

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1794 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 education and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-30-16-3 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The commission
- 8 shall transfer the surplus revenue in the administrative trust fund as
- 9 follows:
- 10 (1) Before the last business day of January, April, July, and
- 11 October:
- 12 the commission shall transfer to the treasurer of state, for
- 13 deposit in the Indiana state teachers' retirement fund (~~IC~~
- 14 ~~21-6.1-2~~), before July 1, 2005, seven million five hundred
- 15 thousand dollars (\$7,500,000) and after June 30, 2005, an
- 16 amount equal to the lesser of:
- 17 (A) seven million five hundred thousand dollars (\$7,500,000);
- 18 or
- 19 (B) the additional quarterly contribution needed so that the
- 20 ratio of the unfunded liability of the Indiana state teachers'
- 21 retirement fund compared to total active teacher payroll is as
- 22 close as possible to but not greater than the ratio that existed on
- 23 the preceding July 1.
- 24 After June 30, 2003, and before July 1, 2005, the amount
- 25 deposited in a state fiscal year under this subdivision in the

1 Indiana state teachers' retirement fund (IC 21-6.1-2) shall only be  
 2 used by the board to reduce the employer contribution rate that  
 3 school corporations would otherwise pay after June 30, 2003, and  
 4 before July 1, 2005, to the Indiana state teachers' retirement fund  
 5 (IC 21-6.1-2), as computed under IC 5-10.2-2 and certified under  
 6 IC 21-6.1-7-12, for teachers covered by the 1996 account,  
 7 including a proportionate share of administration expenses for the  
 8 1996 account. On or before June 15, 2005, and June 15 of each  
 9 year thereafter, the board of trustees of the Indiana state teachers'  
 10 retirement fund shall submit to the treasurer of state, each member  
 11 of the pension management oversight commission, and the auditor  
 12 of state its estimate of the quarterly amount needed to freeze the  
 13 unfunded accrued liability of the pre-1996 account (as defined in  
 14 IC 21-6.1-1-6.9) as a percent of payroll. The estimate shall be  
 15 based on the most recent actuarial valuation of the fund.

16 **(A) after June 30, 2005, and before July 1, 2008, the**  
 17 **commission shall transfer to the treasurer of state, for**  
 18 **deposit in the early learning trust fund, seven million five**  
 19 **hundred thousand dollars (\$7,500,000); and**

20 **(B) notwithstanding any other law, including any**  
 21 **appropriations law resulting from a budget bill (as defined in**  
 22 **IC 4-12-1-2), after June 30, 2005, 2008, the money transferred**  
 23 **under this subdivision shall be set aside the commission shall**  
 24 **transfer to the treasurer of state, for deposit in a special**  
 25 **account (pension stabilization fund) to be used as a credit**  
 26 **against the unfunded accrued liability of the pre-1996 account**  
 27 **(as defined in IC 21-6.1-1-6.9) of the Indiana state teachers'**  
 28 **retirement fund an amount equal to the lesser of:**

29 **(i) seven million five hundred thousand dollars**  
 30 **(\$7,500,000); or**

31 **(ii) the additional quarterly contribution needed so that**  
 32 **the ratio of the unfunded liability of the Indiana state**  
 33 **teachers' retirement fund compared to total active**  
 34 **teacher payroll is as close as possible to but not greater**  
 35 **than the ratio that existed on the preceding July 1.**

36 **On or before June 15, 2008, and June 15 of each year**  
 37 **thereafter, the board of trustees of the Indiana state**  
 38 **teachers' retirement fund shall submit to the treasurer of**  
 39 **state, each member of the pension management oversight**  
 40 **commission, and the auditor of state its estimate of the**  
 41 **quarterly amount needed to freeze the unfunded accrued**  
 42 **liability of the pre-1996 account (as defined in**  
 43 **IC 21-6.1-1-6.9) as a percent of payroll. The estimate shall**  
 44 **be based on the most recent actuarial valuation of the fund.**

