HOUSE JOURNAL

SIXTY-SIXTH GENERAL ASSEMBLY

STATE OF COLORADO

Second Regular Session

One hundredth Legislative Day Thursday, April 17, 2008

Prayer by Dr. Gary Bowser, First Baptist Church, Denver.

The Speaker called the House to order at 9:00 a.m.

Pledge of Allegiance led by Charlie Nevitt, University Park Kindergarten, Denver.

The roll was called with the following result:

Present--59.
Excused--Representatives Borodkin, McGihon, Middleton, Mitchell, Riesberg, Vaad--6.
Present after roll call--Representatives Borodkin, McGihon, Middleton, Mitchell, Riesberg.

The Speaker declared a quorum present.

On motion of Representative Peniston, the reading of the journal of April 16, 2008, was declared dispensed with and approved as corrected by the Chief Clerk.

THIRD READING OF BILLS--FINAL PASSAGE

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.

HB08-1167 by Representative(s) Frangas; also Senator Boyd--Concerning specialized legal protections for certain members of vulnerable population groups, and, in connection therewith, prohibiting certain conduct with respect to the guaranteed issue of a medicare supplement policy for disabled persons, creating a working group to study health care issues for vulnerable populations, requiring certain retail establishments to provide toilet facilities to customers who suffer from certain medical conditions, and requiring the conduct of developmental screenings and assessments for certain children receiving welfare services.

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**.

YES	57	NO	07	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Garza-Hicks, Green, Kefalas, Madden, McFadyen, McGihon, Merrifield, Middleton, Solano, Stafford, Todd.

SB08-208 by Senator(s) Windels; also Representative(s) Benefield--Concerning background investigations of school employees.

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**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Carroll T, Jahn, King, Labuda, Madden, Merrifield, Stafford, Summers, Todd.

HB08-1072 by Representative(s) Soper, Pommer; also Senator(s) Williams--Concerning employment incentives for people with disabilities through a medicaid buy-in program, and making an appropriation therefor.

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**.

YES	55	NO	09	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	N	Stephens	N
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

Co-sponsors added: Representatives Buescher, Carroll T, Fischer, Green, Kefalas, Labuda, Madden, McFadyen, McGihon, Merrifield, Middleton, Mitchell, Peniston, Primavera, Solano, Stafford, Todd.

SB08-155 by Senator(s) Cadman, Groff, Morse, Bacon, Boyd, Brophy, Gibbs, Gordon, Hagedorn, Harvey, Isgar, Johnson, Keller, Kester, Kopp, Mitchell S., Penry, Renfroe, Romer, Schultheis, Schwartz, Shaffer, Spence, Tapia, Taylor, Tochtrop, Veiga, Ward, Wiens, Williams, Windels; also Representative(s) Kerr A., Buescher, May M., Balmer, Carroll M., Casso, Fischer, Frangas, Gagliardi, Gallegos, Gardner B., Gardner C., Green, Hodge, Jahn, Judd, Kerr J., King, Lambert, Liston, Looper, Lundberg, Madden, Marostica, Marshall, Massey, McFadyen, McKinley, McNulty, Merrifield, Peniston, Pommer, Primavera, Rice, Rose, Solano, Sonnenberg, Soper, Stafford, Stephens, Summers, Vaad, White, Witwer--Concerning the centralization of the management of state agency information technology resources in the office of information technology, and making an appropriation in connection therewith.

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**.

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	N	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Butcher, Garza-Hicks, Labuda, Middleton, Todd.

SB08-016 by Senator(s) Spence; also Representative(s) Benefield--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution to the 9Health Fair fund.

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**.

YES	55	NO	09	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	N
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

Co-sponsors added: Representatives Fischer, Frangas, Kefalas, McFadyen, Primavera, Rose, Stafford, Todd.

SB08-017 by Senator(s) Spence, Isgar, Takis, Taylor; also Representative(s) Primavera, Kerr J., Marshall,

Mitchell V.--Concerning credentialing for occupational education teachers, and making an appropriation therefor.

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**.

YES	62	NO	02	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	N	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Merrifield, Rose, Summers, Todd.

