

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

Forty-eighth Legislative Day

Monday, February 23, 2009

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.  
2  
3 The Speaker called the House to order at 10:00 a.m.  
4  
5 Pledge of Allegiance led by Gianna Duncan, Stephanie Routzon, Tim  
6 Delbozque, Parker Orms, Wheat Ridge High School.  
7  
8 The roll was called with the following result:  
9  
10 Present--65.  
11  
12 The Speaker declared a quorum present.  
13  
14  
15 On motion of Representative Hullinghorst, the reading of the journal of  
16 February 20, 2009, was declared dispensed with and approved as  
17 corrected by the Chief Clerk.  
18  
19  
20

**REPORTS OF COMMITTEES OF REFERENCE**

21  
22  
23  
24 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**  
25 After consideration on the merits, the Committee recommends the  
26 following:

27  
28 **HB09-1255** be postponed indefinitely.  
29  
30  
31

32  
33 **APPROPRIATIONS**

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

36  
37 **SB09-183** be referred to the Committee of the Whole with favorable  
38 recommendation.  
39

40  
41 **SB09-184** be referred to the Committee of the Whole with favorable  
42 recommendation.  
43

- 1 **SB09-185** 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 19, line 13, in the ITEM & SUBTOTAL  
6 column, strike "1,000,000" and substitute "~~1,000,000~~";  
7  
8 line 14, in the ITEM & SUBTOTAL column, enter "27,105" and, in the  
9 GENERAL FUND column, strike "972,895".  
10
- 11 Page 20, line 8, strike "Military Dependent" and substitute "~~Military~~  
12 ~~Dependent~~";  
13  
14 line 9, strike "Supplemental Pupil" and substitute "~~Supplemental Pupil~~";  
15  
16 line 10, strike "Enrollment" and substitute "~~Enrollment~~", in the ITEM &  
17 SUBTOTAL column, strike "1,818,517" and substitute "~~1,818,517~~", and,  
18 in the GENERAL FUND column, strike "1,818,517" and substitute  
19 "~~1,818,517~~".  
20
- 21 Page 21, line 1, in the ITEM & SUBTOTAL column, strike  
22 "379,654,862" and substitute "376,863,450".  
23
- 24 Page 22, line 14, in the TOTAL column, strike "4,106,714,658" and  
25 substitute "4,103,923,246".  
26
- 27 Page 27, line 11, in the TOTAL column, strike "\$4,168,971,496" and  
28 substitute "\$4,166,180,084" and, in the GENERAL FUND column, strike  
29 "\$2,745,145,018" and substitute "\$2,742,353,606".  
30  
31  
32
- 33 **SB09-186** be referred to the Committee of the Whole with favorable  
34 recommendation.  
35  
36
- 37 **SB09-187** be referred to the Committee of the Whole with favorable  
38 recommendation.  
39  
40
- 41 **SB09-188** be referred to the Committee of the Whole with favorable  
42 recommendation.  
43  
44
- 45 **SB09-189** be referred to the Committee of the Whole with favorable  
46 recommendation.  
47  
48
- 49 **SB09-190** be referred to the Committee of the Whole with favorable  
50 recommendation.  
51  
52
- 53 **SB09-191** be referred to the Committee of the Whole with favorable  
54 recommendation.  
55  
56

- 1 **SB09-192** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3  
4
- 5 **SB09-193** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7  
8
- 9 **SB09-194** be referred to the Committee of the Whole with favorable  
10 recommendation.  
11  
12
- 13 **SB09-195** be referred to the Committee of the Whole with favorable  
14 recommendation.  
15  
16
- 17 **SB09-196** be referred to the Committee of the Whole with favorable  
18 recommendation.  
19  
20
- 21 **SB09-197** be referred to the Committee of the Whole with favorable  
22 recommendation.  
23  
24
- 25 **SB09-198** be referred to the Committee of the Whole with favorable  
26 recommendation.  
27  
28
- 29 **SB09-199** be referred to the Committee of the Whole with favorable  
30 recommendation.  
31  
32
- 33 **SB09-200** be referred to the Committee of the Whole with favorable  
34 recommendation.  
35  
36
- 37 **SB09-201** be referred to the Committee of the Whole with favorable  
38 recommendation.  
39  
40
- 41 **SB09-202** be referred to the Committee of the Whole with favorable  
42 recommendation.  
43  
44
- 45 **SB09-203** be referred to the Committee of the Whole with favorable  
46 recommendation.  
47  
48
- 49 **SB09-204** be referred to the Committee of the Whole with favorable  
50 recommendation.  
51  
52
- 53 **SB09-206** be referred to the Committee of the Whole with favorable  
54 recommendation.  
55  
56

1 **SB09-207** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB09-208** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:  
8

9 Amend reengrossed bill, page 14, after line 14, insert the following:  
10

11 "SECTION 23. 25-8-608, Colorado Revised Statutes, is amended  
12 BY THE ADDITION OF A NEW SUBSECTION to read:  
13

14 **25-8-608. Civil penalties - rules - fund created.**  
15 (1.8) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1.5) OR (1.7)  
16 OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS  
17 SUBSECTION (1.8), THE STATE TREASURER SHALL DEDUCT SEVEN HUNDRED  
18 THOUSAND DOLLARS FROM THE WATER QUALITY IMPROVEMENT FUND AND  
19 TRANSFER SUCH SUM TO THE GENERAL FUND."  
20

21 Renumber succeeding sections accordingly.  
22

23 Page 14, strike line 22;  
24

25 line 23, strike "HUNDRED FORTY-FOUR" and substitute "DEDUCT FOURTEEN  
26 MILLION ONE HUNDRED FIFTY THOUSAND".  
27

28  
29  
30 **SB09-209** be referred to the Committee of the Whole with favorable  
31 recommendation.  
32

33  
34 **SB09-210** be referred to the Committee of the Whole with favorable  
35 recommendation.  
36

37  
38 **SB09-211** be referred to the Committee of the Whole with favorable  
39 recommendation.  
40

41  
42 **SB09-212** be amended as follows, and as so amended, be referred to  
43 the Committee of the Whole with favorable  
44 recommendation:  
45

46 Amend reengrossed bill, page 2, strike lines 8 and 9 and substitute the  
47 following:  
48

49 "NOT EXCEED THE AMOUNT OF FOUR HUNDRED SEVENTEEN DOLLARS PER  
50 VENDOR FOR ANY RETURN MADE ON OR AFTER MARCH 1,";  
51

52 line 10, strike "2010." and substitute "2012.";  
53

54 line 16, strike "2011." and substitute "2013."  
55  
56

- 1 **SB09-213** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3  
4
- 5 **SB09-214** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7  
8
- 9 **SB09-215** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:  
12
- 13 Amend reengrossed bill, page 3, line 27, strike "TWO".  
14
- 15 Page 4, strike lines 1 through 5 and substitute the following:  
16
- 17 "~~million~~ ONE HUNDRED THIRTY-FIVE THOUSAND dollars shall be  
18 appropriated for all eligible districts and for all eligible institute charter  
19 schools from the state education fund ~~Of such additional moneys~~  
20 ~~appropriated in the 2008-09 budget year, one hundred thirty-five thousand~~  
21 ~~dollars~~ AND shall be distributed pursuant to section 22-54-133."  
22
- 23 Page 15, strike lines 2 and 3 and substitute the following:  
24
- 25 "(f) The appropriation from the state education fund, created in  
26 section 17 (4) of article IX of the state constitution, to the department of";  
27
- 28 line 6, strike "TWO MILLION SIX" and substitute "ONE";  
29
- 30 strike lines 7 through 12 and substitute the following:  
31
- 32 "THOUSAND DOLLARS (\$135,000).".  
33  
34  
35
- 36 **SB09-216** be referred to the Committee of the Whole with favorable  
37 recommendation.  
38  
39
- 40 **SB09-217** be amended as follows, and as so amended, be referred to  
41 the Committee of the Whole with favorable  
42 recommendation:  
43
- 44 Amend reengrossed bill, page 4, line 27, strike "TWENTY MILLION EIGHT  
45 HUNDRED SIXTY-FIVE THOUSAND".  
46
- 47 Page 5, line 1, strike "SEVEN HUNDRED TWENTY" and substitute "FIFTEEN  
48 MILLION FIVE HUNDRED SEVENTY-EIGHT THOUSAND SIX HUNDRED  
49 NINETY-NINE";  
50
- 51 line 3, strike "SIX HUNDRED FORTY-SEVEN THOUSAND";  
52
- 53 line 4, strike "TWO HUNDRED NINETY-FOUR" and substitute "TWO  
54 HUNDRED THOUSAND TWENTY-SIX";  
55
- 56 line 6, strike "TWO MILLION TWO HUNDRED NINETY-FOUR";

1 line 7, strike "THOUSAND FIVE HUNDRED EIGHTY-EIGHT" and substitute  
 2 "ONE MILLION FOUR HUNDRED THOUSAND FIFTY-TWO";

3  
 4 line 9, strike "SIX HUNDRED FIFTY-EIGHT THOUSAND";

5  
 6 line 10, strike "NINE HUNDRED EIGHTEEN" and substitute "FOUR HUNDRED  
 7 EIGHTY THOUSAND ELEVEN".

8  
 9

10

11 **SB09-218** be referred to the Committee of the Whole with favorable  
 12 recommendation.

13

14

15

### DELIVERY OF BILL TO GOVERNOR

16

17 The Chief Clerk of the House of Representatives reports the following  
 18 bill has been delivered to the Office of the Governor: **HB09-1014** at  
 19 9:06 a.m. on February 20, 2009.

20

21

22

House in recess. House reconvened.

23

24

25

26 On motion of Representative Weissmann, **SB09-204, 206, 207, 208, 209,**  
 27 **210, 211, 212, 213, 214, 215, 216, 217, 218, 183, 184, 185, 186, 187,**  
 28 **188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201,**  
 29 **202, 203** were made Special Orders on Monday, February 23, 2009, at  
 30 11:10 a.m.

31

32

33 The hour of 11:10 a.m., having arrived, on motion of Representative  
 34 Judd, the House resolved itself into Committee of the Whole for  
 35 consideration of Special Orders and he was called to the Chair to act as  
 36 Chairman.

37

38

39

### SPECIAL ORDERS--SECOND READING OF BILLS

40

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

45

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

48

49 **SB09-211** by Senator(s) Keller, Tapia, White; also Representative(s)  
 50 Ferrandino, Pommer, Marostica--Concerning a delay in  
 51 the expansion of eligibility for the children's basic health  
 52 plan, and making modifications to an appropriation  
 53 therefor.

54

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

1 **SB09-213** by Senator(s) Tapia, Keller, White; also Representative(s)  
2 Pommer, Ferrandino, Marostica--Concerning  
3 appropriations for the alternative teacher compensation  
4 plan grant program.  
5

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

9 **SB09-215** by Senator(s) Keller, Tapia, White; also Representative(s)  
10 Pommer, Ferrandino, Marostica--Concerning  
11 modifications to appropriations to achieve a reduction in  
12 the state expenditures for the financing of public schools.  
13

14 Amendment No. 1, Appropriations Report, dated February 20, 2009, and  
15 placed in member's bill file; Report also printed in House Journal,  
16 February 23, page 473.  
17

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

21 **SB09-212** by Senator(s) White, Keller, Tapia; also Representative(s)  
22 Pommer, Ferrandino, Marostica--Concerning a temporary  
23 limitation on the maximum amount of state sales and use  
24 tax revenues that may be retained by a retail vendor to  
25 compensate for the vendor's expenses incurred in the  
26 collection and remittance of the tax revenues to the state.  
27

