

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

Fourteenth Legislative Day

Tuesday, January 20, 2009

1 Prayer by the Reverend Paul Spurlock, St. John's Cathedral in Denver and
2 Christ Church in Castle Rock.

3

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

5

6 Pledge of Allegiance led by Deante Dennis, Logan Elementary, Denver.

7

8 The roll was called with the following result:

9

10 Present--58.

11 Excused--Representatives Gagliardi, A. Kerr, McCann, McGihon,
12 Primavera--5.

13 Absent--Representative Frangas--1.

14 Vacancy--1.

15 Present after roll call--Representative Frangas.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Apuan, the reading of the journal of
21 January 16, 2009, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

23

24

25

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

27

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 **HB09-1030** by Representative(s) Labuda, Benefield, Gardner B.,
33 King S., Liston, Peniston, Rice, Riesberg; also Senator(s)
34 Tochtrop, Morse, Williams--Concerning firefighter and
35 police officer pension plan compliance with requirements
36 set forth in the internal revenue code.

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	58	NO	0	EXCUSED	6	ABSENT	0	VACANCY	1
1										
2	Acree	Y	Green	Y	McCann	E	Roberts	Y		
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y		
4	Balmer	Y	Judd	Y	McGihon	E	Scanlan	Y		
5	Baumgardner	Y	Kefalas	Y	McKinley	Y	Schafer S.	Y		
6	Benefield	Y	Kerr A.	E	McNulty	Y	Solano	Y		
7	Bradford	Y	Kerr J.	Y	Merrifield	Y	Sonnenberg	Y		
8	Casso	Y	King S.	Y	Middleton	Y	Soper	Y		
9	Court	Y	Labuda	Y	Miklosi	Y	Stephens	Y		
10	Curry	Y	Lambert	Y	Murray	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	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	Y		
17	Gerou	E	May	Y	Riesberg	Y	Weissmann	Y		
18							Speaker	Y		

19 Co-sponsor(s) added: Representative(s) Baumgardner, Casso, Looper,
20 McFadyen, Merrifield, Tipton, Todd.

21

22 **HB09-1027** by Representative(s) Rice, Fischer, Levy, Marostica,
23 McFadyen, Merrifield, Primavera; also Senator(s) Gibbs,
24 Williams--Concerning the duty of drivers to yield the
25 right-of-way to transit buses entering traffic.

26

27 As shown by the following roll call vote, a majority of all members
28 elected to the House voted in the affirmative, and Representative Rice
29 was given permission to offer a Third Reading amendment:

30

	YES	58	NO	0	EXCUSED	6	ABSENT	0	VACANCY	1
31										
32	Acree	Y	Green	Y	McCann	E	Roberts	Y		
33	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y		
34	Balmer	Y	Judd	Y	McGihon	E	Scanlan	Y		
35	Baumgardner	Y	Kefalas	Y	McKinley	Y	Schafer S.	Y		
36	Benefield	Y	Kerr A.	E	McNulty	Y	Solano	Y		
37	Bradford	Y	Kerr J.	Y	Merrifield	Y	Sonnenberg	Y		
38	Casso	Y	King S.	Y	Middleton	Y	Soper	Y		
39	Court	Y	Labuda	Y	Miklosi	Y	Stephens	Y		
40	Curry	Y	Lambert	Y	Murray	Y	Summers	Y		
41	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y		
42	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y		
43	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y		
44	Gagliardi	E		V	Primavera	E	Vaad	Y		
45	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y		
46	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y		
47	Gerou	E	May	Y	Riesberg	Y	Weissmann	Y		
48							Speaker	Y		

49

50 **Third Reading amendment No. 1**, by Representative Rice.

51

52 Amend engrossed bill, page 2, line 12, before "BEHIND" insert "IN THE
53 SAME LANE OF TRAFFIC AND".

54

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

56

	YES	58	NO	0	EXCUSED	6	ABSENT	0	VACANCY	1
1										
2	Acree	Y	Green	Y	McCann	E	Roberts	Y		
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y		
4	Balmer	Y	Judd	Y	McGihon	E	Scanlan	Y		
5	Baumgardner	Y	Kefalas	Y	McKinley	Y	Schafer S.	Y		
6	Benefield	Y	Kerr A.	E	McNulty	Y	Solano	Y		
7	Bradford	Y	Kerr J.	Y	Merrifield	Y	Sonnenberg	Y		
8	Casso	Y	King S.	Y	Middleton	Y	Soper	Y		
9	Court	Y	Labuda	Y	Miklosi	Y	Stephens	Y		
10	Curry	Y	Lambert	Y	Murray	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	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	Y		
17	Gerou	E	May	Y	Riesberg	Y	Weissmann	Y		
18							Speaker	Y		

19
20 The question being, "Shall the bill, as amended, pass?".
21 A roll call vote was taken. As shown by the following recorded vote, a
22 majority of those elected to the House voted in the affirmative, and the
23 bill, as amended, was declared **passed**.

	YES	53	NO	5	EXCUSED	6	ABSENT	0	VACANCY	1
24										
25										
26	Acree	Y	Green	Y	McCann	E	Roberts	Y		
27	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y		
28	Balmer	Y	Judd	Y	McGihon	E	Scanlan	Y		
29	Baumgardner	N	Kefalas	Y	McKinley	N	Schafer S.	Y		
30	Benefield	Y	Kerr A.	E	McNulty	Y	Solano	Y		
31	Bradford	Y	Kerr J.	Y	Merrifield	Y	Sonnenberg	N		
32	Casso	Y	King S.	Y	Middleton	Y	Soper	Y		
33	Court	Y	Labuda	Y	Miklosi	Y	Stephens	Y		
34	Curry	Y	Lambert	Y	Murray	Y	Summers	Y		
35	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N		
36	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y		
37	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y		
38	Gagliardi	E		V	Primavera	E	Vaad	Y		
39	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y		
40	Gardner C.	N	Massey	Y	Rice	Y	Waller	Y		
41	Gerou	E	May	Y	Riesberg	Y	Weissmann	Y		
42							Speaker	Y		

43 Co-sponsor(s) added: Representative(s) Labuda, Priola, Ryden, Todd.

44
45
46 On motion of Representative Todd, the House resolved itself into
47 Committee of the Whole for consideration of General Orders, and she
48 was called to the Chair to act as Chairman.

51 GENERAL ORDERS--SECOND READING OF BILLS

52
53 The Committee of the Whole having risen, the Chairman reported the
54 titles of the following bills had been read (reading at length had been
55 dispensed with by unanimous consent), the bills considered and action
56 taken thereon as follows:

1 (Amendments to the committee amendment are to the printed committee
2 report which was printed and placed in the members' bill file.)
3

4 **HB09-1014** by Representative(s) Judd; also Senator(s) Isgar--
5 Concerning the provision of additional resources to the
6 division of real estate to provide oversight of conservation
7 easements for which a state income tax credit is claimed.
8

9 Laid over until January 21, retaining place on Calendar.
10

11 **HB09-1050** by Representative(s) Soper--Concerning the voluntary
12 contribution designation benefiting the Colorado Easter
13 Seals fund that appears on the state individual income tax
14 return forms, and, in connection therewith, extending the
15 period for the contribution designation and changing the
16 name of the fund.
17

18 Ordered engrossed and placed on the Calendar for Third Reading and
19 Final Passage.
20

21
22
23 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
24

25 Passed Second Reading: **HB09-1050**.

26
27 Laid over until date indicated retaining place on Calendar: **HB09-1014--**
28 January 21, 2009.
29

30 The Chairman moved the adoption of the Committee of the Whole
31 Report. As shown by the following roll call vote, a majority of those
32 elected to the House voted in the affirmative, and the Report was
33 **adopted**.
34

YES	59	NO	0	EXCUSED	5	ABSENT	0	VACANCY	1
Acree	Y	Green	Y	McCann	E	Roberts	Y		
Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y		
Balmer	Y	Judd	Y	McGihon	E	Scanlan	Y		
Baumgardner	Y	Kefalas	Y	McKinley	Y	Schafer S.	Y		
Benefield	Y	Kerr A.	E	McNulty	Y	Solano	Y		
Bradford	Y	Kerr J.	Y	Merrifield	Y	Sonnenberg	Y		
Casso	Y	King S.	Y	Middleton	Y	Soper	Y		
Court	Y	Labuda	Y	Miklosi	Y	Stephens	Y		
Curry	Y	Lambert	Y	Murray	Y	Summers	Y		
Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y		
Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y		
Frangas	Y	Looper	Y	Pommer	Y	Todd	Y		
Gagliardi	E		V	Primavera	E	Vaad	Y		
Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y		
Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y		
Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y		
						Speaker	Y		

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SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HJR09-1003; HR09-1005; SJR09-005, 007.**

MESSAGE FROM THE SENATE

The Senate has adopted and returns herewith: HJR09-1003.

House in recess. House reconvened.

**INTRODUCTION OF BILLS
First Reading**

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

HB09-1170 by Representative(s) Casso, Pace; also Senator(s) Tochtrop--Concerning unemployment insurance benefits for locked-out employees.
Committee on Business Affairs and Labor

HB09-1171 by Representative(s) Court; also Senator(s) Kester--Concerning requirements related to the installation of manufactured homes.
Committee on Local Government

LAY OVER OF CALENDAR ITEM

On motion of Representative Scanlan, the following items on the Calendar were laid over until January 21, retaining place on Calendar:

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

On motion of Representative Scanlan, the House adjourned until 9:00 a.m., January 21, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk