

## MINUTES

### SENATE COMMITTEE ON JURISPRUDENCE

Tuesday, March 29, 2011  
1:30 PM or upon adjournment  
Betty King Committee Room

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Jurisprudence was held on Tuesday, March 29, 2011, in the Betty King Committee Room at Austin, Texas.

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**MEMBERS PRESENT:**

Senator Chris Harris, Chair  
Senator Jose Rodriguez, Vice Chair  
Senator John Carona  
Senator Robert Duncan  
Senator Mario Gallegos, Jr.  
Senator Joan Huffman  
Senator Carlos Uresti

**MEMBERS ABSENT:**

None

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The chair called the meeting to order at 1:45 PM. There being a quorum established at 2:40 PM, the following business was transacted:

The chair laid out SB 1308 and recognized the author, Senator Seliger, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1308 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1308 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator

Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1308.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1187 and recognized the author, Senator Watson, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1187 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1187 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1187.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1489 and recognized the author, Senator Whitmire, to explain the bill.

Senator Harris sent up a committee substitute; the chair recognized Senator Whitmire to explain the difference between the committee substitute and the senate bill as filed.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1489 be left pending; without objection, it was so ordered.

The chair laid out SB 1236 and recognized the author, Senator West, to explain the bill.

Witnesses registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Gallegos, Jr. moved that SB 1236 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Carona and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1236.

Senator Huffman moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1241 and recognized the author, Senator West, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1241 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1241 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1241.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1242 and recognized the author, Senator West, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1242 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1242 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1242.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 376 and recognized the author, Senator Wentworth, to explain the bill.

Senator Gallegos, Jr. sent up a committee substitute; the chair recognized Senator Wentworth to explain the difference between the committee substitute and the senate bill as filed. Senator Harris moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 376 be left pending; without objection, it was so ordered.

At 2:50 PM Senator Carona assumed the chair.

The chair laid out SB 218 and recognized Senator Huffman, in the absence of the author, to explain the bill.

Senator Huffman sent up a committee substitute; the chair recognized Senator Huffman to explain the difference between the committee substitute and the senate bill as filed.

Senator Huffman sent up Committee Amendment 1 to the Committee Substitute.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

At 2:58 PM Senator Harris resumed the chair.

Senator Harris moved that SB 218 be left pending; without objection, it was so ordered.

The chair laid out SB 1098 and recognized the author, Senator Huffman, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1098 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1098 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1098.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 3:15 PM Senator Gallegos, Jr. assumed the chair.

The chair laid out SB 1322 and recognized Senator Harris, in the absence of the author, to explain the bill.

No witnesses registered or testified on SB 1322. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Gallegos, Jr. moved that SB 1322 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1322 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1322.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 3:17 PM Senator Harris resumed the chair.

The chair laid out SB 1267 and recognized Senator Gallegos, Jr., in the absence of the author, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1267 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1267 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1267.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1228 and recognized Senator Gallegos, Jr., in the absence of the author, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1228 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1228 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1228.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1476 and recognized Senator Gallegos, Jr., in the absence of the author, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB 1476 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1476 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator

Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1476.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 3:32 PM Senator Rodriguez assumed the chair.

The chair laid out SB 715 and recognized the author, Senator Harris, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodriguez moved that SB 715 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 715 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 715.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1025 and recognized the author, Senator Harris, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodriguez moved that SB 1025 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved that SB 1025 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 1025.

Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 1026 and recognized the author, Senator Harris, to explain the bill.

Senator Harris sent up a committee substitute; the chair recognized Senator Harris to explain the difference between the committee substitute and the senate bill as filed.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodriguez moved that SB 1026 be left pending; without objection, it was so ordered.

The chair laid out SB 1106 and recognized the author, Senator Harris, to explain the bill.

Senator Harris sent up a committee substitute; the chair recognized Senator Harris to explain the difference between the committee substitute and the senate bill as filed.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Rodriguez moved that SB 1106 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Harris moved adoption of the committee substitute; without objection, it was so ordered. Senator Harris moved that SB 1106 do not pass but that CSSB 1106 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on CSSB 1106.

The chair laid out as a matter of pending business SB 789.

Senator Harris moved that SB 789 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Huffman, Senator Carona, and Senator Duncan submitted a motion in writing requesting unanimous consent to be shown voting Aye on SB 789.



Senator Harris moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 4:31 PM Senator Harris resumed the chair.

There being no further business, at 4:32 PM Senator Harris moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Chris Harris, Chair

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Katie Qualls, Clerk