SB08-029 by Senator(s) Groff, Bacon, Keller, Kester, Penry, Tapia, Tochtrop; also Representative(s) Balmer--Concerning a requirement that an architect obtain continuing education prior to the renewal of a license to practice architecture in Colorado, and making an appropriation in connection therewith.

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**.

YES	48	NO	16	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	N	Stafford	N
Casso	N	Kerr J	Y	McNulty	N	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	N	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	N

Gallegos	Y	Looper	N	Primavera	Y	White	Y
Gardner B	N	Lundberg	N	Rice	Y	Witwer	N
						Speaker	Y

Co-sponsors added: Representatives Fischer, Green, Labuda, Liston, McFadyen.

SB08-039 by Senator(s) Kopp; also Representative(s) Witwer--Concerning a training program for directors of fire protection districts in wild land-urban interface areas, and making an appropriation in connection therewith.

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**.

YES	64	NO	00	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Carroll T, Curry, Frangas, Garza-Hicks, Green, Hodge, Kerr J, King, Labuda, Lambert, Liston, Looper, Lundberg, Massey, McFadyen, Merrifield, Middleton, Mitchell, Roberts, Rose, Scanlan, Solano, Stafford, Summers, Todd, Speaker.

SB08-077 by Senator(s) Johnson; also Representative(s) Jahn--Concerning the use of computer technology to circumvent authorized limits set by the vendor offering event tickets for sale using electronic means.

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**.

YES	63	NO	01	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y

Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Carroll T, Green, Soper, Stephens, Todd.

SB08-063 by Senator(s) Penry; also Representative(s) Butcher--Concerning the harmonization of sound-pressure standards applicable to the operation of off-highway vehicles with federal off-highway motorcycle manufacturing standards by the adoption of SAE international's sound pressure tests.

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**.

YES	61	NO	03	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	N
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	N	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Curry, Kerr J, McFadyen.

SB08-099 by Senator(s) Sandoval; also Representative(s) Stafford--Concerning extending medicaid eligibility for persons who are in the foster care system immediately prior to emancipation, and making an appropriation therefor.

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**.

YES	57	NO	07	EXCUSED	01	ABSENT	00
Balmer	Y	Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	N	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	N	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	N	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	N	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Benefield, Borodkin, Buescher, Casso, Ferrandino, Frangas, Gagliardi, Garza-Hicks, Green, Hodge, Jahn, Kefalas, Kerr A, Labuda, Looper, Madden, McFadyen, McGihon, Merrifield, Primavera, Rice, Solano, Summers, Swalm, Todd.

CONSIDERATION OF RESOLUTION

HJR08-1029 by Representative(s) Jahn; also Senator(s) Boyd--Concerning recognition of Crime Victims' Rights Week in Colorado.

(Printed and placed in member's file.)

On motion of Representative Jahn, the resolution was **adopted** by **viva voce** vote.

Co-sponsors added: Representatives Balmer, Benefield, Borodkin, Buescher, Butcher, Carroll M, Carroll T, Casso, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gallegos, Gardner B, Gardner C, Garza-Hicks, Green, Hodge, Jahn, Judd, Kefalas, Kerr A, Kerr J, King, Labuda, Lambert, Levy, Liston, Looper, Lundberg, Marostica, Marshall, Massey, May, McFadyen, McGihon, McKinley, McNulty, Merrifield, Middleton, Mitchell, Peniston, Pommer, Primavera, Rice, Riesberg, Roberts, Rose, Scanlan, Solano, Sonnenberg, Soper, Stafford, Stephens, Summers, Swalm, Todd, Weissmann, White, Witwer, Speaker.

MESSAGE FROM THE SENATE

The Senate has adopted and transmits herewith: SJR08-019.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SB08-117 by Senator(s) Mitchell S.; also Representative(s) McNulty--Concerning local government treatment of solar energy device permits.

Laid over until later in the day.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

On motion of Representative Carroll T, the rules were suspended for immediate consideration of SJR08-019.

SJR08-019 by Senator(s) McElhany and Schultheis; also Representative(s) Stephens--Concerning honoring Jeanne Assam.

