

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

Fifty-seventh Legislative Day

Wednesday, March 4, 2009

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
 2 Church, Denver.

3
 4 The Speaker called the House to order at 9:00 a.m.

5
 6 Pledge of Allegiance led by Matthew Baumgardner, Hot Sulphur Springs.

7
 8 The roll was called with the following result:

9
 10 Present--63.

11 Excused--Representative(s) Miklosi, Pommer--2.

12 Present after roll call--Representative(s) Miklosi, Pommer.

13
 14 The Speaker declared a quorum present.

15
 16
 17 On motion of Representative McCann, the reading of the journal of
 18 March 3, 2009, was declared dispensed with and approved as corrected
 19 by the Chief Clerk.

20
 21
 22
 23 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

24
 25 **SB09-217** by Senator(s) White, Keller, Tapia; also Representative(s)
 26 Ferrandino, Pommer, Marostica--Concerning the
 27 reduction of moneys transferred to certain funds from the
 28 portion of limited gaming fund moneys that would
 29 otherwise be transferred to the general fund after the
 30 transfer to the local government limited gaming impact
 31 fund.

32
 33 (Conference Committee Report printed in House Journal, March 3,
 34 page 595.)

35
 36 On motion of Representative Ferrandino, the Conference Committee
 37 Report was **adopted** by the following roll call vote:

	YES	59	NO	6	EXCUSED	0	ABSENT	0
40	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
41	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
42	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
43	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y

1	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
2	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
3	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
4	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
5	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
6	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
7	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
8	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
9	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
10	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
11	Gardner C.	N	May	Y	Rice	Y	Waller	Y
12	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
13							Speaker	Y

14

15 The question being "Shall the bill, as amended, pass?".

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

19

20

	YES	60	NO	5	EXCUSED	0	ABSENT	0
21	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
22	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
23	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
24	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
25	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
26	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
27	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
28	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
29	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
30	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
31	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
32	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
33	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
34	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
35	Gardner C.	N	May	Y	Rice	Y	Waller	Y
36	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
37							Speaker	Y

38

39 **SB09-185** by Senator(s) Keller, Tapia, White; also Representative(s)
 40 Pommer, Ferrandino, Marostica--Concerning a
 41 supplemental appropriation to the department of
 42 education.

43

44 (Conference Committee Report printed in House Journal, March 3,
 45 page 594.)

46

47 On motion of Representative Pommer, the Conference Committee Report
 48 was **adopted** by the following roll call vote:

49

	YES	57	NO	8	EXCUSED	0	ABSENT	0
51	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
52	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
53	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
54	Baumgardner	Y	Kefalas	N	McNulty	N	Schafer S.	Y
55	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
56	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N

1	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
2	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
3	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
4	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
5	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
6	Frangas	N	Looper	Y	Pommer	Y	Todd	Y
7	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
8	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
9	Gardner C.	N	May	Y	Rice	Y	Waller	Y
10	Gerou	N	McCann	Y	Riesberg	Y	Weissmann	Y
11							Speaker	Y

12
13 The question being "Shall the bill, as amended, pass?".
14 A roll call vote was taken. As shown by the following recorded vote, a
15 majority of those elected to the House voted in the affirmative and the
16 bill, as amended, was declared **repassed**.

17	YES	58	NO	7	EXCUSED	0	ABSENT	0
18								
19	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
20	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
21	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
22	Baumgardner	Y	Kefalas	N	McNulty	N	Schafer S.	Y
23	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
24	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
25	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
26	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
27	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
28	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
29	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
30	Frangas	N	Looper	Y	Pommer	Y	Todd	Y
31	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
32	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
33	Gardner C.	N	May	Y	Rice	Y	Waller	Y
34	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
35							Speaker	Y

36
37
38
39 **CONSIDERATION OF SENATE AMENDMENT(S) TO HOUSE BILL(S)**

40
41 **HB09-1109** by Representative(s) Priola; also Senator(s) Veiga--
42 Concerning the extension of foreclosure protection to
43 owners of residential properties as to which formal
44 foreclosure proceedings have not yet been commenced.

45
46 (Amended as printed in Senate Journal, March 2, page 548.)

47
48 Representative Priola moved that the House **concur** in Senate
49 amendments. The motion was declared **passed** by the following roll call
50 vote:

51	YES	65	NO	0	EXCUSED	0	ABSENT	0
52								
53	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
54	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
55	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
56	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y

1	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
2	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
3	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
4	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
5	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
6	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
7	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
8	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
9	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
10	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
11	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
12	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
13							Speaker	Y

14
 15 The question being, "Shall the bill, as amended, pass?"
 16 A roll call vote was taken. As shown by the following recorded vote, a
 17 majority of those elected to the House voted in the affirmative, and the
 18 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
21	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
22	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
23	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
24	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
25	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
26	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
27	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
28	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
29	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
30	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
31	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
32	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
33	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
34	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
35	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
36	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
37							Speaker	Y

38 Co-sponsor(s) added: Representative(s) Gardner B., Kerr J., Summers, Swalm,
 39 Waller

40
 41
 42
 43 **MESSAGE FROM THE SENATE**

44
 45 The Senate has adopted and transmits herewith: SJR09-018.

