

## **BILL ANALYSIS**

C.S.H.B. 965  
By: Guillen  
Civil Practices  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Passage of this bill will ensure members of the Texas Legislature cannot be compelled to testify as a witness in a civil suit during the session. Given the demands and duties of a legislative session, legislators must have the ability to respectfully delay providing testimony until the conclusion of a session. Otherwise, such a potentially time-intensive activity could render a member of the legislature incapable of performing his or her responsibilities.

### **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**

SECTION 1: Amends Chapter 30 of the Civil Practice and Remedies Code to excuse members of the Legislature from being called to testify as a witness in a civil suit, or give a deposition, while the Legislature is in session.

- This legislation does not apply to a member who is party to the suit.
- The member must file a request to be excused.
- The member will be excused until a time or place agreed to by the member or until a date not earlier than the fifth day after the end of the legislative session.

### **EFFECTIVE DATE**

SECTION 2: September 1, 2007.

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

Throughout the original bill, "...or a contested case" is referenced. The substitute bill removes that language.

In removing the reference of "contested case" from the original bill, the substitute bill specifies that the section does not apply to Section 2001.003, Government Code.