# **HOUSE JOURNAL**

# SIXTY-EIGHTH GENERAL ASSEMBLY STATE OF COLORADO

### First Regular Session

Seventy-ninth Legislative Day Thursday, March 31, 2011 Prayer by Dr. Gary Bowser, First Baptist Church, Denver. 3 The Speaker called the House to order at 9:00 a.m. 4 Pledge of Allegiance led by Kyle Motley from Manuel High School and Roberta Winston from Colorado High School, Denver. 6 8 The roll was called with the following result: 9 10 Present--62. Excused--Representative(s) Miklosi, Solano, Stephens--3. 11 Present after roll call--Representative(s) Miklosi. 12 13 14 The Speaker declared a quorum present. 15 16 On motion of Representative Jones, the reading of the journal of 17 18 March 30, 2011, was declared dispensed with and approved as corrected 19 by the Chief Clerk. 20 21 22 23 **CONSIDERATION OF MEMORIAL** 24 25 HM11-1001 by Representative(s Pace, Swerdfeger, Vigil, Massey--26 27 Memorializing former Representative Thomas T. Farley. 28 29 (Printed and placed in member's file.) 30 Representative Pace moved that the Memorial be adopted and requested 31 it be read at length. 32 33 34 35 Pursuant to House Rule 26(f) the House stood in recess to allow the following former members to speak on behalf of the honorable Thomas T. Farley: 37 Former Governor Richard Lamm, Former Congressman Ray Kogovsek, 38 Former Representatives Tom Grimshaw and Bob Kirscht: 39 40 41 42 House reconvened.

The memorial was **adopted** by the following roll call vote:

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3	YES	63	NO	0	EXCUSED	2	ABSENT	0
4	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
5	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	E
6	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
7	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
8	Becker	Y	Hamner	Y	McKinley	Y	Stephens	Е
9	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
10	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
11	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
12	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
13	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
14	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
15	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
16	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
17	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
18	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
19	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
20							Speaker	Y

Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D., Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., 25 Kerr J., Labuda, Lee, Levy, Liston, Looper, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Peniston, Priola, Ramirez, Riesberg, Ryden, Schafer S., Scott, Sonnenberg, Soper, Summers, Swalm, Szabo, Todd, Tyler, Vaad, Waller, Williams A., Wilson, Speaker

Representative Pace introduced members of the family that were present.

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#### THIRD READING OF BILL(S)--FINAL PASSAGE

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The following bill(s) was(were) considered on Third Reading. The title(s) was(were) publicly read. Reading of the bill at length was dispensed with by unanimous consent.

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by Representative(s) Liston and Riesberg, Balmer, Casso, 40 **HB11-1290** Gardner B., Holbert, Kerr J., Massey, Nikkel, Schafer S., Stephens, Swerdfeger; also Senator(s) Heath, Brophy, Hodge, Kopp, Tochtrop--Concerning the nonrefundability of an origination fee for a deferred deposit loan.

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

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51	YES	36	NO	27	EXCUSED	2	ABSENT	0
52	Acree	Y	Fischer	N	Liston	Y	Scott	Y
53	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	E
54	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
55	Baumgardner	Y	Gerou	Y	McCann	N	Soper	N
56	Becker	Y	Hamner	N	McKinley	N	Stephens	E

1	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
2	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
3	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
4	Casso	Y	Joshi	Y	Pabon	N	Szabo	Y
5	Conti	Y	Kagan	N	Pace	N	Todd	N
6	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
7	Court	N	Kerr A.	N	Priola	Y	Vaad	Y
8	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
9	Duran	N	Labuda	Y	Riesberg	Y	Waller	Y
10	Ferrandino	N	Lee	N	Ryden	N	Williams A.	N
11	Fields	N	Levy	N	Schafer S.	Y	Wilson	N
12			•				Speaker	Y
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Co-sponsor(s) added: Representative(s) Barker, Baumgardner, Brown, Gerou, Joshi, Murray, Sonnenberg, Summers, Speaker.

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HB11-1289

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by Representative(s) Sonnenberg; also Senator(s) Hodge--Concerning the manner in which the state historical society acts with regard to water supply structures.

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The question being "Shall the bill pass?".

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

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25	YES	51	NO	12	EXCUSED	2	ABSENT	0
26	Acree	Y	Fischer	N	Liston	Y	Scott	Y
27	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Е
28	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
29	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
30	Becker	Y	Hamner	Y	McKinley	Y	Stephens	E
31	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
32	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
33	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
34	Casso	Y	Joshi	Y	Pabon	N	Szabo	Y
35	Conti	Y	Kagan	N	Pace	Y	Todd	Y
36	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	N
37	Court	N	Kerr A.	Y	Priola	Y	Vaad	Y
38	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
39	Duran	N	Labuda	Y	Riesberg	Y	Waller	Y
40	Ferrandino	N	Lee	Y	Ryden	N	Williams A.	N
41	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
42							Speaker	Y
43	Co-sponsor(s)	adde	d: Representat	ive(s	) Acree, Barke	r, Ba	umgardner, Be	ecker,

Co-sponsor(s) added: Representative(s) Acree, Barker, Baumgardner, Becker, Bradford, Brown, Coram, Gerou, Holbert, Joshi, Kerr J., Looper, Massey, McKinley, Murray, Nikkel, Priola, Ramirez, Scott, Summers, Swalm, Vaad, Speaker.

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SB11-057

by Senator(s) Harvey; also Representative(s) McNulty--Concerning the designation of which eligible electors residing in a metropolitan district must automatically receive mail-in ballots from the designated election official for a metropolitan district mail ballot election.

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The question being "Shall the bill pass?".

55 A roll call vote was taken. As shown by the following recorded vote, a

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4	YES	56	NO	7	EXCUSED	2	ABSENT	0
5	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
6	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Е
7	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
8	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	N
9	Becker	Y	Hamner	Y	McKinley	Y	Stephens	E
10	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
11	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
12	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
13	Casso	Y	Joshi	Y	Pabon	N	Szabo	Y
14	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
15	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
16	Court	Y	Kerr A.	N	Priola	Y	Vaad	Y
17	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
18	Duran	Y	Labuda	Y	Riesberg	N	Waller	Y
19	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
20	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	N
21			•				Speaker	Y

Co-sponsor(s) added: Representative(s) Barker, Gerou, Holbert, Kerr J., Looper, Massey, Murray, Nikkel, Priola, Summers.

#### MESSAGE(S) FROM THE SENATE

The Senate has adopted and transmits herewith: SJR11-030 and SJR11-029.

# INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

On motion of Representative Waller, the rules were suspended and the following resolutions were given immediate consideration.

 by Senator(s) Williams S. and Spence; also Representative(s) Labuda and Looper--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

(Printed and placed in member's file).

On motion of Representative Labuda, the resolution was read at length and **adopted** by **viva voce** vote.

- 52 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
- 54 Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D.,
- 55 Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A.,
- 56 Kerr J., Lee, Levy, Liston, Massey, McCann, McKinley, Miklosi, Murray,

Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg, Ryden, Schafer S., Scott, Sonnenberg, Soper, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Speaker. 5 **SJR11-030** by Senator(s) Giron and Guzman; also Representative(s) 6 Pabon and Vigil--Concerning recognition of "César 7 Chávez Day". 8 9 (Printed and placed in member's file). 10 11 On motion of Representative Pabon, the resolution was read at length and adopted by viva voce vote. 12 13 14 Current Roll Call added as co-sponsor(s): Representative(s) Barker, 15 Baumgardner, Bradford, Brown, Casso, Conti, Coram, Court, DelGrosso, 16 Duran, Ferrandino, Fields, Fischer, Gardner B., Gardner D., Gerou, Hamner, 17 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, 18 Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray, 19 Nikkel, Pace, Peniston, Priola, Riesberg, Ryden, Schafer S., Scott, Soper, 20 Summers, Swalm, Swerdfeger, Todd, Tyler, Vaad, Waller, Williams A., 21 Wilson, Speaker. 22 23 24 25 **CONSIDERATION OF RESOLUTION(S)** 26 27 by Representative(s) Massey, Vaad, Court, Williams A.--HR11-1006 Concerning the appointment of additional employees for 28 29 the house of representatives of the sixty-eighth general 30 assembly. 31 32 (Printed and placed in members' file) 33 34 On motion of Representative Massey, the resolution was **adopted** by **viva** 35 **voce** vote. 36 37 38 **RECONSIDERATION OF SB11-034** 39 40 by Senator(s) Nicholson; also Representative(s) Summers-41 SB11-034 42 -Concerning requiring an educator who provides services 43 through the women, infants, and children program to 44 report child abuse or neglect. 45 46 (Amended as printed in Senate Journal, February 18, page 230.) 47 48 Representative Summers moved to suspend Rule 35(a) for reconsideration of the last House action (Third reading, March 17, page 49 658) on **SB11-034**. The motion was declared **passed** by unanimous 50 51 consent. 52 53 Representative Summers moved for reconsideration of repassage on Third

Reading of **SB11-034**. As shown by the following recorded vote, a two thirds majority of those elected voted in the affirmative the motion was declared **passed**:

1	YES	63	NO	0	EXCUSED	2	ABSENT	0
2	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
3	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	E
4	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
5	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
6	Becker	Y	Hamner	Y	McKinley	Y	Stephens	E
7	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
8	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
9	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
10	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
11	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
12	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
13	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
14	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
15	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
16	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
17	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
18			•				Speaker	Y
19								

As shown by the following roll call vote, a majority of all members elected to the House voted in the affirmative, and Representative Summers was given permission to offer a Third Reading amendment:

24	YES	63	NO	0	EXCUSED	2	ABSENT	0
25	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
26	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	E
27	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
28	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
29	Becker	Y	Hamner	Y	McKinley	Y	Stephens	E
30	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
31	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
32	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
33	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
34	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
35	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
36	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
37	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
38	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
39	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
40	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
41			•				Speaker	Y

<u>Third Reading amendment No. 1</u>, by Representative Summers.

Amend rerevised bill, page 3, strike lines 15 through 26 and substitute:

"SECTION 3. Act subject to petition - effective date. This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on January 1, 2013, or on the date of the official declaration of the vote thereon by the governor, whichever is later."

The amendment was declared **passed** by the following roll call vote:

3	YES	63	NO	0	EXCUSED	2	ABSENT	0
4	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
5	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	E
6	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
7	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
8	Becker	Y	Hamner	Y	McKinley	Y	Stephens	E
9	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
10	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
11	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
12	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
13	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
14	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
15	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
16	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
17	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
18	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
19	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
20			-				Speaker	Y
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The question being, "Shall the bill, as amended, pass?". A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **passed**.

27	YES	58	NO	5	EXCUSED	2	ABSENT	0
28	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
29	Balmer	Y	Gardner B.	Y		Y	Solano	Ė
30		Y		Y	Looper	Y		N
	Barker		Gardner D.		Massey		Sonnenberg	
31	Baumgardner		Gerou	Y	McCann	Y	Soper	Y
32	Becker	Y	Hamner	Y	McKinley	N	Stephens	E
33	Beezley	Y	Holbert	N	Miklosi	Y	Summers	Y
34	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
35	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
36	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
37	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
38	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
39	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
40	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
41	Duran	Y	Labuda	N	Riesberg	Y	Waller	Y
42	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
43	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
44							Speaker	Y

Co-sponsor(s) added: Representative(s) Fields.

## REPORT(S) OF COMMITTEE(S) OF REFERENCE

#### **FINANCE**

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

**HB11-1170** be postponed indefinitely.

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2	on HB11-1069
2 3 4 5	This Report Amends the Rerevised Bill.
5	This Report Amends the Refevised Bill.
6 7 8	To the President of the Senate and the Speaker of the House of Representatives:
8 9 10 11 12	Your first conference committee appointed on HB11-1069, concerning measures to increase physical activity in public schools, has met and reports that it has agreed upon the following:
13 14 15	That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:
16 17 18	Amend rerevised bill, page 2, strike lines 17 through 23.
19 20	Page 3, strike line 1.
21 22	Renumber succeeding subparagraphs accordingly.
23 24	Respectfully submitted,
25 26 27 28 29 30 31 32	House Committee:  (signed) (signed) Tom Massey Rhonda Fields Robert Ramirez  Senate Committee:  (signed) Irene Aguilar Nancy Spence Michael Johnston
33 34	PRINTING REPORT
35	
36 37 38 39	The Chief Clerk reports the following bill has been correctly printed: <b>HB11-1292</b> .
40 41 42	SIGNING OF BILLSRESOLUTIONSMEMORIALS
43 44	The Speaker has signed: <b>SB11-008, 025, 039, 083 and 120</b> .
45 46 47	DELIVERY OF BILL TO GOVERNOR
48 49 50 51 52	The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: <b>HB11-1189</b> at 3:04 p.m. on March 30, 2011.
53 54 55	

1	MESSAGE(S) FROM THE SENATE
2 3 4 5 6 7	The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: HB11-1181, amended as printed in Senate Journal, March 25, 2011, page, 574, and also on Third Reading as printed in Senate Journal, March 30, 2011.
8 9 10 11	The Senate has adopted the First Report of the First Conference Committee on HB11-1069, as printed in Senate Journal, March 29, 2011, page 597, and repassed the bill as amended. The bill is returned herewith.
12 13 14 15	The Senate voted to concur in House amendments to SB11-084, SB11-081, and SB11-115, and repassed the bills as amended.
16 17 18	The Senate has postponed indefinitely HB11-1106. The bill is returned herewith.
19 20 21 22 23 24	The Senate has voted not to concur in House Amendments to SB11-165, and requests that a Conference Committee be appointed. The President appointed Senators Guzman, Chair, Carroll, and Roberts as members of the First Conference Committee on part of the Senate.
25 26 27 28 29 30 31 32 33 34	MESSAGE(S) FROM THE REVISOR  We herewith transmit: Without comment, as amended, HB11-1181.
35 36 37	INTRODUCTION OF MEMORIAL
38 39 40	The following memorial was read by title and laid over until April 4, 2011 under the rules:
41 42 43 44 45 46	HM11-1002 by Representative(s) SoperMemorializing former Representative John Davoren.
47 48	LAY OVER OF CALENDAR ITEM(S)
49 50 51	On motion of Representative Waller, the following item(s) on the Calendar (was)were laid over until April 4, retaining place on Calendar:
52 53 54 55 56	Consideration of General OrdersHB11-1005, 1284, 1282, SB11-063. Consideration of Senate Amendment(s)HB11-1097, 1169, 1209.

	On motion of Representative 10:00 a.m., April 4, 2011.	Waller,	the	House	adjourned	until
3						
4			App	roved:		
5			FRA	ANK Mo	NULTY,	
6			Spe	aker		
7	Attest:		•			
8	MARILYN EDDINS,					
	Chief Clerk					