46
 47
 48
 49 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

50
 51 On motion of Representative Weissmann, the rules were suspended and
 52 the following resolution was given immediate consideration.

53
 54 **SJR09-018** by Senator(s) Tochtrop; also Representative(s) Kerr A.--
 55 Concerning the designation of March 2009 as Colorectal
 56 Cancer Awareness Month.

1 (Printed and placed in member's file).

2

3 On motion of Representative Kerr A., the resolution was read at length
4 and **adopted** by **viva voce** vote.

5

6 Co-sponsor(s) added: Representative(s) Acree, Apuan, Balmer, Baumgardner,
7 Benefield, Bradford, Casso, Court, Curry, Ferrandino, Fischer, Frangas,
8 Gagliardi, Gardner B., Gardner C., Gerou, Green, Hullinghorst, Judd, Kefalas,
9 Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Marostica, Massey,
10 May, McCann, McFadyen, McGihon, McKinley, McNulty, Merrifield,
11 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera,
12 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
13 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil,
14 Waller, Weissmann, Speaker

15

16

17

18 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

19

20 **FINANCE**

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

23

24 **SB09-041** be referred to the Committee of the Whole with favorable
25 recommendation.

26

27

28 **SB09-096** be referred to the Committee of the Whole with favorable
29 recommendation.

30

31

32

33

34 **HEALTH & HUMAN SERVICES**

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

37

38 **HB09-1209** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41

42 Amend printed bill, page 2, strike lines 2 through 10.

43

44 Renumber succeeding sections accordingly.

45

46 Page 4, line 2, strike "(1) (d),";

47

48 line 3, strike "(3) (1)," and, strike "amended, and" and substitute "amended
49 to read:"

50

51 strike lines 4 and 5;

52

53 line 14, strike "INDIVIDUALS" and substitute "BUSINESS GROUPS OF ONE";

54

55 strike lines 16 and 17.

56

1 Page 5, strike lines 17 through 20;

2

3 line 22, after "(a)", insert "(I)";

4

5 strike line 27 and substitute the following:

6

7 "selected, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS

8 PARAGRAPH (a).

9

10 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH

11 (a), A COOPERATIVE MAY SPECIFY THAT IF A PERSON JOINS THE

12 COOPERATIVE WHILE SUFFERING FROM A MAJOR HEALTH CONDITION,

13 SUBSEQUENTLY RECOVERS, AND LEAVES THE COOPERATIVE VOLUNTARILY,

14 THE PERSON MAY NOT REJOIN THE COOPERATIVE UNTIL AFTER A WAITING

15 PERIOD OF UP TO THREE YEARS."

16

17 Page 6, strike lines 4 through 6;

18

19 line 13, strike " title. IF A WAIVERED COOPERATIVE" and substitute "title

20 AND;

21

22 strike lines 14 and 15 and substitute the following:

23

24 "SHALL OFFER THE SAME TYPES OF HEALTH BENEFIT PLANS TO THE

25 WAIVERED COOPERATIVE THAT THE CARRIER OFFERS TO OTHER GROUPS

26 THAT ARE THE SAME OR SIMILAR SIZE AS THE";

27

28 line 16, strike "COOPERATIVE, WHICH PLANS" and substitute

29 "COOPERATIVE. UNLESS THE AGGREGATE NUMBER OF EMPLOYEES OF ALL

30 THE EMPLOYER-MEMBERS OF A COOPERATIVE IS FIFTY OR FEWER, A

31 CARRIER DOING BUSINESS WITH THAT COOPERATIVE SHALL NOT BE

32 REQUIRED TO OFFER A BASIC AND THE STANDARD HEALTH BENEFIT PLANS

33 TO THE COOPERATIVE. THE PLANS OFFERED TO A WAIVERED

34 COOPERATIVE";

35

36 line 18, after "EMPLOYER-MEMBERS.", add "THE COMMISSIONER SHALL

37 ADOPT RULES DEFINING THE SIZE RANGE OF GROUPS AND COOPERATIVES

38 THAT WOULD BE THE SAME OR SIMILAR FOR PURPOSES OF THIS

39 SUBPARAGRAPH (I).";

40

41 line 22, strike "10-16-105, AND" and substitute "10-16-105; EXCEPT THAT

42 IF THE MEMBERS OF THE COOPERATIVE ARE NOT IN THE SAME INDUSTRIAL

43 CLASSIFICATION, THE CARRIER SHALL NOT ADJUST THE RATES FOR THE

44 COOPERATIVE PURSUANT TO SECTION 10-16-105 (8.5) (a) (I) (A) FOR

45 STANDARD INDUSTRIAL CLASSIFICATION. THE CARRIER."

46

47

48

49 **HB09-1275** be amended as follows, and as so amended, be referred to

50 the Committee on Appropriations with favorable

51 recommendation:

