

The House Committee on Criminal Jurisprudence

77th Legislature

April 17, 2001

2:00 p.m. or upon final adjourn./recess

Capitol Extension, E2.028

CORRECTED MINUTES

On April 26, 2001, 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 17, 2001. The following are the corrected minutes for that meeting:

Pursuant to a notice posted on April 12, 2001, the House Committee on Criminal Jurisprudence met in a public hearing and was called to order by the chair, Representative Hinojosa, at 6:24 p.m.

The roll was answered as follows:

Present: Representatives Hinojosa; Garcia; Keel; Kitchen; Martinez Fischer; Talton (6).

Absent: Representatives Dunnam; Green; Shields (3).

A quorum was present.

The chair directed that the March 27, 2001, minutes for the House Committee on Criminal Jurisprudence be corrected. The corrected minutes were authorized without objection.

The chair directed that the April 5, 2001, minutes for the House Committee on Criminal Jurisprudence be corrected. The corrected minutes were authorized without objection.

HB 3505

The chair laid out HB 3505 as pending business.

(Representative Dunnam now present.)

Representative Hinojosa offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Dunnam moved that HB 3505, 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:

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Ayes: Representatives Hinojosa; Dunnam; Garcia; Keel; Kitchen; Martinez
Fischer; Talton (7).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Green; Shields (2).

SB 1074

The chair laid out SB 1074, the companion to HB 2458, in lieu of the house bill.

(Representative Shields now present.)

Representative Hinojosa offered a complete committee substitute.

The committee substitute was adopted without objection.

Representative Dunnam moved that SB 1074, 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 Hinojosa; Dunnam; Garcia; Keel; Kitchen; Martinez
Fischer (6).

Nays: Representative Talton (1).

Present, Not Voting: None (0).

Absent: Representatives Green; Shields (2).

HB 126

The chair laid out HB 126 as pending business.

Representative Hinojosa offered a complete committee substitute.

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The committee substitute was adopted without objection.

Representative Dunnam moved that HB 126, 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 Hinojosa; Dunnam; Garcia; Keel; Kitchen; Martinez Fischer (6).

Nays: Representative Talton (1).

Present, Not Voting: None (0).

Absent: Representatives Green; Shields (2).

HJR 26

The chair laid out HJR 26.

The chair recognized Representative Carter to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Carter to close on the measure.

The bill was left pending without objection.

HB 293, HB 1713 and SB 730

The chair laid out HB 293, HB 1713 and SB 730.

The chair recognized Representative Thompson to explain HB 293, HB 1713 and SB 730.

(Representative Green now present.)

Representative Hinojosa offered an amendment to SB 730.

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The amendment to SB 730 was withdrawn without objection.

(Representative Dunnam in chair.)

Testimony was taken on HB 293, HB 1713 and SB 730. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding HB 293, HB 1713 and SB 730. (See attached witness list.)

The chair closed on HB 293, HB 1713 and SB 730 on behalf of Representative Thompson.

HB 293, HB 1713 and SB 730 were left pending without objection.

HB 2042

The chair laid out HB 2042.

The chair recognized Representative Danburg to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Danburg to close on the measure.

The bill was left pending without objection.

HB 687

The chair laid out HB 687.

The chair recognized Representative Danburg to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

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The chair recognized Representative Danburg to close on the measure.

The bill was left pending without objection.

HB 1373

The chair laid out HB 1373.

The chair recognized Representative Danburg to explain the measure.

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Danburg to close on the measure.

The bill was left pending without objection.

HB 1805

The chair laid out HB 1805.

The chair recognized Representative Betty Brown to explain the measure.

Representative Dunnam offered a complete committee substitute.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Betty Brown to close on the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 2256

The chair laid out HB 2256.

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The chair recognized Representative McCall to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative McCall to close on the measure.

The bill was left pending without objection.

SB 917

The chair laid out SB 917, the companion to HB 1963, in lieu of the house bill.

The chair recognized Representative Hochberg to explain the measure.

Representative Dunnam offered a complete committee substitute.

Testimony was taken. (See attached witness list.)

The committee substitute was withdrawn without objection.

The chair recognized Representative Hochberg to close on the measure.

The bill was left pending without objection.

HB 3622

The chair laid out HB 3622.

The chair recognized Representative Hochberg to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Hochberg to close on the measure.

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The bill was left pending without objection.

HB 1860

The chair laid out HB 1860.

The chair recognized Representative Sylvester Turner to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Sylvester Turner to close on the measure.

The bill was left pending without objection.

HB 1554

The chair laid out HB 1554.

The chair recognized Representative Menendez to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Menendez to close on the measure.

The bill was left pending without objection.

HB 1555

The chair laid out HB 1555.

The chair recognized Representative Arthur Reyna to explain the measure.

Testimony was taken. (See attached witness list.)

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The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Arthur Reyna to close on the measure.

The bill was left pending without objection.

HB 2048

The chair laid out HB 2048.

The chair recognized Representative Burnam to explain the measure.

Representative Martinez Fischer offered a complete committee substitute.

Testimony was taken. (See attached witness list.)

(Representative Green in chair.)

(Representative Dunnam in chair.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Burnam to close on the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HJR 12

The chair laid out HJR 12.

The chair recognized Representative McClendon to explain the measure.

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

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The chair recognized Representative McClendon to close on the measure.

The bill was left pending without objection.

HB 2890

The chair laid out HB 2890.

The chair recognized Representative McClendon to explain the measure.

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative McClendon to close on the measure.

The bill was left pending without objection.

HB 1581

The chair laid out HB 1581.

The chair recognized Representative Coleman to explain the measure.

Testimony was taken. (See attached witness list.)

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Representative Coleman to close on the measure.

The bill was left pending without objection.

HB 141

The chair laid out HB 141.

The chair recognized Representative Wise to explain the measure.

The chair acknowledged those who chose not to testify but submitted witness affirmation forms

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regarding this issue. (See attached witness list.)

The chair recognized Representative Wise to close on the measure.

The bill was left pending without objection.

HB 225

The chair laid out HB 225.

The chair recognized Representative Wise to explain the measure.

The chair recognized Representative Wise to close on the measure.

The bill was left pending without objection.

HB 800

The chair laid out HB 800.

The chair recognized Martinez Fischer to explain the measure on behalf of Representative Gallego.

Representative Dunnam offered a complete committee substitute.

The chair recognized Martinez Fischer to close on the measure on behalf of Representative Gallego.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 2085

The chair laid out HB 2085.

The chair recognized Martinez Fischer to explain the measure on behalf of Representative Gallego.

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Representative Dunnam offered a complete committee substitute.

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair recognized Martinez Fischer to close on the measure on behalf of Representative Gallego.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 3114

The chair laid out HB 3114.

The chair explained the measure on behalf of Representative Ritter.

Representative Dunnam offered a complete committee substitute.

The chair acknowledged those who chose not to testify but submitted witness affirmation forms regarding this issue. (See attached witness list.)

The chair closed on the measure on behalf of Representative Ritter.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

At 10:25 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.


Rep. Juan J. Hinojosa, Chair


Gabriel Cardenas, Clerk

WITNESS LIST

Criminal Jurisprudence Committee

April 17, 2001 - 2:00PM or upon final adjourn./recess

HB 141

Registering, but not testifying:

For: Buchanan, Bree (Texas Council on Family Violence)
On: McKey, E. Joe (TX DPS)

HB 293

For: Harrell, William (ACLU)
Lannoye, Rick (ACLU)
Against: Noll, Chuck (Harris County Dist Atty's Office)

Registering, but not testifying:

For: Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)
Against: Dobson, Earl (Self)
Granger, J. D. (Tarrant County District Attorney's Office)
Liu, Livia (Dallas County DA's office)

HB 687

For: Hood, Sonny (Self)
Katine, Mitchell (Self)
Lannoye, Rick (ACLU)
Riddering, Hannah (Self and Texas National Organization for Women)

Registering, but not testifying:

For: Bonny, Todd (Self)
Butcher, Adrienne (Self)
Caulder-Fine, Pamela (Self)
Chaiban, Gassan (Self)
Clift, Amy (Self)
Cortinas, Rodolfo (Self)
Cummings, Carey (Self)
Cunliff, Colin (Self)
Delony, Andy (Self)
Fahrenthold, Cristina (Self)
Fair, Shay (Self)
Gacutan, Rob (Self)
Garza, R. Aaron (Self)
Goodman, Gail (Out Youth Austin)
Goodstein, Rebecca (Self)
Green, Paul (Self)
Gura, Ruth-Ellen (Ronnie Earle, Travis Co. District Attorney)
Harrell, William (ACLU)
Hilden, Jessica (Self)
Hollar, Julie (Lesbian Gay Rights Lobby of Texas)
Isbell, Brad (Self)
MacKenzie, Zachary (Self)
McDonald, Kory R. (Self)
Mundy, Blair (Self)
Niu, Eric (Self)

Padilla, Julian (Self)
Padilla, Yolanda C. (Self)
Richardson, Kristin (Self)
Ridpath, Charity C. (Self)
Shaarda, Marcy (Self)
Strain, Sputnik (Self and Texas Motorcycle Rights Assoc.)
Tobar, Alejandra (Self)
Torres, Sherie L. (Self)
Van Sickels, Nicholas (Self)
Wong, Cynthia (Self)
Yarbrough, Darrell G. (Self)

HB 1373

Registering, but not testifying:

For: Buchanan, Bree (Texas Council on Family Violence)
Bullard, Theresa (Self)
Oakley, Keith (TMPA Texas Municipal Police Assn.)
Riddering, Hannah (Self and Texas National Organization for Women)
Williams, Lyn (Texas Association Against Sexual Assault)
Against: Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)

HB 1554

For: Jones, James D. (San Antonio Police Officers' Association)

Registering, but not testifying:

For: Andersen, Cris (San Antonio Police Officers' Association)
Rendon, Feliciano (San Antonio Police Officers Association)
Ybarbo, Ray (Texas Police Chiefs Assn.)

HB 1555

For: Jones, James D. (San Antonio Police Officers' Association)

Registering, but not testifying:

For: Andersen, Cris (San Antonio Police Officers' Association)
Rendon, Feliciano (San Antonio Police Officers Association)
Ybarbo, Ray (Chief of Police Al Philippus, San Antonio Police Dept.)

HB 1581

For: Hearon, Genevieve (Capacity for Justice)

Registering, but not testifying:

For: Cheyney, Patsy (Self and National Alliance for the Mentally Ill of San Antonio (NAMI - San Antonio))
Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)
Holt, Charles C. (Self and Common Cause Texas)
Lannoye, Rick (ACLU)
Lovell, Joe (National Alliance for the Mentally Ill of Texas)
Mizcles, Amy (National Alliance for the Mentally Ill of Texas)
Redmond, Leigh (Texas Mental Health Consumers)
Schmitt, Cyndie (Texas Council of Community MHMR Centers, Inc.)

HB 1713

On: Abbott, W. Clay (Texas Municipal Courts Education Center)

Blewett, Rebecca (TX DPS Driver License)
Registering, but not testifying:
For: Hackney, Clint (Driver Training Associates)

HB 1805

For: Lewis, Bill (Mothers Against Drunk Driving)

HB 1805 - Committee Substitute (Dunnam)

Registering, but not testifying:
For: Dobson, Earl (Self)
Granger, J. D. (Tarrant County District Attorney's Office)

HB 1860

For: Lannoye, Rick (ACLU)
Registering, but not testifying:
For: Bazan, Kim (Texas Network of Youth Services)
Dieter, Alison (Self and Gray Panthers)
Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)
Harrell, William (ACLU, NAACP)
Holt, Charles C. (Self and Common Cause Texas)

HB 1963

On: Wittliff, Reid (Office of the Attorney General)

HB 2042

For: Doherty, Larry Joe (Self)
Riddering, Hannah (Self and Texas National Organization for Women)
Registering, but not testifying:
For: Buchanan, Bree (Texas Council on Famil Violence)
Against: Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)

HB 2048

For: Bochenek, Michael (Self and Human Rights Watch)
Cleveland, Sarah (Self)
Cotera, Juan E. (Self)
Cotera, Martha P. (Self)
Flores, Delia (Jeanne, Jennifer, Lee & Joyce Bishop, family of murder victims Nancy Bishop & Richard Langert)
Harrell, William (ACLU, NAACP)
Kessner, Gilda (Self)
Kyle, Cathy (Self)
Marrus, Ellen (American Bar Association)
Merrill, Chuck (The United Methodist Church)
Prall, Robert C (Self and American Academy of Child & Adolescent Psychiatry)
Steiker, Jordan (Self)
Registering, but not testifying:
For: Adams, Randall Dale (Self)
Atwood, David (Pax Christi Texas)
Balch, Glenna (Friends Meeting (Quaker) of Austin)
Bazan, Kim (Texas Network of Youth Services)
Beazley, Ireland Gene (Self)
Clark, Kevin (Self)

Cobb, Scott (Texas Moratorium Network)
Daly, Richard (Texas Catholic Conference)
Dieter, Alison (Self and Gray Panthers)
Hall, Steve (Stand Down Texas, ACLU of Texas)
Hampton, Mary (Self)
Holt, Charles C. (Common Cause Texas)
Kurtz, Lester (Self)
Lannoye, Rick (ACLU)
Locker, Mary Jo (Self)
Long, Jennifer (Self)
Long, Walter C. (Self)
Popp, James (Self)
Popp, Jeanette (Self)
Sanchez, Juan (Self)
Vaught, William E. (Self)
Yeats, Elizabeth (Texas Conference of Churches)

HB 2085

Registering, but not testifying:

For: Lewis, Bill (Mothers Against Drunk Driving)
On: Durham, Drew T. (Office of Attorney General)

HB 2256

For: Lannoye, Rick (ACLU)
Martin, Greg (Self and Kelly Marie Martin)

Registering, but not testifying:

On: Beaty, Louis (Texas Dept. of Public Safety)

HB 2890

Registering, but not testifying:

For: Ybarbo, Ray (Texas Police Chiefs Assn. & San Antonio Police
Dept., Chief of Police Al Philippus)

HB 3114

Registering, but not testifying:

For: Gist, Judge Larry (Self and Judicial Advisory Council)
Hill, Holli (Texas Probation Association)
Weeks, David P. (Self)
On: Baker, Tom (TDCJ - State Jail Division)

HB 3622

For: Lannoye, Rick (ACLU)

Registering, but not testifying:

For: Harrell, William (ACLU and NAACP)

HJR 12

Registering, but not testifying:

Against: Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)

HJR 26

For: Lewis, Bill (Mothers Against Drunk Driving)

Registering, but not testifying:

Against: Hampton, Keith S. (Texas Criminal Defense Lawyers Assn)

SB 730

For: Bresnen, Steve (USA Training)

Ott, Judge Patricia (Justices of the Peace and Constables
Assoc. of Texas, Inc.)

On: Abbott, W. Clay (Texas Municipal Courts Education Center)

Registering, but not testifying:

For: Benavides, Ricardo (Elite Driving Systems, Inc)

Hackney, Clint (Driver Training Associates)

Williams, John H. (Justice of the Peace & Constable Assn. of
TX.)

SB 917

On: Wittliff, Reid (Office of the Attorney General)

COMMITTEE TAPE LOG

COMMITTEE ON CRIMINAL JURISPRUDENCE

DATE: April 17, 2001

LOCATION: E2.028

TAPE #:	SIDE:	BILL #:	PERSON SPEAKING/ACTION:
1	A	HB 3505	Chairman Hinojosa recalls HB 3505
1	A	HB 3505	Representative Maxey, explains HB 3505
1	A	HB 3505	Chairman Hinojosa lays out substitute, HB 3505
1	A	SB 1074	Chairman Hinojosa, lays out substitute, SB 1074
1	A	HB 126	Chairman Hinojosa, recalls HB 126
1	A	HJR 26	Representative Carter, lay out HJR 26
1	A	HJR 26	Bill Lewis
1	A	HJR 26	Representative Carter, close HJR 26
1	A	HB 1713, SB 730	Chairwoman Thompson, lay out HB 1713 & SB 730
1	A	HB 293	Chairwoman Thompson, lay out HB 293
1	A	HB 1713, SB 730	Steve Bresnen
1	A	HB 1713, SB 730	Judge Patricia Ott
1	A	HB 1713, SB 730	W. Clay Abbott
1	B	HB 1713, SB 730	Rebecca Blewett
1	B	HB 1713, SB 730	Will Harrell, ACLU & NAACP
1	B	HB 293	Rep. Danburg lays out HB 293
1	B	HB 293	Will Harrell, ACLU & NAACP
1	B	HB 293	Rick Lannoye
1	B	HB 293	Chuck Noll
1	B	HB 1713, SB 730	Rep. Dunnam closes
1	B	HB 2042	Rep. Danburg lays out HB 2042
1	B	HB 2042	Larry Joe Doherty
1	B	HB 2042	Hannah Riddering
1	B	HB 2042	Rep. Danburg closes HB 2042
1	B	HB 687	Rep. Danburg lays out HB 687
1	B	HB 687	Mitchell Katine
1	B	HB 1373	Rep. Danburg lays out HB 1373
1	B	HB 687	Sonny Hood

