

MINUTES

SENATE COMMITTEE ON JURISPRUDENCE

Tuesday, March 26, 2013
1:30 PM or upon adjournment
Betty King Committee Room

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 26, 2013, in the Betty King Committee Room at Austin, Texas.

MEMBERS PRESENT:

Senator Royce West, Chair
Senator José Rodríguez, Vice Chair
Senator Donna Campbell
Senator Sylvia Garcia
Senator Ken Paxton

MEMBERS ABSENT:

Senator John Carona
Senator Kelly Hancock

The Chair called the meeting to order at 1:35 PM. The following business was transacted:

The Chair laid out as a matter of pending business SB 387 and recognized the author, Senator Nichols, to explain the bill.

Senator Rodríguez sent up a committee substitute; the Chair recognized Senator Nichols to explain the difference between the committee substitute and the senate bill as filed.

Upon arrival of a quorum, Senator Rodríguez moved adoption of the committee substitute. Without objection, it was so ordered.

Senator West moved that SB 387 be left pending to await a quorum. Without objection, it was so ordered.

Upon arrival of a quorum, Senator Rodríguez moved that SB 387 do not pass but that CSSB 387 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

Upon arrival of a quorum, Senator Rodríguez moved that the bill be recommended for placement on the Local & Uncontested Calendar. Without objection, it was so ordered.

The Chair laid out SB 946 and recognized Senator Rodríguez, 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 West moved that SB 946 be left pending to await a quorum. Without objection, it was so ordered.

Upon arrival of a quorum, Senator Paxton moved that SB 946 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

Upon arrival of a quorum, Senator Paxton moved that the bill be recommended for placement on the Local & Uncontested Calendar. Without objection, it was so ordered.

At 1:42 PM a quorum was established.

Senator Rodríguez moved adoption of the minutes from the previous hearing held on March 19, 2013. Without objection, it was so ordered.

At 1:43 PM Senator Rodríguez assumed the Chair.

The Chair laid out as a matter of pending business SB 393 and recognized the author, Senator West, to explain the bill.

Senator West sent up a committee substitute; the Chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator West moved adoption of the committee substitute. Without objection, it was so ordered.

Senator West moved that SB 393 do not pass but that CSSB 393 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

At 1:49 PM Senator West resumed the Chair.

The Chair laid out as a matter of pending business SB 753 and recognized Senator Paxton, in the absence of the author, to explain the bill.

Senator Paxton sent up a committee substitute; the Chair recognized Senator Paxton to explain the difference between the committee substitute and the senate bill as filed. Senator Paxton moved adoption of the committee substitute. Without objection, it was so ordered.

Senator Paxton moved that SB 753 do not pass but that CSSB 753 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

At 1:51 PM Senator Rodríguez assumed the Chair.

The Chair laid out as a matter of pending business SB 966 and recognized the author, Senator West, to explain the bill.

Senator West sent up a committee substitute; the Chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator West moved adoption of the committee substitute. Without objection, it was so ordered.

Senator West moved that SB 966 do not pass but that CSSB 966 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

The Chair laid out as a matter of pending business SB 1146 and recognized the author, Senator West, to explain the bill.

Senator West sent up a committee substitute; the Chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator West moved adoption of the committee substitute. Without objection, it was so ordered.

Senator West moved that SB 1146 do not pass but that CSSB 1146 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

The Chair laid out as a matter of pending business SB 1147 and recognized the author, Senator West, to explain the bill.

Senator West sent up a committee substitute; the Chair recognized Senator West to explain the difference between the committee substitute and the senate bill as filed. Senator West moved adoption of the committee substitute. Without objection, it was so ordered.

Senator West moved that SB 1147 do not pass but that CSSB 1147 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

There was no action taken on SB 1202.

At 1:58 PM Senator West resumed the Chair.

The Chair laid out SB 1237 and recognized the author, Senator Schwertner, to explain the bill.

Senator Garcia sent up a committee substitute; the Chair recognized Senator Schwertner to explain the difference between the committee substitute and the senate bill as filed. Senator Garcia 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 Campbell moved that SB 1237 do not pass but that CSSB 1237 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

The Chair laid out SB 1328 and recognized the author, Senator Paxton, 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 Paxton moved that SB 1328 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

The Chair laid out SB 1437 and recognized the author, Senator Paxton, to explain the bill.

Senator Paxton sent up Committee Amendment 1 and moved adoption. Without objection, the amendment was adopted.

Senator Paxton requested unanimous consent to incorporate Committee Amendment 1 into the bill as filed to create a committee substitute. Without objection, it was so ordered.

Senator Paxton then moved that the committee substitute be adopted. 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 Paxton moved that SB 1437 do not pass but that CSSB 1437 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

The Chair laid out as a matter of pending business SB 768 and recognized Senator Garcia, in the absence of the author, to explain the bill.

Senator Garcia sent up a committee substitute; the Chair recognized Senator Garcia to explain the difference between the committee substitute and the senate bill as filed. Senator Garcia moved adoption of the committee substitute. Without objection, it was so ordered.

Senator West moved that CSSB 768 be left pending. Without objection, it was so ordered.

The Chair laid out as a matter of pending business SB 92 and recognized Senator Paxton, in the absence of the author, to explain the bill.

Senator Paxton sent up a committee substitute; the Chair recognized Senator Paxton to explain the difference between the committee substitute and the senate bill as filed. Senator Paxton moved adoption of the committee substitute. Without objection, it was so ordered.

Senator Paxton moved that SB 92 do not pass but that CSSB 92 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 0 nays, 0 present not voting, and 2 absent.

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

Senator Paxton requested unanimous consent to be shown voting aye on SB 946. Without objection, it was so ordered.

Senator Rodriguez requested unanimous consent to be shown voting aye on SB 1237, SB 946, SB 1328, SB 1437 and SB 92. Without objection, it was so ordered.

There being no further business, at 2:27 PM Senator West moved that the Committee stand recessed subject to the call of the Chair. Without objection, it was so ordered.

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Senator Royce West, Chair

Tiffany White, Clerk