

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

Twenty-eighth Legislative Day

Tuesday, February 3, 2009

1 Prayer by Bishop Elaine J. W. Stanovsky, Bishop of Rocky Mountain
 2 Conference of the United Methodist Church, Westminster.

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

5
 6 Pledge of Allegiance led by Amy Dubetz, Colorado School of Mines,
 7 Golden.

8
 9 The roll was called with the following result:

10
 11 Present--64.
 12 Excused--Representative McGihon--1.

13
 14 The Speaker declared a quorum present.

15
 16
 17 On motion of Representative Bradford, the reading of the journal of
 18 February 2, 2009, was declared dispensed with and approved as corrected
 19 by the Chief Clerk.

20
 21
 22
 23 **THIRD READING OF BILLS--FINAL PASSAGE**

24
 25 The following bills were considered on Third Reading. The titles were
 26 publicly read. Reading of the bill at length was dispensed with by
 27 unanimous consent.

28
 29 **HB09-1078** by Representative(s) Ryden; also Senator(s) Hodge--
 30 Concerning training for foster parents in regard to
 31 individualized education programs.

32
 33 The question being "Shall the bill pass?".
 34 A roll call vote was taken. As shown by the following recorded vote, a
 35 majority of those elected to the House voted in the affirmative and the
 36 bill was declared **passed**.

37
 38

	YES	64	NO	0	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y

1	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
2	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
3	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
4	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
5	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
6	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
7	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
8	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
9	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
10	Gardner	Y	May	Y	Rice	Y	Waller	Y
11	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
12							Speaker	Y

13 Co-sponsor(s) added: Representative(s) Acree, Apuan, Fischer, Frangas, Green,
 14 Kefalas, Kerr A., Labuda, Merrifield, Middleton, Miklosi, Peniston, Priola,
 15 Schafer S., Solano, Summers, Todd

16
 17 **HB09-1082** by Representative(s) Peniston; also Senator(s) Tochtrop--
 18 Concerning recording of public meetings of school district
 19 boards of education.

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

	YES	44	NO	20	EXCUSED	1	ABSENT	0
27	Acree	Y	Green	Y	McFadyen	Y	Roberts	N
28	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
29	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
30	Baumgardner	N	Kefalas	Y	McNulty	Y	Schafer S.	Y
31	Benefield	N	Kerr A.	Y	Merrifield	Y	Solano	Y
32	Bradford	N	Kerr J.	Y	Middleton	Y	Sonnenberg	N
33	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
34	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
35	Curry	Y	Lambert	N	Nikkel	N	Summers	N
36	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
37	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
38	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
39	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	N
40	Gardner B.	N	Massey	N	Priola	Y	Vigil	Y
41	Gardner	N	May	Y	Rice	Y	Waller	N
42	Gerou	N	McCann	Y	Riesberg	Y	Weissmann	Y
43							Speaker	Y

44 Co-sponsor(s) added: Representative(s) Green, Priola, Ryden

45
 46
 47 **HB09-1099** by Representative(s) Roberts and Kerr A., Massey,
 48 Merrifield; also Senator(s) Penry and Romer--Concerning
 49 the Colorado youth advisory council.

50
 51 The question being "Shall the bill pass?".
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative and the bill
 54 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	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	Y
16	Gardner	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Bradford, Casso,
 20 Court, Curry, Fischer, Frangas, Gerou, Kefalas, Kerr J., Labuda, Lambert,
 21 Looper, Marostica, Middleton, McNulty, Nikkel, Peniston, Pommer, Ryden,
 22 Scanlan, Solano, Stephens, Summers, Tipton, Todd, Speaker

23
 24 **HB09-1161** by Representative(s) Baumgardner, Bradford, Gardner C.,
 25 King S., Looper, May, McNulty, Murray, Tipton; also
 26 Senator(s) Gibbs, White--Concerning a reduction in the
 27 time to provide written documentation supporting an oil
 28 and gas valuation statement.

29
 30 The question being "Shall the bill pass?".
 31 A roll call vote was taken. As shown by the following recorded vote, a
 32 majority of those elected to the House voted in the affirmative and the bill
 33 was declared **passed**.

	YES	63	NO	1	EXCUSED	1	ABSENT	0
34								
35								
36	Acree	Y	Green	N	McFadyen	Y	Roberts	Y
37	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
38	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
39	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
40	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
41	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
42	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
43	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
44	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
45	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
46	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
47	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
48	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
49	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
50	Gardner	Y	May	Y	Rice	Y	Waller	Y
51	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Curry, Frangas, Kerr J., Massey,
 54 McFadyen, Nikkel, Priola, Roberts, Waller

1 **HB09-1052** by Representative(s) Waller; also Senator Heath--
 2 Concerning limitations on the solicitation of donated items
 3 that will be sold for profit.
 4

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	62	NO	2	EXCUSED	1	ABSENT	0
11	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
12	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
13	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
14	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
15	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
16	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
17	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
18	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
19	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
20	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
21	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
22	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
23	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
24	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
25	Gardner	N	May	Y	Rice	Y	Waller	Y
26	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Court, Labuda, Priola, Ryden, Scanlan,
 29 Soper, Todd
 30

31 **HB09-1091** by Representative(s) Soper and Court, McGihon,
 32 Merrifield, Todd; also Senator(s) Romer, Schwartz--
 33 Concerning a requirement that carbon monoxide alarms be
 34 installed in residential properties.
 35

36 The question being "Shall the bill pass?".
 37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative and the bill
 39 was declared **passed**.
 40

	YES	43	NO	21	EXCUSED	1	ABSENT	0
42	Acree	N	Green	Y	McFadyen	Y	Roberts	N
43	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
44	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
45	Baumgardner	Y	Kefalas	Y	McNulty	N	Schafer S.	Y
46	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
47	Bradford	N	Kerr J.	N	Middleton	Y	Sonnenberg	N
48	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
49	Court	Y	Labuda	Y	Murray	N	Stephens	Y
50	Curry	Y	Lambert	N	Nikkel	Y	Summers	N
51	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
52	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
53	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
54	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
55	Gardner B.	N	Massey	N	Priola	Y	Vigil	Y
56	Gardner	N	May	N	Rice	Y	Waller	N

1 | Gerou Y McCann Y Riesberg Y Weissmann Y |
 2 | | | | | | | | Speaker Y |
 3 | Co-sponsor(s) added: Representative(s) Apuan, Casso, Fischer, Frangas,
 4 | Gagliardi, Green, Kefalas, Kerr A., Labuda, Levy, McCann, Middleton, Pace,
 5 | Peniston, Primavera, Priola, Rice, Ryden, Scanlan, Speaker
 6 |

7 | **HB09-1101** by Representative(s) Benefield, Todd, Apuan, Ferrandino,
 8 | Kefalas, Merrifield, Murray, Stephens; also Senator(s)
 9 | Veiga, Hudak--Concerning the administration of sales tax
 10 | collections by the department of revenue.
 11 |

12 | The question being "Shall the bill pass?".
 13 | A roll call vote was taken. As shown by the following recorded vote, a
 14 | majority of those elected to the House voted in the affirmative and the bill
 15 | was declared **passed**.
 16 |

	YES	64	NO	0	EXCUSED	1	ABSENT	0
18 Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
19 Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y	
20 Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y	
21 Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y	
22 Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y	
23 Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y	
24 Casso	Y	King S.	Y	Miklosi	Y	Soper	Y	
25 Court	Y	Labuda	Y	Murray	Y	Stephens	Y	
26 Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y	
27 Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y	
28 Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y	
29 Frangas	Y	Looper	Y	Pommer	Y	Todd	Y	
30 Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y	
31 Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y	
32 Gardner	Y	May	Y	Rice	Y	Waller	Y	
33 Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y	
34						Speaker	Y	

35 | Co-sponsor(s) added: Representative(s) Curry, Gerou, Middleton, Solano
 36 |

37 | **HB09-1007** by Representative(s) Frangas, Hullinghorst; also
 38 | Senator(s) Newell, Boyd--Concerning improving child
 39 | protection efforts by adding domestic violence experts to
 40 | interagency oversight groups in the collaborative
 41 | management program.
 42 |

43 | The question being "Shall the bill pass?".
 44 | A roll call vote was taken. As shown by the following recorded vote, a
 45 | majority of those elected to the House voted in the affirmative and the bill
 46 | was declared **passed**.
 47 |

	YES	64	NO	0	EXCUSED	1	ABSENT	0
49 Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
50 Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y	
51 Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y	
52 Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y	
53 Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y	
54 Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y	
55 Casso	Y	King S.	Y	Miklosi	Y	Soper	Y	
56 Court	Y	Labuda	Y	Murray	Y	Stephens	Y	

1	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
2	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
3	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
4	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
5	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
6	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
7	Gardner	Y	May	Y	Rice	Y	Waller	Y
8	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
9							Speaker	Y

10 Co-sponsor(s) added: Representative(s) Apuan, Gagliardi, Green, Kefalas,
 11 Kerr A., Kerr J., Labuda, McCann, Merrifield, Miklosi, Primavera, Priola,
 12 Riesberg, Schafer S., Solano, Todd

13
 14 **HB09-1056** by Representative(s) McCann; also Senator(s) Kopp--
 15 Concerning increased penalty authority for the department
 16 of public health and environment for violations of solid
 17 waste disposal laws.

18
 19 The question being "Shall the bill pass?".
 20 A roll call vote was taken. As shown by the following recorded vote, a
 21 majority of those elected to the House voted in the affirmative and the bill
 22 was declared **passed**.

23	YES	57	NO	7	EXCUSED	1	ABSENT	0
24	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
25	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
26	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
27	Baumgardner	Y	Kefalas	Y	McNulty	N	Schafer S.	Y
28	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
29	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
30	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
31	Court	Y	Labuda	Y	Murray	Y	Stephens	N
32	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
33	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
34	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
35	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
36	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
37	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
38	Gardner	Y	May	N	Rice	Y	Waller	N
39	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
40							Speaker	Y

41
 42 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Labuda, Levy,
 43 Merrifield, Middleton, Primavera, Ryden

44
 45
 46 **HB09-1005** by Representative(s) Marostica; also Senator(s) Veiga,
 47 White--Concerning the authority of a special district to
 48 establish special improvement districts within the
 49 boundaries of the special district.

50
 51 The question being "Shall the bill pass?".
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative and the bill
 54 was declared **passed**.

