i> <i>JEAL</i> <i>JEAL TALARICO</i>
<i>1</i>	<i>B</i>	<i>HB 3196</i>	<i>REP. ELIZABETH JONES</i>
<i>1</i>	<i>B</i>	<i>HB 1917</i>	<i>REP. BOB TURNER</i>

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WITH THE TAPES TO VIDEO/AUDIO SERVICES IN REAGAN 206

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JMS
4/5/01

COMMITTEE TAPE LOG

COMMITTEE ON *CIVIL PRACTICES*
SUBCOMMITTEE

DATE *4-4-01*

LOCATION: *E2.026*

TAPE #.	SIDE	BILL #.	PERSON SPEAKING/ACTION
<i>1</i>	<i>B</i>	<i>1917</i>	STEVEN <i>STEVEN SALMON</i>
<i>1</i>	<i>B</i>	<i>1917</i>	<i>CHRIS ELLIOT</i>
<i>2</i>	<i>A</i>	<i>1917</i>	<i>STAN MEDERS</i>
<i>2</i>	<i>A</i>	<i>1917</i>	<i>REP. BOB TURNER</i>
<i>2</i>	<i>A</i>	<i>HB 1918</i>	<i>REP. BOB TURNER</i>
<i>2</i>	<i>A</i>	<i>HB 1918</i>	<i>CHRIS ELLIOT</i>
<i>2</i>	<i>A</i>	<i>HB 1918</i>	<i>REP. BOB TURNER</i>
<i>2</i>	<i>A</i>	<i>HB 1263</i>	<i>REP. CLARK</i>
<i>2</i>	<i>A</i>	<i>HB 1263</i>	? <i>MIKE RAMSEY</i>
<i>2</i>	<i>A</i>	<i>HB 1263</i>	<i>REP. CLARK</i>
<i>2</i>	<i>B</i>	<i>HB 2885</i>	<i>REP. GALLEGO</i>
<i>2</i>	<i>B</i>	<i>HB 2885</i>	<i>MIKE RAMSEY</i>
<i>2</i>	<i>B</i>	<i>HB 2885</i>	<i>DELMAR CAIN</i>
<i>2</i>	<i>B</i>	<i>HB 2885</i>	<i>DENNIS DUFFY</i>
<i>2</i>	<i>B</i>	<i>HB 3447</i>	<i>REP. EILAND</i>
<i>2</i>	<i>B</i>	<i>HB 2225</i>	<i>REP. DAVIS</i>
<i>2</i>	<i>B</i>	<i>HB 2225</i>	<i>GAVIN GADDERY</i>
<i>2</i>	<i>B</i>	<i>HB 2225</i>	<i>GREG HOSIER</i>
<i>3</i>	<i>A</i>	<i>HB 2225</i>	<i>GREG HOSIER (cont.)</i>
<i>3</i>	<i>A</i>	<i>HB 2225</i>	<i>DAVID BRAGG</i>
<i>3</i>	<i>A</i>	<i>HB 2225</i>	
<i>3</i>	<i>A</i>	<i>HB 2225</i>	<i>ALIDA BAODLIA</i>
<i>3</i>	<i>A</i>	<i>HB 2225</i>	<i>SID RICH</i>

COMMITTEE TAPE LOG

COMMITTEE ON *CIVIL PRACTICE*
SUBCOMMITTEE

DATE *4-4-01*
LOCATION: *E2.026*

TAPE #:	SIDE:	BILL #:	PERSON SPEAKING/ACTION:
3	A	HB 2225	MARIA GIBSON
3	A	HB 2225	BETH FARRIS
3	A	HB 2225	MICHAEL CROW
3	A	HB 2225	MIKE RAMSEY
3	B	HB 2225	REP. DAUJ
3	B	HB 3533	REP. TILLERY
3	B	HB 3078	REP. CLARK
3	B	HB 3078	SHELLY CROW
3	B	HB 3078	GRADY CLICHE
3	B	HB 3078	DAVID SMITH
4	A	HB 3078	DAVID SMITH
4	A	HB 3078	MIKE RAMSEY
4	A	HB 3078	REP. CLARK
4	A	HB 1119	Shelly Crow
4	B	HB 1119	Shelly Crow (cont.)
4	B	HB 1119	RICHARD HILE
4	B	HB 1119	KATHY DOUGLAN