28 Amendment No. 1, Appropriations Report, dated February 20, 2009, and  
29 placed in member's bill file; Report also printed in House Journal,  
30 February 23, page 472.  
31

32 Amendment No. 2, by Representative Frangas.  
33

34 Amend the Appropriations Committee Report, dated February 20, 2009,  
35  
36 line three, strike "OFFOUR HUNDRED SEVENTEENDOLLARS" and substitute  
37 "EQUAL TO ONE AND THIRTY-FIVE ONE-HUNDREDTHS PERCENT OF";  
38

39 line 4, after "VENDOR", insert "WHOSE MONTHLY TAX COLLECTED IS  
40 GREATER THAN THREE HUNDRED DOLLARS";  
41

42 line 5, strike "2012.;" and substitute "2011.;"  
43

44 line 16, strike "JULY 1," and substitute "DECEMBER 31,".  
45

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

49 **SB09-204** by Senator(s) White, Keller, Tapia; also Representative(s)  
50 Ferrandino, Pommer, Marostica--Concerning changes to  
51 the designation of funds constituting the state emergency  
52 reserve for state fiscal year 2008-09.  
53

54 Ordered revised and placed on the Calendar for Third Reading and Final  
55 Passage.  
56

1 **SB09-206** by Senator(s) Keller, Tapia, White; also Representative(s)  
2 Pommer, Ferrandino, Marostica--Concerning the repeal of  
3 the waiting list navigator pilot program, and repealing an  
4 appropriation therefor.

5  
6 Ordered revised and placed on the Calendar for Third Reading and Final  
7 Passage.

8  
9 **SB09-207** by Senator(s) White, Keller, Tapia; also Representative(s)  
10 Marostica, Ferrandino, Pommer--Concerning delaying  
11 implementation of the child welfare and mental health  
12 services pilot program, and repealing an appropriation  
13 therefor.

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

17  
18 **SB09-208** by Senator(s) Tapia, Keller, White; also Representative(s)  
19 Pommer, Ferrandino, Marostica--Concerning the  
20 augmentation of the general fund through transfers of  
21 certain moneys in the 2008-09 fiscal year.

22  
23 Amendment No. 1, Appropriations Report, dated February 20, 2009, and  
24 placed in member's bill file; Report also printed in House Journal,  
25 February 23, page 472.

26  
27 Amendment No. 2, by Representative Merrifield.

28  
29 Amend the Appropriations Committee Report, dated February 20, 2009,  
30 page 1, line 12, strike "FOURTEEN" and substitute "FIFTEEN MILLION NINE  
31 HUNDRED SIXTY-EIGHT THOUSAND FIVE HUNDRED SEVENTEEN".";

32  
33 strike line 13.

34  
35 As amended, ordered revised and placed on the Calendar for Third  
36 Reading and Final Passage.

37  
38 **SB09-217** by Senator(s) White, Keller, Tapia; also Representative(s)  
39 Ferrandino, Pommer, Marostica--Concerning the reduction  
40 of moneys transferred to certain funds from the portion of  
41 limited gaming fund moneys that would otherwise be  
42 transferred to the general fund after the transfer to the  
43 local government limited gaming impact fund.

44  
45  
46 Amendment No. 1, Appropriations Report, dated February 20, 2009, and  
47 placed in member's bill file; Report also printed in House Journal,  
48 February 23, page 473-474.

49  
50 As amended, ordered revised and placed on the Calendar for Third  
51 Reading and Final Passage.

52  
53 **SB09-185** by Senator(s) Keller, Tapia, White; also Representative(s)  
54 Pommer, Ferrandino, Marostica--Concerning a supple-  
55 mental appropriation to the department of education.