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1	B	HB 687	Hannah Riddering
1	B	HB 687	Rick Lannoye, ACLU
2	A	HB 687	Rick Lannoye, ACLU
2	A	HB 687	Vice-Chair Dunnam, close HB 687
2	A	HB 1373	Vice-Chair Dunnam, close HB 1373
2	A	HB 1805	Representative Brown, lay out HB 1805
2	A	HB 1805	Bill Lewis
2	A	HB 1805	Representative Brown, close HB 1805
2	A	HB 2256	Representative McCall, lay out HB 2256
2	A	HB 2256	Greg Martin
2	A	HB 2256	Rick Lannoye, ACLU
2	A	HB 2256	Representative McCall, close HB 2256
2	A	SB 917, HB 1963	Representative Hochberg, lay out SB 917
2	A	SB 917, HB 1963	Reid Witliff, Office of Attorney General
2	A	SB 917, HB 1963	Representative Hochberg, close SB 917
2	A	HB 3622	Representative Hochberg, lay out HB 3622
2	A	HB 3622	Rick Lannoye, ACLU
2	A	HB 3622	Representative Turner, lay out HB 1860
2	A	HB 1860	Representative Turner, lay out HB 1860
2	A	HB 1860	Rick Lannoye, ACLU
2	A	HB 1860	Representative Turner, close HB 1860
2	A	HB 1554	Representative Menendez, lay out HB 1554
2	A	HB 1554	James Jones
2	A	HB 1554	Representative Menendez, close HB 1554
2	A	HB 1555	Representative Reyna, lay out HB 1555
2	A	HB 1555	James Jones
2	A	HB 1555	Representative Reyna, close HB 1555
2	A	HB 2048	Representative Burnam, lay out HB 2048
2	A	HB 2048	Kathy Kyle
2	B	HB 2048	Cathy Kyle
2	B	HB 2048	Michael Bochenek
2	B	HB 2048	Sarah Cleveland

2	B	HB 2048	Jordan Steiker
2	B	HB 2048	Ellen Marrus
2	B	HB 2048	Gilda Kessner
2	B	HB 2048	Robert Prall
3	A	HB 2048	Chuck Merrill
3	A	HB 2048	Delia Flores
3	A	HB 2048	Juan Cotera
3	A	HB 2048	Martha Cotera
3	A	HB 2048	Will Harrell, ACLU & NAACP
3	A	HB 2048	Representative Burnam, close HB 2048
3	A	HJR 12, HB 2890	Representative McClendon, lay out HJR 12 & HB 2890
3	A	HJR 12, HB 2890	Representative McClendon, close HJR 12 & HB 2890
3	A	HB 1581	Representative Coleman, lay out HB 1581
3	A	HB 1581	Genevieve Hearon
3	A	HB 1581	Representative Coleman, close HB 1581
3	B	HB 141, HB 225	Representative Wise, lay out HB 141 & HB 225
3	B	HB 141, HB 225	Representative Wise, close HB 141 & HB 225
3	B	HB 2085 & 2865	Representative Martinez-Fischer, lay out HB 2085 & 2865
3	B	HB 2085 & 2865	Representative Martinez-Fischer, lay out HB 2085 & 2865
3	B	HB 3114	Vice-Chair Dunnam, lay out HB 3114
3	B	HB 3114	Vice-Chair Dunnam, close HB 3114