

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

One Hundred Twelfth Legislative Day Tuesday, April 30, 2013

1 Prayer by Representative Dan Pabon, Denver.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Sidney and Isabelle Stadleman, Park Hill
6 Elementary, Denver.
7
8 The roll was called with the following result:
9
10 Present--61.
11 Excused--Representative(s) Exum, McNulty, Priola--3.
12 Absent--Representative(s) Stephens--1.
13 Present after roll call--Representative(s) Exum, Priola, Stephens.

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Mitsch Bush, the reading of the journal of
19 April 29, 2013, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

THIRD READING OF BILL(S)--FINAL PASSAGE

21
22
23
24
25 The following bill(s) were considered on Third Reading. The title(s)
26 were publicly read. Reading of the bill at length was dispensed with by
27 unanimous consent.

28
29 **SB13-252** by Senator(s) Morse, Schwartz, Carroll, Giron, Jahn,
30 Jones, Nicholson, Steadman; also Representative(s)
31 Ferrandino and Duran, Court, Hamner, Hullinghorst,
32 Kraft-Tharp, McLachlan, Moreno, Rosenthal, Ryden,
33 Schafer, Vigil, Young--Concerning measures to increase
34 Colorado's renewable energy standard so as to encourage
35 the deployment of methane capture technologies.

36
37 The question being "Shall the bill pass?".
38 A roll call vote was taken. As shown by the following recorded vote, a
39 majority of those elected to the House voted in the affirmative and the bill
40 was declared **passed**.

	YES	37	NO	27	EXCUSED	1	ABSENT	0
43	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
44	Buckner	Y	Hamner	Y	McNulty	E	Salazar	Y

1	Conti	N	Holbert	N	Melton	Y	Schafer	Y
2	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
3	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
4	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
5	Dore	N	Kagan	Y	Navarro	N	Stephens	N
6	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
7	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
8	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
9	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	Y
10	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	N
11	Foote	Y	Lee	Y	Priola	N	Williams	Y
12	Garcia	Y	Levy	Y	Rankin	N	Wilson	N
13	Gardner	N	May	Y	Rosenthal	Y	Wright	N
14	Gerou	N	McCann	Y	Ryden	Y	Young	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Buckner, Fischer, Foote, Labuda, Levy,
17 McCann, Melton, Salazar, Singer, Tyler.

18
19 **SB13-158** by Senator(s) Balmer; also Representative(s) Ryden--
20 Concerning the continuation of the preparation of cost-
21 benefit analysis of proposed rules of executive branch
22 agencies, and, in connection therewith, implementing the
23 recommendations of the 2012 sunset report of the
24 department of regulatory agencies.

25
26 The question being "Shall the bill pass?".

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

31	YES	54	NO	10	EXCUSED	1	ABSENT	0
32	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
33	Buckner	Y	Hamner	Y	McNulty	E	Salazar	Y
34	Conti	Y	Holbert	N	Melton	Y	Schafer	Y
35	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	Y
36	Court	Y	Humphrey	Y	Moreno	Y	Singer	Y
37	DelGrosso	Y	Joshi	N	Murray	N	Sonnenberg	Y
38	Dore	Y	Kagan	Y	Navarro	Y	Stephens	N
39	Duran	Y	Kraft-Tharp	Y	Nordberg	Y	Swalm	Y
40	Everett	Y	Labuda	Y	Pabon	Y	Szabo	Y
41	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
42	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	Y
43	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	Y
44	Foote	Y	Lee	Y	Priola	Y	Williams	Y
45	Garcia	Y	Levy	Y	Rankin	Y	Wilson	N
46	Gardner	Y	May	Y	Rosenthal	Y	Wright	Y
47	Gerou	Y	McCann	Y	Ryden	Y	Young	Y
48							Speaker	Y

49 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Williams.

50
51 **HB13-1318** by Representative(s) Singer; also Senator(s) Jahn--
52 Concerning the recommendations made in the public
53 process for the purpose of implementing certain state taxes
54 on retail marijuana legalized by section 16 of article XVIII
55 of the Colorado constitution, and, in connection therewith,
56 making an appropriation.

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

	YES	37	NO	27	EXCUSED	1	ABSENT	0
7	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
8	Buckner	Y	Hamner	Y	McNulty	E	Salazar	Y
9	Conti	N	Holbert	N	Melton	Y	Schafer	Y
10	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
11	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
12	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
13	Dore	N	Kagan	Y	Navarro	N	Stephens	N
14	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
15	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
16	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
17	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	Y
18	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	N
19	Foote	Y	Lee	Y	Priola	N	Williams	Y
20	Garcia	Y	Levy	Y	Rankin	N	Wilson	N
21	Gardner	N	May	Y	Rosenthal	Y	Wright	N
22	Gerou	N	McCann	Y	Ryden	Y	Young	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Fields, Fischer, Ginal, Hullinghorst,
 25 Kagan, Labuda, Pabon, Rosenthal, Tyler.

26
 27 **SB13-260** by Senator(s) Hudak, Steadman; also Representative(s)
 28 Hamner--Concerning the financing of public schools, and,
 29 in connection therewith, making and reducing an
 30 appropriation.

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	52	NO	12	EXCUSED	1	ABSENT	0
38	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
39	Buckner	Y	Hamner	Y	McNulty	E	Salazar	Y
40	Conti	Y	Holbert	N	Melton	Y	Schafer	Y
41	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
42	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
43	DelGrosso	Y	Joshi	N	Murray	Y	Sonnenberg	N
44	Dore	Y	Kagan	Y	Navarro	Y	Stephens	Y
45	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	Y
46	Everett	N	Labuda	Y	Pabon	Y	Szabo	Y
47	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
48	Fields	Y	Lawrence	Y	Pettersen	Y	Vigil	Y
49	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	Y
50	Foote	Y	Lee	Y	Priola	Y	Williams	Y
51	Garcia	Y	Levy	Y	Rankin	Y	Wilson	Y
52	Gardner	Y	May	Y	Rosenthal	Y	Wright	N
53	Gerou	Y	McCann	Y	Ryden	Y	Young	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Court, Duran, Exum, Fields, Fischer,
 56 Ginal, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Levy, May, Melton,

1 Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Rosenthal, Salazar, Schafer,
2 Singer, Tyler, Vigil, Young.

3
4 **HB13-1306** by Representative(s) McCann; also Senator(s) Todd--
5 Concerning creating a task force to consider persons who
6 pose a threat of harm to themselves or others, and, in
7 connection therewith, making an appropriation.

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

	YES	35	NO	29	EXCUSED	1	ABSENT	0
15	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
16	Buckner	Y	Hamner	Y	McNulty	E	Salazar	Y
17	Conti	N	Holbert	N	Melton	Y	Schafer	Y
18	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
19	Court	Y	Humphrey	N	Moreno	Y	Singer	N
20	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
21	Dore	N	Kagan	Y	Navarro	N	Stephens	N
22	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
23	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
24	Exum	Y	Landgraf	N	Peniston	Y	Tyler	N
25	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	N
26	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	N
27	Foote	Y	Lee	Y	Priola	N	Williams	Y
28	Garcia	Y	Levy	Y	Rankin	N	Wilson	N
29	Gardner	N	May	Y	Rosenthal	Y	Wright	N
30	Gerou	Y	McCann	Y	Ryden	Y	Young	Y
31							Speaker	Y

32 Co-sponsor(s) added: Representative(s) Court, Fields, Fischer, Ginal, Hamner,
33 Hullinghorst, Kraft-Tharp, Labuda, Pabon, Rosenthal.

34
35
36 House in recess. House reconvened.

37 38 39 REPORT(S) OF COMMITTEE(S) OF REFERENCE

40 41 **APPROPRIATIONS**

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

44
45 **HB13-1007** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48
49 Amend printed bill, page 5, strike lines 8 through 10 and substitute:

50 "(d) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307,
51 C.R.S., THE MEMBERS OF THE COMMISSION SHALL NOT RECEIVE
52 COMPENSATION OR REIMBURSEMENT FOR EXPENSES INCURRED IN
53 FULFILLING THE DUTIES OF THE COMMISSION."

54
55 Page 5, strike lines 19 through 21 and substitute:

56 "(b) THE COMMISSION MAY ACCEPT IN-KIND DONATIONS IN THE

1 FORM OF ADMINISTRATIVE SUPPORT FROM ONE OR MORE NONPROFIT
2 ORGANIZATIONS.".

3

4 Page 6, strike lines 6 through 11.

5

6

7

8

9 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE DEVELOPMENT**
10 **COMMITTEE**

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

13

14 **SB13-262** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:

17

18 Amend reengrossed bill, page 2, strike line 15 and substitute "REVENUE
19 SERVICE, THE DEPARTMENT OF REVENUE, OR THE DEPARTMENT OF LABOR
20 AND EMPLOYMENT IN AN ENROLLED".

21

22

23

24 **SB13-238** be referred favorably to the Committee on Appropriations.

25

26

27 **SB13-228** be referred to the Committee of the Whole with favorable
28 recommendation.

29

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32

33 **HEALTH, INSURANCE & ENVIRONMENT**

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

36

37 **SB13-073** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40

41 Amend reengrossed bill, page 3, strike lines 15 through 24 and substitute:
42 "SECTION 2. Safety clause. The general assembly hereby finds,
43 determines, and declares that this act is necessary for the immediate
44 preservation of the public peace, health, and safety.".

45

46

47

48 **SB13-204** be referred to the Committee of the Whole with favorable
49 recommendation.

50

51

52 **SB13-261** be referred to the Committee of the Whole with favorable
53 recommendation.

54

55

56

1 **JUDICIARY**

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

4
5 **HB13-1323** be referred to the Committee of the Whole with favorable
6 recommendation.

7
8
9 **SB13-123** be amended as follows, and as so amended, be referred to
10 the Committee on Finance with favorable
11 recommendation:

12
13 Amend reengrossed bill, page 7, strike lines 8 through 10 and substitute:
14 "(1) (a) (I), (1) (a) (III) introductory portion, (1) (b) (II) and (2) (b); and
15 **add** (4) as follows:

16 **24-72-308. Sealing of arrest and criminal records other than**
17 **convictions.** (1) (a) (I) Except as otherwise provided in subparagraphs
18 (II) and (III) of this paragraph (a), any person in interest may petition the
19 district court of the district in which any arrest and criminal records
20 information pertaining to said person in interest is located for the sealing
21 of all of said records, except basic identification information, if the
22 records are a record of official actions involving a criminal offense for
23 which said person in interest was not charged AND THE STATUTE OF
24 LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED
25 THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, in any case
26 which was completely dismissed, or in any case in which said person in
27 interest was acquitted.

28 (III) A person in interest may petition the district court of the
29 district in which any arrest and criminal records information pertaining
30 to said person in interest is located for the sealing of all of said records,
31 except basic identification information, if the records are a record of
32 official actions involving ~~a criminal offense that was not charged or a~~
33 case that was dismissed due to a plea agreement in a separate case, and
34 if:

35 (b) (II) (A) Upon the filing of a petition, the court shall".

36
37 Page 10, line 9, before "TRAFFIC" add "MISDEMEANOR".

38 Page 10, line 14, before "TRAFFIC" add "MISDEMEANOR".

39
40 Page 11, line 15, before "TRAFFIC" add "MISDEMEANOR".

41
42 Page 30, after line 6 insert:

43 **"SECTION 15.** In Colorado Revised Statutes, 18-12-108, **amend**
44 (1), (3), and (6) (a); and **add** (6) (c) (III) as follows:

45 **18-12-108. Possession of weapons by previous offenders.** (1) A
46 person commits the crime of possession of a weapon by a previous
47 offender if the person knowingly possesses, uses, or carries upon his or
48 her person a firearm as described in section 18-1-901 (3) (h) or any other
49 weapon that is subject to the provisions of this article subsequent to the
50 person's conviction for a felony, or subsequent to the person's conviction
51 for attempt or conspiracy to commit a felony, under Colorado or any other
52 state's law or under federal law, UNLESS THE PERSON'S RIGHT TO POSSESS
53 A FIREARM OR ANY OTHER WEAPON HAS BEEN RESTORED AS PROVIDED IN
54 SECTION 18-12-108.1.

55 (3) A person commits the crime of possession of a weapon by a
56 previous offender if the person knowingly possesses, uses, or carries upon

1 his or her person a firearm as described in section 18-1-901 (3) (h) or any
2 other weapon that is subject to the provisions of this article subsequent to
3 the person's adjudication for an act which, if committed by an adult,
4 would constitute a felony, or subsequent to the person's adjudication for
5 attempt or conspiracy to commit a felony, under Colorado or any other
6 state's law or under federal law, UNLESS THE PERSON'S RIGHT TO POSSESS
7 A FIREARM OR ANY OTHER WEAPON HAS BEEN RESTORED AS PROVIDED IN
8 SECTION 18-12-108.1.

9 (6) (a) Upon the discharge of any inmate from the custody of the
10 department of corrections OR RELEASE FROM SUPERVISION FROM
11 PROBATION OR OTHER COMMUNITY SERVICE, the department shall provide
12 a written advisement to such inmate of the prohibited acts and penalties
13 specified in this section. The written advisement, at a minimum, shall
14 include the written statement specified in paragraph (c) of this subsection
15 (6).

16 (c) The written statement shall provide that:

17 (III) RESTORATION OF THE RIGHT TO POSSESS A FIREARM AS
18 DESCRIBED IN SECTION 18-1-901 (3) (h) OR OTHER WEAPON MAY BE
19 RESTORED BY COURT ORDER PURSUANT TO THE PROVISIONS OF SECTION
20 18-12-108.1 FOR CERTAIN NONVIOLENT OFFENSES AFTER A FIVE-YEAR
21 WAITING PERIOD IF THE RESTORATION IS FOR A LAWFUL PURPOSE OR
22 PURPOSES.

23
24 **SECTION 16.** In Colorado Revised Statutes, add 18-12-108.1 as
25 follows:

26 **18-12-108.1. Certificate of restoration of right to possess a**
27 **firearm or other weapon.** (1) (a) AFTER CONVICTION OF ANY FELONY
28 OFFENSE ENUMERATED IN SUBSECTION (2) OF THIS SECTION, A PERSON
29 MAY PETITION THE SENTENCING COURT, WITH NOTICE TO THE DISTRICT
30 ATTORNEY, FOR A CERTIFICATE OF RESTORATION OF HIS OR HER RIGHT TO
31 POSSESS A FIREARM AS DESCRIBED IN SECTION 18-1-901 (3) (h) OR OTHER
32 WEAPON IF AT LEAST FIVE YEARS HAVE PASSED SINCE THE COMPLETION OF
33 ANY SENTENCE, INCLUDING ANY PERIOD OF SUPERVISION. THE DISTRICT
34 ATTORNEY SHALL NOTIFY ANY VICTIM IF THE VICTIM RECEIVES
35 NOTIFICATION UNDER ARTICLE 4.1 OF TITLE 24, C.R.S., OR IN ANY OTHER
36 CASE AT THE DISCRETION OF THE DISTRICT ATTORNEY.

37 (b) THE COURT MAY DENY THE PETITION ON ITS FACE IF IT DOES
38 NOT MEET THE CRITERIA IN PARAGRAPH (c) OF THIS SUBSECTION (1).

39 (c) THE COURT MAY ISSUE A CERTIFICATE OF RESTORATION OF
40 RIGHTS TO POSSESS A FIREARM OR OTHER WEAPON IF, AFTER REVIEW OF
41 THE PETITION, THE CRIMINAL HISTORY OF THE PERSON AND ANY
42 SUBMISSION TO THE COURT BY THE DISTRICT ATTORNEY OR ANY VICTIM IN
43 THE CASE AND ANY OTHER RELEVANT EVIDENCE, THE COURT FINDS, BY A
44 PREPONDERANCE OF THE EVIDENCE, THAT:

45 (I) THE PERSON IS ENGAGED IN OR SEEKING TO BE ENGAGED IN A
46 LAWFUL OCCUPATION OR ACTIVITY, INCLUDING EMPLOYMENT, TRAINING,
47 EDUCATION, OR REHABILITATIVE PROGRAMS OR THE INDIVIDUAL HAS A
48 LAWFUL SOURCE OF INCOME;

49 (II) THE PERSON HAS NOT HAD ANY CRIMINAL CONVICTIONS SINCE
50 THE COMPLETION OF HIS OR HER SENTENCE, EXCLUDING MINOR TRAFFIC
51 VIOLATIONS, AND CRIMINAL CHARGES ARE NOT PENDING AGAINST THE
52 PERSON;

53 (III) THE PERSON HAS PRESENTED, IN THE PETITION, LAWFUL AND
54 SUBSTANTIAL REASONS FOR RESTORATION OF THE RIGHT TO POSSESS A
55 FIREARM OR OTHER WEAPON; AND

56

1 (IV) GRANTING THE PETITION WOULD NOT IMPOSE AN
 2 UNREASONABLE RISK TO THE SAFETY OR WELFARE OF THE PUBLIC OR ANY
 3 INDIVIDUAL.

4 (d) THE COURT, IN ITS DISCRETION AND AFTER REVIEW OF ALL
 5 PLEADINGS FILED WITH THE COURT, MAY CONDUCT A HEARING TO
 6 DETERMINE IF THE PETITIONER HAS ESTABLISHED BY A PREPONDERANCE
 7 OF THE EVIDENCE THE FACTORS AS OUTLINED IN PARAGRAPH (b) OF THIS
 8 SUBSECTION (1). IF THE COURT CONDUCTS A HEARING, THE COURT SHALL
 9 PERMIT A VICTIM WHO RECEIVED NOTICE UNDER PARAGRAPH (a) OF THIS
 10 SUBSECTION (1) AN OPPORTUNITY TO MAKE A STATEMENT AT THE
 11 HEARING.

12 (2) A PERSON WHO HAS BEEN CONVICTED OF ONE OF THE
 13 FOLLOWING FELONY OFFENSES SHALL BE ELIGIBLE TO PETITION FOR
 14 RESTORATION OF THE RIGHT TO POSSESS A FIREARM AS DESCRIBED IN
 15 SECTION 18-1-901 (3) (h) OR ANY OTHER WEAPON:

16 (a) A PROPERTY CRIME OFFENSE IN ARTICLE 4 OF THIS TITLE,
 17 EXCEPT FOR AN ARSON OFFENSE IN PART 1 OF ARTICLE 4 OF THIS TITLE; A
 18 BURGLARY OFFENSE IN SECTIONS 18-4-202, 18-4-202.1, 18-4-203, AND
 19 18-4-205; AND A ROBBERY OFFENSE IN PART 3 OF ARTICLE 4 OF THIS TITLE;

20 (b) A FRAUD OFFENSE IN ARTICLE 5 OF THIS TITLE;

21 (c) A GOVERNMENTAL OPERATIONS OFFENSE IN ARTICLE 8 OF THIS
 22 TITLE 18, EXCEPT FOR AN OFFENSE IN SECTION 18-8-206, 18-8-608, OR
 23 18-8-615; AND AN OFFENSE IN PART 7 OF ARTICLE 8 OF THIS TITLE (VICTIM
 24 AND WITNESS PROTECTION);

25 (d) AN OFFENSE IN ARTICLE 10 OF THIS TITLE (GAMBLING); ARTICLE
 26 13 OF THIS TITLE (MISCELLANEOUS OFFENSES); ARTICLE 15 OF THIS TITLE
 27 (MAKING, FINANCING, OR COLLECTION OF LOANS); ARTICLE 16 OF THIS
 28 TITLE (PURCHASE OF VALUABLE ARTICLES); ARTICLE 18 OF THIS TITLE
 29 (CONTROLLED SUBSTANCES), EXCEPT FOR AN OFFENSE IN SECTION
 30 18-18-407; OR ARTICLE 20 OF THIS TITLE (LIMITED GAMING);

31 (e) AN OFFENSE IN VIOLATION OF TITLE 1 (ELECTIONS); TITLE 6
 32 (CONSUMER AND COMMERCIAL AFFAIRS); TITLE 8 (LABOR AND INDUSTRY);
 33 TITLE 9 (SAFETY - INDUSTRIAL AND COMMERCIAL); TITLE 11 (FINANCIAL
 34 INSTITUTIONS); TITLE 12 (PROFESSIONS AND OCCUPATIONS), EXCEPT FOR
 35 SECTION 12-29.5-108 (3), C.R.S.; TITLE 13 (COURTS AND COURT
 36 PROCEDURE); TITLE 14 (DOMESTIC MATTERS); TITLE 15 (PROBATE, TRUSTS,
 37 AND FIDUCIARIES); TITLE 22 (EDUCATION); TITLE 24
 38 (GOVERNMENT-STATE); TITLE 25 (HEALTH); TITLE 26 (HUMAN SERVICES);
 39 TITLE 28 (MILITARY AND VETERANS); TITLE 29 (GOVERNMENT - LOCAL);
 40 TITLE 33 (PARKS AND WILDLIFE); TITLE 34 (MINERAL RESOURCES); TITLE
 41 35 (AGRICULTURE); TITLE 36 (NATURAL RESOURCES - GENERAL); TITLE 37
 42 (WATER AND IRRIGATION); TITLE 38 (PROPERTY); TITLE 39 (TAXATION);
 43 TITLE 40 (UTILITIES); AND TITLE 42 (VEHICLES AND TRAFFIC), C.R.S.

44 (3) IF A PERSON IS CONVICTED OF A FELONY UNDER THE LAWS OF
 45 ANOTHER STATE OR UNDER FEDERAL LAW AND THE PERSON HAS HAD HIS
 46 OR HER RIGHT RESTORED TO POSSESS A FIREARM AS DESCRIBED IN SECTION
 47 18-1-901 (3) (h) OR ANY OTHER WEAPON PURSUANT TO THE LAW OF THAT
 48 JURISDICTION, THE PERSON SHALL NOT BE GUILTY OF AN OFFENSE
 49 PURSUANT TO SECTION 18-12-108.

50 (4) IF THE COURT DENIES THE PETITION FOR RESTORATION OF
 51 RIGHTS, THE PETITIONER SHALL NOT FILE A SUBSEQUENT PETITION UNTIL
 52 AT LEAST ONE YEAR AFTER THE DENIAL OF THE PETITION.

53

54 **SECTION 17.** In Colorado Revised Statutes, 24-4.1-302.5,
 55 **amend** (1) (d) (VI) and (1) (d) (VII); and **add** (1) (d) (VIII) as follows:
 56 **24-4.1-302.5. Rights afforded to victims.** (1) In order to

1 preserve and protect a victim's rights to justice and due process, each
2 victim of a crime shall have the following rights:

3 (d) The right to be heard at any court proceeding:

4 (VI) At which the defendant requests a modification of the no
5 contact provision of the mandatory criminal protection order under
6 section 18-1-1001, C.R.S., or section 19-2-707, C.R.S.; or

7 (VII) Involving a subpoena for records concerning the victim's
8 medical history, mental health, education, or victim compensation, or any
9 other records that are privileged pursuant to section 13-90-107, C.R.S.;

10 OR

11 (VIII) AT WHICH THE DEFENDANT REQUESTS RESTORATION OF
12 FIREARM OWNERSHIP RIGHTS PURSUANT TO SECTION 18-12-108.1.

13 **SECTION 18.** In Colorado Revised Statutes, 24-4.1-303, add
14 (13.3) as follows:

15 **24-4.1-303. Procedures for ensuring rights of victims of**
16 **crimes.** (13.3) PURSUANT TO SECTION 18-12-108.1 (1), C.R.S., THE
17 DISTRICT ATTORNEY SHALL NOTIFY THE VICTIM THAT THE DEFENDANT HAS
18 PETITIONED THE COURT FOR A CERTIFICATE OF RESTORATION OF HIS OR
19 HER RIGHT TO POSSESS A FIREARM AS DESCRIBED IN SECTION 18-1-901 (3)
20 (h), C.R.S., OR ANY OTHER WEAPON."

21

22 Renumber succeeding sections accordingly.

23

24

25

26

27 **PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE**

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

30

31 **SB13-166** be referred favorably to the Committee on Appropriations.

32

33

34 **SB13-231** be referred to the Committee of the Whole with favorable
35 recommendation.

36

37

38 **SB13-242** be referred favorably to the Committee on Appropriations.

39

40

41 **SB13-264** be referred favorably to the Committee on Appropriations.

42

43

44 **SB13-266** be referred favorably to the Committee on Appropriations.

45

46

47

PRINTING REPORT

48

49 The Chief Clerk reports the following bills have been correctly printed:
50 **HB13-1322, 1323, 1324.**

51

52

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

53

54

55 The Speaker has signed: **HB13-1046, 1233, HJR13-1020.**

56

DELIVERY OF BILLS TO GOVERNOR

1
2
3 The Chief Clerk of the House of Representatives reports the following
4 bills have been delivered to the Office of the Governor: **HB13-1006,**
5 **1036, 1080, 1110, 1119, 1135, 1183, 1234, 1236** at 10:30 a.m. on April
6 30, 2013.
7

MESSAGE(S) FROM THE SENATE

8
9
10
11
12 The Senate has adopted and transmits herewith: SJR13-030.
13

14
15 The Senate has passed on Third Reading and transmitted to the Revisor
16 of Statutes: SB13-265 and SB13-271.
17

18 The Senate has passed on Third Reading and transmitted to the Revisor
19 of Statutes:

20 SB13-277 amended as printed in Senate Journal, April 29, 2013,
21 pages 1086 and 1089, and amended as printed in Senate
22 Journal, April 30, 2013.

23 SB13-279 amended as printed in Senate Journal, April 29, 2013,
24 page 1086.
25

26 The Senate has passed on Third Reading and transmitted to the Revisor
27 of Statutes:

28 HB13-1005 amended as printed in Senate Journal, April 26, 2013,
29 page 1066.

30 HB13-1117 amended as printed in Senate Journal, April 26, 2013,
31 page 1065.

32 HB13-1138 amended as printed in Senate Journal, April 26, 2013,
33 page 1066.

34 HB13-1142 amended as printed in Senate Journal, April 26, 2013,
35 page 1065.

36 HB13-1153 amended as printed in Senate Journal, April 29, 2013,
37 page 1085.

38 HB13-1156 amended as printed in Senate Journal, April 26, 2013,
39 page 1065.

40 HB13-1194 amended as printed in Senate Journal, April 26, 2013,
41 page 1065.

42 HB13-1215 amended as printed in Senate Journal, April 29, 2013,
43 pages 1087-1089.

44 HB13-1266 amended as printed in Senate Journal, April 29, 2013,
45 page 1087.

46 HB13-1276 amended as printed in Senate Journal, April 26, 2013,
47 pages 1059-1060.

48 HB13-1289 amended as printed in Senate Journal, April 29, 2013,
49 page 1084.
50

51 The Senate has passed on Third Reading and transmits herewith:

52 HB13-1082, HB13-1105, HB13-1134, HB13-1263, HB13-1196,
53 HB13-1241, HB13-1163, HB13-1281.
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MESSAGE(S) FROM THE REVISOR

We herewith transmit:
without comment, SB13-265 and 271.
without comment, as amended, HB13-1005, 1117, 1138, 1142, 1153,
1156, 1194, 1215, 1266, 1276, and 1289.
without comment, as amended, SB13-277 and 279.

**INTRODUCTION OF BILLS
First Reading**

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

SB13-265 by Senator(s) Kerr and Balmer; also Representative(s) Holbert and Kagan--Concerning applicability of Colorado statutes to franchise agreements between vehicle dealers and the suppliers of these vehicles.
Committee on Transportation & Energy

SB13-271 by Senator(s) Nicholson; also Representative(s) Primavera--Concerning funding for the address confidentiality program.
Committee on State, Veterans, & Military Affairs

SB13-277 by Senator(s) Aguilar, Morse; also Representative(s) Ginal, Duran, Fields, Garcia, Gerou, Hamner, Hullinghorst, Joshi, Melton, Moreno, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Williams--Concerning the development of a prior authorization process to be used in obtaining prior approval from carriers for coverage of drug benefits.
Committee on Health, Insurance & Environment

SB13-279 by Senator(s) Kerr; also Representative(s) Gerou--Concerning increasing energy resource efficiency in public schools.
Committee on Education

INTRODUCTION OF RESOLUTION

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

SJR13-030 by Senator(s) Cadman; also Representative(s) McNulty--Concerning recognition of Scott Strode, and, in connection therewith, honoring his work with Phoenix Multisport and his nomination for CNN's Hero of the Year award.

House in recess. House reconvened.

1 On motion of Representative Hullinghorst, **HB13-1007** was added to the
2 top of the Special Orders Calendar on April 30, 2013.

3
4
5 On motion of Representative Moreno, the House resolved itself into
6 Committee of the Whole for consideration of Special Orders and he was
7 called to the Chair to act as Chairman.

8
9
10
11 **SPECIAL ORDERS--SECOND READING OF BILLS**

12
13 The Committee of the Whole having risen, the Chairman reported the
14 titles of the following bills had been read (reading at length had been
15 dispensed with by unanimous consent), the bills considered and action
16 taken thereon as follows:

17
18 (Amendments to the committee amendment are to the printed committee
19 report which was printed and placed in the members' bill file.)

20
21 **HB13-1007** by Representative(s) Peniston; also Senator(s) Hudak--
22 Concerning recreation of the early childhood and school
23 readiness legislative commission.

24
25 Amendment No. 1, Education Report, dated February 27, 2013, and
26 placed in member's bill file; Report also printed in House Journal,
27 February 27, 2013, page(s) 417-419.

28
29 Amendment No. 2, Appropriations Report, dated April 30, 2013, and
30 placed in member's bill file; Report also printed in House Journal, April
31 30, 2013, page(s) 1368-1369.

32
33 Amendment No. 3, by Representative(s) Peniston.

34
35 Amend the Education Committee Report, dated February 25, 2013, page
36 2, line 34, after "support," insert "child care,".

37
38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.

40
41 **HB13-1320** by Representative(s) Waller and Hullinghorst, Foote,
42 Melton, Pettersen, Priola, Singer, Young, Ferrandino,
43 Gardner, Gerou, Landgraf, Lawrence, Levy, Murray,
44 Wilson, Wright; also Senator(s) Heath, Guzman, Hudak,
45 Kerr--Concerning financial support for meritorious
46 Colorado students at state-supported institutions of higher
47 education.

48
49 Amendment No. 1, Appropriations Report, dated April 26, 2013, and
50 placed in member's bill file; Report also printed in House Journal, April
51 26, 2013, page(s) 1301-1302.

52
53 Amendment No. 2, by Representative(s) Waller and Hullinghorst.

54
55 Amend printed bill, page 3, after line 8 insert:

56

1 "(d) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (5)
2 TO THE CONTRARY, THE NUMBER OF COLORADO SCHOLARS THAT EACH
3 INSTITUTION COUNTS FOR PURPOSES OF SUBPARAGRAPHS (a) AND (b) OF
4 THIS SUBSECTION (5) IN AN ACADEMIC YEAR SHALL NOT EXCEED EIGHT
5 PERCENT OF THE TOTAL NUMBER OF IN-STATE STUDENTS THAT THE
6 INSTITUTION COUNTS IN THE APPLICABLE FRACTION OR PERCENTAGE IN
7 THAT ACADEMIC YEAR."

8
9 Reletter succeeding paragraph accordingly.

10
11 Page 3, strike line 11 and substitute "IS ELIGIBLE TO PARTICIPATE IN AN
12 INSTITUTIONAL COLORADO SCHOLAR PROGRAM AND IS DESIGNATED BY
13 THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION AS A
14 COLORADO SCHOLAR. A STUDENT IS ELIGIBLE TO PARTICIPATE IN A
15 COLORADO SCHOLAR PROGRAM ONLY IF THE STUDENT GRADUATES IN THE
16 TOP TEN PERCENT OF THE STUDENT'S HIGH SCHOOL CLASS OR GRADUATES
17 WITH AT LEAST A 3.75 GRADE POINT AVERAGE, HAVING COMPLETED A
18 HIGHLY RIGOROUS COLLEGE PREPARATORY CURRICULUM, AND MEETS ANY
19 ADDITIONAL CRITERIA ESTABLISHED BY THE INSTITUTION."

20
21 Page 3, line 15, strike "STUDENTS BASED ON COMPETITIVE, MERIT-BASED
22 CRITERIA," and substitute "STUDENTS,".

23
24 Page 3, line 17, after the period add "A STATE-SUPPORTED INSTITUTION
25 OF HIGHER EDUCATION SHALL PROVIDE EACH STUDENT WHO IS
26 DESIGNATED AS A COLORADO SCHOLAR FOR PURPOSES OF PARAGRAPHS (a)
27 AND (b) OF THIS SUBSECTION (5) AT LEAST TWO THOUSAND FIVE HUNDRED
28 DOLLARS IN ANNUAL FINANCIAL AID OR SCHOLARSHIP MONEYS THROUGH
29 THE INSTITUTION'S COLORADO SCHOLAR PROGRAM."

30
31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final Passage.

33
34 **SB13-125** by Senator(s) Todd; also Representative(s) DelGrosso--
35 Concerning preneed funeral contracts, and, in connection
36 therewith, reducing an appropriation.

37
38 Amendment No. 1, Business, Labor, Economic, & Workforce
39 Development Report, dated April 23, 2013, and placed in member's bill
40 file; Report also printed in House Journal, April 25, 2013, page(s) 1224.

41
42 As amended, ordered revised and placed on the Calendar for Third
43 Reading and Final Passage.

44
45 **SB13-162** by Senator(s) Tochtrop; also Representative(s) Kraft-
46 Tharp--Concerning the continuation of the examining
47 board of plumbers, and, in connection therewith, making
48 an appropriation.

49
50 Ordered revised and placed on the Calendar for Third Reading and Final
51 Passage.

52
53 **HB13-1316** by Representative(s) Hullinghorst and Salazar, Young--
54 Concerning the Colorado oil and gas conservation
55 commission's adoption of uniform statewide groundwater
56 sampling rules.

1 Amendment No. 1, Health, Insurance & Environment Report, dated April
2 25, 2013, and placed in member's bill file; Report also printed in House
3 Journal, April 25, 2013, page(s) 1276.

4
5 Amendment No. 2, Appropriations Report, dated April 26, 2013, and
6 placed in member's bill file; Report also printed in House Journal, April
7 26, 2013, page(s) 1298-1299.

8
9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.

11
12 **SB13-176** by Senator(s) Scheffel, Carroll, Baumgardner, Cadman,
13 Grantham, Hudak, Lambert, Lundberg, Marble; also
14 Representative(s) Everett and Williams, Buck, DelGrosso,
15 Hamner, Holbert, Humphrey, Joshi, Kraft-Tharp,
16 Landgraf, Lawrence, McNulty, Melton, Moreno, Murray,
17 Nordberg, Rankin, Saine, Scott, Wilson, Wright--
18 Concerning authorization for the state treasurer to invest
19 state moneys in debt obligations backed by the full faith
20 and credit of the state of Israel.

21
22 Ordered revised and placed on the Calendar for Third Reading and Final
23 Passage.

24
25 **SB13-258** by Senator(s) Hodge; also Representative(s) Moreno--
26 Concerning a clarification that each application included
27 in the definition of development permit constitutes a stage
28 in the development permit approval process.

29
30 Ordered revised and placed on the Calendar for Third Reading and Final
31 Passage.

32
33 **SB13-047** by Senator(s) Newell; also Representative(s) Fields--
34 Concerning protections for youth in foster care against
35 identity theft, and, in connection therewith, making an
36 appropriation.

37
38 Amendment No. 1, Public Health Care & Human Services Report, dated
39 April 24, 2013, and placed in member's bill file; Report also printed in
40 House Journal, April 26, 2013, page(s) 1241.

41
42 Amendment No. 2, by Representative(s) Fields.

43
44 Amend reengrossed bill, page 3, line 10, before "county" insert
45 "DEPARTMENT OF HUMAN SERVICES OR THE".

46
47 As amended, ordered revised and placed on the Calendar for Third
48 Reading and Final Passage.

49
50 **SB13-202** by Senator(s) Jones; also Representative(s) Singer--
51 Concerning additional inspections of oil and gas facilities,
52 and, in connection therewith, making an appropriation.

53
54 Ordered revised and placed on the Calendar for Third Reading and Final
55 Passage.

56

1 **SB13-082** by Senator(s) Nicholson, Roberts; also Representative(s)
2 Levy--Concerning the creation of a permanent interim
3 committee of the general assembly to review matters
4 relating to wildfires in the state.
5

6 Ordered revised and placed on the Calendar for Third Reading and Final
7 Passage.
8

9 **SB13-246** by Senator(s) Lambert, Hodge, Steadman; also
10 Representative(s) Levy, Duran, Gerou--Concerning
11 creation of a task force to study discovery costs in criminal
12 cases.
13

14 Ordered revised and placed on the Calendar for Third Reading and Final
15 Passage.
16

17 **SB13-111** by Senator(s) Hudak, Giron, Guzman, Heath, Johnston,
18 Morse, Todd, Ulibarri; also Representative(s) Schafer and
19 Stephens--Concerning abuse of at-risk adults, and, in
20 connection therewith, making an appropriation.
21

22 Amendment No. 1, Judiciary Report, dated April 25, 2013, and placed in
23 member's bill file; Report also printed in House Journal, April 25, 2013,
24 page(s) 1271-1272.
25

26 Amendment No. 2, Appropriations Report, dated April 29, 2013, and
27 placed in member's bill file; Report also printed in House Journal, April
28 29, 2013, page(s) 1352.
29

30 As amended, ordered revised and placed on the Calendar for Third
31 Reading and Final Passage.
32

33 **SB13-170** by Senator(s) Aguilar; also Representative(s) Gerou--
34 Concerning the sale of uniquely valuable registration
35 numbers for vehicles, and, in connection therewith,
36 making an appropriation.
37

38 Amendment No. 1, Appropriations Report, dated April 29, 2013, and
39 placed in member's bill file; Report also printed in House Journal, April
40 29, 2013, page(s) 1352.
41

42 Amendment No. 2, by Representative(s) Gerou.
43

44 Amend reengrossed bill, page 3, line 26, after "**amend**" insert "(1) and".
45

46 Page 3, line 27, strike "(b)".
47

48 Page 4, strike line 1 and substitute:
49

50 **"42-1-407. Registration number fund.** (1) The registration
51 number fund is hereby created in the state treasury. The moneys in the
52 fund consist of the proceeds from the sale of registration numbers under
53 section 42-1-404, ~~and~~ the royalty from private sales of registration
54 numbers under section 42-1-405, AND ANY GIFTS, GRANTS, OR LOANS
55 MADE FOR THE PURPOSES OF THIS PART 4.
56

(3) (a) (I) Except as specified in paragraph (b) of this subsection

1 (3) AND ANY MONEY APPROPRIATED FROM THE FUND TO IMPLEMENT THIS
 2 PART 4, ~~at the end of each fiscal year,~~ the state treasurer shall transfer THE
 3 FIRST one million five hundred thousand dollars ~~or the balance of the~~
 4 ~~registration number fund if the balance is a lesser amount,~~ from the
 5 registration number fund to the disability-benefit support fund created in
 6 section 24-30-2205, C.R.S.

7 (II) If any moneys remain in the registration number fund AT THE
 8 END OF THE FISCAL YEAR after the transfer required by subparagraph (I)
 9 of this paragraph (a), the state treasurer shall transfer two million five
 10 hundred thousand dollars, or the balance of the fund if the balance is a
 11 lesser amount, from the registration number fund to the general fund.

12 (III) If any moneys remain in the registration number fund AT THE
 13 END OF THE FISCAL YEAR after the transfers required by subparagraphs (I)
 14 and (II) of this paragraph (a), the state treasurer shall transfer the balance
 15 from the registration number fund to the disability-benefit support fund
 16 created by section 24-30-2205, C.R.S.

17 (3) (b) (I) The treasurer".

18
 19 As amended, ordered revised and placed on the Calendar for Third
 20 Reading and Final Passage.

21
 22 **SB13-207** by Senator(s) Giron; also Representative(s) Levy--
 23 Concerning the performance of auricular acudetox by
 24 trained mental health professionals, and, in connection
 25 therewith, making an appropriation.

26
 27 Ordered revised and placed on the Calendar for Third Reading and Final
 28 Passage.

29
 30
 31 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

32
 33 Passed Second Reading: **HB13-1007 amended, 1320 amended, SB13-**
 34 **125 amended, 162, HB13-1316 amended, SB13-176, 258, 047**
 35 **amended, 202, 082, 246, 111 amended, 170 amended, 207.**

36
 37 The Chairman moved the adoption of the Committee of the Whole
 38 Report. As shown by the following roll call vote, a majority of those
 39 elected to the House voted in the affirmative, and the Report was
 40 **adopted.**

41
 42

	YES	62	NO	0	EXCUSED	3	ABSENT	0
43	Buck	Y	Ginal	Y	McLachlan	Y	Saine	Y
44	Buckner	Y	Hamner	Y	McNulty	E	Salazar	Y
45	Conti	Y	Holbert	Y	Melton	Y	Schafer	Y
46	Coram	Y	Hullinghorst	Y	Mitsch Bush	Y	Scott	Y
47	Court	Y	Humphrey	Y	Moreno	Y	Singer	Y
48	DelGrosso	Y	Joshi	Y	Murray	Y	Sonnenberg	Y
49	Dore	Y	Kagan	Y	Navarro	E	Stephens	Y
50	Duran	Y	Kraft-Tharp	Y	Nordberg	Y	Swalm	Y
51	Everett	Y	Labuda	Y	Pabon	Y	Szabo	Y
52	Exum	Y	Landgraf	Y	Peniston	Y	Tyler	Y
53	Fields	Y	Lawrence	Y	Pettersen	Y	Vigil	Y
54	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	Y
55	Foote	E	Lee	Y	Priola	Y	Williams	Y
56	Garcia	Y	Levy	Y	Rankin	Y	Wilson	Y

1	Gardner	Y	May	Y	Rosenthal	Y	Wright	Y
2	Gerou	Y	McCann	Y	Ryden	Y	Young	Y
3							Speaker	Y

REPORT(S) OF COMMITTEE(S) OF REFERENCE

PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE

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

SB13-255 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 21, line 27, strike "SERVICES." and substitute "SERVICES, AS DEFINED IN SECTION 26-5-101 (3).".

Page 22, strike lines 1 through 4.

Page 22, line 5, strike "PLANNING.".

On motion of Representative Hullinghorst, **SB13-228, 262, 073, 204, 261, HB13-1323, SB13-231** were moved from the General Orders Calendar for May 2, 2013 to the General Orders Calendar for May 1, 2013.

On motion of Representative Hullinghorst, **HB13-1013, SB13-147, 148, 222, and 227** were moved from the Special Orders Calendar to the General Orders Calendar for May 1, 2013.

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Hullinghorst, the following item(s) on the Calendar were laid over until May 1, retaining place on Calendar:

Consideration of Conference Committee Report(s)--**SB13-155**.

Consideration of Resolution(s)--**SJR13-018, HJR13-1021, 1022, 1025, 1026, 1027, SJR13-022, 023, HJR13-1023, 1024**.

Consideration of Memorial(s)--**SJM13-001, 003, HM13-1004**.

Consideration of Senate Amendment(s)--**HB13-1144, 1044**.

On motion of Representative Hullinghorst, the House adjourned until 9:00 a.m., May 1, 2013.

Approved:
MARK FERRANDINO,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

1