56



1 Amendment No. 1, Appropriations Report, dated February 20, 2009, and  
2 placed in member's bill file; Report also printed in House Journal,  
3 February 23, page 470.

4  
5 Amendment No. 2, by Representative Merrifield.

6  
7 Amend the Appropriations Committee Report, dated February 20, 2009,  
8 page 1, strike lines 5 through 18, and substitute the following:

9  
10 "Page 21, line 1, in the ITEM & SUBTOTAL column, strike  
11 "379,654,862" and substitute "378,681,967".

12  
13 Page 22, line 14, in the TOTAL column, strike "4,106,714,658" and  
14 substitute "4,105,741,763".

15  
16 Page 27, line 11, in the TOTAL column, strike "\$4,168,971,496" and  
17 substitute "\$4,167,998,601" and, in the GENERAL FUND column, strike  
18 "\$2,745,145,018" and substitute "\$2,744,172,123".

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

22  
23 **SB09-195** by Senator(s) Keller, Tapia, White; also Representative(s)  
24 Pommer, Ferrandino, Marostica--Concerning a  
25 supplemental appropriation to the department of natural  
26 resources.

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

30  
31 **SB09-210** by Senator(s) Tapia, Keller, White; also Representative(s)  
32 Ferrandino, Pommer, Marostica--Concerning transfers for  
33 health programs from the tobacco litigation funds, and, in  
34 connection therewith, making modifications to  
35 appropriations.

36  
37 Ordered revised and placed on the Calendar for Third Reading and Final  
38 Passage.

39 (For change in action, see Amendments to Report, page 482.)

40  
41 On motion of Representative Weissmann, the remainder of the Special  
42 Orders Calendar (**SB09-209, 214, 216, 218, 183, 184, 186, 187, 188, 189,**  
43 **190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203**) was laid  
44 over until February 24, retaining place on Calendar.

45  
46  
47  
48 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

49  
50 Representative(s) Frangas moved to amend the Report of the Committee  
51 of the Whole to reverse the action taken by the Committee in not adopting  
52 the following Frangas amendment, to SB09-211, to show that said  
53 amendment passed, and that **SB09-211**, as amended, passed.

54  
55 Amend reengrossed bill, page 3, after line 8, insert the following:

56

1           **"SECTION 4.** 25.5-8-103 (4), Colorado Revised Statutes, as  
2 amended by sections 1 and 3 of this act, is amended to read:

3  
4           **25.5-8-103. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6  
7           (4) "Eligible person" means:

8  
9           (a) A person who is less than nineteen years of age, whose family  
10 income does not exceed two hundred ~~five~~ TWENTY-FIVE percent of the  
11 federal poverty level, adjusted for family size; except that, subject to  
12 available appropriations, the department may increase the percentage of  
13 the federal poverty level for purposes of eligibility to up to two hundred  
14 fifty percent; or

15  
16           (b) A pregnant woman whose family income does not exceed two  
17 hundred ~~five~~ TWENTY-FIVE percent of the federal poverty level, adjusted  
18 for family size, and who is not eligible for medicaid; except that, subject  
19 to available appropriations, the department may increase the percentage  
20 of the federal poverty level for purposes of eligibility to up to two  
21 hundred fifty percent."

22  
23 Renumber succeeding sections accordingly.

24  
25 Page 5, after line 6, insert the following:

26           **"SECTION 6. Effective date.** This act shall take effect upon  
27 passage; except that section 4 of this act shall take effect July 1, 2011."

28  
29 Renumber succeeding section accordingly.

30  
31 The amendment was declared **lost** by the following roll call vote:

	<b>YES</b>	<b>7</b>	<b>NO</b>	<b>58</b>	<b>EXCUSED</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
34	Acree	N	Green	N	McFadyen	N	Roberts	N
35	Apuan	N	Hullinghorst	N	McGihon	N	Ryden	N
36	Balmer	N	Judd	N	McKinley	N	Scanlan	N
37	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	N
38	Benefield	N	Kerr A.	N	Merrifield	N	Solano	N
39	Bradford	N	Kerr J.	N	Middleton	N	Sonnenberg	N
40	Casso	Y	King S.	N	Miklosi	N	Soper	N
41	Court	N	Labuda	N	Murray	N	Stephens	N
42	Curry	N	Lambert	N	Nikkel	N	Summers	N
43	Ferrandino	N	Levy	N	Pace	Y	Swalm	N
44	Fischer	Y	Liston	N	Peniston	N	Tipton	N
45	Frangas	Y	Looper	N	Pommer	N	Todd	N
46	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	N
47	Gardner B.	N	Massey	N	Priola	N	Vigil	N
48	Gardner C.	N	May	N	Rice	N	Waller	N
49	Gerou	N	McCann	N	Riesberg	N	Weissmann	N
50							Speaker	N

51  
52 Representative(s) Looper, McFadyen, Tipton, and Gardner C. moved to  
53 amend the Report of the Committee of the Whole to reverse the action  
54 taken by the Committee in not adopting the following Looper, Tipton, and  
55 Gardner C. amendment, to SB09-208, to show that said amendment  
56 passed, and that **SB09-208**, as amended, passed.

1 Amend the Appropriations Committee Report, dated February 20, 2009,  
2 line 1, strike everything after "page 14,".

3  
4 strike lines 4 through 10.

5  
6 line 11, strike "Page 14,".

7  
8 Amend printed bill, page 19, strike lines 19 through 27.

9  
10 Strike page 20.

11  
12 Renumber succeeding sections accordingly.

13  
14 The amendment was declared **lost** by the following roll call vote:

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

34  
35 Representative(s) Pommer, Ferrandino, and Marostica moved to amend  
36 the Report of the Committee of the Whole to reverse the action taken by  
37 the Committee in adopting Amendment No. 2 by Representative  
38 Merrifield (printed in House Journal, page 476, lines 27-33), to  
39 SB09-208, to show that said amendment lost, and that **SB09-208** passed.

40  
41 The amendment was declared **lost** by the following roll call vote:

	YES	29	NO	36	EXCUSED	0	ABSENT	0
44	Acree	N	Green	Y	McFadyen	N	Roberts	N
45	Apuan	N	Hullinghorst	Y	McGihon	Y	Ryden	Y
46	Balmer	N	Judd	Y	McKinley	Y	Scanlan	N
47	Baumgardner	N	Kefalas	N	McNulty	Y	Schafer S.	N
48	Benefield	Y	Kerr A.	Y	Merrifield	N	Solano	N
49	Bradford	N	Kerr J.	N	Middleton	N	Sonnenberg	N
50	Casso	Y	King S.	N	Miklosi	N	Soper	Y
51	Court	Y	Labuda	Y	Murray	N	Stephens	N
52	Curry	N	Lambert	N	Nikkel	N	Summers	N
53	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
54	Fischer	N	Liston	N	Peniston	Y	Tipton	N
55	Frangas	Y	Looper	N	Pommer	Y	Todd	N
56	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	N

1	Gardner B.	N	Massey	N	Priola	N	Vigil	Y
2	Gardner C.	N	May	Y	Rice	Y	Waller	N
3	Gerou	N	McCann	Y	Riesberg	Y	Weissmann	Y
4							Speaker	Y

5  
6 Representative(s) Priola, Bradford, Balmer, Liston, and Stephens moved  
7 to amend the Report of the Committee of the Whole to reverse the action  
8 taken by the Committee in not adopting the following Priola, Bradford,  
9 Balmer, Liston, and Stephens amendment, to SB09-208, to show that said  
10 amendment passed, and that **SB09-208**, as amended, passed.

11  
12 Amend reengrossed bill, page 3, strike lines 2 through 10.

13  
14 Renumber succeeding sections accordingly.

15  
16 The amendment was declared **lost** by the following roll call vote:

17	YES	26	NO	39	EXCUSED	0	ABSENT	0
18	Acree	Y	Green	N	McFadyen	N	Roberts	Y
19	Apuan	N	Hullinghorst	N	McGihon	N	Ryden	N
20	Balmer	Y	Judd	N	McKinley	N	Scanlan	N
21	Baumgardner	Y	Kefalas	N	McNulty	Y	Schafer S.	N
22	Benefield	N	Kerr A.	N	Merrifield	N	Solano	N
23	Bradford	Y	Kerr J.	Y	Middleton	N	Sonnenberg	Y
24	Casso	N	King S.	Y	Miklosi	N	Soper	N
25	Court	N	Labuda	N	Murray	Y	Stephens	Y
26	Curry	N	Lambert	Y	Nikkel	Y	Summers	Y
27	Ferrandino	N	Levy	N	Pace	N	Swalm	Y
28	Fischer	N	Liston	Y	Peniston	N	Tipton	Y
29	Frangas	N	Looper	Y	Pommer	N	Todd	N
30	Gagliardi	N	Marostica	N	Primavera	N	Vaad	Y
31	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	N
32	Gardner C.	Y	May	Y	Rice	N	Waller	Y
33	Gerou	Y	McCann	N	Riesberg	N	Weissmann	N
34							Speaker	N

35  
36  
37 Representative(s) Gardner C. moved to amend the Report of the  
38 Committee of the Whole to reverse the action taken by the Committee in  
39 adopting the Appropriations Committee Report to SB09-215, dated  
40 February 20, 2009, to show that said report lost and that **SB09-215**  
41 passed.

42  
43 The amendment was declared **lost** by the following roll call vote:

44	YES	28	NO	37	EXCUSED	0	ABSENT	0
45	Acree	Y	Green	N	McFadyen	N	Roberts	Y
46	Apuan	N	Hullinghorst	N	McGihon	N	Ryden	N
47	Balmer	Y	Judd	N	McKinley	Y	Scanlan	N
48	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	N
49	Benefield	N	Kerr A.	N	Merrifield	N	Solano	N
50	Bradford	Y	Kerr J.	Y	Middleton	N	Sonnenberg	Y
51	Casso	N	King S.	Y	Miklosi	N	Soper	N
52	Court	N	Labuda	N	Murray	Y	Stephens	Y
53	Curry	N	Lambert	Y	Nikkel	Y	Summers	Y
54	Ferrandino	N	Levy	N	Pace	N	Swalm	Y
55	Fischer	N	Liston	Y	Peniston	N	Tipton	Y



1 Representative(s) Gardner B. and Riesberg moved to amend the Report  
 2 of the Committee of the Whole to reverse the action taken by the  
 3 Committee in not adopting the following Riesberg amendment, to  
 4 SB09-210, to show that said amendment passed, and that **SB09-210**, as  
 5 amended, passed.

6  
 7 Amend reengrossed bill, page 3, line 9, strike "(1) (b)," and strike "(1.5)  
 8 (a) (III),";

9  
 10 strike lines 19 through 27.

11  
 12 Page 4, strike lines 1 through 3.

13  
 14 Page 5, strike lines 7 through 27.

15  
 16 Page 6, strike line 1.

17  
 18 Page 12, strike lines 12 through 15.

19  
 20 Strike pages 13 through 21.

21  
 22 Page 22, strike lines 1 through 13.

23  
 24 Renumber succeeding sections accordingly.

25  
 26 Page 27, strike lines 1 through 4.

27  
 28 Renumber succeeding section accordingly.

29  
 30 The amendment was declared **passed** by the following roll call vote:

31

	YES	40	NO	25	EXCUSED	0	ABSENT	0
33	Acree	Y	Green	N	McFadyen	N	Roberts	Y
34	Apuan	Y	Hullinghorst	Y	McGihon	N	Ryden	N
35	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
36	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	N
37	Benefield	N	Kerr A.	N	Merrifield	Y	Solano	Y
38	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
39	Casso	Y	King S.	Y	Miklosi	Y	Soper	N
40	Court	Y	Labuda	N	Murray	Y	Stephens	Y
41	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
42	Ferrandino	N	Levy	N	Pace	N	Swalm	Y
43	Fischer	Y	Liston	Y	Peniston	N	Tipton	N
44	Frangas	Y	Looper	Y	Pommer	N	Todd	Y
45	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	Y
46	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
47	Gardner C.	N	May	N	Rice	N	Waller	N
48	Gerou	N	McCann	Y	Riesberg	Y	Weissmann	N
49							Speaker	N

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1       **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2  
3 Passed Second Reading: **SB09-211, 213, 215 amended, 212 amended,**  
4 **204, 206, 207, 208 amended, 217 amended, 185 amended, 195,**  
5 **210 amended.**

6  
7 Laid over until date indicated retaining place on Calendar: **SB09-209,**  
8 **214, 216, 218, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194,**  
9 **196, 197, 198, 199, 200, 201, 202, 203--February 24, 2009.**

10  
11 The Chairman moved the adoption of the Committee of the Whole  
12 Report. As shown by the following roll call vote, a majority of those  
13 elected to the House voted in the affirmative, and the Report was  
14 **adopted.**

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

34  
35  
36  
37  
38       **MESSAGE FROM THE SENATE**

39  
40 The Senate has passed on Third Reading and transmitted to the Revisor  
41 of Statutes: SB09-105.

42  
43 The Senate has passed on Third Reading and returns herewith:  
44 HB09-1128, and HB09-1033.

45  
46 The Senate has passed on Third Reading and transmitted to the Revisor  
47 of Statutes:

48  
49 SB09-137 amended as printed in Senate Journal, February 20, 2009  
50 page 427,

51 SB09-106 amended as printed in Senate Journal, February 20, 2009  
52 pages 427-428,

53 SB09-029 amended as printed in Senate Journal, February 20, 2009  
54 pages 428-429, and 436,

55 SB09-091 amended as printed in Senate Journal, February 20, 2009  
56 pages 429-431,

- 1 SB09-149 amended as printed in Senate Journal, February 20, 2009
- 2 pages 431-432,
- 3 SB09-143 amended as printed in Senate Journal, February 20, 2009
- 4 pages 432-433,
- 5 SB09-123 amended as printed in Senate Journal, February 20, 2009
- 6 page 433,
- 7 SB09-129 amended as printed in Senate Journal, February 20, 2009
- 8 pages 433, and 436,
- 9 SB09-042 amended as printed in Senate Journal, February 20, 2009
- 10 pages 434-435,
- 11 SB09-066 amended as printed in Senate Journal, February 20, 2009
- 12 page 435,
- 13 SB09-002 amended as printed in Senate Journal, February 20, 2009
- 14 page 435,
- 15 SB09-227 amended as printed in Senate Journal, February 20, 2009
- 16 page 437-438.

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**MESSAGE FROM THE REVISOR**

21  
22 We herewith transmit:  
23 Without comment, SB09-105.  
24 Without comment, as amended, SB09-137, 106, 029, 091, 149, 143, 123,  
25 129, 042, 066, 002, and 227.

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**LAY OVER OF CALENDAR ITEMS**

26  
27  
28  
29  
30  
31 On motion of Representative Weissmann, the following items on the  
32 Calendar were laid over until February 24, retaining place on Calendar:

- 33
- 34 Consideration of Resolution--**SJR09-014**.
- 35 Consideration of Senate Amendments--**HB09-1002, 1091**.

36  
37  
38  
39 On motion of Representative Weissmann, the House adjourned until  
40 9:00 a.m., February 24, 2009.

41  
42 Approved:  
43 TERRANCE D. CARROLL,  
44 Speaker

45 Attest:  
46 MARILYN EDDINS,  
47 Chief Clerk