

## **The House Committee on Criminal Jurisprudence**

83rd Legislature

April 23, 2013

10:30 a.m. or upon final adjourn./recess

E2.016

### **CORRECTED MINUTES**

On May 1, 2013, the House Committee on Criminal Jurisprudence authorized the correction of the minutes for the meeting of the House Committee on Criminal Jurisprudence held on April 23, 2013. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on April 18, 2013, the House Committee on Criminal Jurisprudence met in a public hearing and was called to order by the chair, Representative Herrero, at 5:16 p.m.

The initial quorum call was answered as follows: Representatives Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; and Toth.

A quorum was present.

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**HB 184**

The chair laid out HB 184 as pending business.

The chair explained HB 184.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Burnam moved that HB 184, 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 Burnam; Canales; Hughes; Moody; Schaefer; Toth (6).

Nays: Representatives Herrero; Carter; Leach (3).

Present, Not Voting: None (0).

Absent: None (0).

**HB 1552**

The chair laid out HB 1552 as pending business.

The chair explained HB 1552.

Representative Hughes moved that HB 1552, 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 Herrero; Burnam; Canales; Hughes; Leach; Moody; Toth (7).

Nays: Representatives Carter; Schaefer (2).

Present, Not Voting: None (0).

Absent: None (0).

**HB 1748**

The chair laid out HB 1748 as pending business.

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The chair explained HB 1748.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Moody moved that HB 1748, 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 Herrero; Carter; Canales; Hughes; Leach; Moody; Toth (7).

Nays: None (0).

Present, Not Voting: Representatives Burnam; Schaefer (2).

Absent: None (0).

**HB 2344**

The chair laid out HB 2344 as pending business.

The chair explained HB 2344.

Representative Hughes moved that HB 2344, 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 Herrero; Carter; Burnam; Hughes; Leach; Moody; Schaefer; Toth (8).

Nays: Representative Canales (1).

Present, Not Voting: None (0).

Absent: None (0).

**HB 2396**

The chair laid out HB 2396 as pending business.

The chair explained HB 2396.

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Representative Moody moved that HB 2396, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

### **HB 2403**

The chair laid out HB 2403 as pending business.

The chair explained HB 2403.

Representative Burnam moved that HB 2403, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. The vote was:

Ayes: Representatives Herrero; Burnam; Canales; Hughes; Leach; Moody (6).

Nays: Representatives Carter; Schaefer; Toth (3).

Present, Not Voting: None (0).

Absent: None (0).

Representative Moody moved to reconsider the previous vote. The motion to reconsider prevailed without objection.

Representative Burnam moved that HB 2403, 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 Herrero; Burnam; Canales; Hughes; Moody (5).

Nays: Representatives Carter; Schaefer; Toth (3).

Present, Not Voting: Representative Leach (1).

Absent: None (0).

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**HB 2539**

The chair laid out HB 2539 as pending business.

The chair explained HB 2539.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Burnam moved that HB 2539, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**HB 2559**

The chair laid out HB 2559 as pending business.

The chair explained HB 2559.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Burnam moved that HB 2559, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

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**HB 2914**

The chair laid out HB 2914 as pending business.

The chair explained HB 2914.

Representative Burnam moved that HB 2914, 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 Burnam; Canales; Hughes; Moody; Toth (5).

Nays: Representatives Herrero; Carter; Leach (3).

Present, Not Voting: Representative Schaefer (1).

Absent: None (0).

**HB 3365**

The chair laid out HB 3365 as pending business.

The chair explained HB 3365.

The chair offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Carter moved that HB 3365, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**HB 3366**

The chair laid out HB 3366 as pending business.

The chair explained HB 3366.

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The chair moved that HB 3366, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**SB 275**

The chair laid out SB 275.

The chair explained SB 275.

Representative Moody moved that SB 275, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**SB 336**

The chair laid out SB 336.

The chair explained SB 336.

Representative Moody moved that SB 336, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

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Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**SB 361**

The chair laid out SB 361.

The chair explained SB 361.

Representative Burnam moved that SB 361, 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 Herrero; Burnam; Canales; Hughes; Leach; Moody; Toth (7).

Nays: Representative Schaefer (1).