45 The money transferred is in addition to the appropriation  
 46 needed to pay benefits for the state fiscal year.

47 (2) Before the last business day of January, April, July, and

- 1           October, the commission shall transfer:
- 2           (A) two million five hundred thousand dollars (\$2,500,000) of
- 3           the surplus revenue to the treasurer of state for deposit in the
- 4           "k" portion of the pension relief fund (IC 5-10.3-11); and
- 5           (B) five million dollars (\$5,000,000) of the surplus revenue to
- 6           the treasurer of state for deposit in the "m" portion of the
- 7           pension relief fund (IC 5-10.3-11).
- 8           (3) The surplus revenue remaining in the fund on the last day of
- 9           January, April, July, and October after the transfers under
- 10          subdivisions (1) and (2) shall be transferred by the commission to
- 11          the treasurer of state for deposit on that day in the build Indiana
- 12          fund.
- 13          (b) The commission may make transfers to the treasurer of state
- 14          more frequently than required by subsection (a). However, the number
- 15          of transfers does not affect the amount that is required to be transferred
- 16          for the purposes listed in subsection (a)(1) and (a)(2). Any amount
- 17          transferred during the month in excess of the amount required to be
- 18          transferred for the purposes listed in subsection (a)(1) and (a)(2) shall
- 19          be transferred to the build Indiana fund."
- 20          Page 3, after line 35, begin a new paragraph and insert:
- 21          "SECTION 6. IC 20-8.1-16 IS ADDED TO THE INDIANA CODE
- 22          AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 23          UPON PASSAGE]:
- 24          **Chapter 16. Early Learning Trust Fund**
- 25          **Sec. 1. As used in this chapter, "commission" refers to the early**
- 26          **learning and school readiness commission established by section 8**
- 27          **of this chapter.**
- 28          **Sec. 2. As used in this chapter, "department" refers to the**
- 29          **department of education.**
- 30          **Sec. 3. As used in this chapter, "parental education program"**
- 31          **refers to a parental education program that qualifies as a parental**
- 32          **education program under the rules adopted by the commission.**
- 33          **Sec. 4. As used in this chapter, "preschool program" refers to a**
- 34          **preschool program that qualifies as a preschool program under the**
- 35          **rules adopted by the commission.**
- 36          **Sec. 5. As used in this chapter, "school" means any school**
- 37          **maintained by a school corporation.**
- 38          **Sec. 6. As used in this chapter, "reading and family literacy**
- 39          **program" refers to a reading and family literacy program that**
- 40          **qualifies as a reading and family literacy program under the rules**
- 41          **adopted by the commission.**
- 42          **Sec. 7. As used in this chapter, "school corporation" has the**
- 43          **meaning set forth in IC 21-3-1.6-1.1.**
- 44          **Sec. 8. The early learning and school readiness commission is**
- 45          **established to carry out the purposes of this chapter.**
- 46          **Sec. 9. (a) The governor shall:**
- 47                 **(1) determine the number and terms of office of; and**

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(2) appoint;  
the members of the commission.

(b) The term of a member may not exceed four (4) years.

Sec. 10. (a) The governor shall designate a member of the commission to serve as chairperson.

(b) The commission may elect the other officers the commission considers necessary.

Sec. 11. A quorum of the commission must be present to conduct business. A quorum consists of a majority of the voting members appointed to the commission. The commission may not take an official action unless the official action has been approved by at least a majority of the voting members appointed to serve on the commission.

Sec. 12. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 13. The department shall provide staff support to the commission.

Sec. 14. The commission, in consultation with the department, shall establish a program to make:

(1) grants for school years beginning after June 30, 2005, from the early education trust fund to school corporations for full day kindergarten programs under this chapter; and

(2) grants for school years beginning after June 30, 2005, from the early learning trust fund to school corporations and other entities to establish one (1) or more pilot projects for any combination of:

- 1                   (A) preschool programs;  
 2                   (B) reading and family literacy programs; and  
 3                   (C) parental education programs;  
 4           under this chapter.

5           **Sec. 15.** The program must provide for an application  
 6 procedure. An application for a grant must:

- 7                   (1) be on a form prescribed by the department;  
 8                   (2) be signed by:  
 9                         (A) the superintendent of the school corporation applying  
 10                         for the grant; or  
 11                         (B) if, for an application under section 25 of this chapter,  
 12                         the applicant is not a school corporation, the chief  
 13                         executive officer of the applicant; and  
 14                   (3) include the following information:  
 15                         (A) A detailed description of the proposed program or  
 16                         programs.  
 17                         (B) Evidence supporting the applicant's need for the  
 18                         program or programs.  
 19                         (C) Other pertinent information required by the  
 20                         commission, including evidence guaranteeing the applicant  
 21                         has developed a plan to evaluate the effect and results of  
 22                         the applicant's program or programs.

23           **Sec. 16.** The department shall present all applications for a grant  
 24 under this chapter to the commission for review and approval.

25           **Sec. 17.** The commission may approve an application only if the  
 26 commission determines that the application complies with:

- 27                   (1) the requirements set forth in this chapter; and  
 28                   (2) the standards established in the rules adopted by the  
 29                   commission.

30           **Sec. 18.** The program must provide that the recipient of the  
 31 grant is required to enter into a written agreement with the  
 32 department to:

- 33                   (1) use the grant only for the purposes specified in the  
 34                   agreement or an amendment to the agreement; and  
 35                   (2) comply with the other terms established by the commission  
 36                   as a condition of receiving the grant.

37           **Sec. 19.** The commission shall provide the budget agency with:

- 38                   (1) a list of all approved applicants that includes the amount  
 39                   approved for distribution; and  
 40                   (2) a copy of each approved application.

41           **Sec. 20.** An agreement for a grant for a voluntary full day  
 42 kindergarten program must prohibit the imposition of a fee for  
 43 students who participate in the program and qualify for a free or  
 44 reduced lunch program.

45           **Sec. 21.** The department shall:

- 46                   (1) provide for the distribution of the approved amount of a

1 grant; and

2 (2) administer and enforce the agreement made with the  
3 recipient.

4 **Sec. 22. (a) If the number of eligible students exceeds the amount**  
5 **of money available under this chapter for distribution in a state**  
6 **fiscal year, the commission shall provide for distributions to school**  
7 **corporations based on a ranking of schools. For purposes of**  
8 **subsections (b) and (c), schools shall be ranked in the following**  
9 **order:**

10 (1) Schools for which a state full day kindergarten program  
11 grant was received:

12 (A) under this chapter; or

13 (B) under another law;

14 in the immediately preceding school year or calendar year,  
15 ranked from highest to lowest percentage of students eligible  
16 for free or reduced lunch enrolled in the school relative to all  
17 other qualified schools for which an application is made under  
18 this chapter.

19 (2) Schools that are not described in subdivision (1) and  
20 qualify as Title I schools under federal law, ranked from  
21 highest to lowest percentage of students eligible for free or  
22 reduced lunch enrolled in the school relative to other qualified  
23 schools for which an application is made under this chapter.

24 (3) Schools that are not described in subdivision (1) or (2),  
25 ranked from highest to lowest percentage of students eligible  
26 for free or reduced lunch enrolled in the school relative to  
27 other qualified schools for which an application is made under  
28 this chapter.

29 (b) Subject to the funding limitations in this subsection, the  
30 commission shall give first priority to making distributions for  
31 schools that received a state full day kindergarten grant in the  
32 immediately preceding year. The amount that a school is eligible to  
33 receive under this subsection is equal to the amount determined  
34 under STEP THREE of the following formula:

35 **STEP ONE: For each school, determine the lesser of the**  
36 **following:**

37 (A) The number of students in the school who are enrolled  
38 in full day kindergarten in the current school year, as  
39 determined under the rules of the commission.

40 (B) The number equal to the number of students in the  
41 school who were counted in the immediately preceding  
42 year for the purposes of distributing state grants to the  
43 school corporation for full day kindergarten.

44 **STEP TWO: Multiply the number determined under STEP**  
45 **ONE by one thousand five hundred dollars (\$1,500).**

46 **STEP THREE: Determine the lesser of:**

- 1 (A) the amount determined under STEP TWO; or  
 2 (B) the amount remaining in the early learning trust fund  
 3 after making distributions for students in all qualified  
 4 schools that have a higher priority ranking as determined  
 5 under subsection (a).
- 6 (c) After making distributions under subsection (b), the  
 7 commission shall make distributions for schools under this  
 8 subsection. The amount that a school is eligible to receive under  
 9 this subsection is equal to the amount determined under STEP  
 10 THREE of the following formula:
- 11 STEP ONE: Determine the number of students enrolled in the  
 12 school's full day kindergarten program in the current school  
 13 year who were not counted in making a distribution under  
 14 subsection (b), as determined under the rules adopted by the  
 15 commission.
- 16 STEP TWO: Multiply the STEP ONE number by one  
 17 thousand five hundred dollars (\$1,500).
- 18 STEP THREE: Determine the lesser of:
- 19 (A) the amount determined under STEP TWO; or  
 20 (B) the amount remaining in the early learning trust fund  
 21 after making distributions for students in all qualified  
 22 schools that have a higher priority ranking as determined  
 23 under subsection (a).
- 24 Sec. 23. The commission may make a grant to a school  
 25 corporation from the early learning trust fund for the purpose of  
 26 establishing, continuing, or expanding voluntary kindergarten  
 27 programs.
- 28 Sec. 24. The total of all grants made under section 23 of this  
 29 chapter may not exceed the following:
- 30 (1) Forty million dollars (\$40,000,000) during the state fiscal  
 31 year beginning July 1, 2005, and ending June 30, 2006.  
 32 (2) Forty million dollars (\$40,000,000) during the state fiscal  
 33 year beginning July 1, 2006, and ending June 30, 2007.
- 34 Sec. 25. The commission may, after June 30, 2005, and before  
 35 July 1, 2007, make a grant to a school corporation or another entity  
 36 from the fund to implement pilot projects for any combination of  
 37 the following:
- 38 (1) Preschool programs.  
 39 (2) Reading and family literacy programs.  
 40 (3) Parental education programs.
- 41 Sec. 26. The total of all grants made under section 25 of this  
 42 chapter may not exceed the following:
- 43 (1) Eight million dollars (\$8,000,000) during the state fiscal  
 44 year beginning July 1, 2005, and ending June 30, 2006.  
 45 (2) Twelve million dollars (\$12,000,000) during the state fiscal  
 46 year beginning July 1, 2006, and ending June 30, 2007.

1           **Sec. 27. The applications selected for grants under section 25 of**  
 2 **this chapter must, to the extent possible, do the following:**

3           **(1) Represent a geographic balance throughout Indiana and**  
 4 **include urban, suburban, and rural providers.**

5           **(2) Reward school corporations and other entities that**  
 6 **propose programs that demonstrate the greatest potential for**  
 7 **replication and implementation in Indiana.**

8           **Sec. 28. The commission may adopt rules under IC 4-22-2 to**  
 9 **implement this chapter, including rules establishing standards that**  
 10 **must be met by voluntary full day kindergarten programs,**  
 11 **preschool programs, reading and family literacy programs, and**  
 12 **parental education programs in order to be eligible for grants**  
 13 **under this chapter.**

14           SECTION 7. IC 20-10.1-6.5-4 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The school  
 16 technology advancement account is established within the common  
 17 school fund. ~~On July 1 of each year, there is appropriated to the account~~  
 18 ~~an amount of money equal to:~~

19           ~~(1) five million dollars (\$5,000,000); minus~~

20           ~~(2) the amount of money in the account on June 30 of the same~~  
 21 ~~year.~~

22           (b) Advancements of money from the school technology  
 23 advancement account may be made **before July 1, 2005**, to a school  
 24 corporation to:

25           (1) purchase computer hardware and software used primarily for  
 26 student instruction; and

27           (2) develop and implement innovative technology projects.

28           **Advancements may not be made under this section after June 30,**  
 29 **2005.**

30           (c) Money shall be advanced under this section in accordance with  
 31 IC 21-1-5-5, IC 21-1-5-7, and IC 21-1-5-8.

32           SECTION 8. IC 21-1-4-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) It is the duty of  
 34 the general assembly under the Constitution of the State of Indiana to  
 35 encourage by all suitable means moral, intellectual, scientific, and  
 36 agricultural improvement and to provide, by law, for a general and  
 37 uniform system of common schools, wherein tuition shall be without  
 38 charge, and equally open to all.

39           (b) It is the intent of the general assembly that:

40           (1) the common school fund should be used to:

41           (A) assist school corporations and school townships in  
 42 financing ~~their school building construction and educational~~  
 43 ~~technology~~ **voluntary full day kindergarten programs and**  
 44 **other early learning programs under IC 20-8.1-16;** and

45           (B) assist charter schools in financing their operations;  
 46 as authorized by law and under circumstances such that the  
 47 principal of the fund remains inviolate;



- 1 (2) to the end described in subdivision (1), the common school  
 2 fund may be used to make advances to:  
 3 (A) school corporations and school townships under ~~IC 21-1-5;~~  
 4 **IC 20-8.1-16;** and  
 5 (B) charter schools under IC 20-5.5-7-3.5(f) and IC 20-5.5-7.5;  
 6 and  
 7 (3) this chapter is in furtherance of the duties which are imposed  
 8 exclusively upon the general assembly by the Constitution of the  
 9 State of Indiana in connection with the maintenance of a general  
 10 and uniform system of common schools and the investment and  
 11 reinvestment of the common school fund and shall be liberally  
 12 construed to carry out the purposes of the Constitution of the State  
 13 of Indiana.

14 ~~(c) In addition, the common school fund may be used to make~~  
 15 ~~advances under IC 21-1-5.1.~~

16 SECTION 9. IC 21-1-5-3 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The Indiana state  
 18 board of education is authorized to advance money to school  
 19 corporations and school townships from the common school fund  
 20 **before July 1, 2004**, to be used for school building construction and  
 21 educational technology programs as provided in this chapter. **The**  
 22 **Indiana state board of education may not make advances from the**  
 23 **common school fund under this section after June 30, 2005.**

24 (b) As used in this chapter, "school building construction program"  
 25 means the purchase, lease, or financing of land, the construction and  
 26 equipping of school buildings, and the remodeling, repairing, or  
 27 improving of school buildings by a school corporation or school  
 28 township:

- 29 (1) that sustained loss by fire, wind, cyclone, or other disaster of  
 30 all or a major portion of a school building or school buildings;  
 31 (2) whose assessed valuation per pupil ADA is within the lowest  
 32 forty percent (40%) of the assessed valuation per pupil ADA  
 33 when compared to all school corporation or school township  
 34 assessed valuation per pupil ADA; or  
 35 (3) with an advance under this chapter outstanding on July 1,  
 36 1993, that bears interest at least seven and one-half percent  
 37 (7.5%).

38 However, as used in this chapter, the term does not include facilities  
 39 used or to be used primarily for interscholastic or extracurricular  
 40 activities.

41 (c) As used in this chapter, "educational technology program" means  
 42 the purchase, lease, or financing of educational technology equipment,  
 43 the operation of the educational technology equipment, and the training  
 44 of teachers in the use of the educational technology equipment.

45 SECTION 10. IC 21-1-5.1-2 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. To assist a school  
 47 corporation in providing the school corporation's educational program

1 to a student placed in a facility or home as described in  
 2 IC 20-8.1-6.1-5(a) or IC 20-8.1-6.1-5(b) and not later than October 1  
 3 of each school year **ending before July 1, 2005**, the Indiana state board  
 4 of education may advance money from the common school fund to a  
 5 school corporation in anticipation of the school corporation's receipt of  
 6 transfer tuition for students described in IC 20-8.1-6.1-5(a) or  
 7 IC 20-8.1-6.1-5(b) in an amount not to exceed the STEP TWO amount  
 8 of the following formula:

9 STEP ONE: Estimate for the current school year the number of  
 10 students described in IC 20-8.1-6.1-5(a) or IC 20-8.1-6.1-5(b) that  
 11 are transferred to the school corporation.

12 STEP TWO: Multiply the STEP ONE amount by the school  
 13 corporation's prior year per student transfer tuition amount.

14 **The Indiana state board of education may not make an advance**  
 15 **under this chapter after June 30, 2005.**

16 SECTION 11. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**  
 17 **IC 32-34-1-34, after June 30, 2005, and before July 1, 2006, the**  
 18 **treasurer of state shall transfer nine million five hundred thousand**  
 19 **dollars (\$9,500,000) from the abandoned property fund to the early**  
 20 **learning trust fund established by IC 20-8.1-16, as added by this**  
 21 **act.**

22 (b) **Notwithstanding IC 32-34-1-34, after June 30, 2006, and**  
 23 **before July 1, 2007, the treasurer of state shall transfer thirteen**  
 24 **million five hundred thousand dollars (\$13,500,000) from the**  
 25 **abandoned property fund to the early learning trust fund**  
 26 **established by IC 20-8.1-16, as added by this act.**

27 (c) **Notwithstanding IC 32-34-1-34, after June 30, 2007, and**  
 28 **before July 1, 2008, the treasurer of state shall transfer eleven**  
 29 **million five hundred thousand dollars (\$11,500,000) from the**  
 30 **abandoned property fund to the early learning trust fund**  
 31 **established by IC 20-8.1-16, as added by this act.**

32 (d) **The treasurer of state shall make twenty-five hundredths**  
 33 **(0.25) of the amount of a transfer required under subsection (a),**  
 34 **(b), or (c) on a quarterly basis in the state fiscal year in which the**  
 35 **transfer is required. If insufficient money is available in the**  
 36 **abandoned property fund to make the required transfer, the**  
 37 **treasurer of state shall make the required transfer as soon as**  
 38 **practicable after money becomes available in the fund.**

39 (e) **This SECTION expires July 1, 2008.**

40 SECTION 12. [EFFECTIVE UPON PASSAGE] (a) **The early**  
 41 **learning and school readiness commission may adopt temporary**  
 42 **rules in the manner provided for the adoption of emergency rules**  
 43 **under IC 4-22-2-37.1 to implement IC 20-8.1-16, as added by this**  
 44 **act. A temporary rule adopted under this subsection expires on the**  
 45 **earliest of the following:**

46 (1) **The date that another temporary rule adopted under this**  
 47 **subsection supersedes the prior temporary rule.**

- 1           **(2) The date that permanent rules adopted under IC 4-22-2**
- 2           **supersede the temporary rule.**
- 3           **(3) January 1, 2008.**
- 4           **(b) This SECTION expires January 1, 2008.**
- 5           **SECTION 13. An emergency is declared for this act."**
- 6           Renumber all SECTIONS consecutively.  
(Reference is to HB 1794 as printed February 2, 2005.)

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Representative Kersey