52

53 Amend printed bill, page 3, line 5, after the period, add "ANY FEE

54 COLLECTED FOR A PROVISIONAL CERTIFICATION SHALL BE DEPOSITED IN

55 THE EMERGENCY MEDICAL SERVICES ACCOUNT CREATED IN SECTION

56 25-3.5-603.";

1 after line 5, insert the following:

2

3 "SECTION 2. 25-3.5-603 (1) (a), Colorado Revised Statutes, is
4 amended to read:

5

6 **25-3.5-603. Emergency medical services account - creation -**
7 **allocation of funds.** (1) (a) There is hereby created a special account
8 within the highway users tax fund established pursuant to section
9 43-4-201, C.R.S., to be known as the emergency medical services
10 account, which shall consist of all moneys transferred thereto in
11 accordance with section 42-3-304 (21), C.R.S., AND FEES COLLECTED
12 PURSUANT TO SECTION 25-3.5-203 FOR PROVISIONAL CERTIFICATIONS OF
13 EMERGENCY MEDICAL TECHNICIANS."

14

15 Renumber succeeding section accordingly.

16

17

18

19

20 TRANSPORTATION & ENERGY

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

23

24 **HB09-1246** be amended as follows, and as so amended, be referred to
25 the Committee on Appropriations with favorable
26 recommendation:

27

28 Amend printed bill, page 2, line 8, strike "FEES" and substitute "PENALTY
29 SURCHARGES";

30

31 line 12, strike "FEE" and substitute "PENALTY SURCHARGE";

32

33 line 19, strike "COURSE" and substitute "SCHOOL".

34

35 Page 3, strike line 3 and substitute the following:

36

37 "PAY, IN ADDITION TO ANY OTHER PENALTIES, A PENALTY SURCHARGE";

38

39 line 4, after the period, insert "THE DRIVER IMPROVEMENT SCHOOL SHALL
40 COLLECT THE PENALTY SURCHARGE AND REMIT IT TO THE DEPARTMENT IN
41 ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT.";

42

43 line 5, strike "FEE" and substitute "PENALTY SURCHARGE";

44

45 line 6, strike "FEE" and substitute "PENALTY SURCHARGE".

46

47

48

49 **HB09-1279** be amended as follows, and as so amended, be referred to
50 the Committee of the Whole with favorable
51 recommendation:

52

53 Amend printed bill, page 3, line 6, strike "42-4-1803," and substitute
54 "42-4-1803 (1)," and strike "amended" and substitute "amended, and the
55 said 42-4-1803 is further amended BY THE ADDITION OF A NEW
56 SUBSECTION,";

1 strike lines 24 through 27.
2
3 Page 4, strike lines 1 through 14;
4
5 line 15, before "MOTOR", insert "THE MOTOR VEHICLE AND THE";
6
7 line 17, before "CARGO", insert "HAZARDOUS OR COMMERCIAL";
8
9 line 18, after the period, add "THE COMMERCIAL CARRIER SHALL BE
10 RESPONSIBLE FOR REMOVAL OR CLEAN-UP OF THE HAZARDOUS OR
11 COMMERCIAL CARGO."

12
13 Page 6, line 19, strike "A MOTOR" and substitute "AN INDEPENDENT
14 MOTOR";

15
16 strike lines 23 and 24 and substitute the following:

17
18 "(b) SUBJECT TO SECTION 42-4-1804, THE".
19

20 Page 11, line 19, strike "IF" and substitute "SUBJECT TO SECTION
21 42-4-2103 AND IF".

22
23
24 House in recess. House reconvened.
25
26

27
28 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

29
30 **BUSINESS AFFAIRS & LABOR**

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

33
34 **HB09-1210** be postponed indefinitely.

35
36
37 **HB09-1276** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40
41 Amend printed bill, page 3, line 3, after the period, add "IF THE
42 DOCUMENT REQUIRED BY THIS PARAGRAPH (g) IS NOT FILED AT THE TIME
43 THE DOCUMENTS REQUIRED BY PARAGRAPHS (a) THROUGH (e) OF THIS
44 SUBSECTION (1) ARE FILED WITH THE PUBLIC TRUSTEE, AND THE HOLDER
45 DETERMINES AT A LATER DATE THAT THE PROPERTY REQUIRES POSTING,
46 THE HOLDER SHALL REQUEST THAT THE PUBLIC TRUSTEE RERECORD THE
47 NOTICE OF ELECTION AND DEMAND. THEREAFTER, ALL DEADLINES FOR
48 THE FORECLOSURE ACTION SHALL BE DETERMINED ACCORDING TO THE
49 DATE OF THE RERECORDING OF THE NOTICE OF ELECTION AND DEMAND AS
50 THOUGH THE FORECLOSURE WAS COMMENCED ON SUCH DATE, AND THE
51 PUBLIC TRUSTEE SHALL COLLECT A FEE OF SEVENTY-FIVE DOLLARS FROM
52 THE HOLDER.

53
54 **SECTION 3.** 38-38-109 (1) (c) (I), Colorado Revised Statutes,
55 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH
56 to read:

1 **38-38-109. Continuance of sale - effect of bankruptcy -**
2 **withdrawal of sale. (1) Continuance.** (c) (I) (C) DURING A
3 FORECLOSURE DEFERMENT PURSUANT TO PART 8 OF THIS ARTICLE, ANY
4 CONTINUANCE REQUIRED BY SUB-SUBPARAGRAPHS (A) AND (B) OF THIS
5 SUBPARAGRAPH (I) SHALL RUN CONCURRENTLY TO THE FORECLOSURE
6 DEFERMENT."

7

8 Renumber succeeding sections accordingly.

9

10 Page 3, line 16, after the period, add "THE OFFICER IS NOT OBLIGATED TO
11 PROVIDE MORE THAN ONE NOTICE TO THE HOLDER OR THE HOLDER'S
12 ATTORNEY.";

13

14 strike lines 17 through 20 and substitute the following:

15

16 "(II) AFTER NOTICE IS MADE PURSUANT TO SUBPARAGRAPH (I) OF
17 THIS PARAGRAPH (d) THAT NO AFFIDAVIT WAS PROVIDED AND UNTIL THE
18 REQUIRED AFFIDAVIT IS PROVIDED, THE OFFICER SHALL CONTINUE THE
19 SALE OF THE PROPERTY IN ACCORDANCE WITH SECTION 38-38-109 AN
20 ADDITIONAL WEEK FOR EACH WEEK THAT THE HOLDER FAILS TO PROVIDE
21 THE REQUIRED AFFIDAVIT."

22

23 Page 4, line 23, strike "FOR HOMEOWNERS";

24

25 strike line 24 and substitute the following:

26

27 "NOW ALLIANCE, OR ITS SUCCESSOR ORGANIZATION.";

28

29 line 26, after "OR", insert "TO EXTEND PAST".

30

31 Page 5, line 5, before "DOCUMENTS" insert "COMPLETE AND ACCURATE".

32

33 Page 6, line 7, after "(5)", insert "(a)" and, before "DAYS", insert
34 "CALENDAR";

35

36 after line 10, insert the following:

37

38 "(b) IF THE HOLDER DOES NOT PROVIDE THE AFFIDAVIT REQUIRED
39 BY THIS SUBSECTION (5) TO THE PUBLIC TRUSTEE WITHIN THE
40 TWENTY-DAY PERIOD, THE SALE OF THE PROPERTY SHALL BE CONTINUED
41 IN ACCORDANCE WITH SECTION 38-38-103 (5) (d).

42

43 (c) THE AFFIDAVIT REQUIRED BY PARAGRAPH (a) OF THIS
44 SUBSECTION (5) SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:

45

46 (I) THE FORECLOSURE CASE NUMBER;

47

48 (II) THE BORROWER'S NAME OR NAMES;

49

50 (III) THE ADDRESS OF THE PROPERTY AT WHICH THE POSTING WAS
51 MADE; AND

52

53 (IV) THE DATE OF THE POSTING.

54

55 (d) AN AFFIDAVIT FILED BY A QUALIFIED HOLDER SHALL BE
56 SIGNED BY THE ATTORNEY FOR THE HOLDER. AN AFFIDAVIT FILED BY A

1 NONQUALIFIED HOLDER SHALL BE SIGNED BY THE HOLDER AND PROPERLY
2 ACKNOWLEDGED BY A NOTARY PUBLIC."

3

4 Page 7, line 27, after "TRUSTEE", insert "SHALL COLLECT A FEE OF
5 SEVENTY-FIVE DOLLARS AND THEREAFTER" and, after "NOTICE" insert "OF
6 DEFERRED SALE".

7

8 Page 8, strike lines 4 and 5.

9

10 Page 12, line 27, strike "thirty" and substitute "sixty".

11

12

13

14 **SB09-070** be referred to the Committee of the Whole with favorable
15 recommendation.

16

17

18

19

20 **LOCAL GOVERNMENT**

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

23

24 **HB09-1201** be postponed indefinitely.

25

26

27 **SB09-140** be referred to the Committee of the Whole with favorable
28 recommendation.