Present, Not Voting: None (0).

Absent: Representative Carter (1).

**SB 367**

The chair laid out SB 367.

The chair explained SB 367.

Representative Canales moved that SB 367, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**SB 387**

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The chair laid out SB 387.

The chair explained SB 387.

Representative Hughes moved that SB 387, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**SB 457**

The chair laid out SB 457.

The chair explained SB 457.

Representative Moody moved that SB 457, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

**SB 743**

The chair laid out SB 743.

The chair explained SB 743.

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Representative Burnam moved that SB 743, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

### **SB 821**

The chair laid out SB 821.

The chair explained SB 821.

Representative Hughes moved that SB 821, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

### **SB 1114**

The chair laid out SB 1114.

The chair explained SB 1114.

Representative Hughes moved that SB 1114, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Schaefer; Toth (9).

Nays: None (0).

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Present, Not Voting: None (0).

Absent: None (0).

**HB 1552**

Representative Hughes moved to reconsider the vote by which the measure was reported from committee. The motion to reconsider prevailed without objection.

The chair laid out HB 1552.

Representative Hughes moved that HB 1552, 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 Herrero; Carter; Burnam; Canales; Hughes; Leach; Moody; Toth (8).

Nays: Representative Schaefer (1).

Present, Not Voting: None (0).

Absent: None (0).

**HB 1070**

Representative Toth moved to reconsider the vote by which the measure failed to be reported. The motion to reconsider prevailed without objection.

The chair laid out HB 1070.

The chair explained HB 1070.

Representative Toth moved that HB 1070, 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 Herrero; Burnam; Canales; Hughes; Leach; Toth (6).

Nays: Representatives Carter; Moody; Schaefer (3).

Present, Not Voting: None (0).

Absent: None (0).

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### **HB 212**

Representative Schaefer moved to reconsider the vote by which the measure failed to be reported. The motion to reconsider prevailed without objection.

The chair laid out HB 212, as substituted.

The chair recognized Representative Alonzo to explain HB 212, as substituted.

Representative Moody moved that HB 212, 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 Herrero; Burnam; Canales; Hughes; Leach; Moody (6).

Nays: Representatives Schaefer; Toth (2).

Present, Not Voting: Representative Carter (1).

Absent: None (0).

### **HB 967**

The chair laid out HB 967.

The chair recognized Representative Turner, Sylvester to explain HB 967.

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

The chair recognized Representative Turner, Sylvester to close on HB 967.

HB 967 was left pending without objection.

### **HB 1246**

The chair laid out HB 1246.

The chair recognized Representative Turner, Sylvester to explain HB 1246.

The chair offered a complete committee substitute.

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

The chair recognized Representative Turner, Sylvester to close on HB 1246.

The committee substitute was withdrawn without objection.

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HB 1246 was left pending without objection.

### **HB 3377**

The chair laid out HB 3377.

The chair recognized Representative Turner, Sylvester to explain HB 3377.

The chair offered a complete committee substitute.

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

The chair recognized Representative Turner, Sylvester to close on HB 3377.

The committee substitute was withdrawn without objection.

HB 3377 was left pending without objection.

### **HB 2964**

The chair laid out HB 2964.

The chair recognized Representative Alonzo to explain HB 2964.

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

The chair recognized Representative Alonzo to close on HB 2964.

HB 2964 was left pending without objection.

### **HB 3208**

The chair laid out HB 3208.

The chair recognized Representative Alonzo to explain HB 3208.

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

The chair recognized Representative Alonzo to close on HB 3208.

HB 3208 was left pending without objection.

### **HB 534**

The chair laid out HB 534.

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The chair recognized Representative Kleinschmidt to explain HB 534.

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

The chair recognized Representative Kleinschmidt to close on HB 534.

HB 534 was left pending without objection.

### **HB 1083**

The chair laid out HB 1083.

The chair recognized Representative Moody to explain HB 1083.

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

The chair recognized Representative Moody to close on HB 1083.

HB 1083 was left pending without objection.

### **HB 901**

The chair laid out HB 901.

The chair recognized Representative Kolkhorst to explain HB 901.

The chair offered a complete committee substitute.

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

The chair recognized Representative Kolkhorst to close on HB 901.

