

## **BILL ANALYSIS**

C.S.H.B. 2596  
By: Guillen  
Judiciary  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

This legislation takes into account the conflicting demands on a legislator's time during a session. Scheduling even brief meetings can be difficult between floor sessions, serving on committees and presenting legislation in other committees. The purpose of this legislation is to excuse a member of the legislature from being compelled to testify or give a deposition in a civil action in the state courts when the legislature is in session. This legislation takes into account the unexpected changes in schedule of the House and Senate and the various committees in each.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill adds Section 30.0035 to the Civil Practice and Remedies Code which provides that a member of the legislature may make written application to a court for a mandatory excuse from compelled trial or deposition testimony as a non-party witness in a civil case during a legislative session. The excuse would be in effect until the fifth day after the end of the session.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The caption is amended to conform with the bill. The substitute includes condemnation and administrative cases to the list of cases for which a member of the Legislature may be excused. It also extends the privilege to those who are party to a suit.