	YES	61	NO	3	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	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	N
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	Y
16	Gardner	N	May	N	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Gerou, Liston, Massey, Nikkel,
20 Stephens

21
22 **HB09-1024** by Representative(s) McNulty, Kerr J., Primavera; also
23 Senator(s) Tochtrop, Isgar, Schultheis--Concerning the
24 application of specified audit reporting requirements
25 within the Colorado local government audit law to certain
26 entities that are otherwise not required to comply with the
27 requirements.
28

29 The question being "Shall the bill pass?".
30 A roll call vote was taken. As shown by the following recorded vote, a
31 majority of those elected to the House voted in the affirmative and the bill
32 was declared **passed**.
33

	YES	63	NO	1	EXCUSED	1	ABSENT	0
35	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
36	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
37	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
38	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
39	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
40	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
41	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
42	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
43	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
44	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
45	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
46	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
47	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
48	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
49	Gardner	N	May	Y	Rice	Y	Waller	Y
50	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Miklosi, Nikkel, Stephens, Waller
53

54 **HB09-1079** by Representative(s) Vaad, Marostica; also Senator(s)
55 Renfroe--Concerning annexing adjacent municipalities to
56 existing junior college districts.

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
7	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
8	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
9	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
10	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
11	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
12	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
13	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
14	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
15	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
16	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
17	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
18	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
19	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
20	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
21	Gardner	Y	May	Y	Rice	Y	Waller	Y
22	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Gerou, Kerr J., Massey, Middleton,
 25 Nikkel, Pommer, Riesberg, Ryden, Scanlan, Schafer S., Summers, Todd, Waller

26
 27 **HB09-1148** by Representative(s) Schafer S.; also Senator(s) Schwartz-
 28 -Concerning the authority of the department of revenue to
 29 provide information about severance tax taxpayers to the
 30 department of local affairs.

31
 32 The question being "Shall the bill pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative and the bill
 35 was declared **passed**.

	YES	46	NO	18	EXCUSED	1	ABSENT	0
38	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
40	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
41	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
42	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
44	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
45	Court	Y	Labuda	Y	Murray	N	Stephens	N
46	Curry	Y	Lambert	N	Nikkel	N	Summers	N
47	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
48	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
49	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
50	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
51	Gardner B.	N	Massey	Y	Priola	N	Vigil	Y
52	Gardner	N	May	Y	Rice	Y	Waller	N
53	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Curry, Labuda, Ryden

56

1 **HB09-1045** by Representative(s) Casso; also Senator(s) Gibbs--
 2 Concerning recognition of September 11 as an optional
 3 state holiday.

4
 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**.

	YES	52	NO	12	EXCUSED	1	ABSENT	0
11	Acree	Y	Green	Y	McFadyen	Y	Roberts	N
12	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
13	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
14	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	N
15	Benefield	N	Kerr A.	Y	Merrifield	Y	Solano	Y
16	Bradford	N	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
17	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
18	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
19	Curry	Y	Lambert	Y	Nikkel	Y	Summers	N
20	Ferrandino	Y	Levy	N	Pace	Y	Swalm	N
21	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
22	Frangas	Y	Looper	Y	Pommer	N	Todd	Y
23	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
24	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
25	Gardner	Y	May	Y	Rice	N	Waller	Y
26	Gerou	Y	McCann	N	Riesberg	N	Weissmann	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Frangas, Green, Labuda, McFadyen,
 29 Miklosi, Ryden

30
 31
 32 **HB09-1041** by Representative(s) Gerou; also Senator Gibbs--
 33 Concerning a fire protection district board's authority to fix
 34 fees for emergency medical services.

35
 36 The question being "Shall the bill pass?".
 37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative and the bill
 39 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
42	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
43	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
44	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
45	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
46	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
47	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
48	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
49	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
50	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
51	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
52	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
53	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
54	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
55	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
56	Gardner	Y	May	Y	Rice	Y	Waller	Y

1	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
2							Speaker	Y

3 Co-sponsor(s) added: Representative(s) Acree, Apuan, Frangas, Labuda,
4 Lambert, Levy, Liston, Nikkel, Ryden, Soper, Stephens

5
6 **HB09-1083** by Representative(s) McFadyen, Pace; also Senator(s)
7 Tapia, Penry--Concerning the authority of the state to enter
8 into lease-purchase agreements for commercial space for
9 the department of personnel in Pueblo county, Colorado.

10
11 The question being "Shall the bill pass?"

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

15	YES	64	NO	0	EXCUSED	1	ABSENT	0
17	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
18	Apuan	Y	Hullinghorst	Y	McGihon	E	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	Y	May	Y	Rice	Y	Waller	Y
32	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Frangas, Labuda, Todd, Vigil

CONSIDERATION OF RESOLUTION

37
38
39 **HJR09-1004** by Representative(s) Massey and Benefield, Acree, Apuan,
40 Balmer, Baumgardner, Bradford, Carroll T., Casso, Court,
41 Curry, Ferrandino, Fischer, Frangas, Gagliardi, Gardner
42 B., Gardner C., Gerou, Green, Hulinghorst, Judd, Kefalas,
43 Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston,
44 Looper, Marostica, May, McCann, McFadyen, McGihon,
45 McKinley, McNulty, Merrifield, Middleton, Miklosi,
46 Murray, Pace, Peniston, Pommer, Primavera, Priola, Rice,
47 Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
48 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton,
49 Todd, Vaad, Vigil, Waller, Weissmann; also Senator
50 Boyd--Concerning civility in the Colorado general
51 assembly.

52
53 (Printed and placed in member's file)

54
55 On motion of Representatives Benefield and Massey, the resolution was
56 read at length and **adopted** by the following roll call vote:

	YES	63	NO	0	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	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	E	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	Y
16	Gardner	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Nikkel

20
21
22
23
24 On motion of Representative Frangas, the House resolved itself into
25 Committee of the Whole for consideration of General Orders, and he was
26 called to the Chair to act as Chairman.

27
28
29 **GENERAL ORDERS--SECOND READING OF BILLS**

30
31 The Committee of the Whole having risen, the Chairman reported the
32 titles of the following bills had been read (reading at length had been
33 dispensed with by unanimous consent), the bills considered and action
34 taken thereon as follows:

35
36 (Amendments to the committee amendment are to the printed committee
37 report which was printed and placed in the members' bill file.)

38
39 **HB09-1018** by Representative(s) Bradford--Concerning the removal of
40 obsolete language in statutory provisions implementing the
41 statewide voter registration and election system for
42 purposes of compliance with the federal "Help America
43 Vote Act" .

44
45 Laid over until February 13, retaining place on Calendar.

46
47 **HB09-1128** by Representative(s) Priola, Balmer, Baumgardner,
48 Bradford, Frangas, Gardner C., Hullingerhorst, Liston,
49 Looper, Casso, McNulty, Merrifield, Middleton, Roberts,
50 Sonnenberg, Soper, Swalm, Todd; also Senator(s) Hodge,
51 Penry, Spence, Williams, King K.--Concerning the
52 establishment of an academic license to allow a dentist
53 employed by a school of dentistry to engage in the practice
54 of dentistry in connection with programs affiliated with the
55 school.
56

1 Amendment No. 1, Education Report, dated January 29, 2009, and placed
2 in member's bill file; Report also printed in House Journal, January 30,
3 page 179.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB09-1093** by Representative(s) Levy, McGihon, Benefield, Judd,
9 Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield,
10 Pommer, Solano; also Senator(s) Veiga, Carroll M.--
11 Concerning additional income tax reporting requirements
12 for a corporate taxpayer.

13
14 Amendment No. 1, Finance Report, dated January 28, 2009, and placed
15 in member's bill file; Report also printed in House Journal, January 30,
16 pages 180-183.

17
18 Amendment No. 2, by Representative Levy.

19
20 Amend the Finance Committee Report, dated January 28, 2009, page 3,
21 strike line 5 and substitute the following:

22
23 "SUBSECTION (5) OF THIS SECTION; EXCEPT THAT, IN THE CASE OF
24 MULTIPLE TRANSACTIONS DESCRIBED IN SECTION 39-22-652 (5) (b) OR (5)
25 (c) THAT OCCUR WITHIN A SINGLE TAX YEAR, IN LIEU OF A DISCLOSURE FOR
26 EACH TRANSACTION WITH A REGULATED INVESTMENT COMPANY OR A
27 REAL ESTATE INVESTMENT TRUST, A TAXPAYER MAY FILE A DISCLOSURE
28 FOR MULTIPLE TRANSACTIONS WITH A REGULATED INVESTMENT COMPANY
29 OR REAL ESTATE INVESTMENT TRUST SHOWING THE NAME AND OWNERSHIP
30 OF EACH SUCH ENTITY AND EACH SUCH ENTITY'S TOTAL ASSETS AND
31 TOTAL INCOME EARNED PRIOR TO ANY DIVIDEND PAID DEDUCTION.";

32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.

35
36 **HB09-1004** by Representative(s) Apuan; also Senator(s) Boyd--
37 Concerning the authority of organizations providing all-
38 inclusive care for the elderly to employ physicians.

39
40 Ordered engrossed and placed on the Calendar for Third Reading and
41 Final Passage.

42
43 **HB09-1139** by Representative(s) Solano; also Senator(s) Tochtrop--
44 Concerning fetal alcohol spectrum disorders.

45
46 Amendment No. 1, Health & Human Services Report, dated
47 January 29, 2009, and placed in member's bill file; Report also printed in
48 House Journal, January 30, pages 184-185.

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

52
53 **HB09-1080** by Representative(s) Marostica; also Senator(s) Williams--
54 Concerning a grant of qualified immunity to building code
55 officials rendering assistance during a disaster emergency.

56

1 Amendment No. 1, by Representative Marostica.

2

3 Amend printed bill, page 2, line 20, after "A", insert "BUILDING
4 INSPECTOR, BUILDING CODE OFFICIAL, OR CERTIFIED BUILDING OFFICIAL".

5

6 As amended ordered engrossed and placed on the Calendar for Third
7 Reading and Final Passage.

8

9 **HB09-1090** by Representative(s) Rice; also Senator(s) Williams--
10 Concerning the use of titles associated with interpretation
11 for deaf persons, and, in connection therewith, making
12 unauthorized use of such titles a deceptive trade practice
13 under the "Colorado Consumer Protection Act".

14

15 Amendment No. 1, Judiciary Report, dated January 29, 2009, and placed
16 in member's bill file; Report also printed in House Journal, January 30,
17 page 185.

18

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

21

22 **HB09-1135** by Representative(s) Judd; also Senator(s) White--
23 Concerning the adjustment of fees imposed by counties in
24 the state.

25

26 Laid over until February 13, retaining place on Calendar.

27

28 **HB09-1066** by Representative(s) Vaad; also Senator(s) Gibbs--
29 Concerning the codification of existing practices of the
30 division of aeronautics.

31

32 Amendment No. 1, Transportation & Energy Report, dated
33 January 29, 2009, and placed in member's bill file; Report also printed in
34 House Journal, January 30, page 191.

35

36 Amendment No. 2, by Representative Vaad.

37

38 Amend the Transportation and Energy Committee Report, dated January
39 29, 2009, page 1, line 15, strike "AN AIRPORT." and substitute "AN
40 FAA-DESIGNATED PUBLIC-USE AIRPORT."

41

42 Page 2, line 3, strike "43-10-109." and substitute "43-10-109.";

43

44 line 8, strike "(1) and (4) (a) (I)," and substitute "(1), (2) (c), (4) (a) (I),
45 and (4) (a) (II),";

46

47 after line 22, insert the following:

48

49 "(2) (c) It is not the intent of the general assembly that the moneys
50 available for expenditure pursuant to the provisions of this subsection (2)
51 be used to supplant any federal moneys which may be available to
52 airports, governmental entities operating ~~public-accessible~~
53 FAA-DESIGNATED PUBLIC-USE airports, or the division pursuant to federal
54 law."

55

56 Page 6, after line 3, insert the following:

1 "(II) To the airport operating fund of the governmental entity
 2 operating the ~~public-accessible~~ FAA-DESIGNATED PUBLIC-USE airport
 3 pursuant to section 43-10-110 (2) (a); and";
 4
 5 line 9, after "~~public-accessible~~", insert "FAA-DESIGNATED";
 6
 7 line 27, strike "A" and substitute "AN FAA-DESIGNATED".".
 8
 9 As amended, ordered engrossed and placed on the Calendar for Third
 10 Reading and Final Passage.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

16 Passed Second Reading: **HB09-1128 amended, 1093 amended, 1004,**
 17 **1139 amended, 1080 amended, 1090 amended, 1066 amended.**

19 Laid over until date indicated retaining place on Calendar: **HB09-1018,**
 20 **1135--February 13, 2009.**

22 The Chairman moved the adoption of the Committee of the Whole
 23 Report. As shown by the following roll call vote, a majority of those
 24 elected to the House voted in the affirmative, and the Report was
 25 **adopted.**

	YES	64	NO	0	EXCUSED	1	ABSENT	0
28	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
29	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
30	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
34	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
35	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
36	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
38	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
39	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
40	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
41	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
42	Gardner	Y	May	Y	Rice	Y	Waller	Y
43	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
44							Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

JUDICIARY

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

54 **HB09-1113** be postponed indefinitely.

1 **HB09-1147** be postponed indefinitely.
2
3
4 **HB09-1151** be amended as follows, and as so amended, be referred to
5 the Committee of the Whole with favorable
6 recommendation:
7
8 Amend printed bill, page 6, line 26, strike "affected" and substitute
9 "~~affected~~ APPROPRIATE".
10
11 Page 7, line 22, strike "SCHOOL BUILDING SAFETY" and substitute "PUBLIC
12 SCHOOL CONSTRUCTION AND".
13
14 Page 8, line 2, strike "SCHOOL BUILDING SAFETY" and substitute "PUBLIC
15 SCHOOL CONSTRUCTION AND".
16
17 Page 9, line 5, strike "RULES" and substitute "THE FIRE CODE".
18
19 Page 15, line 12, strike "~~public~~" and substitute "public";
20
21 line 13, strike "SCHOOL BUILDING safety" and substitute "~~safety~~ SCHOOL
22 CONSTRUCTION AND".
23
24 Page 16, line 2, strike "SCHOOL BUILDING" and substitute "PUBLIC SCHOOL
25 CONSTRUCTION AND";
26
27 line 3, strike "SAFETY".
28
29 Page 17, line 9, strike "RULES" and substitute "THE FIRE CODE".
30
31 Page 18, line 5, strike "amended" and substitute "amended, and the said
32 24-33.5-1201 is further amended BY THE ADDITION OF A NEW
33 SUBSECTION,";
34
35 after line 13, insert the following:
36
37 "(3) THERE IS HEREBY CREATED WITHIN THE DIVISION THE PUBLIC
38 SCHOOL CONSTRUCTION AND INSPECTION SECTION TO IMPLEMENT THE
39 PROVISIONS OF SECTIONS 22-32-124 (2) AND 23-71-122 (1) (v), C.R.S.,
40 AND TO ADMINISTER AND ENFORCE THE CODES IN ACCORDANCE WITH
41 24-33.5-1213 AND 24-33.5-1213.3. THE PUBLIC SCHOOL CONSTRUCTION
42 AND INSPECTION SECTION SHALL PERFORM ITS DUTIES AND FUNCTIONS
43 UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR AS IF THE SAME WERE
44 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS SUCH
45 TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF
46 1968", ARTICLE 1 OF THIS TITLE.";
47
48 line 14, strike "(1) (a), (1) (b), and";
49
50 line 15, strike "are" and substitute "is";
51
52 line 16, strike "A NEW PARAGRAPH," and substitute "THE
53 FOLLOWING NEW PARAGRAPHS,";
54
55 strike lines 19 through 25 and substitute the following:
56

1 "(a.5) ASSIST UNITS OF LOCAL GOVERNMENT CHARGED WITH THE
2 CONSTRUCTION, MAINTENANCE, AND INSPECTION OF PUBLIC SCHOOL
3 BUILDINGS IN COORDINATING THEIR ACTIVITIES WITH STATE DEPARTMENTS
4 AND AGENCIES THAT HAVE SIMILAR RESPONSIBILITIES;
5

6 (b.5) ADVISE THE GOVERNOR AND THE GENERAL ASSEMBLY
7 REGARDING IMPLEMENTATION OF THE PUBLIC SCHOOL CONSTRUCTION AND
8 INSPECTION PROGRAM;"

9
10 line 27, strike "BUILDING" and substitute "~~code~~ CODES ADOPTED".

11
12 Page 19, line 1, strike "SAFETY code";

13
14 line 6, strike "SAFETY" and substitute "BUILDING";

15
16 line 13, strike "a fire code," and substitute "~~a fire code~~ CODES,";

17
18 line 14, strike "fire code" and substitute "~~fire code~~ CODES";

19
20 line 15, strike "and" and substitute "and";

21
22 line 18, strike "12; AND" and substitute "12.";

23
24 strike lines 19 through 21.

25
26 Page 20, strike lines 19 through 23 and substitute the following:

27
28 "(f) TO ESTABLISH AND ADOPT SUCH RULES AS MAY BE NECESSARY
29 TO ADMINISTER THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION
30 PROGRAM FOR THE INSPECTION OF PUBLIC SCHOOL BUILDINGS AND A
31 PROGRAM FOR CERTIFICATION OF PUBLIC SCHOOL BUILDING INSPECTORS;"

32
33 Page 21, strike line 10 and substitute the following;

34
35 "(2) THE PUBLIC SCHOOL CONSTRUCTION AND INSPECTION
36 PROGRAM AND THE";

37
38 line 11, before "SCHOOL", insert "PUBLIC";

39
40 line 13, strike "DIRECTOR." and substitute "DIRECTOR WITH THE ADVICE OF
41 THE BOARD OF APPEALS CREATED IN SECTION 24-33.5-1213.7.";

42
43 line 16, strike "**School building safety**" and substitute "**Public school
44 construction and**";

45
46 line 21, strike "SCHOOL BUILDING safety" and substitute "~~safety~~ PUBLIC
47 SCHOOL CONSTRUCTION AND";

48
49 line 24, strike "SCHOOL BUILDING SAFETY" and substitute "PUBLIC SCHOOL
50 CONSTRUCTION AND INSPECTION".

51
52 Page 22, line 12, strike "fire" and substitute "~~fire~~";

53
54 line 25, strike "SCHOOL BUILDING SAFETY" and substitute "PUBLIC SCHOOL
55 CONSTRUCTION AND".

56

1 Page 24, line 13, strike "AN INSPECTOR" and substitute "A BUILDING
2 INSPECTOR AND PLANS EXAMINER".

3
4 Page 25, line 14, strike "SIX" and substitute "SEVEN";

5
6 line 24, strike "INCORPORATED COLORADO COUNTIES," and substitute
7 "COLORADO COUNTIES, INCORPORATED,".

8
9 Page 27, after line 6, insert the following:

10
11 "(5) IN ADDITION TO HEARING APPEALS AS PROVIDED IN THIS
12 SECTION, THE BOARD OF APPEALS SHALL ADVISE THE DIRECTOR IN
13 PROMULGATING RULES AND ENACTING STANDARDS FOR THE PUBLIC
14 SCHOOL CONSTRUCTION AND INSPECTION PROGRAM.";

15
16 line 13, strike "SCHOOL BUILDING SAFETY" and substitute "PUBLIC SCHOOL
17 CONSTRUCTION AND".

18
19

20
21

22 **HEALTH & HUMAN SERVICES**

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

25

26 **HB09-1059** be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:

29

30 Amend printed bill, page 2, strike lines 9 through 21 and substitute the
31 following:

32

33 "(I) THE COVERED PERSON'S TREATING PHYSICIAN, WHO IS
34 PROVIDING COVERED HEALTH CARE SERVICES TO THE PERSON UNDER THE
35 HEALTH BENEFIT PLAN CONTRACT, RECOMMENDS PARTICIPATION IN THE
36 CLINICAL TRIAL AFTER DETERMINING THAT PARTICIPATION IN THE
37 CLINICAL TRIAL HAS A MEANINGFUL POTENTIAL TO BENEFIT THE COVERED
38 PERSON;

39

40 "(II) THE CLINICAL TRIAL OR STUDY IS APPROVED UNDER THE
41 SEPTEMBER 19, 2000, MEDICARE NATIONAL COVERAGE DECISION
42 REGARDING CLINICAL TRIALS, AS AMENDED;

43

44 "(III) THE PATIENT CARE IS PROVIDED BY A CERTIFIED, REGISTERED,
45 OR LICENSED HEALTH CARE PROVIDER PRACTICING WITHIN THE SCOPE OF
46 HIS OR HER PRACTICE AND THE FACILITY AND PERSONNEL PROVIDING THE
47 TREATMENT HAVE THE EXPERIENCE AND TRAINING TO PROVIDE THE
48 TREATMENT IN A COMPETENT MANNER;

49

50 "(IV) PRIOR TO PARTICIPATION IN A CLINICAL TRIAL OR STUDY, THE
51 COVERED PERSON HAS SIGNED A STATEMENT OF CONSENT INDICATING
52 THAT THE COVERED PERSON HAS BEEN INFORMED OF THE PROCEDURE TO
53 BE UNDERTAKEN, ALTERNATIVE METHODS OF TREATMENT, THE GENERAL
54 NATURE AND EXTENT OF THE RISKS ASSOCIATED WITH PARTICIPATION IN
55 THE CLINICAL TRIAL OR STUDY, THE COVERAGE PROVIDED BY AN
56 INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN WILL BE CONSISTENT WITH

1 THE COVERAGE PROVIDED IN THE COVERED PERSON'S HEALTH BENEFIT
2 PLAN, AND ALL OUT-OF-NETWORK RATES WILL APPLY; AND
3

4 (V) THE COVERED PERSON SUFFERS FROM A CONDITION THAT IS
5 DISABLING, PROGRESSIVE, OR LIFE-THREATENING."
6

7 Page 3, line 10, strike "OR";
8

9 line 12, strike "STUDY." and substitute "STUDY; OR";
10

11 after line 12, insert the following:
12

13 "(VI) HEALTH CARE SERVICES THAT, EXCEPT FOR THE FACT THAT
14 THEY ARE BEING PROVIDED IN A CLINICAL TRIAL, ARE OTHERWISE
15 SPECIFICALLY EXCLUDED FROM COVERAGE UNDER THE COVERED PERSON'S
16 HEALTH PLAN."
17

18 line 27, strike "A MEDICAL SERVICE OR".
19

20 Page 4, strike lines 1 through 8 and substitute the following:
21

22 "ALL ITEMS AND SERVICES THAT ARE A BENEFIT UNDER A HEALTH
23 COVERAGE PLAN THAT WOULD BE COVERED IF THE COVERED PERSON WERE
24 NOT INVOLVED IN EITHER THE EXPERIMENTAL OR THE CONTROL ARMS OF
25 A CLINICAL TRIAL; EXCEPT THE INVESTIGATIONAL ITEM OR SERVICE,
26 ITSELF; ITEMS AND SERVICES PROVIDED SOLELY TO SATISFY DATA
27 COLLECTION AND ANALYSIS NEEDS AND THAT ARE NOT USED IN THE
28 DIRECT CLINICAL MANAGEMENT OF THE PATIENT; ITEMS AND SERVICES
29 CUSTOMARILY PROVIDED BY THE RESEARCH SPONSORS FREE OF CHARGE
30 FOR ANY ENROLLEE IN THE TRIAL; ROUTINE COSTS IN CLINICAL TRIALS
31 INCLUDE ITEMS OR SERVICES THAT ARE TYPICALLY PROVIDED ABSENT A
32 CLINICAL TRIAL; ITEMS OR SERVICES REQUIRED SOLELY FOR THE PROVISION
33 OF THE INVESTIGATIONAL ITEMS OR SERVICES, THE CLINICALLY
34 APPROPRIATE MONITORING OF THE EFFECTS OF THE ITEM OF SERVICE, OR
35 THE PREVENTION OF COMPLICATIONS; AND ITEMS OR SERVICES NEEDED
36 FOR REASONABLE AND NECESSARY CARE ARISING FROM THE PROVISION OF
37 AN INVESTIGATIONAL ITEM OR SERVICE, INCLUDING THE DIAGNOSIS OR
38 TREATMENT OF COMPLICATIONS."
39

40

41

42

43 **HB09-1103** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:
46

47 Amend printed bill, page 2, line 12, strike "(2.7)," and substitute "(2.7)
48 AND SUFFICIENT SPENDING AUTHORITY,";
49

50 line 18, after the period, add "IF REQUIRED DUE TO LIMITATIONS OF
51 FEDERAL AUTHORIZATION OR SPENDING AUTHORITY, THE STATE
52 DEPARTMENT MAY IMPLEMENT THIS PARAGRAPH (b) AS A PILOT PROGRAM
53 RATHER THAN STATEWIDE."
54

55

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58

MESSAGE FROM THE SENATE

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB09-065.

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

SB09-041 amended as printed in Senate Journal, February 2, 2009 page 152.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, SB09-065.

Without comment, as amended, SB09-041.

On motion of Representative Weissmann, the following bills will be calendared for Friday, February 6, 2009: HB09-1059, 1103, 1151; HB09-1088 will be laid over until February 6, 2009.

House in recess. House reconvened.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HJR09-1006, 1007, 1008.**

**INTRODUCTION OF BILLS
First Reading**

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

HB09-1257 by Representative(s) Scanlan; also Senator(s) Scheffel--
Concerning the requirement that the amount of public funds invested in any one certificate of deposit may not exceed the amount insured by the federal deposit insurance corporation.

Committee on Business Affairs and Labor

HB09-1258 by Representative(s) Gardner B.; also Senator(s) Mitchell--
Concerning limitations on the ability of a home rule municipality to acquire real property outside its territorial boundaries by means of condemnation.