The committee substitute was adopted without objection.

HB 901 was left pending without objection.

### **HB 1178**

The chair laid out HB 1178.

The chair recognized Representative Gooden to explain HB 1178.

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

The chair recognized Representative Gooden to close on HB 1178.

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HB 1178 was left pending without objection.

**HB 1176**

The chair laid out HB 1176.

The chair recognized Representative Gooden to explain HB 1176.

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

The chair recognized Representative Gooden to close on HB 1176.

HB 1176 was left pending without objection.

**HB 221**

The chair laid out HB 221.

The chair recognized Representative Fletcher to explain HB 221.

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

The chair recognized Representative Fletcher to close on HB 221.

HB 221 was left pending without objection.

**HB 2418**

The chair laid out HB 2418.

The chair recognized Representative Fletcher to explain HB 2418.

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

The chair recognized Representative Fletcher to close on HB 2418.

HB 2418 was left pending without objection.

**HB 3030**

The chair laid out HB 3030.

The chair recognized Representative Fletcher to explain HB 3030.

The chair offered a complete committee substitute.

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

The chair recognized Representative Fletcher to close on HB 3030.

The committee substitute was withdrawn without objection.

HB 3030 was left pending without objection.

### **HB 1523**

The chair laid out HB 1523.

The chair recognized Representative Guillen to explain HB 1523.

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

The chair recognized Representative Guillen to close on HB 1523.

HB 1523 was left pending without objection.

### **HB 3297**

The chair laid out HB 3297.

The chair recognized Representative Guillen to explain HB 3297.

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

The chair recognized Representative Guillen to close on HB 3297.

HB 3297 was left pending without objection.

### **HB 3210**

The chair laid out HB 3210.

The chair recognized Representative Sheffield, J. D. to explain HB 3210.

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

The chair recognized Representative Sheffield, J. D. to close on HB 3210.

HB 3210 was left pending without objection.

### **HB 3818**

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The chair laid out HB 3818.

The chair recognized Representative Collier to explain HB 3818.

The chair offered a complete committee substitute.

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

The chair recognized Representative Collier to close on HB 3818.

The committee substitute was withdrawn without objection.

HB 3818 was left pending without objection.

### **HB 3532**

The chair laid out HB 3532.

The chair recognized Representative Rose to explain HB 3532.

The chair offered a complete committee substitute.

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

The chair recognized Representative Rose to close on HB 3532.

The committee substitute was withdrawn without objection.

HB 3532 was left pending without objection.

### **HB 2841**

The chair laid out HB 2841.

The chair recognized Representative Wu to explain HB 2841.

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

The chair recognized Representative Wu to close on HB 2841.

HB 2841 was left pending without objection.

### **HB 1564**

The chair laid out HB 1564.

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The chair recognized Representative Miller, Rick to explain HB 1564.

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

The chair recognized Representative Miller, Rick to close on HB 1564.

HB 1564 was left pending without objection.

### **HB 2498**

The chair laid out HB 2498.

The chair recognized Representative Miller, Rick to explain HB 2498.

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

The chair recognized Representative Miller, Rick to close on HB 2498.

HB 2498 was left pending without objection.

### **HB 3277**

The chair laid out HB 3277.

The chair recognized Representative Gonzalez, Naomi to explain HB 3277.

The chair offered a complete committee substitute.

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

The chair recognized Representative Gonzalez, Naomi to close on HB 3277.

The committee substitute was withdrawn without objection.

HB 3277 was left pending without objection.

### **HB 1439**

The chair laid out HB 1439.

The chair recognized Representative Lucio III to explain HB 1439.

The chair offered a complete committee substitute.

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

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The chair recognized Representative Lucio III to close on HB 1439.

The committee substitute was withdrawn without objection.

HB 1439 was left pending without objection.

### **HB 3479**

The chair laid out HB 3479.

The chair recognized Representative Simpson to explain HB 3479.

The chair offered a complete committee substitute.

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

The chair recognized Representative Simpson to close on HB 3479.

The committee substitute was withdrawn without objection.

HB 3479 was left pending without objection.

### **HB 3164**

The chair laid out HB 3164.

