

The House Committee on Judicial Affairs

77th Legislature

April 9, 2001

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

Capitol Extension, E2.028

CORRECTED MINUTES

On May 1, 2001, the House Committee on Judicial Affairs authorized the correction of the minutes for the meeting of the House Committee on Judicial Affairs held on April 9, 2001. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on April 3, 2001, the House Committee on Judicial Affairs met in a public hearing and was called to order by the chair, Representative Thompson, at 2:13 p.m.

The roll was answered as follows:

Present: Representatives Thompson; Hartnett; Capelo; Deshotel; Solis, Jim; Talton; Uresti (7).

Absent: Representatives Garcia; Hinojosa (2).

A quorum was present.

HB 2964

The chair laid out HB 2964.

The chair recognized Representative Hamric to explain the measure.

Testimony was taken. (See attached witness list.)

Representative Hartnett offered an amendment to the measure and explained.

Amendment #1 was adopted without objection.

Representative Hartnett moved that HB 2964, as amended, 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 Thompson; Hartnett; Capelo; Deshotel; Talton; Uresti (6).

Nays: None (0).

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Present, Not Voting: None (0).

Absent: Representatives Garcia; Hinojosa; Solis, Jim (3).

HB 180 & HB 485

The chair laid out HB 180 and explained.

The chair recalled HB 485 from subcommittee and explained.

The chair directed the staff to incorporate HB 485 into HB 180.

Testimony was taken. (See attached witness list.)

The bills were left temporarily pending without objection.

HB 1766 & SB 629

The chair laid out HB 1766 & SB 629.

The chair recognized Representative Turner, Bob to explain HB 1766.

The chair recognized Representative Talton to explain SB 629.

Testimony was taken on SB 629. (See attached witness list.)

The bills were left pending without objection.

HB 1061

The chair laid out HB 1061.

The chair recognized Representative Madden to explain the measure.

Testimony was taken. (See attached witness list.)

The bill was left pending without objection.

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HB 3506

The chair laid out HB 3506.

The chair recognized Representative Maxey to explain the measure.

The bill was left pending without objection.

HB 2559

The chair laid out HB 2559.

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

The bill was left pending without objection.

HB 2814

The chair laid out HB 2814.

The chair recognized Representative Hartnett to explain the measure.

Representative Hartnett offered a complete committee substitute and explained.

Testimony was taken. (See attached witness list.)

The bill and substitute were temporarily left pending without objection.

(Representative Hinojosa now present.)

HB 3586

The chair laid out HB 3586.

The chair recognized Representative Hartnett to explain the measure.

(Representative Hinojosa in chair.)

Representative Hartnett offered a complete committee substitute and explained.

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The committee substitute was adopted without objection.

(Representative Garcia now present.)

Testimony was taken. (See attached witness list.)

Representative Garcia moved that HB 3586, as substituted, 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 Hartnett; Garcia; Hinojosa; Talton; Uresti (5).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Thompson; Capelo; Deshotel; Solis, Jim (4).

HB 3144

The chair laid out HB 3144.

The chair recognized Representative Hartnett to explain the measure.

Representative Hartnett offered a complete committee substitute and explained.

The committee substitute was adopted without objection.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Hartnett to close on the measure.

The substitute was left pending without objection.

HB 3406

The chair laid out HB 3406.

The chair recognized Representative King, Tracy to explain the measure.

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Testimony was taken. (See attached witness list.)

The chair recognized Representative King, Tracy to close on the measure.

The bill was left pending without objection.

SB 395

The chair laid out SB 395 and explained.

The bill was left pending without objection.

HB 1567

The chair laid out HB 1567 and explained.

The bill was left pending without objection.

HB 1567

The chair laid out HB 1567, as pending business.

The chair recognized Representative Dutton to explain the measure.

The chair recognized Representative Dutton to close on the measure.

The bill was left pending without objection.

SB 250

The chair laid out SB 250, the companion to HB 1637, in lieu of the house bill.

Representative Hartnett offered a complete committee substitute.

The chair recognized Representative Goodman to explain the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

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HB 2322

The chair recalled HB 2322 from subcommittee

The chair laid out HB 2322.

Testimony was taken. (See attached witness list.)

The bill was left temporarily pending without objection.

HB 2562

The chair laid out HB 2562.

The chair recognized Representative Dunnam to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Dunnam to close on the measure.

The bill was left pending without objection.

HB 2884

The chair laid out HB 2884.

The chair recognized Representative Gallego to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Gallego to close on the measure.

The bill was left pending without objection.

SB 303

The chair laid out SB 303.

The chair recognized Representative Gallego to explain the measure.

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Testimony was taken. (See attached witness list.)

The chair recognized Representative Gallego to close on the measure.

The bill was left pending without objection.

(Representative Thompson in chair.)

HB 2645

The chair laid out HB 2645.

The chair recognized Representative Capelo to explain the measure.

(Representative Uresti in chair.)

The chair recognized Representative Capelo to close on the measure.

The bill was left pending without objection.

HB 2270

The chair laid out HB 2270 and explained.

Testimony was taken. (See attached witness list.)

(Representative Thompson in chair.)

The bill was left pending without objection.

HB 2322

The chair laid out HB 2322 which was temporarily left pending.

Testimony was taken. (See attached witness list.)

(Representative Hartnett in chair.)

(Representative Thompson in chair.)

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The bill was left pending without objection.

HB 180 & HB 485

The chair laid out HB 180 & HB 485 which were previously left pending and explained.

The chair offered the new complete committee substitute to HB 180, which incorporated HB 485.

CSHB 180 was adopted without objection.

Representative Uresti moved that HB 180, as substituted, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Uresti (6).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Solis, Jim; Talton (3).

HB 1061

The chair laid out HB 1061 which was previously left pending.

Representative Hartnett offered an amendment to the measure and explained.

Amendment #1 was adopted without objection.

Representative Deshotel moved that HB 1061, as amended, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Uresti (6).

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Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Solis, Jim; Talton (3).

SB 250

The chair laid out SB 250 which was previously left pending.

Representative Thompson offered a complete committee substitute and explained.

The committee substitute was adopted without objection.

Representative Deshotel moved that SB 250, as substituted, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

HB 2270

The chair laid out HB 2270 which was previously left pending.

Representative Deshotel offered a complete committee substitute.

Representative Deshotel offered an amendment to the committee substitute and explained.

The amendment was adopted without objection.

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

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Representative Deshotel offered the new committee substitute.

The committee substitute was adopted without objection.

Representative Deshotel moved that HB 2270, as substituted, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

HB 2559

The chair laid out HB 2559 which was previously pending and recognized Representative Uresti to explain.

Representative Uresti moved that HB 2559, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

HB 2645

The chair laid out HB 2645 which was previously left pending and recognized Representative Uresti to explain.

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Representative Uresti moved that HB 2645, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

HB 2814

The chair laid out HB 2814 and CSHB 2814 and recognized Representative Hartnett to explain.

The committee substitute was adopted without objection.

Representative Hartnett moved that HB 2814, as substituted, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

HB 2562

The chair laid out HB 2562 which was previously left pending and explained.

Representative Solis, Jim moved that HB 2562, 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:

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Ayes: Representatives Thompson; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (6).

Nays: Representative Hartnett (1).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

HB 3144

The chair laid out CSHB 3144 which was previously left pending and recognized Representative Hartnett to explain.

Representative Hartnett moved that HB 3144, as substituted, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

SB 395

The chair laid out SB 395 which was previously left pending and explained.

Representative Capelo moved that SB 395, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

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Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

SB 774

The chair laid out SB 774, the companion document to HB 2096 which was sent to the Local and Consent Calendars Committee and explained.

Representative Hartnett moved that SB 774, 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 Thompson; Hartnett; Capelo; Deshotel; Hinojosa; Solis, Jim; Uresti (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Garcia; Talton (2).

At 5:52 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.


Rep. Thompson, Chair


Milda Mora, Clerk

WITNESS LIST

Judicial Affairs Committee

April 9, 2001 - 2:00PM or upon final adjourn./recess

HB 180

Against: Ash, Russell (Self)

HB 485

Against: Ash, Russell (Self)

HB 1061

On: Phillips, Chief Justice Tom (Self)

HB 1567

Registering, but not testifying:

Against: Heyer, Connie (Texas Community Associations Institute)
Mintz, David (Texas Apartment Ass'n)

HB 2270

For: Douglas, Joan (City of Houston)

Registering, but not testifying:

For: Carr, Snapper (Texas Municipal League)
Casto, Larry (City of Dallas)

HB 2322

For: Colton, Colleen (Self)
Ferchill, Judge Patrick (Self)
Fields, Steven (Self)
Hill, Ann T. (Self)
Kiser, Dr. Sanford (Texas Society of Psychiatric Physicians)
Ortiz, Lenn (Self)
Shorter, Arlene (Self)
Swinney, James (Texas Depressive Manic Depressive Association)
Against: Borel, Dennis (Disability Policy Consortium Legislative Group)
Denton, Ann V. (Self)
Halligan, Mike (Texas Mental Health Consumers)
Hearon, Genevieve (Self)
Herman, Judge Guy (Self)
King, Karen (Self)
Mitchell, Beth (Advocacy, Inc.)
On: Herman, Judge Guy (Statutory Probate Court Judges of Texas)
Pherson, Kim (Texas Mental Health Ass'n)
Registering, but not testifying:
For: Bush, John R. (Texas Society of Psychiatric Physicians)
Dallas, Charlotte (DMDA Texas)
Dean, Richard (Depressive Manic Depressive Ass'n of Tarrant County)
Diano, Chip (Self)
Jones, Susan (Texas Hospital Ass'n)
Khan, Cynthia (Self)

Mills, Christie (Self)
Mizcles, Amy (National Alliance for the Mentally Ill of
Texas)
Scholl, Nancy (DMDA San Antonio)
Swinney, Sarah (Self)
Against: Carter, Candice (AARP)
Kafka, Bob (ADAPT)
Marshall, Susan (The Arc of Texas)
Prough, Andrew (Citizens Commission on Human Rights)
Thormann, Richard (Self)

HB 2562

On: Griesel, Chris (Supreme Court of Texas)

HB 2814

For: Herman, Judge Guy (Self and Statutory Probate Court Judges
of Texas)

HB 2884

On: Phillips, Chief Justice Tom (Self)

Registering, but not testifying:

Against: Pool, Darryl (Republican Party of Texas)

HB 2964

For: Bacarisse, Charles (Harris County District Clerk)
Myres, Susan (Houston Bar Association - Family Law Section)

On: Dempster, Judge Georgia (Self)

Registering, but not testifying:

Against: Baggett, Dennis (Texas Daily Newspaper Ass'n/Texas Press
Ass'n)

HB 3144 - Committee Substitute (Hartnett/CSHB 3144)

For: Herman, Judge Guy (Self and Statutory Probate Court Judges
of Texas)

HB 3406

For: Herman, Judge Guy (Self and Statutory Probate Court Judges
of Texas)
Ward, Donald (Livestock Marketing Ass'n)

HB 3586

For: Jackson, Jim (Self and Dallas County Commissioners Court)
Jenevein, Judge Bob (Dallas County Court-at-Law Judges)

SB 303

For: Magnuson, Ken (Self)

On: Mogil, Lisa (Sunset Commission)

Reaves, Margaret (Commission on Judicial Conduct)

SB 629

On: Rosales, Stephen (Office of Attorney General)

Registering, but not testifying:

On: Nikiel, Beth (Office of Attorney General)

COMMITTEE TAPE LOG

COMMITTEE ON: JUDICIAL AFFAIRS

DATE: 4/9/01

SUBCOMMITTEE:

LOCATION: E2.028

TAPE #:	SIDE:	BILL #:	WITNESS/REPRESENTATIVE:	REMARKS:
1	A	HB 2964	Rep. Hamric	Explain
1	A	"	Charles Bacairisse	For
1	A	"	Judge Georgia Dempster	Neutral
1	A	"	Susan Myers	For
1	A	HB 485	Russell Ash	Against
1	A	HB 1766	Rep. Bob Turner	Explain
1	A	SB 629	Rep. Tatton	Explain
1	A	SB 629	Stephen Rosales	Resource Witness
1	A	HB 1061	Rep. Maddox	Explain
1	A	"	Chief Justice Tom Phillips	Neutral
1	A	HB 3506	Rep. Maxey	Explain
1	A	HB 2559	Rep. Elizabeth Jones	Explain
1	A	HB 2814	Rep. Hartnett	Explain
1	A	"	Judge Guy Herman	For

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[Signature]
4/11/01

COMMITTEE TAPE LOG

COMMITTEE ON: JUDICIAL AFFAIRS

DATE: 4/9/01

SUBCOMMITTEE:

LOCATION: E2.028

TAPE #:	SIDE:	BILL #:	WITNESS/REPRESENTATIVE:	REMARKS:
1	A	HB 3586	Rep. Hartnett	Explain
1	A	"	Jim Jackson	For
1	A	"	Bob Jenevein	For
1	A	HB 3144	Rep. Hartnett	Explain
1	A	CSHB 3144	Judge Guy Herman	For
1	B	HB 3406	Rep. Tracy King	Explain
1	B	"	Donald Ward	For
1	B	"	Judge Guy Herman	For
1	B	SB 395	Rep. Hinojosa	Explain
1	B	HB 1567	Rep. Hinojosa	Explain
1	B	"	Rep. Dutton	Explain
1	B	HB 1437/SB 250	Rep. Goodman	Explain
1	B	HB 2322	Rep. Hinojosa	Explain
1	B	"	Sanford Kiser	For

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COMMITTEE TAPE LOG

COMMITTEE ON: JUDICIAL AFFAIRS

DATE: 4/9/01

SUBCOMMITTEE:

LOCATION: E2.028

TAPE #:	SIDE:	BILL #:	WITNESS/REPRESENTATIVE:	REMARKS:
1	B	HB 2562	Rep. Dunnam	For
1	B	"	Chris Griesel	Neutral
1	B	HB 2884	Rep. Gallegos	Explain
1	B	"	Chief Justice Tom Phillips	Neutral
1	B	SB 303	Rep. Gallegos	Explain
1	B	"	Lisa Mogil	Resource witness
1	B	"	Margaret Reeves	Resource witness
1	B/2A	"	Ken Magnuson	For
2	A	HB 2645	Rep. Capelo	Explain
2	A	HB 2270	Rep. Uresti	Explain
2	A	"	Joan Douglas	For
2	A	HB 2322	James Swinney	For
2	A	"	Steve Fields	For
2	A	"	Arlene Shorter	For

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COMMITTEE TAPE LOG

COMMITTEE ON: JUDICIAL AFFAIRS

DATE: 4/9/01

SUBCOMMITTEE:

LOCATION: E2.028

TAPE #:	SIDE:	BILL #:	WITNESS/REPRESENTATIVE:	REMARKS:
2	A/B	HB 2322	Patrick Ferchill	For
2	AB	"	Coleen Colter	For
2	AB	"	Ann Hill	For
2	AB	"	Lenn Ortiz	For
2	AB	"	Kim McPherson	Neutral
2	AB	"	Judge Guy Herman	Indiv. Against / Group Neutral
2	AB	"	Karen King	Against
2	AB	"	Dennis Borel	Against
2	AB	"	Mike Halligen	Against
2	AB	"	Genavieve Hearon	Against
2	AB	"	Ann Denton	Against
2	BA/3A	"	Beth Mitchell	Against

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