On motion of Representative Stephens, the resolution was read at length and **adopted** by the following roll call vote:

YES	63	NO	00	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	E	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	Y	Marshall	Y	Rose	Y
Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Balmer, Borodkin, Buescher, Butcher, Carroll M, Carroll T, Curry, Ferrandino, Fischer, Frangas, Gardner B, Gardner C, Garza-Hicks, Green, Hodge, Jahn, Kerr A, Kerr J, King, Lambert, Liston, Looper, Lundberg, Marostica, Marshall, Massey, May, McFadyen, McGihon, McNulty, Middleton, Mitchell, Peniston, Rice, Roberts, Rose, Scanlan, Solano, Sonnenberg, Stafford, Summers, Swalm, Todd, White, Witwer, Speaker.

House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

HEALTH & HUMAN SERVICES

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

HB08-1396 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 4, line 10, after "BENEFITS", insert "OR IMPACTS".

SB08-203 be referred to the Committee of the Whole with favorable recommendation.

JUDICIARY

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

HB08-1397 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 21, after "EVIDENCE", insert "THAT MAY CONTAIN DNA".

Page 4, line 8, after "EVIDENCE", insert "THAT MAY CONTAIN DNA";

line 14, strike "PRACTICES," and substitute "PRACTICES AT THAT TIME,";

line 20, strike "PRACTICES," and substitute "PRACTICES AT THAT TIME,".

Page 6, after line 7, insert the following:

"(IV) IF THE EVIDENCE CUSTODIAN DOES NOT RECEIVE A NOTICE FROM THE DISTRICT ATTORNEY AS DESCRIBED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (b) WITHIN A REASONABLE AMOUNT OF TIME, THE EVIDENCE CUSTODIAN MAY FILE A MOTION ASKING FOR A COURT ORDER TO DESTROY THE EVIDENCE. A COPY OF THE MOTION SHALL BE PROVIDED CONTEMPORANEOUSLY WITH THE FILING OF THE MOTION TO THE DISTRICT ATTORNEY AND THE DEFENDANT'S ATTORNEY OF RECORD, OR THE DEFENDANT, IF THE DEFENDANT DOES NOT HAVE AN ATTORNEY. THE MOTION SHALL SPECIFY THE EVIDENCE THE EVIDENCE CUSTODIAN SEEKS TO DESTROY AND SHALL STATE THE GROUNDS FOR THE DESTRUCTION. THE EVIDENCE CUSTODIAN SHALL NOT DESTROY THE EVIDENCE UNLESS HE OR SHE RECEIVES A COURT ORDER PERMITTING THE DESTRUCTION. THE DEFENDANT OR DISTRICT ATTORNEY SHALL HAVE NINETY DAYS FROM THE DATE THE MOTION IS FILED TO FILE AN OBJECTION TO THE MOTION. THE COURT SHALL HAVE LIMITED JURISDICTION TO HEAR A MOTION FILED PURSUANT TO THIS SUBPARAGRAPH (IV). IF AN OBJECTION IS FILED, THE

COURT SHALL FOLLOW THE PROCESS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION FOR CONSIDERATION OF AN OBJECTION TO A REQUEST TO DESTROY EVIDENCE. IF NO OBJECTION IS FILED WITHIN THE NINETY DAY PERIOD, THE COURT MAY ISSUE AN ORDER FOR THE DESTRUCTION OF THE EVIDENCE. THE COURT SHALL PROVIDE A COPY OF THE ORDER TO DESTROY THE EVIDENCE TO THE DEFENDANT, DISTRICT ATTORNEY, AND EVIDENCE CUSTODIAN.";

line 16, strike "DEFENDANT";

line 17, strike "OR ATTORNEY OF RECORD" and substitute "DEFENDANT, THROUGH LEGAL COUNSEL,".

Page 10, after line 1, insert the following:

"(V) A DEFENSE ATTORNEY IN PRIVATE PRACTICE;".

Renumber succeeding sub-paragraphs accordingly.

SB08-106 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, line 14, strike "SEX OFFENDER ASSESSMENT" and substitute "SEX-OFFENSE-SPECIFIC EVALUATION AND A PARENTAL RISK ASSESSMENT";

line 15, before "ASSESSMENT", insert "EVALUATION AND THE";

line 17, strike "COST" and substitute "COSTS";

line 18, before "ASSESSMENT.", insert "EVALUATION AND THE".

SB08-205 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, strike lines 3 through 12 and substitute the following:

"**remedy.** (1) (a) IF A LAW ENFORCEMENT AGENCY, THROUGH NEGLIGENCE, DESTROYS, LOSES, OR OTHERWISE DISPOSES OF BIOLOGICAL EVIDENCE THAT IS THE SUBJECT OF AN ORDER FOR TESTING, AN ORDER FOR RELEASE AND TESTING, OR AN ORDER PURSUANT TO SECTIONS 18-1-411 TO 18-1-417, C.R.S., BEFORE THE EVIDENCE MAY BE TESTED, THE COURT SHALL SET A HEARING TO DETERMINE WHETHER A REMEDY IS WARRANTED. IF THE COURT DETERMINES THAT A REMEDY IS WARRANTED, THE COURT MAY ORDER WHATEVER REMEDY THE COURT FINDS IS JUST AND APPROPRIATE. NOTHING IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO LIMIT OR ELIMINATE THE COURT'S AUTHORITY TO ORDER ANY REMEDY OTHERWISE AVAILABLE UNDER LAW FOR THE DESTRUCTION, LOSS, OR DISPOSAL OF EVIDENCE. THE COURT NEED NOT

FIND BAD FAITH IN ORDER TO PROVIDE A DUE PROCESS REMEDY; NEGLIGENT LOSS OR NEGLIGENT DESTRUCTION IS SUFFICIENT.

(b) FOR THE PURPOSES OF THIS SUBSECTION (1), "NEGLIGENCE" MEANS A DEPARTURE FROM THE ORDINARY STANDARD OF CARE.".

Reletter succeeding paragraphs accordingly.

Page 3, after line 19, insert the following:

"**SECTION 3.** 18-1-414 (3), Colorado Revised Statutes, is amended to read:

18-1-414. Preservation of evidence. (3) Notwithstanding the provisions of subsection (2) of this section, this section does not create a duty to preserve biological evidence, UNLESS AN ORDER FOR TESTING OR RELEASE AND TESTING IS ENTERED BY THE COURT, nor does it create a liability on the part of a law enforcement agency for failing to preserve biological evidence.

SECTION 4. 24-4.1-302 (2) (r) and (2) (s), Colorado Revised Statutes, are amended, and the said 24-4.1-302 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(r) Any petition by a sex offender to terminate sex offender registration; ~~and~~

(s) The execution of an offender in a capital case; AND

(t) A HEARING HELD PURSUANT TO SECTION 16-12-104, C.R.S.".

Renumber succeeding sections accordingly.

On motion of Representative Carroll T, **SB08-192, HB08-1381, 1082, 1344, SB08-203** were added to the Special Orders Calendar on Thursday, April 17, 2008.

On motion of Representative Labuda, the House resolved itself into Committee of the Whole for consideration of Special Orders and she was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

SB08-101 by Senator(s) Schultheis, Morse, Harvey, Johnson, Kester, Kopp, Renfroe, Spence, Taylor; also Representative(s) Gardner B., Lambert, Looper, Soper, Stephens, Witwer--Concerning the creation of the North American aerospace defense commemorative special license plate, and making an appropriation in connection therewith.

Amendment No. 1, Transportation & Energy Report, dated March 18, 2008, and placed in member's bill file; Report also printed in House Journal, March 19, page 935.

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

SB08-114 by Senator(s) Veiga, Tochtrop; also Representative(s) Scanlan--Concerning required acts of employee leasing companies by the department of labor and employment, and making an appropriation in connection therewith.

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

SB08-118 by Senator(s) Keller, Johnson, Morse; also Representative(s) Buescher, Pommer, White--Concerning an annual transfer of moneys to pay for medicaid disease management programs, and making an appropriation in connection therewith.

Laid over until April 18, retaining place on Calendar.

SB08-192 by Senator(s) Ward and Williams, Hagedorn, Bacon, Boyd, Gordon, Mitchell S., Shaffer, Spence, Tapia; also Representative(s) Rice and McGihon, Stafford, Labuda, Levy, Massey, Middleton, Primavera, Roberts, Todd, White--Concerning restrictions against certain picketing in a residential area.

Amendment No. 1, Judiciary Report, dated April 9, 2008, and placed in member's bill file; Report also printed in House Journal, April 10, page 1239.

Amendment No. 2, by Representative Stephens.

Amend reengrossed bill, page 4, after line 1, insert the following:

"(4) VEHICLES OR TRAILERS USED IN TARGETED PICKETING SHALL NOT PARK WITHIN THREE RESIDENCES OR THREE HUNDRED FEET OF A

RESIDENCE THAT IS THE SUBJECT OF TARGETED PICKETING. THERE IS A PRESUMPTION THAT A VEHICLE OR TRAILER IS USED IN TARGETED PICKETING WHEN SIGNAGE IS AFFIXED TO THE VEHICLE CONTAINING CONTENT RELATED TO THE TARGETED PICKETING.".

Renumber succeeding subsections accordingly.

Amendment No. 3, by Representatives McGihon and Rice.

Amend reengrossed bill, page 4, after line 21, insert the following:

"**SECTION 2. Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.".

Renumber succeeding sections accordingly.

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

HB08-1381 by Representative(s) Frangas, Casso--Concerning measures to prevent the loss of a mortgagor's equity in real property used as collateral for a loan.

Amendment No. 1, Business Affairs & Labor Report, dated April 10, 2008, and placed in member's bill file; Report also printed in House Journal, April 11.

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

On motion of Representative Carroll T, the remainder of the Special Orders Calendar (**HB08-1082, 1344, SB08-203**) was laid over until April 18, retaining place on Calendar.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB08-101 amended, 114, 192 amended, HB08-1381 amended**.

Laid over until date indicated retaining place on Calendar: **SB08-118, HB08-1082, 1344, SB08-203**--April 18, 2008.

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

YES	62	NO	01	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner C	Y	Madden	E	Riesberg	Y
Benefield	Y	Garza-Hicks	Y	Marostica	Y	Roberts	Y
Borodkin	Y	Green	N	Marshall	Y	Rose	Y

Bruce	Y	Hodge	Y	Massey	Y	Scanlan	Y
Buescher	Y	Jahn	Y	May	Y	Solano	Y
Butcher	Y	Judd	Y	McFadyen	Y	Sonnenberg	Y
Carroll M	Y	Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y	Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y	Kerr J	Y	McNulty	Y	Stephens	Y
Curry	Y	King	Y	Merrifield	Y	Summers	Y
Ferrandino	Y	Labuda	Y	Middleton	Y	Swalm	Y
Fischer	Y	Lambert	Y	Mitchell	Y	Todd	Y
Frangas	Y	Levy	Y	Peniston	Y	Vaad	E
Gagliardi	Y	Liston	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Looper	Y	Primavera	Y	White	Y
Gardner B	Y	Lundberg	Y	Rice	Y	Witwer	Y
						Speaker	Y

House in recess. House reconvened.

REPORTS OF COMMITTEE OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

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

HB08-1394 be referred to the Committee of the Whole with favorable recommendation.

HCR08-1005 be postponed indefinitely.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB08-1038, 1131, 1224, 1248, 1270**.

MESSAGE FROM THE SENATE

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

SB08-001 amended as printed in Senate Journal, April 16, 2008, page 986,

HB08-1335 amended as printed in Senate Journal, April 16, 2008, page 987.

The Senate has granted permission to the First Conference Committee on HB08-1358 to go beyond the scope of the difference between the two houses.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB08-1335.
Without comment, as amended, SB08-001.

INTRODUCTION OF BILLS
First Reading

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

HB08-1401 by Representative(s) Marshall--Concerning a requirement that the county clerk and recorder of each county send a voter information card to each registered eligible elector of the county other than an elector whose previous communication from the county clerk and recorder was returned as undeliverable.
Committee on State, Veterans, & Military Affairs

SB08-001 by Senator(s) Morse; also Representative(s) Stephens--Concerning creation of a school safety resource center within the department of public safety, and making an appropriation therefor.
Committee on Education
Committee on Appropriations

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

HCR08-1006 by Representative(s) Gardner C., Balmer, Gardner B., Garza-Hicks, Kerr J., King, Lambert, Liston, Looper, Lundberg, Marostica, Massey, May M., McNulty, Mitchell V., Roberts, Sonnenberg, Stephens, Summers, Swalm, Vaad, Witwer; also Senator(s) Kopp, Harvey, Cadman, Johnson, Kester, McElhany, Mitchell S., Penry, Renfroe, Schultheis, Spence, Taylor, Wiens--Submitting to the registered electors of the state of Colorado an amendment to section 20 of article X of the constitution of the state of Colorado, concerning required prior voter approval for all mill levy increases for property tax purposes, and, in connection therewith, requiring the prevention of a constitutionally required mill levy decrease to be considered a mill levy increase that is subject to voter approval before taking effect and repealing any existing law or policy that prevented a constitutionally required mill levy decrease without prior voter approval.
Committee on State, Veterans, & Military Affairs

HCR08-1007 by Representative(s) McNulty, Garza-Hicks, Kerr J., May M., Rose, Sonnenberg, Stephens, Vaad; also Senator(s) Kopp, Kester, Penry, Schultheis, Taylor--Submitting to the registered electors of the state of Colorado an amendment to section 7 of article XXVIII of the constitution of the state of Colorado, concerning a requirement that mandatory disclosure of information about campaign contributions received by certain entities involved in electoral politics include information about all contributions received by such entities regardless of the monetary amount of the contribution.

Committee on State, Veterans, & Military Affairs

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and laid over one day under the rules:

HJR08-1030 by Representative(s) Romanoff, Madden, May M.; also Senator(s) Groff--Concerning changes to the Joint Rules of the Senate and House of Representatives regarding equal access for persons with disabilities to legislative proceedings.

HJR08-1033 by Representative(s) Lundberg, Massey, Buescher, Curry, Gallegos, Gardner C., King, Levy, Mitchell V., Roberts, Rose, Scanlan, White, Witwer; also Senator(s) Gibbs--Concerning healthy forests in Colorado.

HJR08-1034 by Representative(s) Labuda, Butcher, Casso, Curry, Ferrandino, Frangas, Gagliardi, Gallegos, Green, Hodge, Kefalas, Kerr A., Kerr J., Levy, Looper, Marostica, Massey, McNulty, Middleton, Peniston, Primavera, Riesberg, Roberts, Scanlan, Soper, Stephens, Summers, Todd, Weissmann; also Senator(s) Boyd, Keller, Sandoval--Concerning support for the federal "SMA Treatment Acceleration Act", and, in connection therewith, raising public awareness of Spinal Muscular Atrophy.

HJR08-1035 by Representative(s) Gardner B.; also Senator(s) McElhany--Concerning recognition of the United States Space Foundation in Colorado Springs.

HJR08-1036 by Representative(s) Gardner B., Buescher, Carroll M., Carroll T., Gardner C., Judd, King, Levy, Marshall, Roberts, Stephens, Witwer; also Senator(s) Veiga, Shaffer, Gordon, Mitchell S.--Concerning recognition of May 1, 2008, as Law Day.

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

HJR08-1031 by Representative(s) Frangas, Fischer, Kefalas, Levy, Merrifield, Middleton--Concerning the creation of an interim committee to study health care for vulnerable populations.
Committee on Health and Human Services

HJR08-1032 by Representative(s) Weissmann--Concerning the creation of an interim committee to study the administration of elections and the duties of the Secretary of State.
Committee on State, Veterans, & Military Affairs

LAY OVER OF CALENDAR ITEMS

On motion of Representative Weissmann, the following items on the Calendar were laid over until April 18, retaining place on Calendar:

Consideration of General Orders--**HB08-1357, SB08-102, HB08-1306, HB08-1325, SB08-075**.
Consideration of Conference Committee Report--**SB08-117**.
Consideration of Resolutions--**HR08-1011, HJR08-1025, 1028**.
Consideration of Memorial--**SJM08-001**.
Consideration of Senate Amendments--**HB08-1220, 1005, 1027**.
Consideration of Adherence--**SB08-019**.

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., April 18, 2008.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk