

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

Thirty-fifth Legislative Day

Tuesday, February 10, 2009

1 Prayer by Dr. C. Gene Selander, Crystal Clear Ministries, Denver.

2

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

4

5 Pledge of Allegiance led by Shelby Miller, Colorado State University,  
6 Fort Collins.

7

8 The roll was called with the following result:

9

10 Present--61.

11 Excused--Representatives Looper, Middleton, Pommer,  
12 Summers--4.

13 Present after roll call--Representatives Looper, Middleton,  
14 Pommer, Summers.

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16 The Speaker declared a quorum present.

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19 On motion of Representative Court, the reading of the journal of  
20 February 9, 2009, was declared dispensed with and approved as corrected  
21 by the Chief Clerk.

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**THIRD READING OF BILLS--FINAL PASSAGE**

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28 The following bills were considered on Third Reading. The titles were  
29 publicly read. Reading of the bill at length was dispensed with by  
30 unanimous consent.

31

32 **HB09-1159** by Representative(s) Priola, Baumgardner, Lambert,  
33 Looper, Schafer S.; also Senator(s) Isgar, Hodge,  
34 Mitchell--Concerning the ability of a nonresident to serve  
35 on the board of directors of ground water management  
36 water districts.

37

38 The question being "Shall the bill pass?".

39 A roll call vote was taken. As shown by the following recorded vote, a  
40 majority of those elected to the House voted in the affirmative and the  
41 bill was declared **passed**.

42

	YES	60	NO	5	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	N	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McGihon	N	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	N	Scanlan	Y
5	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
10	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	N
16	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Curry, Gardner C., McNulty, Nikkel,  
20 Sonnenberg

21  
22 **HB09-1109** by Representative(s) Priola; also Senator(s) Veiga--  
23 Concerning the extension of foreclosure protection to  
24 owners of residential properties as to which formal  
25 foreclosure proceedings have not yet been commenced.

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27 The question being "Shall the bill pass?".

28 A roll call vote was taken. As shown by the following recorded vote, a  
29 majority of those elected to the House voted in the affirmative and the bill  
30 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
33	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
34	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
35	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
36	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
37	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
38	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
39	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
40	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
41	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
42	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
43	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
44	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
45	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
46	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
47	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
48	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Apuan, Balmer, Benefield, Bradford,  
51 Casso, Frangas, Green, Labuda, Looper, Massey, Merrifield, Middleton, Nikkel,  
52 Peniston, Ryden, Schafer S., Todd, Speaker

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1 **HB09-1141** by Representative(s) Ferrandino; also Senator White--  
 2 Concerning laws enforced by the administrator of the  
 3 "Uniform Consumer Credit Code".  
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5 The question being "Shall the bill pass?".  
 6 A roll call vote was taken. As shown by the following recorded vote, a  
 7 majority of those elected to the House voted in the affirmative and the bill  
 8 was declared **passed**.  
 9

	YES	40	NO	25	EXCUSED	0	ABSENT	0
11	Acree	Y	Green	Y	McFadyen	Y	Roberts	N
12	Apuan	Y	Hullinghorst	Y	McGihon	N	Ryden	Y
13	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
14	Baumgardner	Y	Kefalas	Y	McNulty	N	Schafer S.	Y
15	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
16	Bradford	N	Kerr J.	N	Middleton	Y	Sonnenberg	N
17	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
18	Court	Y	Labuda	Y	Murray	Y	Stephens	N
19	Curry	Y	Lambert	N	Nikkel	N	Summers	N
20	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
21	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
22	Frangas	N	Looper	N	Pommer	Y	Todd	Y
23	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	N
24	Gardner B.	N	Massey	N	Priola	N	Vigil	Y
25	Gardner C.	N	May	N	Rice	Y	Waller	N
26	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Green, McCann, Ryden  
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30 **HB09-1143** by Representative(s) Swalm, Acree, Balmer, Bradford,  
 31 Court, Gardner B., Labuda, Liston, Looper, Lundberg,  
 32 Massey, McFadyen, McNulty, Priola, Scanlan, Summers;  
 33 also Senator(s) Schwartz--Concerning the authority of a  
 34 health maintenance organization to offer basic health  
 35 services through a limited benefit plan.  
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37 The question being "Shall the bill pass?".  
 38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.  
 41

	YES	40	NO	25	EXCUSED	0	ABSENT	0
43	Acree	Y	Green	N	McFadyen	Y	Roberts	Y
44	Apuan	Y	Hullinghorst	N	McGihon	N	Ryden	N
45	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
46	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	N
47	Benefield	N	Kerr A.	N	Merrifield	N	Solano	N
48	Bradford	Y	Kerr J.	Y	Middleton	N	Sonnenberg	Y
49	Casso	N	King S.	Y	Miklosi	N	Soper	N
50	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
51	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
52	Ferrandino	N	Levy	N	Pace	N	Swalm	Y
53	Fischer	N	Liston	Y	Peniston	Y	Tipton	Y
54	Frangas	N	Looper	Y	Pommer	N	Todd	N
55	Gagliardi	N	Marostica	Y	Primavera	N	Vaad	Y
56	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y

1	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
2	Gerou	Y	McCann	N	Riesberg	Y	Weissmann	N
3							Speaker	N

4 Co-sponsor(s) added: Representative(s) Baumgardner, Gardner C., Gerou,  
5 Kerr J., King S., Lambert, Marostica, May, Murray, Nikkel, Roberts,  
6 Sonnenberg, Stephens, Tipton, Vaad, Vigil, Waller

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## 10 REPORTS OF COMMITTEE OF REFERENCE

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### 12 JUDICIARY

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

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16 **HB09-1181** be amended as follows, and as so amended, be referred to  
17 the Committee of the Whole with favorable  
18 recommendation:

19

20 Amend printed bill, page 2, line 12, strike "the" and substitute "~~the~~ A  
21 TRANSITIONAL";

22

23 line 14, after "place", insert "A" and, strike "CONDITIONS" and substitute  
24 "TIME LIMIT".

25

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28 **HB09-1183** be referred to the Committee of the Whole with favorable  
29 recommendation.

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32 **HB09-1198** be referred to the Committee of the Whole with favorable  
33 recommendation.

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## 38 PRINTING REPORT

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40 The Chief Clerk reports the following bills have been correctly printed:  
41 **HB09-1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285.**

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46 On motion of Representative Weissmann, the following bill(s) calendared  
47 for Tuesday, February 10, will be laid over until Friday  
48 February 13, 2009: HB09-1125, 1028, 1153; the following bill(s)  
49 calendared for Wednesday, February 11, will be laid over until Friday,  
50 February 13, 2009: HB09-1182, 1189; the following bill(s) will be  
51 calendared for February 13, 2009: HB09-1181, 1183, 1198

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55 House in recess. House reconvened.

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**REPORTS OF COMMITTEES OF REFERENCE****BUSINESS AFFAIRS & LABOR**

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

**HB09-1104** be postponed indefinitely.

**HEALTH & HUMAN SERVICES**

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

**HB09-1178** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 23, strike "THE TASK FORCE SHALL" and substitute "MEMBERS OF THE TASK FORCE ARE ENCOURAGED TO";

line 24, strike "MONTHLY." and substitute "MONTHLY, BEGINNING ON OR BEFORE JUNE 2009 AND ENDING JUNE 2010, AT WHICH TIME THE TASK FORCE SHALL MAKE A REPORT OF ITS ACTIVITIES AND FINDINGS TO THE DEPARTMENT OF HUMAN SERVICES.".

**HB09-1188** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, strike lines 18 and 19 and substitute the following:

"revocation, or suspension of, the applicant's medical staff";

line 21, after "1988.", insert "THE APPLICANT SHALL NOT BE REQUIRED TO REPORT A PRECAUTIONARY OR ADMINISTRATIVE SUSPENSION OF MEDICAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES, AS DEFINED BY THE BOARD BY RULE, UNLESS THE APPLICANT RESIGNS HIS OR HER MEDICAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES WHILE THE PRECAUTIONARY OR ADMINISTRATIVE SUSPENSION IS PENDING.".

Page 4, after line 23, insert the following:

**"SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of twelve thousand two hundred eighty-one dollars (\$12,281), or so much thereof as may be necessary, for the implementation of this act.

1 (2) In addition to any other appropriation, there is hereby  
2 appropriated to the department of law, for the fiscal year beginning July  
3 1, 2008, the sum of one thousand one hundred twenty-seven dollars  
4 (\$1,127), or so much thereof as may be necessary, for the provision of  
5 legal services to the department of regulatory agencies related to the  
6 implementation of this act. Said sum shall be from reappropriated funds  
7 received from the department of regulatory agencies out of the  
8 appropriation made in subsection (1) of this section."  
9

10 Renumber succeeding section accordingly.

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12 Page 1, line 103, strike "ACT"." and substitute "ACT", AND MAKING AN  
13 APPROPRIATION IN CONNECTION THEREWITH."  
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17 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

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19 The Speaker has signed: **HJR09-1004**.

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23 **MESSAGE FROM THE SENATE**

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25 The Senate has passed on Third Reading and transmitted to the Revisor  
26 of Statutes: SB09-034.

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

30  
31 SB09-140 amended as printed in Senate Journal, February 6, 2009,  
32 page 190,  
33 SB09-078 amended as printed in Senate Journal, February 9, 2009,  
34 page 220,  
35 SB09-036 amended as printed in Senate Journal, February 9, 2009,  
36 page 220,  
37 SB09-054 amended as printed in Senate Journal, February 6, 2009,  
38 page 221,  
39 SB09-070 amended as printed in Senate Journal, February 6, 2009,  
40 page 221  
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44 **MESSAGE FROM THE REVISOR**

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46 We herewith transmit:  
47 Without comment, SB09-034.  
48 Without comment, as amended, SB09-140, 078, 036, 054, and 070.  
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52 On motion of Representative Weissmann, the following bill(s) will be  
53 calendared for Friday, February 13, 2009: HB09-1178.  
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**INTRODUCTION OF BILLS**  
**First Reading**

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

**SB09-034** by Senator(s) Kester; also Representative(s) Todd--  
Concerning the security level designation for the  
Centennial correctional facility.  
Committee on Judiciary

**SB09-036** by Senator(s) Gibbs; also Representative(s) Scanlan--  
Concerning theft of sound recordings, and making an  
appropriation in connection therewith.  
Committee on Judiciary

**SB09-054** by Senator(s) Scheffel; also Representative(s) Kerr A.--  
Concerning an increase in the civil penalties recoverable  
by the state under statutes related to fair trade.  
Committee on Judiciary

**SB09-070** by Senator(s) Foster; also Representative(s) Acree--  
Concerning clarifications to workers' compensation  
procedures.  
Committee on Business Affairs and Labor

**SB09-078** by Senator(s) Newell; also Representative(s) Rice--  
Concerning the abandonment of portions of the state  
highway system to local jurisdictions.  
Committee on Transportation & Energy

**SB09-140** by Senator(s) Bacon; also Representative(s) Fischer--  
Concerning a requirement that public trustees serve at the  
pleasure of the governor.  
Committee on Local Government

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On motion of Representative Weissmann, the House adjourned until  
9:00 a.m., February 11, 2009.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk