

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

Fifteenth Legislative Day

Wednesday, January 21, 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 Marissa Steigerwalt, Corwin Magnet School,
7 Pueblo, and Samantha Granger, Early College High School, Arvada.

8
9 The roll was called with the following result:

10
11 Present--59.
12 Excused--Representatives Gagliardi, McGihon, Pommer,
13 Primavera, Swalm--5.
14 Vacancy--1.
15 Present after roll call--Representatives Pommer, Swalm.

16
17 The Speaker declared a quorum present.

18
19
20 On motion of Representative Apuan, the reading of the journal of
21 January 20, 2009, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

23
24
25
26 **THIRD READING OF BILL--FINAL PASSAGE**

27
28 The following bill was considered on Third Reading. The title was
29 publicly read. Reading of the bill at length was dispensed with by
30 unanimous consent.

31
32 **HB09-1050** by Representative(s) Soper; also Senator Tochtrop--
33 Concerning the voluntary contribution designation
34 benefiting the Colorado Easter Seals fund that appears on
35 the state individual income tax return forms, and, in
36 connection therewith, extending the period for the
37 contribution designation and changing the name of the
38 fund.

39
40 The question being "Shall the bill pass?"

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

	YES	53	NO	7	EXCUSED	4	ABSENT	0	VACANCY	1
1										
2	Acree		Y	Green	Y	McCann	Y	Roberts		Y
3	Apuan		Y	Hullingerhorst	Y	McFadyen	Y	Ryden		Y
4	Balmer		Y	Judd	Y	McGihon	E	Scanlan		Y
5	Baumgardner	N		Kefalas	Y	McKinley	Y	Schafer S.		Y
6	Benefield	Y		Kerr A.	Y	McNulty	Y	Solano		Y
7	Bradford	N		Kerr J.	Y	Merrifield	Y	Sonnenberg		N
8	Casso	Y		King S.	Y	Middleton	Y	Soper		Y
9	Court	Y		Labuda	Y	Miklosi	Y	Stephens		Y
10	Curry	Y		Lambert	N	Murray	Y	Summers		Y
11	Ferrandino	Y		Levy	Y	Pace	Y	Swalm		E
12	Fischer	Y		Liston	N	Peniston	Y	Tipton		Y
13	Frangas	Y		Looper	Y	Pommer	Y	Todd		Y
14	Gagliardi	E			V	Primavera	E	Vaad		Y
15	Gardner B.	Y		Marostica	Y	Priola	Y	Vigil		Y
16	Gardner C.	Y		Massey	Y	Rice	Y	Waller		N
17	Gerou	Y		May	Y	Riesberg	Y	Weissmann		N
18								Speaker		Y

19 Representative Swalm excused from voting under House Rule 21(c).
 20 Co-sponsor(s) added: Representative(s) Apuan, Green, Kerr A., Labuda, Ryden,
 21 Todd.

22 _____
 23
 24
 25 On motion of Representative Curry, the House resolved itself into
 26 Committee of the Whole for consideration of General Orders, and she
 27 was called to the Chair to act as Chairman.

28 _____
 29
 30
 31 **GENERAL ORDERS--SECOND READING OF BILLS**

32
 33 The Committee of the Whole having risen, the Chairman reported the
 34 titles of the following bills had been read (reading at length had been
 35 dispensed with by unanimous consent), the bills considered and action
 36 taken thereon as follows:

37
 38 (Amendments to the committee amendment are to the printed committee
 39 report which was printed and placed in the members' bill file.)

40
 41 **HB09-1014** by Representative(s) Judd; also Senator(s) Isgar--
 42 Concerning the provision of additional resources to the
 43 division of real estate to provide oversight of conservation
 44 easements for which a state income tax credit is claimed.

45
 46 Ordered engrossed and placed on the Calendar for Third Reading and
 47 Final Passage.

48
 49 **HB09-1033** by Representative(s) Schafer S., Merrifield, Todd,
 50 Benefield; also Senator(s) Spence, Williams--Concerning
 51 the regulation of flight schools.

52
 53 Ordered engrossed and placed on the Calendar for Third Reading and
 54 Final Passage.

55

- 1 **HB09-1046** by Representative(s) Scanlan--Concerning procedures to
 2 implement the postsecondary and workforce readiness
 3 assessments pilot program.
 4
 5 Ordered engrossed and placed on the Calendar for Third Reading and
 6 Final Passage.
 7
 8 **HB09-1072** by Representative(s) Middleton; also Senator(s) Hudak--
 9 Concerning modifications to statutory provisions
 10 addressing the governance of library districts.
 11
 12 Amendment No. 1, Local Government report, dated January 15, 2009,
 13 and placed in member's bill file; report also printed in House Journal,
 14 January 16, pages 88-89.
 15
 16 As amended, ordered engrossed and placed on the Calendar for Third
 17 Reading and Final Passage.
 18
 19 **HB09-1042** by Representative(s) Merrifield--Concerning a prohibition
 20 on a slow-moving motor vehicle impeding highway traffic.
 21
 22 Laid over until January 23, retaining place on Calendar.
 23
 24 **HB09-1021** by Representative(s) Solano; also Senator(s) Boyd--
 25 Concerning the extension of the study of the treatment of
 26 persons with mental illness who are involved in the
 27 criminal and juvenile justice systems.
 28
 29 Ordered engrossed and placed on the Calendar for Third Reading and
 30 Final Passage.
 31

32
 33
 34 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

35
 36 Passed Second Reading: **HB09-1014, 1033, 1046, 1072 amended, 1021.**

37
 38 Laid over until date indicated retaining place on Calendar: **HB09-1042--**
 39 January 23, 2009.
 40

41 The Chairman moved the adoption of the Committee of the Whole
 42 Report. As shown by the following roll call vote, a majority of those
 43 elected to the House voted in the affirmative, and the Report was
 44 **adopted.**
 45

YES	60	NO	0	EXCUSED	4	ABSENT	0	VACANCY	1
47	Acree	Y	Green	Y	McCann	Y	Roberts	Y	
48	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y	
49	Balmer	Y	Judd	Y	McGihon	E	Scanlan	Y	
50	Baumgardner	Y	Kefalas	Y	McKinley	Y	Schafer S.	Y	
51	Benefield	Y	Kerr A.	Y	McNulty	Y	Solano	Y	
52	Bradford	Y	Kerr J.	Y	Merrifield	Y	Sonnenberg	Y	
53	Casso	Y	King S.	Y	Middleton	Y	Soper	Y	
54	Court	Y	Labuda	Y	Miklosi	Y	Stephens	Y	
55	Curry	Y	Lambert	Y	Murray	Y	Summers	Y	
56	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y	

1	Fischer	Y	Liston	E	Peniston	Y	Tipton	Y
2	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
3	Gagliardi	E		V	Primavera	E	Vaad	Y
4	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
5	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
6	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
7							Speaker	Y

8
9

REPORTS OF COMMITTEES OF REFERENCE

FINANCE

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

17 HB09-1002 be referred to the Committee of the Whole with favorable
18 recommendation.

19
20
21
22

TRANSPORTATION & ENERGY

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

27 HB09-1152 be referred favorably to the Committee on Agriculture,
28 Livestock, & Natural Resources.

29
30
31

PRINTING REPORT

34 The Chief Clerk reports the following bills have been correctly printed:
35 HB09-1170, 1171.

36
37
38

House in recess. House reconvened.

39
40
41

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

48 HB09-1067 be amended as follows, and as so amended, be referred to
49 the Committee on Finance with favorable
50 recommendation:

51
52
53

Amend printed bill, page 3, line 25, strike "6i." and substitute "6m."

54
55
56

Page 4, line 5, strike "OFFERED." and substitute "ACCEPTED."

1 **HJR09-1002** be referred out for final action.

2

3

4

5

6 **STATE, VETERANS, & MILITARY AFFAIRS**

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

9

10 **HB09-1039** be amended as follows, and as so amended, be referred to
11 the Committee on Appropriations with favorable
12 recommendation:

13

14 Amend printed bill, page 2, strike lines 6 through 8 and substitute the
15 following:

16

17 "COLORADO AND WHO ENROLLS IN A STATE INSTITUTION OF HIGHER
18 EDUCATION IN THIS STATE, OR A DEPENDENT OF SAID HONORABLY
19 DISCHARGED MEMBER OF THE ARMED FORCES WHO ENROLLS IN A STATE
20 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, MAY RECEIVE IN-STATE
21 TUITION STATUS AT THE DISCRETION OF THE ENROLLING INSTITUTION.
22 SAID";

23

24 line 9, strike "SHALL" and substitute "MAY";

25

26 after line 15, insert the following:

27

28 "(3) NOTWITHSTANDING ANY PROVISION OF SECTION 23-18-102 (5)
29 TO THE CONTRARY, AN HONORABLY DISCHARGED MEMBER OF THE ARMED
30 FORCES OF THE UNITED STATES WHO MAINTAINS HIS OR HER SOLE
31 RESIDENCE IN COLORADO, OR HIS OR HER DEPENDENT, SHALL NOT BE
32 ELIGIBLE TO RECEIVE A STIPEND PURSUANT TO PART 2 OF ARTICLE 18 OF
33 THIS TITLE."

34

35

36

37 **HB09-1058** 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 2, strike lines 10 through 19 and substitute the
42 following:

43

44 "(II) ANY MEMBER OR VETERAN OF THE ARMED FORCES OF THE
45 UNITED STATES OR OF AN ORGANIZATION SUPPORTING MEMBERS OR
46 VETERANS OF THE ARMED FORCES OF THE UNITED STATES SHALL HAVE
47 THE RIGHT TO ACCESS THE HUMAN REMAINS AND RECORDS THEREOF IN
48 ORDER TO IDENTIFY THE REMAINS IF NO PERSON WITH THE RIGHT OF FINAL
49 DISPOSITION HAS PROVIDED FOR FINAL DISPOSITION FOR AT LEAST ONE
50 HUNDRED EIGHTY DAYS AFTER DEATH. IF THE REMAINS ARE THOSE OF A
51 VETERAN OF THE ARMED FORCES OF THE UNITED STATES, THE PERSON
52 WHO POSSESSES THE REMAINS SHALL MAKE ARRANGEMENTS FOR THE
53 REMAINS TO BE TRANSFERRED TO THE CLOSEST UNITED STATES MILITARY
54 CEMETERY."

55

56

- 1 **HB09-1063** be referred favorably to the Committee on Appropriations.
2
3
- 4 **HB09-1150** be amended as follows, and as so amended, be referred to
5 the Committee on Appropriations with favorable
6 recommendation:
7
- 8 Amend printed bill, page 2, line 12, strike "BY RULE" and, after "FEES",
9 insert "OR BILLING PROCESS";
10
11 line 14, strike "FEES" and substitute "MONEYS".
12
- 13 Page 4, line 5, strike "BY RULE";
14
15 line 7, strike "FEES" and substitute "MONEYS";
16
17 after line 18, insert the following:
18
- 19 **"SECTION 5.** 24-50-125.4, Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW SUBSECTION to read:
21
- 22 **24-50-125.4. Hearings.** (6) THE BOARD OR AN ADMINISTRATIVE
23 LAW JUDGE FOR THE BOARD MAY GIVE ANY WRITTEN NOTICES OR ISSUE
24 ANY WRITTEN DECISIONS REQUIRED IN THIS SECTION BY EITHER REGULAR
25 OR ELECTRONIC MAIL OR BY FACSIMILE. THE BOARD SHALL PROMULGATE
26 RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE TO ESTABLISH A
27 UNIFORM SYSTEM FOR SERVICE OF WRITTEN NOTICES AND DECISIONS.
28
- 29 **SECTION 6.** 24-75-112 (1) (c), Colorado Revised Statutes, is
30 amended to read:
31
- 32 **24-75-112. Annual general appropriation act - headnote**
33 **definitions - general provisions - footnotes.** (1) As used in the annual
34 general appropriation act, the following definitions and general provisions
35 shall apply for the headnote terms preceding and specifying the purpose
36 of certain line items of appropriation:
37
- 38 (c) "Communications services payments" means payments to the
39 ~~department of personnel~~ OFFICE OF INFORMATION TECHNOLOGY CREATED
40 IN SECTION 24-37.5-103 for the cost of services from the state's public
41 safety communications infrastructure."
42
- 43 Renumber succeeding sections accordingly.
44
45
46
- 47 **INTRODUCTION OF BILLS**
48 **First Reading**
49
- 50 The following bills were read by title and referred to the committees
51 indicated:
52
- 53 **HB09-1172** by Representative(s) McCann, Fischer--Concerning an
54 increase in the protection of animals under the "Pet
55 Animal Care and Facilities Act".
56 Committee on Agriculture, Livestock, & Natural Resources

1 **HB09-1173** by Representative(s) Riesberg--Concerning efforts to
2 reduce the amount of contraband tobacco products in the
3 state.

4 Committee on Finance

5
6 **HB09-1174** by Representative(s) Riesberg; also Senator(s) Hodge,
7 Brophy--Concerning the exemption of depletions from
8 pumping that occurred prior to 1974.

9 Committee on Agriculture, Livestock, & Natural Resources

10

11

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13

LAY OVER OF CALENDAR ITEM

14

15 On motion of Representative Weissmann, the following item on the
16 Calendar was laid over until January 22, retaining place on Calendar:

17

18 Consideration of Resolution--**SJR09-006**.

19

20

21

22 On motion of Representative King, the House adjourned until 9:00 a.m.,
23 January 22, 2009.

24

25

Approved:
TERRANCE D. CARROLL,
Speaker

26

27

28 Attest:

29 MARILYN EDDINS,

30 Chief Clerk