29

30

31

32

33 **STATE, VETERANS, & MILITARY AFFAIRS**

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

36

37 **HB09-1018** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40

41 Strike the State, Veterans, & Military Affairs Committee Report, dated
42 January 22, 2009, and substitute the following:

43

44 "Amend printed bill, page 4, strike lines 9 through 27.

45

46 Page 5, strike lines 1 through 19 and substitute the following:

47

48 "SECTION 4. 1-2-305 (1) and (2), Colorado Revised Statutes, are
49 amended to read:

50

51 **1-2-305. Postelection procedures - voting history.** (1) Not later
52 than sixty days after a state election, ~~each county clerk and recorder shall~~
53 ~~transmit to the secretary of state, in a media format acceptable to the~~
54 ~~secretary of state,~~ THE SECRETARY OF STATE SHALL GENERATE a list of
55 electors showing who voted and who did not vote in the election. The list
56 shall ~~contain the information provided for in section 1-2-301 (1)~~ BE

1 DRAWN FROM THE STATEWIDE VOTER REGISTRATION DATABASE. For
2 electors who voted, the list shall show such elector's method of voting,
3 whether by early voting, mail-in ballot, mail ballot, polling place voting,
4 or otherwise.

5
6 (2) Upon receipt of the lists, the secretary of state shall ~~compare~~
7 ~~them with the master list of registered electors maintained in the office~~
8 EXAMINE THE LISTS TO SEE WHICH ELECTORS DID AND DID NOT VOTE IN
9 THE ELECTION in order to ascertain if any elector has voted more than
10 once. If it is determined that an elector has voted more than once, the
11 secretary of state shall notify the proper district attorney for prosecution
12 of a violation of the provisions of this code.

13
14 **SECTION 5.** 1-2-603 (1), Colorado Revised Statutes, is amended
15 to read:

16
17 **1-2-603. Notification that elector has moved and registered in**
18 **different county.** (1) If the elector registers to vote in another county,
19 the county clerk and recorder shall ~~immediately transmit the information~~
20 ~~to the county clerk and recorder of the elector's prior county of residence.~~
21 ~~Upon receipt of the information, the county clerk and recorder of the~~
22 ~~county of prior residence shall cancel the elector's registration record.~~
23 ~~The county clerk and recorder of the county of prior residence shall~~
24 ~~cancel the registration record only if the name and birth date or the name~~
25 ~~and social security number of the elector match.~~ OF THE ELECTOR'S NEW
26 COUNTY OF RESIDENCE SHALL TRANSFER THE ELECTOR'S REGISTRATION
27 RECORD FROM THE OLD COUNTY IN ACCORDANCE WITH THE FOLLOWING
28 REQUIREMENTS:

29
30 (a) IF THE ELECTOR PROVIDES A NAME, DATE OF BIRTH, AND PRIOR
31 ADDRESS AND THE COUNTY CLERK AND RECORDER CAN MATCH THE NAME,
32 DATE OF BIRTH, AND PRIOR ADDRESS TO THE ELECTOR'S PRIOR
33 REGISTRATION RECORD, THE ELECTOR'S REGISTRATION RECORD SHALL BE
34 TRANSFERRED FROM THE OLD COUNTY.

35
36 (b) IF THE ELECTOR PROVIDES A NAME AND DATE OF BIRTH BUT
37 DOES NOT PROVIDE A PRIOR ADDRESS, THE ELECTOR'S REGISTRATION
38 RECORD SHALL BE TRANSFERRED FROM THE OLD COUNTY ONLY IF:

39
40 (I) THE ELECTOR PROVIDES A DRIVER'S LICENSE OR
41 IDENTIFICATION CARD NUMBER, AND THE COUNTY CLERK AND RECORDER
42 OF THE NEW COUNTY OF RESIDENCE CAN MATCH THE NAME, DATE OF
43 BIRTH, AND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER TO THE
44 ELECTOR'S PRIOR REGISTRATION RECORD; OR

45
46 (II) THE ELECTOR PROVIDES A SOCIAL SECURITY NUMBER, AND THE
47 COUNTY CLERK AND RECORDER OF THE NEW COUNTY OF RESIDENCE CAN
48 MATCH THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER TO THE
49 ELECTOR'S PRIOR REGISTRATION RECORD.

50
51 (c) IF THE ELECTOR DOES NOT PROVIDE A PRIOR ADDRESS,
52 DRIVER'S LICENSE NUMBER, OR SOCIAL SECURITY NUMBER, THE
53 REGISTRATION RECORD SHALL NOT BE TRANSFERRED FROM THE OLD
54 COUNTY UNLESS THE ELECTOR SUBMITS ADDITIONAL INFORMATION THAT
55 COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION (1). THE
56 COUNTY CLERK AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE MAY

1 SEND NOTICE TO THE ELECTOR BY FORWARDABLE MAIL TO THE ELECTOR'S
 2 ADDRESS OF RECORD. ANY SUCH NOTICE SHALL HAVE A RETURNABLE
 3 PORTION THAT HAS THE RETURN POSTAGE PREPAID AND IS PREAMDRESSED
 4 TO THE SENDING COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN
 5 AREA FOR THE ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO
 6 ANOTHER COUNTY AND WISHES TO HAVE HIS OR HER REGISTRATION
 7 RECORD TRANSFERRED FROM THE OLD COUNTY.

8
 9 **SECTION 6.** 1-2-604 (1) and (2), Colorado Revised Statutes, are
 10 amended to read:

11
 12 **1-2-604. Cancellation of electors with a multiple registration.**

13 ~~(1) If the secretary of state's master list of registered electors shows an~~
 14 ~~elector to be registered in more than one precinct in this state, the~~
 15 ~~secretary of state shall notify every applicable county clerk and recorder~~
 16 ~~each month of such multiple registration. Each county clerk and recorder~~
 17 ~~who receives such notification~~ BASED UPON AN EXAMINATION OF THE
 18 SECRETARY OF STATE'S MASTER LISTS OF REGISTERED ELECTORS, EACH
 19 COUNTY CLERK AND RECORDER SHALL GENERATE A LIST CONTAINING THE
 20 NAME OF EACH ELECTOR WHO IS REGISTERED IN MORE THAN ONE PRECINCT
 21 IN THE STATE AND shall cancel from the county's master lists of registered
 22 electors the name of the elector wherever it appears, except where it
 23 corresponds to the elector's most recent date of registration.

24
 25 ~~(2) Not later than fifteen days prior to each primary, general,";~~

26
 27 strike lines 24 through 27 and substitute the following:

28
 29 ~~"(3) (a) The county clerk and recorder of the county of prior~~
 30 ~~residence shall cancel the registration record pursuant to subsection (1)~~
 31 ~~of this section only if the name and birth date or the name and social~~
 32 ~~security number of the elector match. THE COUNTY CLERK AND~~
 33 RECORDER MAY NOT CANCEL THE REGISTRATION RECORD PURSUANT TO
 34 SUBSECTION (1) OF THIS SECTION UNLESS THERE IS A MATCH IN THE
 35 COUNTY'S REGISTRATION RECORDS AND THE STATEWIDE VOTER
 36 REGISTRATION DATABASE WITH RESPECT TO, AT A MINIMUM, THE
 37 FOLLOWING TYPES OF IDENTIFYING INFORMATION:

38
 39 (I) THE ELECTOR'S NAME, DATE OF BIRTH, AND PRIOR RESIDENCE;
 40 OR

41
 42 (II) THE ELECTOR'S NAME, DATE OF BIRTH, AND DRIVER'S LICENSE
 43 NUMBER OR SOCIAL SECURITY NUMBER.

44
 45 (b) IF THE COUNTY CLERK AND RECORDER IS NOT ABLE TO CANCEL
 46 THE REGISTRATION RECORD PURSUANT TO PARAGRAPH (a) OF THIS
 47 SUBSECTION (3), THE COUNTY CLERK AND RECORDER SHALL SEND A
 48 NOTICE TO THE ELECTOR WHOSE RECORD THE CLERK AND RECORDER
 49 INTENDS TO CANCEL. THE NOTICE SHALL BE SENT TO THAT ELECTOR'S
 50 ADDRESS OF RECORD, SHALL HAVE A RETURNABLE PORTION THAT HAS THE
 51 RETURN POSTAGE PREPAID AND THAT IS PREAMDRESSED TO THE SENDING
 52 COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN AREA FOR THE
 53 ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO ANOTHER COUNTY
 54 AND WISHES TO HAVE HIS OR HER REGISTRATION RECORD TRANSFERRED
 55 FROM THE OLD COUNTY. ". "

56

1 **HB09-1280** be amended as follows, and as so amended, be referred to
2 the Committee on Health & Human Services with
3 favorable recommendation:
4
5 Amend printed bill, page 2, line 14, strike "CONTRACT PERSONNEL AND";
6
7 line 15, before "FACILITIES", insert "OR OTHER";
8
9 line 18, after "PROGRAMS;", insert "AND".
10
11 Page 3, line 13, strike "PROGRAMS;" and substitute "PROGRAMS.";
12
13 strike lines 14 through 27.
14
15 Page 4, strike lines 1 through 3;
16
17 line 8, strike "CONTRACT PERSONNEL AND";
18
19 line 9, before "FACILITIES", insert "OR OTHER";
20
21 line 13, strike "FIFTEEN" and substitute "SIXTEEN";
22
23 line 14, strike "TWENTY" and substitute "NINETEEN";
24
25 strike lines 17 through 19.
26
27 Renumber succeeding subsections accordingly.
28
29 Page 5, line 3, strike "CONTRACT PERSONNEL AND";
30
31 line 4, before "FACILITIES", insert "OR OTHER";
32
33 strike lines 7 through 9;
34
35 line 10, strike "SECTION, AND THE" and substitute "SKILLS. THE".
36
37 Page 6, line 14, strike "July 1, 2009," and substitute "October 1, 2010,";
38
39 line 15, strike "receive" and substitute "request".
40
41
42
43
44 **HB09-1291** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:
47
48 Amend printed bill, page 3, line 3, strike "**clearinghouse - rules.**" and
49 substitute "**clearinghouse.**";
50
51 line 17, strike "PROMULGATE RULES" and substitute "ADOPT POLICIES".
52
53
54
55