The chair recognized Representative Stickland to explain HB 3164.

The chair offered a complete committee substitute.

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

The chair recognized Representative Stickland to close on HB 3164.

The committee substitute was withdrawn without objection.

HB 3164 was left pending without objection.

### **HB 1011**

The chair laid out HB 1011.

The chair recognized Representative King, Susan to explain HB 1011.

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

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The chair recognized Representative King, Susan to close on HB 1011.

HB 1011 was left pending without objection.

**HB 452**

The chair laid out HB 452.

The chair recognized Representative Moody to explain HB 452.

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

The chair recognized Representative Moody to close on HB 452.

HB 452 was left pending without objection.

**HB 1064**

The chair laid out HB 1064.

The chair recognized Representative Moody to explain HB 1064.

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

The chair recognized Representative Moody to close on HB 1064.

HB 1064 was left pending without objection.

**HB 206**

The chair laid out HB 206.

The chair recognized Representative Moody to explain HB 206.

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

The chair recognized Representative Moody to close on HB 206.

HB 206 was left pending without objection.

**HB 2291**

The chair laid out HB 2291.

The chair recognized Representative Moody to explain HB 2291.

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The chair recognized Representative Moody to close on HB 2291.

HB 2291 was left pending without objection.

**HB 261**

The chair laid out HB 261.

The chair recognized Representative Moody to explain HB 261.

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

The chair recognized Representative Moody to close on HB 261.

HB 261 was left pending without objection.

**HB 262**

The chair laid out HB 262.

The chair recognized Representative Moody to explain HB 262.

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

The chair recognized Representative Moody to close on HB 262.

HB 262 was left pending without objection.

**HB 1669**

The chair laid out HB 1669.

The chair recognized Representative Carter to explain HB 1669.

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

The chair recognized Representative Carter to close on HB 1669.

HB 1669 was left pending without objection.

**HB 3689**

The chair laid out HB 3689.

The chair recognized Representative Carter to explain HB 3689.

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

The chair recognized Representative Carter to close on HB 3689.

HB 3689 was left pending without objection.

### **HB 925**

The chair laid out HB 925.

The chair recognized Representative Moody to explain HB 925.

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

The chair recognized Representative Moody to close on HB 925.

HB 925 was left pending without objection.

### **HB 3637**

The chair laid out HB 3637.

The chair recognized Representative Hughes to explain HB 3637.

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

The chair recognized Representative Hughes to close on HB 3637.

HB 3637 was left pending without objection.

### **HB 2989**

The chair laid out HB 2989.

The chair recognized Representative Canales to explain HB 2989.

The chair offered a complete committee substitute.

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

The chair recognized Representative Canales to close on HB 2989.

The committee substitute was withdrawn without objection.

HB 2989 was left pending without objection.

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**HB 3633**

The chair laid out HB 3633.

The chair recognized Representative Canales to explain HB 3633.

The chair offered a complete committee substitute.

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

The chair recognized Representative Canales to close on HB 3633.

The committee substitute was withdrawn without objection.

HB 3633 was left pending without objection.

**HB 2568**

The chair laid out HB 2568.

The chair recognized Representative Schaefer to explain HB 2568.

The chair offered a complete committee substitute.

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

The chair recognized Representative Schaefer to close on HB 2568.

The committee substitute was withdrawn without objection.

HB 2568 was left pending without objection.

**HB 125**

The chair laid out HB 125.

The chair recognized Representative Moody to explain HB 125.

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

The chair recognized Representative Moody to close on HB 125.

HB 125 was left pending without objection.

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**HB 3517**

The chair laid out HB 3517.

The chair recognized Representative Carter to explain HB 3517.

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

The chair recognized Representative Carter to close on HB 3517.

HB 3517 was left pending without objection.

**HB 3058**

The chair laid out HB 3058.

The chair explained HB 3058.

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

The chair closed on HB 3058.

HB 3058 was left pending without objection.

**HB 3059**

The chair laid out HB 3059.

The chair explained HB 3059.

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

The chair closed on HB 3059.

HB 3059 was left pending without objection.

At 1:47 a.m., on April 24, 2013, on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

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Rep. Herrero, Chair

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Vanessa Fuentes, Clerk