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2011 M4121

**The House Committee on Judiciary & Civil Jurisprudence**

82nd Legislature

March 21, 2011

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

E2.010

2011 MAR 24 PM 4:23

HOUSE OF REPRESENTATIVES

Pursuant to a notice posted on March 16, 2011, the House Committee on Judiciary & Civil Jurisprudence met in a public hearing and was called to order by the chair, Representative Jackson, Jim, at 2:15 p.m.

The initial quorum call was answered as follows: Representatives Jackson, Jim; Lewis; Davis, Sarah; Madden; Scott; and Woolley.

A quorum was present.

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MAR 28 2011

**HB 1048**

The chair laid out HB 1048.

The chair recognized Representative Cain to explain HB 1048.

The chair recognized Representative Cain to close on HB 1048.

HB 1048 was left pending without objection.

**HB 1427**

The chair laid out HB 1427.

The chair recognized Representative Lewis to explain HB 1427.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Hartnett now present.)

(Representative Raymond now present.)

(Representative Thompson now present.)

(Representative Bohac now present.)

The chair recognized Representative Lewis to close on HB 1427.

HB 1427 was left pending without objection.

**HB 2330**

The chair laid out HB 2330.

The chair recognized Representative King, Phil to explain HB 2330.

Representative Hartnett offered a complete committee substitute.

The committee substitute was adopted without objection.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative King, Phil to close on HB 2330.

The committee substitute was withdrawn without objection.

**House Committee on Judiciary & Civil Jurisprudence**

3/21/2011

HB 2330 was left pending without objection.

**HB 417**

The chair laid out HB 417 as pending business.

Representative Davis, Sarah offered a complete committee substitute.

The committee substitute was adopted without objection.

(Representative Castro now present.)

Representative Lewis moved that HB 417, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Madden; Raymond; Scott; Thompson; Woolley (10).

Nays: Representative Hartnett (1).

Present, Not Voting: None (0).

Absent: None (0).

**HB 906**

The chair laid out HB 906 as pending business.

Representative Madden moved that HB 906, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**HB 909**

The chair laid out HB 909 as pending business.

## **House Committee on Judiciary & Civil Jurisprudence**

3/21/2011

Representative Raymond offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Castro moved that HB 909, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

### **HB 942**

The chair laid out HB 942 as pending business.

Representative Raymond moved that HB 942, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

### **HB 1209**

The chair laid out HB 1209 as pending business.

Representative Davis, Sarah moved that HB 1209, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

**House Committee on Judiciary & Civil Jurisprudence**

3/21/2011

Present, Not Voting: None (0).

Absent: None (0).

**HB 1325**

The chair laid out HB 1325 as pending business.

Representative Davis, Sarah offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Scott moved that HB 1325, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**HB 1438**

The chair laid out HB 1438 as pending business.

Representative Madden moved that HB 1438, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

(Representative Lewis in chair.)

## **House Committee on Judiciary & Civil Jurisprudence**

3/21/2011

### **HB 1674**

The chair laid out HB 1674 as pending business.

Representative Thompson moved that HB 1674, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (11).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

### **HB 1970**

The chair laid out HB 1970 as pending business.

Representative Hartnett moved that HB 1970, 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 Jackson, Jim; Lewis; Bohac; Davis, Sarah; Hartnett; Madden; Raymond; Scott; Thompson; Woolley (10).

Nays: None (0).

Present, Not Voting: Representative Castro (1).

Absent: None (0).

(Representative Jackson, Jim in chair.)

### **HB 1890**

The chair laid out HB 1890.

Representative Madden offered a complete committee substitute.

The committee substitute was adopted without objection.

The chair recognized Representative Fletcher to explain HB 1890.

## **House Committee on Judiciary & Civil Jurisprudence**

3/21/2011

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Fletcher to close on HB 1890.

The committee substitute was withdrawn without objection.

HB 1890 was left pending without objection.

### **HB 2163**

The chair laid out HB 2163.

The chair recognized Representative Scott to explain HB 2163.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Scott to close on HB 2163.

HB 2163 was left pending without objection.

### **HB 2164**

The chair laid out HB 2164.

The chair recognized Representative Scott to explain HB 2164.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Scott to close on HB 2164.

HB 2164 was left pending without objection.

### **Subcommittee on Barratry**

The chair created the subcommittee on Barratry.

The chair named the following members to the subcommittee on Barratry: Representative Scott, Chair; Representatives Madden; and Raymond.

The chair referred HB 1890 to the subcommittee on Barratry.

The chair referred HB 2163 to the subcommittee on Barratry.

The chair referred HB 2164 to the subcommittee on Barratry.

**House Committee on Judiciary & Civil Jurisprudence**

3/21/2011

**HB 1889**

The chair laid out HB 1889.

The chair recognized Representative Burkett to explain HB 1889.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Burkett to close on HB 1889.

Representative Thompson moved that HB 1889, 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 Jackson, Jim; Lewis; Bohac; Castro; Davis, Sarah; Hartnett; Madden; Scott; Thompson; Woolley (10).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representative Raymond (1).

**HB 2047**

The chair laid out HB 2047.

The chair recognized Representative Lewis to explain HB 2047.

Representative Hartnett offered a complete committee substitute.

The committee substitute was adopted without objection.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Lewis to close on HB 2047.

The committee substitute was withdrawn without objection.

HB 2047 was left pending without objection.

**HB 2031**

The chair laid out HB 2031.

The chair recognized Representative Madden to explain HB 2031.




**House Committee on Judiciary & Civil Jurisprudence**  
3/21/2011

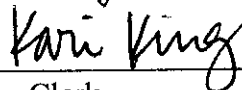
Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Madden to close on HB 2031.

HB 2031 was left pending without objection.

At 6:16 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

  
\_\_\_\_\_  
Rep. Jackson, Jim, Chair

  
\_\_\_\_\_  
Kari King, Clerk

WITNESS LIST

Judiciary & Civil Jurisprudence Committee

March 21, 2011 - 2:00 PM or upon final adjourn./recess

HB 1427

For:

Horne, Nathan (Self)  
O'Connell, Keith (Texas Association of Defense Counsel (TADC))  
Waldrop, Alan (Texans For Lawsuit Reform)

Against:

Harvey, Jay (Texas Trial Lawyers)  
Wendell, Ware (Texas Watch)  
White, Robert (Texas Trial Lawyers)

Registering, but not testifying:

For:

Allen, George (Texas Apartment Association)  
Ashley, Price (Texas Association of Manufacturers)  
Barber, Kathy (NFIB)  
Baum, Walt (AECT)  
Brown, Sabrina (Dow Chemical)  
Couch, Lee (Bell Helicopter Textron)  
Dewitt, Cathy (Texas Association of Business)  
Fisher, Jon (Associated Builders & Contractors of Texas)  
Gibson, Stephanie (Texas Retailers Assoc)  
Golemon, Kinnan (Shell Oil Co.)  
Oswald, Bill (Koch Companies)  
Parsley, Lee (Texas Civil Justice League)  
Partida, Nef (EOG Resources)  
Womack, Daniel (Texas Chemical Council)  
Wynn, Monty (Texas Municipal League)

HB 1889

For:

Simons, Don (City of Mesquite)

HB 1890

For:

Edwards, William R. (Self)  
Hull, Mike (Texans for Lawsuit Reform)  
Parsley, Lee (EL Parsley)

On:

Kincaid, Mark (Texas Trial Lawyers Ass'n)

## WITNESS LIST

### Registering, but not testifying:

For:

Ashley, Price (Texas Association of Manufacturers)  
Brown, Sabrina (Dow Chemical)  
DeWitt, Cathy (Texas Association of Business)  
Fisher, Jon (Associated Builders & Contractors of Texas)  
Gibson, Stephanie (Texas Retailers Assoc)  
Golemon, Kinnan (Shell Oil Co.)  
Popp, James (Popp Gray & Hutcheson LLP)

### HB 2031

For:

Parsley, Lee (Texas Civil Justice League)

Against:

Bonner, Richard (Tex-ABOTA LEL)  
Mostyn, Steve (Tx. Trial Lawyers Association)  
O'Connell, Keith (Texas Association of Defense Counsel (TADC))  
Parker, Brad (Texas Trial Lawyers Association)  
Wendell, Ware (Texas Watch)

### Registering, but not testifying:

For:

Allday, Marty (Enbridge Energy)  
Allen, George (Texas Apartment Association)  
Ashley, Price (Texas Association of Manufacturers)  
Barber, Kathy (NFIB)  
Baum, Walt (AECT)  
Brown, Sabrina (Dow Chemical)  
Couch, Lee (Bell Helicopter Textron)  
DeWitt, Cathy (Texas Association of Business)  
Fisher, Jon (Associated Builders & Contractors of Texas)  
Fore, Delbert (Enterprise Products Partners)  
Gibson, Stephanie (Texas Retailers Assoc.)  
Golemon, Kinnan (Shell Oil Co)  
Kearns, Dennis (BNSF Railway)  
Oswald, Bill (Koch Companies)  
Partida, Nef (EOG Resources)  
Womack, Daniel (Texas Chemical Council)

Against:

Chamberlain, David (Co-Chair-Tex-ABOTA, LEF, In)  
Courreges, David (Self)  
Grigg, Dicky (TEX-ABOTA LEF)  
Levy, Rick (TX AFL-CIO)

## WITNESS LIST

### HB 2047

For:

Weeks, Carl (Self; Texas Supreme Court, Process Server Review BD.)

#### Registering, but not testifying:

For:

Oakley, Keith (Texas Process Servers Assn.)

Pendergrass, Tod (Civil Process Servers Assoc. of Texas (CPSAT))

Perkins, Val (Texas Business Law Foundation)

### HB 2163

For:

Edwards, William R (Self)

Hull, Mike (Texans for Lawsuit Reform)

Parsley, Lee (Texas Civil Justice League)

Against:

Davis, Bryan (Self)

On:

Kincaid, Mark (Texas Trial Lawyers Ass'n)

#### Registering, but not testifying:

For:

Ashley, Price (Texas Association of Manufacturers)

Barber, Kathy (NFIB)

Baum, Walt (AECT)

Brown, Sabrina (Dow Chemical)

Couch, Lee (Bell Helicopter Textron)

DeWitt, Cathy (Texas Association of Business)

Fisher, Jon (Associated Builders & Contractors of Texas)

Gibson, Stephanie (Texas Retailers Assoc)

Golemon, Kinnan (Shell Oil Co.)

O'Connell, Keith (Texas Association of Defense Counsel (TADC))

Oswald, Bill (Koch Companies)

Partida, Nef (EOG Resources)

Womack, Daniel (Texas Chemical Council)

Against:

Maguire, Jay (Texans for Accessible Health Care)

Rodriquez, Mario (Self)

Thauberger, Lynndy (Self)

### HB 2164

For:

Edwards, William R. (Self)

Parsley, Lee (Texas Civil Justice League)

WITNESS LIST

Against:

Laurent, Larry (Texans for Accessible health care)

Registering, but not testifying:

For:

Ashley, Price (Texas Association of Manufacturers)  
Barber, Kathy (NFIB)  
Baum, Walt (AECT)  
Brown, Sabrina (Dow Chemical)  
Couch, Lee (Bell Helicopter Textron)  
DeWitt, Cathy (Texas Association of Business)  
Fisher, Jon (Associated Builders & Contractors of Texas)  
Gibson, Stephanie (TX Retailers Assoc)  
Golemon, Kinnan (Shell Oil Co.)  
O'Connell, Keith (Texas Assn of Defense Counsel (TADC))  
Oswald, Bill (Koch Companies)  
Partida, Nef (EOG Resources)  
Womack, Daniel (Texas Chemical Council)

Against:

Davis, Bryan (Self)  
Maguire, Jay (Self; Texans for Accessible Health Care)  
Rodriguez, Mario (Self)  
Thauberger, Lynndy (Self)

On:

Kincaid, Mark (Texas Trial Lawyers Ass'n)

HB 2330

For:

Aaberg, Thomas (Wise County Comissions Ct.)

On:

Trabulsi, Richard (Texans for Lawsuit Reform)

# COMMITTEE AUDIO RECORDING LOG

COMMITTEE ON: JUDICIARY & CIVIL DATE: MARCH 21, 2011  
JURISPRUDENCE  
SUBCOMMITTEE ON: LOCATION: E2.010

BILL NUMBER/ISSUE:	WITNESS NAME:
HB 1427	ALAN WALDROP
HB 1427	KEITH O'CONNELL
HB 1427	NATHAN HORNE
HB 1427	JAY HARVEY
HB 1427	ROBERT WHITE
HB 1427	WARE WENDELL
HB 2330	RICHARD TRABULSI
HB 2330	THOMAS AABERG
HB 1890	MIKE HULL
HB 1890	LEE PARSLEY
HB 1890	WILLIAM R. EDWARDS
HB 1890	MARK KINCAID
HB 2163	LEE PARSLEY
HB 2163	BRYAN DAVIS
HB 2163	WILLIAM R. EDWARDS
HB 2163	MARK KINCAID
HB 2163	MIKE HULL
HB 2164	LEE PARSLEY
HB 2164	LARRY LAURENT
HB 2164	WILLIAM R. EDWARDS
HB 1889	DON SIMONS
HB 2047	CARL WEEKS
HB 2031	KEITH O'CONNELL
HB 2031	BRAD PARKER
HB 2031	RICHARD BONNER
HB 2031	STEVE MOSTYN
HB 2031	WARE WENDELL
HB 2031	LEE PARSLEY

PLEASE RETURN THIS FORM WITH THE CDs  
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*Ans*  
3/22/2011