

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

Ninety-seventh Legislative Day

Monday, April 13, 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 George Schiebel, Mac Tezak, Sam Kail,
- 6 St. Vincent De Paul School, Denver.
- 7
- 8 The roll was called with the following result:
- 9
- 10 Present--63.
- 11 Excused--Representative(s) Bradford, Miklosi--2.
- 12

13 The Speaker declared a quorum present.

14 _____

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16 On motion of Representative Schafer, the reading of the journal of
17 April 9, 2009, was declared dispensed with and approved as corrected by
18 the Chief Clerk.

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SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB09-1139; HJR09-1012.**

MESSAGE(S) FROM THE GOVERNOR1
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I certify I received the following on the 13th day of April, 2009, at 9:25 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

April 9, 2009

To the Honorable
House of Representatives
Sixty-seventh General Assembly
First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

HB09-1198 CONCERNING THE "UNIFORM POWER OF ATTORNEY ACT".

Approved April 9, 2009 at 1:25 p.m.

HB09-1260 CONCERNING DESIGNATED BENEFICIARY AGREEMENTS.

Approved April 9, 2009 at 1:30 p.m.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor

House in recess. House reconvened.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB09-148**

This Report Amends the Rerevised Bill.

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-148, concerning revisions to the rules governing the safe interaction of bicycles with other vehicles on roadways, has met and reports that it has agreed upon the following:

1 That the Senate accede to the House amendments made to the bill,
2 as the amendments appear in the rerevised bill, with the following
3 changes:

4
5 Amend rerevised bill, page 6, strike lines 24 through 27.

6
7 Page 7, strike lines 1 through 4.

8
9 Respectfully submitted,

10 Senate Committee:

11 (signed)

12 Greg Brophy

13 Dan Gibbs

14 Rollie Heath

House Committee:

(signed)

Michael Merrifield

Andrew Kerr

15
16
17
18 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

19
20 The Speaker has signed: **HB09-1018; HM09-1001.**

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24 **MESSAGE(S) FROM THE SENATE**

25
26 The Senate has passed on Third Reading and returns herewith:
27 HB09-1295, HB09-1130, HB09-1287, HB09-1063.

28
29 The Senate has passed on Third Reading and transmitted to the Revisor
30 of Statutes:

31
32 SB09-093 amended as printed in Senate Journal, April 9, 2009,
33 page 1005

34 SB09-223 amended as printed in Senate Journal, April 9, 2009,
35 page 1006,

36 SB09-121 amended as printed in Senate Journal, April 9, 2009,
37 page 1007,

38 SB09-089 amended as printed in Senate Journal, April 9, 2009,
39 page 1007,

40 SB09-281 amended as printed in Senate Journal, April 9, 2009,
41 page 1013,

42 SB09-273 amended as printed in Senate Journal, April 9, 2009,
43 page 1013,

44 SB09-259 amended as printed in Senate Journal, April 9, 2009,
45 pages 1014-1016.

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

49
50 HB09-1213 amended as printed in Senate Journal, April 9, 2009,
51 pages 1004-1005,

52 HB09-1001 amended as printed in Senate Journal, April 9, 2009,
53 page 1006.

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MESSAGE(S) FROM THE REVISOR

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3 We herewith transmit:
4 Without comment, as amended, HB09-1213 and 1001.
5 Without comment, as amended, SB09-093, 223, 121, 089, 281, 273,
6 and 259.

INTRODUCTION OF BILLS
First Reading

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12
13 The following bills have read by title and referred to the committees
14 indicated:

15
16 **HB09-1345** by Representative(s) Solano--Concerning integrated
17 planning for the construction of electric transmission
18 facilities in Colorado, and, in connection therewith,
19 directing the public utilities commission to collect
20 information from owners and operators of transmission
21 infrastructure and report its findings to the general
22 assembly.

23 Committee on Transportation & Energy

24
25 **SB09-089** by Senator(s) King K., Hudak, Kopp, Spence; also
26 Representative(s) Middleton, Gardner B., Massey,
27 Murray, Summers, Tipton--Concerning the state charter
28 school institute, and making an appropriation in
29 connection therewith.

30 Committee on Education

31
32 **SB09-093** by Senator(s) Williams, Heath, King K.; also
33 Representative(s) Marostica, Middleton, Rice, Roberts--
34 Concerning identity theft.

35 Committee on Judiciary

36
37 **SB09-121** by Senator(s) White; also Representative(s) May--
38 Concerning the sales and use tax exempt status of meals
39 provided to employees of a business where prepared food
40 is regularly sold.

41 Committee on Finance

42
43 **SB09-223** by Senator(s) Boyd, Kester, White; also Representative(s)
44 Kerr A. and Gardner B.--Concerning revisions to the retail
45 food establishment inspection process, and making an
46 appropriation in connection therewith.

47 Committee on Business Affairs and Labor

48
49 **SB09-259** by Senator(s) Keller, Tapia, White; also Representative(s)
50 Pommer, Ferrandino, Marostica--Concerning the
51 provision for payment of the expenses of the executive,
52 legislative, and judicial departments of the state of
53 Colorado, and of its agencies and institutions, for and
54 during the fiscal year beginning July 1, 2009, except as
55 otherwise noted.

56 Committee on Appropriations

1 **SB09-273** by Senator(s) White, Keller, Tapia; also Representative(s)
 2 Marostica, Ferrandino, Pommer--Concerning changes in
 3 the laws governing Pinnacol Assurance to allow the state
 4 to make use of certain funds authorized by statute to be
 5 collected by Pinnacol Assurance, and, in connection
 6 therewith, augmenting state revenues by requiring the
 7 transmittal of certain surplus funds of Pinnacol Assurance
 8 to the state treasury and clarifying the laws governing
 9 Pinnacol Assurance's funds.

10 Committee on Appropriations

11
 12 **SB09-281** by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse,
 13 Romer, White, Tapia; also Representative(s) Weissmann--
 14 Concerning Pinnacol Assurance, and, in connection
 15 therewith, clarifying the operation of Pinnacol Assurance
 16 as a political subdivision of the state, requiring Pinnacol
 17 Assurance to pay a policyholder dividend, and putting in
 18 place measures for the general assembly to assess the
 19 operation of Colorado laws governing worker safety and
 20 injury compensation.

21 Committee on Appropriations

25 INTRODUCTION OF RESOLUTION

26
 27 The following resolution was read by title and referred to the committee
 28 indicated:

29
 30 **SJR09-035** by Senator(s) White, Keller, Tapia; also Representative(s)
 31 Marostica, Ferrandino, Pommer--Concerning the
 32 declaration of a state fiscal emergency pursuant to Section
 33 21 (7) of Article X of the state constitution.

34 Committee on Appropriations

36
 37 House in recess. House reconvened.

40 MESSAGE(S) FROM THE SENATE

41
 42 The Senate has passed on Third Reading and transmitted to the Revisor
 43 of Statutes: SB09-260, SB09-261, SB09-262, SB09-267, SB09-270,
 44 SB09-277, SB09-278, SB09-280.

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

48
 49 SB09-263 amended as printed in Senate Journal, April 9, 2009,
 50 page 1017,
 51 SB09-264 amended as printed in Senate Journal, April 9, 2009,
 52 page 1017,
 53 SB09-265 amended as printed in Senate Journal, April 9, 2009,
 54 page 1017,
 55 SB09-268 amended as printed in Senate Journal, April 9, 2009,
 56 page 1017,

- 1 SB09-269 amended as printed in Senate Journal, April 9, 2009,
 2 pages 1017-1019,
 3 SB09-271 amended as printed in Senate Journal, April 9, 2009,
 4 page 1019,
 5 SB09-272 amended as printed in Senate Journal, April 9, 2009,
 6 page 1019,
 7 SB09-274 amended as printed in Senate Journal, April 9, 2009,
 8 pages 1019-1022,
 9 SB09-275 amended as printed in Senate Journal, April 9, 2009,
 10 page 1022,
 11 SB09-276 amended as printed in Senate Journal, April 9, 2009,
 12 page 1022,
 13 SB09-279 amended as printed in Senate Journal, April 9, 2009,
 14 pages 1022-1023.
 15

16 The Senate has adopted and transmits herewith: SJR09-035.
 17

18
 19 **MESSAGE(S) FROM THE REVISOR**
 20

21 We herewith transmit:

22 Without comment, SB09-260, 261, 262, 267, 270, 278, and 280.

23 Without comment, as amended, 263, 264, 265, 268, 269, 271, 272, 274,
 24 275, 276, and 279.

25 With comment, SB09-277.
 26

27
 28 **INTRODUCTION OF BILLS**
 29 **First Reading**
 30

31 The following bills were read by title and referred to the committee
 32 indicated:
 33

34 **SB09-260** by Senator(s) White, Keller, Tapia; also Representative(s)
 35 Pommer, Ferrandino, Marostica--Concerning the transfer
 36 in state fiscal years 2008-09 and 2009-10 of all moneys
 37 not otherwise allocated from state public school lands to
 38 the state public school fund instead of the permanent
 39 school fund, and making an appropriation in connection
 40 therewith.

41 Committee on Appropriations
 42

43 **SB09-261** by Senator(s) Tapia, Keller, White; also Representative(s)
 44 Ferrandino, Pommer, Marostica--Concerning the use of
 45 moneys in the supplemental old age pension health and
 46 medical care fund to pay for services received by certain
 47 persons in the state medicaid program, and making an
 48 appropriation therefor.

49 Committee on Appropriations
 50

51 **SB09-262** by Senator(s) White, Keller, Tapia; also Representative(s)
 52 Marostica, Ferrandino, Pommer--Concerning the funding
 53 source for state costs of the breast and cervical cancer
 54 prevention and treatment program, and making an
 55 appropriation therefor.

56 Committee on Appropriations

- 1 **SB09-263** by Senator(s) White, Keller, Tapia; also Representative(s)
2 Pommer, Ferrandino, Marostica--Concerning payments to
3 medicaid nursing facility providers, and making an
4 appropriation in connection therewith.
5 Committee on Appropriations
6
- 7 **SB09-264** by Senator(s) Keller, Tapia, White; also Representative(s)
8 Pommer, Ferrandino, Marostica--Concerning the increased
9 moneys received due to the federal "American Recovery
10 and Reinvestment Act of 2009", and making
11 appropriations therefor.
12 Committee on Appropriations
13
- 14 **SB09-265** by Senator(s) White, Keller, Tapia; also Representative(s)
15 Pommer, Ferrandino, Marostica--Concerning the timing of
16 payments made under public medical assistance programs,
17 and making appropriations therefor.
18 Committee on Appropriations
19
- 20 **SB09-267** by Senator(s) Tapia, Keller, White; also Representative(s)
21 Ferrandino, Pommer, Marostica--Concerning the
22 percentage of costs that a county department of social
23 services pays for a child who is placed in a residential
24 child care facility by the county department, and making
25 an appropriation in connection therewith.
26 Committee on Appropriations
27
- 28 **SB09-268** by Senator(s) Tapia, Keller, White; also Representative(s)
29 Pommer, Ferrandino, Marostica--Concerning clarifying
30 the appointment of state-paid professionals in cases
31 involving children, and making an appropriation in
32 connection therewith.
33 Committee on Appropriations
34
- 35 **SB09-269** by Senator(s) White, Keller, Tapia; also Representative(s)
36 Ferrandino, Pommer, Marostica--Concerning adjustment
37 of the allocation of tobacco litigation settlement moneys
38 received by the state during specified fiscal years, and, in
39 connection therewith, requiring settlement moneys that are
40 disputed payments and settlement moneys in excess of a
41 specified amount to be credited to the general fund,
42 requiring a portion of the moneys so credited to be
43 transferred to the children's basic health plan trust and the
44 nurse home visitor program fund, delaying mandated
45 growth in the percentage of settlement moneys allocated
46 for the Colorado nurse home visitor program by one fiscal
47 year, and making appropriations.
48 Committee on Appropriations
49
- 50 **SB09-270** by Senator(s) Tapia, Keller, White; also Representative(s)
51 Marostica, Ferrandino, Pommer--Concerning the crediting
52 to the general fund of earnings generated during specified
53 fiscal years from the deposit and investment of cash funds
54 that receive revenues from the constitutionally imposed
55 taxes on cigarettes and tobacco products.
56 Committee on Appropriations

- 1 **SB09-271** by Senator(s) Tapia, Keller, White; also Representative(s)
2 Ferrandino, Pommer, Marostica--Concerning the use of
3 tobacco revenues generated under section 21 of article X
4 of the state constitution in a state fiscal emergency, and
5 making an appropriation therefor.
6 Committee on Appropriations
7
- 8 **SB09-272** by Senator(s) White, Keller, Tapia; also Representative(s)
9 Marostica, Ferrandino, Pommer--Concerning the Colorado
10 high cost support mechanism, and, in connection
11 therewith, transferring to the state treasurer moneys
12 administered under the direction of the public utilities
13 commission for the support of universal basic telephone
14 service in high cost areas of the state.
15 Committee on Appropriations
16
- 17 **SB09-274** by Senator(s) Keller, Tapia, White; also Representative(s)
18 Pommer, Ferrandino, Marostica--Concerning the financing
19 of the division of motor vehicles in the department of
20 revenue, and, in connection therewith, authorizing
21 appropriations from the highway users tax fund to the
22 division of motor vehicles in the fiscal years 2008-09 and
23 2009-10, crediting during fiscal year 2009-10 the fees
24 relating to driver's licenses and identification cards that
25 would otherwise be allocated to the highway users tax
26 fund to the licensing services cash fund,
27 modifying appropriations made to the division of motor
28 vehicles in the fiscal year 2008-09 long appropriations bill,
29 and making an appropriation.
30 Committee on Appropriations
31
- 32 **SB09-275** by Senator(s) Tapia, Keller, White; also Representative(s)
33 Ferrandino, Pommer, Marostica--Concerning the
34 temporary elimination of the ability of any vendor to retain
35 any amount of state sales tax revenues to compensate for
36 the vendor's expenses incurred in the collection and
37 remittance of the tax revenues to the state, and making an
38 appropriation in connection therewith.
39 Committee on Appropriations
40
- 41 **SB09-276** by Senator(s) White, Keller, Tapia; also Representative(s)
42 Pommer, Ferrandino, Marostica--Concerning the property
43 tax exemptions for qualifying seniors and disabled
44 veterans, and, in connection therewith, lowering for
45 specified property tax years the maximum amount of
46 actual value of the primary owner-occupied residence of
47 a qualifying senior or a qualifying disabled veteran that is
48 partly exempt from property taxation, and making an
49 appropriation in connection therewith.
50 Committee on Appropriations
51
- 52 **SB09-277** by Senator(s) Tapia, Keller, White; also Representative(s)
53 Marostica, Ferrandino, Pommer--Concerning the general
54 fund reserve required for the 2009-10 state fiscal year.
55 Committee on Appropriations
56

1 **SB09-278** by Senator(s) Tapia, Keller, White; also Representative(s)
2 Ferrandino, Pommer, Marostica--Concerning the
3 augmentation of the general fund during specified fiscal
4 years with revenue that would otherwise be transferred to
5 fund the capital construction needs of the state.

6 Committee on Appropriations
7

8 **SB09-279** by Senator(s) Tapia, Keller, White; also Representative(s)
9 Pommer, Ferrandino, Marostica--Concerning the
10 augmentation of the general fund through transfers of
11 certain moneys.

12 Committee on Appropriations
13

14 **SB09-280** by Senator(s) Keller, Tapia, White; also Representative(s)
15 Pommer, Ferrandino, Marostica--Concerning funding for
16 capital construction, and making supplemental
17 appropriations in connection therewith.

18 Committee on Appropriations
19

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21
22 **LAY OVER OF CALENDAR ITEM(S)**
23

24 On motion of Representative Weissmann, the following item(s) on the
25 Calendar were laid over until April 14, retaining place on Calendar:
26

27 Consideration of Special Orders--**HB09-1313 amended, 1280.**

28 Consideration of Third Reading--**HB09-1273, SB09-061.**

29 Consideration of General Orders--**SB09-176, HB09-1327, SB09-094,**
30 **HB09-1017, 1105, 1157, 1298, 1318, 1319, 1320, 1326, 1329.**

31 Consideration of Resolution(s)--**SJR09-034, HJR09-1014, 1016.**

32 Consideration of Memorial(s)--**SJM09-002.**
33

34
35
36 On motion of Representative Weissmann, the House adjourned until
37 9:00 a.m., April 14, 2009.
38

39 Approved:
40 TERRANCE D. CARROLL,
41 Speaker

42 Attest:
43 MARILYN EDDINS,
44 Chief Clerk