1 **SB09-111** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend reengrossed bill, page 3, strike line 13 and substitute the
6 following:
7

8 "SECTION 5. 12-55-111 (1), (3), and (4), Colorado Revised
9 Statutes, are";

10 after line 19, insert the following:
11

12
13 ~~"(3) (a) Subsection (1) of this section shall not apply to any~~
14 ~~document or electronic record where the original or a copy of such~~
15 ~~document or electronic record contains the information otherwise~~
16 ~~required to be entered in the notary's journal and such original or copy or~~
17 ~~electronic record is retained by the notary's firm or employer in the~~
18 ~~regular course of business.~~
19

20 ~~(b) Notwithstanding any provision of this subsection (3) to the~~
21 ~~contrary, no firm, employer, or professionally licensed person shall~~
22 ~~prohibit an employee who is a notary from maintaining a journal of his or~~
23 ~~her notarial acts in the regular course of business of such firm, employer,~~
24 ~~or professionally licensed person.~~
25

26 ~~(c) For purposes of this subsection (3), "firm" includes but is not~~
27 ~~limited to an office where the business of a real estate broker, lawyer, title~~
28 ~~insurance company, title insurance agent, or other licensed professional~~
29 ~~is regularly carried on and the records of such business are regularly~~
30 ~~maintained.~~
31

32 (4) Except as otherwise exempted by paragraph (a) of subsection
33 (3) of this section or by another law of this state, for each electronic
34 record or document signed by the notary public, the notary public shall
35 record the document authentication number issued by the secretary of
36 state for each document authenticated in the journal pursuant to this
37 section.";
38

39 strike lines 20 through 27.
40

41 Page 4, strike lines 1 through 10.
42

43 Renumber succeeding sections accordingly.
44

45 _____
46
47
48 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
49

50 The Speaker has signed: **SB09-040, 204; SJR09-014, 015, 016.**
51
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MESSAGE FROM THE SENATE

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The Senate has passed on Third Reading and returns herewith HB09-1265, HB09-1050, HB09-1257, HB09-1161, HB09-1007, HB09-1046.

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

- SB09-131 amended as printed in Senate Journal, March 3, 2009, page 586
- SB09-222 amended as printed in Senate Journal, March 3, 2009, page 586
- SB09-237 amended as printed in Senate Journal, March 3, 2009, page 586
- SB09-147 amended as printed in Senate Journal, March 3, 2009, page 594
- SB09-224 amended as printed in Senate Journal, March 3, 2009, page 594
- SB09-020 amended as printed in Senate Journal, March 3, 2009, pages 594-595
- SB09-022 amended as printed in Senate Journal, March 3, 2009, page 595
- SB09-052 amended as printed in Senate Journal, March 3, 2009, page 595
- SB09-024 amended as printed in Senate Journal, March 3, 2009, page 595
- SB09-051 amended as printed in Senate Journal, March 3, 2009, pages 595-597
- SB09-162 amended as printed in Senate Journal, March 3, 2009, page 597
- SB09-094 amended as printed in Senate Journal, March 3, 2009, page 597
- SB09-124 amended as printed in Senate Journal, March 3, 2009, page 597
- SB09-125 amended as printed in Senate Journal, March 3, 2009, page 597.

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

- HB09-1148 amended as printed in Senate Journal, March 3, 2009, page 584.
- HB09-1159 amended as printed in Senate Journal, March 3, 2009, page 584.
- HB09-1078 amended as printed in Senate Journal, March 3, 2009, page 585.

The Senate voted to concur in House amendments to SB09-032, and repassed the bill as so amended.

Upon announcement of President Groff, Representative McFadyen will replace Representative Hullinghorst as House prime sponsor on SB09-029.

MESSAGE FROM THE REVISOR1
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We herewith transmit:

Without comment, as amended, HB09-1148, 1159, and 1078.

Without comment, as amended, SB09-131, 222, 237, 147, 224, 020, 022, 052, 024, 051, 162, 094, 124, and 125.

INTRODUCTION OF BILLS
First Reading

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

HB09-1299 by Representative(s) Kerr A., Benefield, Carroll T., Casso, Court, Curry, Ferrandino, Frangas, Green, Hullinghorst, Kefalas, McCann, Middleton, Miklosi, Pommer, Rice, Scanlan, Schafer S., Solano, Todd, Vigil, Bacon, Groff, Veiga--Concerning adoption of an agreement among the states to elect the president of the United States by national popular vote.
Committee on Judiciary

HB09-1300 by Representative(s) Solano, McFadyen, Rice; also Senator(s) Schwartz and Romer, Heath, Veiga--Concerning the financing of clean energy development, and, in connection therewith, granting additional powers to the Colorado clean energy development authority.
Committee on Transportation & Energy

HB09-1301 by Representative(s) Judd; also Senator(s) Sandoval--Concerning moneys continuously appropriated from the unclaimed property trust fund to the state treasurer for payment of contract auditor services.
Committee on Finance

SB09-020 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the responsibility for responding to wild land fires.
Committee on Local Government

SB09-022 by Senator(s) Bacon; also Representative(s) Solano--Concerning the state board of land commissioners.
Committee on State, Veterans, & Military Affairs

SB09-024 by Senator(s) White; also Representative(s) Sonnenberg and Curry--Concerning responsibilities of the division of wildlife with respect to game damage issues, and making an appropriation in connection therewith.
Committee on Agriculture, Livestock, & Natural Resources

SB09-051 by Senator(s) Carroll M.; also Representative(s) Levy--Concerning measures to facilitate the financing of energy-efficient structures.
Committee on Transportation & Energy

- 1 **SB09-052** by Senator(s) Bacon, Heath, King K., Newell, Williams;
2 also Representative(s) Pommer, Ferrandino, Hullinghorst,
3 Levy, Massey, Merrifield, Middleton, Primavera, Rice,
4 Schafer S., Todd--Concerning the funding source for the
5 innovative higher education research fund, and making an
6 appropriation in connection therewith.
7 Committee on Education
8
- 9 **SB09-094** by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz,
10 Shaffer B.; also Representative(s) Levy, Green, Marostica,
11 Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan--
12 Concerning the creation of a transit and rail division
13 within the department of transportation.
14 Committee on Transportation & Energy
15
- 16 **SB09-124** by Senator(s) Isgar; also Representative(s) Roberts--
17 Concerning additional funding for agricultural energy-
18 related projects through the agriculture value-added cash
19 fund.
20 Committee on Agriculture, Livestock, & Natural Resources
21
- 22 **SB09-125** by Senator(s) Isgar; also Representative(s) Curry--
23 Concerning the funding of Colorado water conservation
24 board projects, and making appropriations in connection
25 therewith.
26 Committee on Agriculture, Livestock, & Natural Resources
27
- 28 **SB09-131** by Senator(s) Romer; also Representative(s) Massey--
29 Concerning the requirement that students in public schools
30 engage in a certain amount of physical activity each week.
31 Committee on Education
32
- 33 **SB09-143** by Senator(s) Bacon; also Representative(s) Hullinghorst,
34 Fischer--Concerning enforcing traffic regulations through
35 the expanded use of an automated vehicle identification
36 system.
37 Committee on Judiciary
38
- 39 **SB09-147** by Senator(s) Hodge, Brophy; also Representative(s)
40 Priola, Gardner C.--Concerning the authorization of
41 substitute water supply plans for the replacement of out-
42 of-priority depletions caused by historic diversions from
43 wells included in decreed augmentation plans entered by
44 the water court for water division 1.
45 Committee on Agriculture, Livestock, & Natural Resources
46
- 47 **SB09-162** by Senator(s) Schwartz, Heath, Veiga; also
48 Representative(s) Liston, McFadyen, Rice, Solano--
49 Concerning the operation of the project by the state's chief
50 information officer to create an inventory of broadband
51 service areas, and, in connection therewith, authorizing the
52 acceptance of publicly funded gifts, grants, and donations,
53 and making an appropriation.
54 Committee on Business Affairs and Labor
55

1 **SB09-224** by Senator(s) Shaffer B., Groff, Penry; also
2 Representative(s) Weissmann, Carroll T., May--
3 Concerning payment of expenses of the legislative
4 department, and making an appropriation in connection
5 therewith.

6 Committee on Appropriations

7
8 **SB09-237** by Senator(s) Lundberg, Harvey, Schultheis, Cadman,
9 Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfro,
10 Romer, Scheffel, Tochtrop, White; also Representative(s)
11 Acree, McNulty--Concerning grounds for mandatory
12 expulsion from a public school.

13 Committee on Education

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16
17 On motion of Representative Nikkel, the House adjourned until 9:00 a.m.,
18 March 5, 2009.

19
20 Approved:
21 TERRANCE D. CARROLL,
22 Speaker

23 Attest:
24 MARILYN EDDINS,
25 Chief Clerk