

HOUSE JOURNAL
SIXTY-SEVENTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Forty-first Legislative Day

Monday, February 16, 2009

- 1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.
2
3 The Speaker called the House to order at 10:00 a.m.
4
5 Pledge of Allegiance led by Oliver Kauffman, Bradford Primary,
6 Littleton.
7
8 The roll was called with the following result:
9
10 Present--60.
11 Excused--Representative(s) J. Kerr, May, McCann, McGihon,
12 Stephens--5.
13 Present after roll call--Representative(s) J. Kerr, McGihon,
14 Stephens.
15
16 The Speaker declared a quorum present.
17
18
19 On motion of Representative Gerou, the reading of the journal of
20 February 13, 2009, was declared dispensed with and approved as
21 corrected by the Chief Clerk.
22
23

THIRD READING OF BILLS--FINAL PASSAGE

- 24
25
26 The following bills were considered on Third Reading. The titles were
27 publicly read. Reading of the bill at length was dispensed with by
28 unanimous consent.
29
30 **HB09-1059** by Representative(s) Primavera; also Senator(s)
31 Carroll, M.--Concerning the continuation of health care
32 coverage while participating in a clinical trial.
33
34 The question being "Shall the bill pass?".
35 A roll call vote was taken. As shown by the following recorded vote, a
36 majority of those elected to the House voted in the affirmative and the
37 bill was declared **passed**.
38

	YES	61	NO	0	EXCUSED	4	ABSENT	0
40	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
41	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
42	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
43	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y

1	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
2	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
3	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
4	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
5	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
6	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
7	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
8	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
9	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
10	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
11	Gardner C.	Y	May	E	Rice	Y	Waller	Y
12	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
13							Speaker	Y

14 Co-sponsor(s) added: Representative(s) Apuan, Casso, Ferrandino, Frangas,
15 Gagliardi, Gerou, Kefalas, Kerr A., Labuda, Levy, Merrifield, Middleton,
16 Peniston, Ryden, Scanlan, Schafer S., Solano, Todd, Weissmann

17
18 **HB09-1112** by Representative(s) Kerr J.--Concerning the information
19 provided to the staff of the legislative council in
20 connection with the preparation of fiscal notes for
21 legislative measures.

22
23 Laid over until February 18, retaining place on Calendar.

24
25 **HB09-1124** by Representative(s) Liston, Gardner B., Massey, Tipton,
26 Gardner C., Bradford, Frangas, Labuda, Lambert, Murray,
27 Soper; also Senator(s) Veiga--Concerning certain
28 conferences with an attorney representing a state public
29 body that may be held in an executive session at a meeting
30 of the state public body.

31
32 The question being "Shall the bill pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a
34 majority of those elected to the House voted in the affirmative and the bill
35 was declared **passed**.

	YES	61	NO	0	EXCUSED	4	ABSENT	0
38	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
42	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
44	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
45	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
46	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
47	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
48	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
49	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
50	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
51	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
52	Gardner C.	Y	May	E	Rice	Y	Waller	Y
53	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Acree, Gerou, Green, Stephens, Todd,
56 Waller

1 **HB09-1125** by Representative(s) Merrifield, Massey, Benefield,
 2 Gagliardi, Middleton, Pace, Peniston, Priola, Scanlan,
 3 Solano, Summers, Weissmann; also Senator(s) Hudak--
 4 Concerning limitations on the incentives local education
 5 providers may provide for participation in public
 6 educational programs.

7
 8 The question being "Shall the bill pass?".
 9 A roll call vote was taken. As shown by the following recorded vote, a
 10 majority of those elected to the House voted in the affirmative and the bill
 11 was declared **passed**.

	YES	46	NO	15	EXCUSED	4	ABSENT	0
14	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
16	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
18	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
19	Bradford	N	Kerr J.	E	Middleton	Y	Sonnenberg	N
20	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
21	Court	Y	Labuda	Y	Murray	Y	Stephens	N
22	Curry	Y	Lambert	N	Nikkel	N	Summers	Y
23	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
24	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
25	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
26	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	N
27	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
28	Gardner C.	N	May	E	Rice	Y	Waller	N
29	Gerou	N	McCann	E	Riesberg	Y	Weissmann	Y
30							Speaker	Y

31 Co-sponsor(s) added: Representative(s) Apuan, Kerr A., Labuda, Todd

32
 33 **HB09-1153** by Representative(s) May; also Senator(s) Harvey--
 34 Concerning the requirements applicable to the formation
 35 of an issue committee under Colorado law governing
 36 campaign finance.

37
 38 Laid over until February 18, retaining place on Calendar.

39
 40 **HB09-1182** by Representative(s) Marostica, Ferrandino, Pommer; also
 41 Senator(s) White, Keller, Tapia--Concerning changes in
 42 the funding of administrative costs incurred by the division
 43 of on-line learning in the department of education.

44
 45 The question being "Shall the bill pass?".
 46 A roll call vote was taken. As shown by the following recorded vote, a
 47 majority of those elected to the House voted in the affirmative and the bill
 48 was declared **passed**.

	YES	61	NO	0	EXCUSED	4	ABSENT	0
51	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
52	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
53	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
54	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
55	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
56	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y

1	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
2	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
3	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
4	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
5	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
6	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
7	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
8	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
9	Gardner C.	Y	May	E	Rice	Y	Waller	Y
10	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Gardner B., Kerr A., Labuda, Looper,
 13 Massey, Middleton, Priola, Todd

14
 15 **HB09-1189** by Representative(s) Pommer, Ferrandino, Marostica; also
 16 Senator(s) Tapia, Keller, White--Concerning per pupil
 17 funding for education programs that report their pupil
 18 enrollment counts to the facility schools unit in the
 19 department of education.

20
 21 The question being "Shall the bill pass?".
 22 A roll call vote was taken. As shown by the following recorded vote, a
 23 majority of those elected to the House voted in the affirmative and the bill
 24 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
27	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
28	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
29	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
30	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
31	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
32	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
33	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
34	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
35	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
36	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
37	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
38	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
39	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
40	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
41	Gardner C.	Y	May	E	Rice	Y	Waller	Y
42	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
43							Speaker	Y

44 Co-sponsor(s) added: Representative(s) Gardner B., Labuda, Middleton, Priola,
 45 Todd

46
 47 **HB09-1181** by Representative(s) McCann; also Senator(s) Foster--
 48 Concerning the right of a victim to make a statement at a
 49 community corrections hearing.

50 Laid over until February 18, retaining place on Calendar.

51
 52
 53
 54
 55

1 **HB09-1178** by Representative(s) Green; also Senator(s) Boyd--
 2 Concerning the creation of a task force to study the
 3 establishment of a registry of caregivers who are deemed
 4 to have a substantiated allegation of wrongdoing against
 5 a person with a developmental disability.

6
 7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.

	YES	60	NO	2	EXCUSED	3	ABSENT	0
13	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
14	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
15	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
16	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
17	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
18	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
19	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
20	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
21	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
22	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
23	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
24	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
25	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
26	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
27	Gardner C.	Y	May	E	Rice	Y	Waller	Y
28	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Gerou, Hullinghorst, Kerr A., Labuda,
 31 McGihon, Merrifield, Middleton, Ryden, Schafer S., Todd

32
 33 **HB09-1215** by Representative(s) Ferrandino, Pommer, Marostica; also
 34 Senator(s) Tapia, Keller, White--Concerning the creation
 35 of a stabilization fund to assist with the state's efforts to
 36 meet the federal maintenance of effort requirements for
 37 the state supplemental security income program.

38
 39 The question being "Shall the bill pass?".
 40 A roll call vote was taken. As shown by the following recorded vote, a
 41 majority of those elected to the House voted in the affirmative and the bill
 42 was declared **passed**.

	YES	46	NO	16	EXCUSED	3	ABSENT	0
45	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
46	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
47	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
48	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
49	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
50	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	N
51	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
52	Court	Y	Labuda	Y	Murray	N	Stephens	N
53	Curry	Y	Lambert	N	Nikkel	N	Summers	N
54	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
55	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
56	Frangas	Y	Looper	N	Pommer	Y	Todd	Y

1	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	N
2	Gardner B.	N	Massey	Y	Priola	Y	Vigil	Y
3	Gardner C.	N	May	E	Rice	Y	Waller	N
4	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
5							Speaker	Y

6 Co-sponsor(s) added: Representative(s) Fischer, Gerou, Labuda, McGihon

7
8 **HB09-1219** by Representative(s) Judd; also Senator(s) Sandoval--
9 Concerning the interest paid to taxpayers on certain tax
10 overpayments.

11
12 The question being "Shall the bill pass?".
13 A roll call vote was taken. As shown by the following recorded vote, a
14 majority of those elected to the House voted in the affirmative and the bill
15 was declared **passed**.

17	YES	39	NO	23	EXCUSED	3	ABSENT	0
18	Acree	N	Green	Y	McFadyen	Y	Roberts	Y
19	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
20	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
21	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
22	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
23	Bradford	N	Kerr J.	E	Middleton	Y	Sonnenberg	N
24	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
25	Court	Y	Labuda	Y	Murray	N	Stephens	N
26	Curry	Y	Lambert	N	Nikkel	N	Summers	N
27	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
28	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
29	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
30	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	N
31	Gardner B.	N	Massey	Y	Priola	N	Vigil	Y
32	Gardner C.	N	May	E	Rice	Y	Waller	N
33	Gerou	N	McCann	E	Riesberg	Y	Weissmann	Y
34							Speaker	Y

35 Co-sponsor(s) added: Representative(s) Benefield, Fischer, Levy, Ryden, Todd

36
37 **HB09-1265** by Representative(s) Liston, Kerr J., Looper, Massey,
38 Murray, Priola, Tipton; also Senator(s) King--Concerning
39 a two-year limitation on abatement interest awarded to a
40 nonprofit entity that has not qualified for tax exemption
41 due to an error made by the nonprofit entity.

42
43 The question being "Shall the bill pass?".
44 A roll call vote was taken. As shown by the following recorded vote, a
45 majority of those elected to the House voted in the affirmative and the bill
46 was declared **passed**.

48	YES	62	NO	0	EXCUSED	3	ABSENT	0
49	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
50	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
51	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
52	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
53	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
54	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
55	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
56	Court	Y	Labuda	Y	Murray	Y	Stephens	Y

1	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
2	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
3	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
4	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
5	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
6	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
7	Gardner C.	Y	May	E	Rice	Y	Waller	Y
8	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
9							Speaker	Y

10 Co-sponsor(s) added: Representative(s) Gerou

11
 12 **HB09-1171** by Representative(s) Court; also Senator(s) Kester--
 13 Concerning requirements related to the installation of
 14 manufactured homes.

15
 16 The question being "Shall the bill pass?".
 17 A roll call vote was taken. As shown by the following recorded vote, a
 18 majority of those elected to the House voted in the affirmative and the bill
 19 was declared **passed**.

21	YES	61	NO	1	EXCUSED	3	ABSENT	0
22	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
23	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
24	Balmer	Y	Judd	Y	McKinley	N	Scanlan	Y
25	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
26	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
27	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
28	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
29	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
30	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
31	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
32	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
33	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
34	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
35	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
36	Gardner C.	Y	May	E	Rice	Y	Waller	Y
37	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Soper

40
 41 **HB09-1203** by Representative(s) Tipton, Roberts; also Senator(s)
 42 Isgar--Concerning the reclassification of Montezuma
 43 county.

44
 45 The question being "Shall the bill pass?".
 46 A roll call vote was taken. As shown by the following recorded vote, a
 47 majority of those elected to the House voted in the affirmative and the bill
 48 was declared **passed**.

50	YES	52	NO	10	EXCUSED	3	ABSENT	0
51	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
52	Apuan	N	Hullinghorst	Y	McGihon	Y	Ryden	Y
53	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
54	Baumgardner	Y	Kefalas	N	McNulty	Y	Schafer S.	Y
55	Benefield	Y	Kerr A.	Y	Merrifield	N	Solano	Y
56	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y

1	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
2	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
3	Curry	Y	Lambert	Y	Nikkel	Y	Summers	N
4	Ferrandino	Y	Levy	N	Pace	Y	Swalm	Y
5	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
6	Frangas	N	Looper	Y	Pommer	Y	Todd	Y
7	Gagliardi	N	Marostica	Y	Primavera	N	Vaad	Y
8	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
9	Gardner C.	Y	May	E	Rice	Y	Waller	Y
10	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	N
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Bradford, Gerou, McFadyen, Waller

13
 14 **HB09-1168** by Representative(s) Riesberg, McFadyen, Sonnenberg;
 15 also Senator(s) Schwartz, Bacon, Penry--Concerning the
 16 timing of reports to the capital development committee.

17
 18 The question being "Shall the bill pass?".
 19 A roll call vote was taken. As shown by the following recorded vote, a
 20 majority of those elected to the House voted in the affirmative and the bill
 21 was declared **passed**.

22	YES	62	NO	0	EXCUSED	3	ABSENT	0
24	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
25	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
26	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
27	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
28	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
29	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
30	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
31	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
32	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
33	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
34	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
35	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
36	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
37	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
38	Gardner C.	Y	May	E	Rice	Y	Waller	Y
39	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
40							Speaker	Y

41 Co-sponsor(s) added: Representative(s) Liston

42
 43 **HB09-1169** by Representative(s) Riesberg, McFadyen, Sonnenberg;
 44 also Senator(s) Bacon, Penry, Schwartz--Concerning an
 45 extension of the repeal date for the capital development
 46 committee.

47
 48 The question being "Shall the bill pass?".
 49 A roll call vote was taken. As shown by the following recorded vote, a
 50 majority of those elected to the House voted in the affirmative and the bill
 51 was declared **passed**.

52	YES	62	NO	0	EXCUSED	3	ABSENT	0
54	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
55	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
56	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y

1	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
2	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
3	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
4	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
5	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
6	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
7	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
8	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
9	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
10	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
11	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
12	Gardner C.	Y	May	E	Rice	Y	Waller	Y
13	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Benefield

16
 17 **HB09-1179** by Representative(s) Labuda, McGihon, Gardner B., Levy,
 18 Roberts; also Senator(s) Veiga--Concerning participation
 19 in the address confidentiality program by a person who
 20 resides with a victim participant.

21
 22 The question being "Shall the bill pass?".
 23 A roll call vote was taken. As shown by the following recorded vote, a
 24 majority of those elected to the House voted in the affirmative and the bill
 25 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
28	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
29	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
30	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	Kerr J.	E	Middleton	Y	Sonnenberg	Y
34	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
35	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
36	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
38	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
39	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
40	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
41	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
42	Gardner C.	Y	May	E	Rice	Y	Waller	Y
43	Gerou	Y	McCann	E	Riesberg	Y	Weissmann	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Acree, Apuan, Baumgardner, Bradford,
 46 Casso, Frangas, Gardner C., Gerou, Green, Hullinghorst, Kerr A., King S.,
 47 Murray, Nikkel, Primavera, Priola, Ryden, Schafer S., Todd, Waller

48
 49
 50
 51 House in recess for Joint Session.
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JOINT SESSION

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The Joint Session was called to order by the Speaker of the House, Terrance D. Carroll.

On motion of Senator Shaffer, the morning roll call of the Senate was made the roll call of the Joint Session.

Present--35.

On motion of Representative Weissmann, the morning roll call of the House was made the roll call of the Joint Session.

Present--60.

Excused--Representatives J. Kerr, May, McCann, McGihon, Stephens--5.

Present after roll call--Representatives J. Kerr, McGihon, Stephens.

The Speaker declared a quorum present and as is customary presented the gavel to the President of the Senate to preside over the joint session.

On motion of President Groff the House is in recess for a Joint Budget Committee presentation.

Joint Session in recess for a presentation by John Ziegler, Director of the Joint Budget Committee, and Natalie Mullis, Chief Economist, Legislative Council.

President Groff called the joint session back to order.

On motion of Senator Shaffer the joint Session was dissolved.

House reconvened.

REPORT OF COMMITTEE OF REFERENCE**JUDICIARY**

After consideration on the merits, the Committee recommends the following:

HB09-1137 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, strike lines 18 and 19.

Strike pages 3 through 7.

ReNUMBER succeeding sections accordingly.

Page 8, strike lines 12 and 13 and substitute the following:

1 **"SECTION 5.** 26-13-118.7 (3) and (6), Colorado Revised
2 Statutes, are amended to read:";

3
4 strike line 15 and substitute the following:

5
6 "~~(3) The state department shall deposit a payment received from the~~
7 ~~registry operator pursuant to section 24-35-605 (2) (b), C.R.S., with the~~
8 ~~state treasurer.~~ UPON RECEIPT OF A PAYMENT FROM THE REGISTRY
9 OPERATOR PURSUANT TO SECTION 24-35-605 (2) (b), C.R.S., THE STATE
10 DEPARTMENT SHALL DEPOSIT THE PAYMENT WITH THE FAMILY SUPPORT
11 REGISTRY CREATED IN SECTION 26-13-114. After the final disposition of
12 any administrative review requested pursuant to subsection (2) of this
13 section, the state department shall disburse the payment ~~to the family~~
14 ~~support registry created in section 26-13-114~~ for processing or for
15 distribution to the individual receiving support enforcement services
16 pursuant to section 26-13-106, as appropriate.

17
18 ~~(6) This section shall be repealed if part 6 of article 35 of title 24,~~
19 ~~C.R.S.,".~~

20
21 Page 9, line 8, strike "monthly with the state treasurer" and substitute
22 "~~monthly with the state treasurer~~ IN THE FAMILY SUPPORT REGISTRY
23 CREATED IN SECTION 26-13-114, C.R.S.,".

24
25 Page 1, strike lines 102 and 103;

26
27 line 104, strike "TAXES AND".

28
29 _____

30
31 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

32
33 The Speaker has signed: **HJR09-1010, 1011.**

34
35 _____

36
37 **MESSAGE FROM THE SENATE**

38
39 The Senate has failed to reconsider HJR09-1009 and returns the
40 resolution herewith.

41
42 _____

43
44
45 **INTRODUCTION OF RESOLUTION**

46
47 The following resolution was read by title and laid over one day under the
48 rules:

49
50 **HR09-1006** by Representative(s) Benefield, Court, Massey, Vaad--
51 Concerning the appointment of an employee for the House
52 of Representatives of the Sixty-seventh General Assembly.

53
54 _____

55 House in recess. House reconvened.

56
57 _____

REPORT OF COMMITTEE OF REFERENCE**STATE, VETERANS, & MILITARY AFFAIRS**

After consideration on the merits, the Committee recommends the following:

CORRECTED COMMITTEE REPORT

This corrected report replaces the report dated February 12 and printed in the House Journal February 13, page 338

HB09-1160 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. Part 2 of article 2 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-2-202.5. Online voter registration - online changes in elector information. (1) (a) AN ELECTOR MAY REGISTER TO VOTE, AND A REGISTERED ELECTOR MAY CHANGE HIS OR HER RESIDENCE ON THE REGISTRATION RECORD, CHANGE OR WITHDRAW HIS OR HER AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER EXISTING MAIL-IN BALLOT STATUS, BY COMPLETING AN ELECTRONIC FORM ON THE OFFICIAL WEB SITE OF THE SECRETARY OF STATE IF THE ELECTOR'S SIGNATURE IS STORED IN DIGITAL FORM IN THE DATABASE SYSTEMS MAINTAINED BY THE DEPARTMENT OF STATE PURSUANT TO SECTION 1-2-301 (1) OR ACCESSIBLE TO THE DEPARTMENT OF STATE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 1-2-302 (6) AND 42-1-211 (1.5), C.R.S.

(b) THE OFFICIAL WEB SITE REFERENCED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE FULLY SECURE. THE WEB SITE SHALL MAINTAIN THE CONFIDENTIALITY OF ALL USERS AND PRESERVE THE INTEGRITY OF THE DATA SUBMITTED. FURTHER SPECIFICATIONS REGARDING THE SECURITY OF THE WEB SITE MAY BE PROMULGATED BY THE SECRETARY BY RULE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-1-107 (2) (a).

(2) NO LATER THAN APRIL 1, 2010, THE SECRETARY OF STATE SHALL MAKE AVAILABLE ON THE SECRETARY OF STATE'S OFFICIAL WEB SITE ELECTRONIC FORMS FOR PERSONS TO APPLY TO REGISTER TO VOTE AND FOR A REGISTERED ELECTOR TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR HER AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER EXISTING MAIL-IN BALLOT STATUS.

(3) THE ELECTRONIC VOTER REGISTRATION FORM SHALL INCLUDE:

(a) (I) THE QUESTIONS "ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA?", "WILL YOU BE AT LEAST EIGHTEEN YEARS OF AGE ON ELECTION DAY?", AND "HAVE YOU RESIDED IN COLORADO AND IN THE PRECINCT IN WHICH YOU INTEND TO REGISTER FOR AT LEAST THIRTY DAYS IMMEDIATELY PRIOR TO THE ELECTION?" AND PLACES FOR THE ELECTOR

1 TO INPUT ANSWERS TO THE QUESTIONS.

2

3 (II) FOLLOWING THE QUESTIONS LISTED IN SUBPARAGRAPH (I) OF
4 THIS PARAGRAPH (a), THE FORM SHALL INCLUDE THE STATEMENT "IF YOU
5 CHECKED 'NO' IN RESPONSE TO ANY OF THESE QUESTIONS, DO NOT
6 COMPLETE THIS APPLICATION BECAUSE YOU DO NOT QUALIFY AS AN
7 ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 1-2-101, COLORADO
8 REVISED STATUTES."
9

10 (b) THE QUESTIONS SPECIFIED IN SECTION 1-2-204 (1) AND (2)
11 WITH PLACES FOR THE ELECTOR TO INPUT INFORMATION IN RESPONSE TO
12 THE QUESTIONS;

13

14 (c) A PLACE FOR THE ELECTOR TO INPUT ADDITIONAL
15 INFORMATION, AS DETERMINED BY THE SECRETARY OF STATE, NECESSARY
16 TO LOCATE THE ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS
17 SPECIFIED IN SUBSECTION (1) OF THIS SECTION AND A PLACE FOR THE
18 ELECTOR TO ASSENT TO THE USE OF THE SIGNATURE FOR VOTER
19 REGISTRATION PURPOSES;

20

21 (d) A SELF-AFFIRMATION THAT THE ELECTOR IS QUALIFIED TO
22 REGISTER AND THAT THE INFORMATION ENTERED BY THE ELECTOR ON THE
23 ELECTRONIC APPLICATION IS TRUE; AND

24

25 (e) A STATEMENT THAT NOTIFIES THE USER OF THE WEB SITE THAT
26 IT IS AGAINST THE LAW TO KNOWINGLY SUBMIT FALSE INFORMATION OR TO
27 TAMPER WITH ANOTHER PERSON'S VOTER REGISTRATION INFORMATION.

28

29 (4) (a) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO
30 CHANGE HIS OR HER RESIDENCE SHALL INCLUDE THE INFORMATION
31 REQUIRED BY SECTION 1-2-216 (1).

32

33 (b) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO
34 CHANGE OR WITHDRAW HIS OR HER AFFILIATION SHALL INCLUDE THE
35 INFORMATION REQUIRED BY SECTION 1-2-219 (1).

36

37 (c) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO APPLY
38 FOR PERMANENT MAIL-IN BALLOT STATUS SHALL MEET THE
39 REQUIREMENTS OF SECTION 1-8-104.5 (1).

40

41 (d) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS SECTION,
42 IN ORDER FOR A REGISTERED ELECTOR TO ACCESS THE ELECTRONIC FORM
43 TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR HER
44 AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND
45 HIS OR HER EXISTING MAIL-IN BALLOT STATUS, THE REGISTERED ELECTOR
46 SHALL SUBMIT HIS OR HER BIRTH DATE AND THE LAST FOUR DIGITS OF HIS
47 OR HER SOCIAL SECURITY NUMBER.

48

49 (5) AN ELECTOR'S ASSENT ON THE ELECTRONIC APPLICATION TO
50 THE USE OF HIS OR HER SIGNATURE FOR VOTER REGISTRATION PURPOSES
51 MEETS THE SIGNATURE REQUIREMENT OF SECTION 1-2-201 (2).

52

53 (6) THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF THE
54 INFORMATION SUBMITTED ON THE ELECTRONIC FORM IS COMPLETE PRIOR
55 TO APPROVING A NEW REGISTRATION OR APPROVING AN ELECTOR'S
56 CHANGE IN RESIDENCE, CHANGE IN OR WITHDRAWAL OF HIS OR HER

1 AFFILIATION, OR CHANGE TO PERMANENT MAIL-IN BALLOT STATUS.

2
3 (7) (a) WHEN A PERSON COMPLETES AN ELECTRONIC VOTER
4 REGISTRATION FORM IN ACCORDANCE WITH SUBSECTION (3) OF THIS
5 SECTION AND IS QUALIFIED TO REGISTER BASED ON THE INFORMATION
6 PROVIDED IN THE FORM, THE COUNTY CLERK AND RECORDER SHALL
7 SEARCH FOR THE ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS
8 SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE SIGNATURE IS
9 FOUND, THE COUNTY CLERK AND RECORDER SHALL APPROVE THE NEW
10 REGISTRATION PURSUANT TO SUBSECTION (6) OF THIS SECTION AND SHALL
11 ADD THE ELECTOR TO THE COMPUTERIZED STATEWIDE VOTER
12 REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE PURSUANT
13 TO SECTION 1-2-301 (1).

14
15 (b) WHEN A REGISTERED ELECTOR COMPLETES AN ELECTRONIC
16 FORM TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR
17 HER AFFILIATION, OR APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, THE
18 SECRETARY OF STATE SHALL SEARCH FOR THE REGISTERED ELECTOR'S
19 SIGNATURE IN THE DATABASE SYSTEMS SPECIFIED IN SUBSECTION (1) OF
20 THIS SECTION. IN THE CASE OF A CHANGE IN RESIDENCE, THE COUNTY
21 CLERK AND RECORDER SHALL ALSO SEND A NONFORWARDABLE POSTCARD
22 TO THE REGISTERED ELECTOR AT HIS OR HER OLD ADDRESS OF RECORD, BY
23 REGULAR MAIL, GIVING NOTICE TO THE REGISTERED ELECTOR THAT A
24 CHANGE IN RESIDENCE FORM HAS BEEN SUBMITTED BY THE REGISTERED
25 ELECTOR AND ASKING THE REGISTERED ELECTOR TO CONTACT THE
26 COUNTY CLERK AND RECORDER WITHIN TEN CALENDAR DAYS OF
27 RECEIVING THE POSTCARD IF IT IS NOT THE REGISTERED ELECTOR'S INTENT
28 TO CHANGE HIS OR HER ADDRESS OF RECORD. IF THE SIGNATURE IS FOUND
29 AND, IN THE CASE OF A CHANGE IN RESIDENCE, IF THE REGISTERED
30 ELECTOR HAS NOT TIMELY CONTACTED THE COUNTY CLERK AND
31 RECORDER PURSUANT TO THIS PARAGRAPH (b), THE COUNTY CLERK AND
32 RECORDER SHALL APPROVE THE CHANGE IN STATUS PURSUANT TO
33 SUBSECTION (6) OF THIS SECTION AND SHALL MAKE THE CHANGES
34 INDICATED ON THE ELECTRONIC FORM IN THE COMPUTERIZED STATEWIDE
35 VOTER REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE
36 PURSUANT TO SECTION 1-2-301 (1).

37
38 (c) A VOTER REGISTRATION, CHANGE OF RESIDENCE, CHANGE OR
39 WITHDRAWAL OF AFFILIATION, OR APPLICATION FOR PERMANENT MAIL-IN
40 BALLOT STATUS MADE IN ACCORDANCE WITH THIS SECTION SHALL APPLY
41 TO AN ELECTION IF THE ELECTOR COMPLETES THE ELECTRONIC FORM NO
42 LATER THAN TWENTY-NINE DAYS BEFORE THE ELECTION.

43
44 **SECTION 2.** 1-2-302 (6), Colorado Revised Statutes, is amended
45 to read:

46
47 **1-2-302. Maintenance of computerized statewide voter**
48 **registration list - confidentiality.** (6) The secretary of state shall
49 determine and use other necessary means to maintain the master list of
50 registered electors on a current basis. In accordance with the provisions
51 of section 42-1-211, C.R.S., the department of state and the department
52 of revenue shall allow for the exchange of information between the
53 systems used by them to collect information on residence addresses,
54 signatures, and party affiliation ~~including, but not limited to, the driver's~~
55 ~~license database~~ FOR ALL APPLICANTS FOR DRIVER'S LICENSES OR STATE
56 IDENTIFICATION CARDS. The department of revenue may exchange

1 information on residence addresses in the driver's license database with
 2 the motor vehicle registration database, motorist insurance database, and
 3 the state income tax information systems.

4
 5 **SECTION 3.** 42-1-211 (1.5) (a), Colorado Revised Statutes, is
 6 amended to read:

7
 8 **42-1-211. Colorado state titling and registration system.**
 9 (1.5) (a) In accordance with the requirements of ~~section 1-2-302 (6.7)~~
 10 SECTION 1-2-302 (6), C.R.S., the department of revenue and the
 11 department of state shall allow for the exchange of information on
 12 residence addresses, signatures, and party affiliation between the systems
 13 used by the department of revenue, the master list of registered electors
 14 maintained by the department of state, and, no later than January 1, 2006,
 15 the computerized statewide voter registration list created in section
 16 1-2-301 (1), C.R.S., for the purpose of updating information in these
 17 systems.

18
 19 **SECTION 4. Safety clause.** The general assembly hereby finds,
 20 determines, and declares that this act is necessary for the immediate
 21 preservation of the public peace, health, and safety."
 22

23
 24
 25 **INTRODUCTION OF BILLS**
 26 **First Reading**

27
 28 The following bills were read by title and referred to the committees
 29 indicated:

30
 31 **HB09-1286** by Representative(s) Levy and McGihon--Concerning the
 32 repeal and reenactment of the "Uniform Parentage Act".
 33 Committee on Judiciary

34
 35 **HB09-1287** by Representative(s) McGihon--Concerning changes to the
 36 "Colorado Probate Code".
 37 Committee on Judiciary

38
 39 **HB09-1288** by Representative(s) Nikkel, Acree, Apuan, Bradford,
 40 Casso, Court, Frangas, Gardner B., Gardner C., Green,
 41 Kerr J., King S., Lambert, Liston, Massey, May,
 42 McKinley, McNulty, Merrifield, Murray, Priola,
 43 Sonnenberg, Stephens, Summers, Swalm, Tipton, Vigil;
 44 also Senator(s) Kopp, Brophy, Harvey, Kester, Lundberg,
 45 Mitchell, Penry, Renfroe, Scheffel, Schultheis, Spence--
 46 Concerning the creation of a searchable database web site
 47 related to state finances, and, in connection therewith,
 48 enacting the "Colorado Taxpayer Transparency Act".
 49 Committee on Finance

50
 51 **HB09-1289** by Representative(s) Curry; also Senator(s) Isgar--
 52 Concerning the species conservation trust fund, and, in
 53 connection therewith, approving the species conservation
 54 eligibility list.
 55 Committee on Agriculture, Livestock, & Natural Resources
 56

INTRODUCTION OF CONCURRENT RESOLUTION1
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The following resolution was read by title and referred to the committees indicated:

HCR09-1002 by Representative(s) Gardner C.; also Senator(s) Sandoval--Submitting to the registered electors of the state of Colorado an amendment to article X of the constitution of the state of Colorado, concerning the creation of a state savings and trust fund, and, in connection therewith, allowing the general assembly to determine how to fund the trust fund, allowing the general assembly, by a majority vote of the members of each house, to authorize the transfer of moneys from the trust fund to the state general fund if state general fund appropriations growth falls below a specified level, allowing the general assembly, by a two-thirds vote of the members of each house, to appropriate or transfer moneys from the trust fund for any purpose, and requiring replenishment of the trust fund under specified conditions if the general assembly makes appropriations or transfers from the trust fund.

Committee on Finance
Committee on Appropriations

INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

SJR09-012 by Senator(s) Scheffel, Penry, Kopp, Cadman, King K., White, Harvey, Schultheis, Groff, Brophy, Kester, Lundberg, Renfroe; also Representative(s) McNulty--Concerning the 200th anniversary of the birth of former President Abraham Lincoln.

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 17, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk