HOUSE JOURNAL

SIXTY-FOURTH GENERAL ASSEMBLY

STATE OF COLORADO Second Regular Session

Ninth Legislative Day

Thursday, January 15, 2004

1	Prayer by Rep	presentative Johnson.
2 3 4	The Speaker of	called the House to order at 9:00 a.m.
5	Pledge of Alle	egiance led by Representative Brophy.
6 7 8	The roll was	called with the following result:
9 10 11 12 13	Willian	t60. edRepresentatives Hall, May, Mitchell, Stafford, ms S5. t after roll callRepresentatives Mitchell, Stafford.
14 15	The Speaker of	declared a quorum present.
16 17 18 19 20 21		Representative Cerbo, the reading of the journal of January declared dispensed with and approved as corrected by the
22 23 24	REP	ORTS OF COMMITTEES OF REFERENCE
25 26 27 28	EDUCATIO After consider following:	\underline{N} eration on the merits, the Committee recommends the
29 30 31 32 33	<u>HB04-1055</u>	be referred to the Committee of the Whole with favorable recommendation.
34 35 36 37 38	FINANCE After consideration following:	eration on the merits, the Committee recommends the
39 40	HB04-1001	be referred favorably to the Committee on Appropriations.
41 42 43	<u>HB04-1005</u>	be referred to the Committee of the Whole with favorable recommendation.

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line 22, strike "TWENTY" and substitute "FIFTEEN".

LOCAL GOVERNMENT 1 2 After consideration on the merits, the Committee recommends the 3 following: 5 6 **HB04-1072** be amended as follows, and as so amended, be referred to Committee of the Whole with favorable 7 recommendation: 8 9 Amend printed bill, page 5, after line 20, insert the following: 10 11 ANY MUNICIPALITY THAT HAS CHANGED ITS REGULAR 12 ELECTION DATE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS 13 SECTION MAY CHANGE ITS REGULAR ELECTION DATE PURSUANT TO THE 14 PROCEDURES SPECIFIED IN SUBSECTION (1) OF THIS SECTION FOR THE SOLE 15 PURPOSE OF MAKING THE REGULAR ELECTION DATE OF THE MUNICIPALITY 16 THE REGULAR ELECTION DATE IN EFFECT PRIOR TO THE CHANGE IN SUCH 17 DATE COMMENCED UNDER THIS SECTION.". 18 19 20 21 22 TRANSPORTATION & ENERGY After consideration on the merits, the Committee recommends the 23 24 following: 25 be referred to the Committee of the Whole with favorable 26 HB04-1019 27 recommendation. 28 29 be referred to the Committee of the Whole with favorable 30 HB04-1033 31 recommendation. 32 33 34 35 **HB04-1088** be amended as follows, and as so amended, be referred to 36 the Committee of the Whole with favorable 37 recommendation: 38 Amend printed bill, page 2, line 4, strike "NINE THOUSAND" and substitute 39 40 "TWELVE THOUSAND"; 41 42 line 5, strike "NINE THOUSAND" and substitute "TWELVE THOUSAND"; 43 line 21, strike "NINE" and substitute "TWELVE"; 44 45 line 26, strike "NINE" and substitute "TWELVE". 46 47 48 Page 3, line 4, strike "NINE" and substitute "TWELVE"; 49 line 10, strike "NINE" and substitute "TWELVE"; 50 51 52 line 17, strike "NINE" and substitute "TWELVE"; 53 54 line 24, strike "NINE" and substitute "TWELVE". 55

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PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed: HB04-1141, 1151, 1160, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190.

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THIRD READING OF BILLS--FINAL PASSAGE

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The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

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HB04-1098 by Representative(s) Young, Witwer, Plant; also Teck, Reeves--Concerning the Senator(s) Owen, disposition of moneys received by the state, and, in connection therewith, creating a definition of "custodial moneys".

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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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28	YES	52	NO	10	EXCUSED	03	ABSENT	00
29	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
30	Borodkin	Y	Hall	E	McFadyen	N	Smith	Y
31	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
32	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
33	Brophy	Y	Hodge	Y	Miller	N	Stengel	Y
34	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
35	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
36	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
37	Cerbo	N	Judd	N	Pommer	Y	Weissmann	Y
38	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
39	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
40	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
41	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	E
42	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
43	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
44	Frangas	N	May	E	Schultheis	Y	Young	Y
45			-				Speaker	Y

Co-sponsors added: Representatives Berry, Cadman, Cloer, Decker, Harvey, Lee, Lundberg, Marshall, Rose, Schultheis, Stengel, Tochtrop, Speaker.

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SB04-011 by Senator(s) Anderson, Taylor, Tupa; also Representative(s) Coleman, Rhodes, Williams Concerning limitations on allowable qualified distributions pursuant to the "Certified Capital Company Act".

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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4	YES	62	NO	00	EXCUSED	03	ABSENT	00
5	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
6	Borodkin	Y	Hall	E	McFadyen	Y	Smith	Y
7	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
8	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
10	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
11	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
12	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
13	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
14	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
15	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
16	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Е
18	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	May	E	Schultheis	Y	Young	Y
21			-				Speaker	Y

Co-sponsors added: Representatives Borodkin, Boyd, Butcher, Cadman, Carroll, Cerbo, Cloer, Frangas, Garcia, Harvey, Jahn, Madden, McFadyen, Merrifield, Mitchell, Paccione, Plant, Pommer, Ragsdale, Romanoff, Schultheis, Stengel, Vigil, Weissmann, Wiens, Speaker.

HB04-1002

by Representative(s) Crane; also Senator(s) Lamborn-Concerning conforming amendments to the pledge of allegiance statute to make the statute constitutional as required by the United States court of appeals for the seventh circuit in the 1992 decision entitled Sherman versus Community Consolidated School District 21 of Wheeling Township.

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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41	YES	57	NO	05	EXCUSED	03	ABSENT	00
42	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
43	Borodkin	N	Hall	E	McFadyen	Y	Smith	Y
44	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
45	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
46	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
47	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
48	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
49	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
50	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
51	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
52	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
53	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
54	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Е
55	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
56	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y

1	Frangas	Y	May	Е	Schu	ltheis	Y	Young	Y
2			•					Speaker	Y
3	Co-spons	sors added	: Represe	entatives	Briggs,	Brophy,	Cac	lman, Clapp	, Cloer,
4	Decker,	Fairbank,	Harvey,	Hefley,	Lee, I	Lundberg,	Mo	cCluskey, N	Iitchell,

Paccione, Rhodes, Rose, Schultheis, Stafford, Stengel, Speaker.

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HB04-1007

by Representative(s) Williams T., Coleman, Rhodes; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the obligations of a governing body of an institution of higher education that establishes an optional retirement plan.

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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**.

15 16 17

YES	62	NO	00	EXCUSED	03	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	E	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	E
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	E	Schultheis	Y	Young	Y
						Speaker	Y

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HB04-1010

Co-sponsors added: Representatives McGihon, Pommer, Vigil.

38 39 by Representative(s) King, Spradley; also Senator(s) Reeves--Concerning the elimination of certain education advisory boards.

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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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46	YES	60	NO	02	EXCUSED	03	ABSENT	00
47	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
48	Borodkin	Y	Hall	E	McFadyen	Y	Smith	Y
49	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
50	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
51	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
52	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
53	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
54	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
55	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
56	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y

1	Cloer	Y	Larson	Y	Rhodes	Y	White	Y	
2	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y	
3	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	E	
4	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y	
5	Fairbank	Y	Marshall	Y	Salazar	N	Witwer	Y	
6	Frangas	Y	May	E	Schultheis	Y	Young	Y	
7			•				Speaker	Y	
8	Co-sponsors added: Representatives Pommer, Stafford.								

by Representative(s) King; also Senator(s) Anderson, Andrews--Concerning the employment status of persons employed within the state system of higher education.

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

18	YES	62	NO	00	EXCUSED	03	ABSENT	00
19	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
20	Borodkin	Y	Hall	E	McFadyen	Y	Smith	Y
21	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
22	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
23	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
24	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
25	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
26	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
27	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
28	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
29	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
30	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
31	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	\mathbf{E}
32	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
33	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
34	Frangas	Y	May	E	Schultheis	Y	Young	Y
35			•				Speaker	Y

Third Reading amendment No. 1, by Representative King.

Amend engrossed bill, page 7, line 18, strike "(5)" and substitute "(6)".

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

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43	YES	62	NO	00	EXCUSED	03	ABSENT	00
44	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Е	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
47	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
48	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
49	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
50	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
51	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
52	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
53	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
54	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
55	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
56	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Е

Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	E	Schultheis	Y	Young	Y
		•				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**.

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11	YES	40	NO	22	EXCUSED	03	ABSENT	00
12	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	N	Hall	E	McFadyen	N	Smith	Y
14	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
15	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
16	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
17	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
18	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
19	Carroll	N	Johnson	Y	Plant	N	Weddig	N
20	Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
21	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
22	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
23	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Е
25	Decker	N	Madden	N	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	Y	Salazar	N	Witwer	Y
27	Frangas	N	May	E	Schultheis	Y	Young	Y
28			•				Speaker	Y

Co-sponsors added: Representatives Cadman, Crane, Fairbank, Hoppe, Lee, Lundberg, Miller, Mitchell, Schultheis, Spence, Stafford, Welker, White, Williams T.

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House in recess. House reconvened.

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REPORT OF COMMITTEE OF REFERENCE

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40 INFORMATION & TECHNOLOGY

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

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HB04-1046 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

46 47 48

Amend printed bill, page 2, line 2, after "summons.", insert "(1)";

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after line 17, insert the following:

51 52

"(2) FOR PURPOSES OF THIS SECTION, "BUSINESS DAYS" MEANS ANY CALENDAR DAY EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 54 HOLIDAYS.":

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56 line 19, strike "amended" and substitute "amended, and the said

1 2	13-40-112 is further amended BY THE ADDITION OF A NEW SUBSECTION,".								
3 4	Page 3, after line 6, insert the following:								
5 6 7 8 9	"(4) FOR PURPOSES OF THIS SECTION, "BUSINESS DAYS" MEANS ANY CALENDAR DAY EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS.".								
0									
1 2		INTRODUCTION OF BILLS							
3 4		First Reading							
5 6 7	The followin indicated:	g bills were read by title and referred to the committees							
18 19 20	<u>HB04-1191</u>	by Representative(s) StengelConcerning the provision of greater public access to information regarding persons required to register as sex offenders.							
21	Committee or	Local Government							
23 24 25	<u>HB04-1192</u>	by Representative(s) StengelConcerning the payment of income taxes by nonresident owners of certain pass-through entities.							
26 27	Committee or								
28 29 30	<u>HB04-1193</u>	by Representative(s) Fairbank, Jahn; also Senator(s) Hillman, VeigaConcerning requirements for operating a motor vehicle with valid proof of complying insurance.							
31 32	Committee or Committee or	n Business Affairs & Labor n Finance							
33 34 35 36 37	HB04-1194 Committee or	by Representative(s) McCluskey, Carroll, Paccione-Concerning changes to the officers of the board of governors of the Colorado state university system.							
38									
39 10 11	<u>HB04-1195</u>	by Representative(s) Stengel; also Senator(s) Dyer-Concerning criminal history record checks for use in court proceedings.							
12 13	Committee or								
14 15 16 17	HB04-1196	by Representative(s) Williams S., Hall, Briggs, Coleman, Crane, Decker, Frangas, Lee, Marshall, Miller, Paccione, Rose, Sinclair; also Senator(s) ArnoldConcerning public access to information regarding persons required to register as sex offenders.							
19 50	Committee or	n Local Government							
51 52 53	<u>HB04-1197</u>	by Representative(s) Weddig, Borodkin, Briggs, Cerbo, Crane, Garcia, Hodge, Lee, Madden, McGihon, Merrifield, Paccione, Pommer, Ragsdale, Sinclair, Spence,							

1 2 3		Vigil, Williams S.; also Senator(s) Evans, Takis-Concerning the use of devices on motor vehicles that interfere with the orderly regulation of traffic.
4 5	Committee or	n Transportation & Energy
6 7	<u>HB04-1198</u>	by Representative(s) BrophyConcerning authorization for the creation of telecommunications authorities.
8 9	Committee or Committee or	n Information & Technology n Finance
10 11	HB04-1199	by Representative(s) Lee, Briggs, Crane, Hefley, Jahn,
12 13		King, Larson, Pommer, Rose, Schultheis, Sinclair, Spence, Stafford, Welker, Williams S.; also Senator(s) McElhany-
14		Concerning nonfelony traffic matters involving minors
15 16		under the age of eighteen years. Transportation & Energy
17 18	Committee or	n Appropriations
19 20		
21 22	On motion of January 16, 2	Representative King, the House adjourned until 9:00 a.m., 004.
23 24		
25 26		Approved:
27		Approved.
28 29		
30 31		LOLA SPRADLEY, Speaker
32 33	Attest:	1
34 35	JUDITH RO Chief Clerk	DDRIGUE,