Committee on State, Veterans, & Military Affairs

- 1 **HB09-1259** by Representative(s) Hullinghorst, Pommer, Todd--
2 Concerning the imposition of impact fees by local
3 governments for certain authorized local purposes.
4 Committee on Finance
5
- 6 **HB09-1260** by Representative(s) Ferrandino; also Senator(s) Veiga--
7 Concerning designated beneficiary agreements.
8 Committee on Judiciary
9
- 10 **HB09-1261** by Representative(s) Swalm; also Senator(s) Veiga--
11 Concerning limitations on the requirement for
12 telecommunications providers to maintain the wholesale
13 telecommunications tariff if the telecommunications
14 providers operate under interconnection agreements
15 approved pursuant to federal law.
16 Committee on Transportation & Energy
17
- 18 **HB09-1262** by Representative(s) Casso; also Senator(s) Morse--
19 Concerning the issuance of a summons instead of an arrest
20 warrant in certain circumstances.
21 Committee on Judiciary
22
- 23 **HB09-1263** by Representative(s) Casso; also Senator(s) Carroll M.--
24 Concerning time computation while an inmate is
25 incarcerated in a county jail.
26 Committee on Judiciary
27
- 28 **HB09-1264** by Representative(s) Benefield, Apuan, Court, Gardner B.,
29 Kerr A., Levy, McCann, Miklosi, Pace, Roberts, Ryden,
30 Solano; also Senator(s) Hudak--Concerning the costs
31 associated with college-level academic programs for state
32 inmates.
33 Committee on Education
34
- 35 **HB09-1265** by Representative(s) Liston, Kerr J., Looper, Massey,
36 Murray, Priola, Tipton--Concerning a two-year limitation
37 on abatement interest awarded to a nonprofit entity that
38 has not qualified for tax exemption due to an error made
39 by the nonprofit entity.
40 Committee on Finance
41
- 42 **HB09-1266** by Representative(s) McCann; also Senator(s) Carroll M.--
43 Concerning the repeal of the loss of driving privileges as
44 a penalty for certain crimes.
45 Committee on Judiciary
46
- 47 **HB09-1267** by Representative(s) Todd; also Senator(s) Bacon--
48 Concerning the removal of statutory provisions describing
49 pervasively sectarian educational institutions.
50 Committee on Education
51
- 52 **HB09-1268** by Representative(s) Gardner C.; also Senator(s) Kopp--
53 Concerning measures to decrease the consumption of
54 fossil fuels without imposing any new burden on a
55 taxpayer, and, in connection therewith, requiring the
56 governor to collaborate with the governors of surrounding

1 states to expand pipeline capacity and electricity
 2 transmission capacity; exempting from state sales and use
 3 tax the sales of fuel-efficient vehicles; exempting from the
 4 levy and collection of property tax business personal
 5 property used to develop landfill-to-energy conversion;
 6 adding any nuclear energy generation technology and
 7 alternative fuels to the definition of "clean energy" for
 8 purposes of the Colorado clean energy development
 9 authority; adding the sale, distribution, transmission,
 10 blending, and manufacturing of alternative fuel or the
 11 manufacturing of alternative fuel technology to the
 12 definition of "project" for purposes of the Colorado clean
 13 energy development authority; directing the Colorado
 14 clean energy development authority to create an inventory
 15 of processes that must be followed in order to construct a
 16 nuclear power generation facility that employs modern
 17 generation technology; requiring the Colorado clean
 18 energy development authority to report to the general
 19 assembly any recommended changes in state and federal
 20 law or regulation that will facilitate the development of
 21 nuclear power generation and facility permitting; requiring
 22 the state board of land commissioners to provide a report
 23 to the general assembly with an analysis of renewable
 24 energy resources on state lands, prioritizing geothermal
 25 energy resources; requiring the state board of land
 26 commissioners to provide a report to the general assembly
 27 with an analysis of carbon sequestration possibilities on
 28 state land; requiring the Colorado water conservation
 29 board to assess the feasibility of retrofitting existing water
 30 infrastructure and water storage infrastructure to develop
 31 hydroelectric power; and requiring the public utilities
 32 commission to provide to the general assembly a full cost-
 33 benefit analysis upon the commission's decision to close
 34 an existing electric power generation facility.

35 Committee on Transportation & Energy

36
 37 **HB09-1269** by Representative(s) Ferrandino, Court, Middleton, Pace,
 38 Pommer, Scanlan, Weissmann--Concerning the creation of
 39 a state rainy day account, and, in connection therewith,
 40 specifying the manner in which the account is to be funded
 41 and the circumstances in which moneys may be expended
 42 from the account.

43 Committee on Finance

44 Committee on Appropriations

45
 46 **SB09-007** by Senator(s) Veiga; also Representative(s) Riesberg--
 47 Concerning making certain duties related to the
 48 involuntary commitment process for substance abusers
 49 solely the authority of a licensed physician.

50 Committee on Judiciary

51
 52 **SB09-017** by Senator(s) Tochtrop, Morse; also Representative(s)
 53 Riesberg, Benefield, Labuda, Peniston, Rice--Concerning
 54 firefighter and police officer disability and survivor
 55 benefits.

56 Committee on Finance

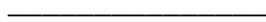
- 1 **SB09-038** by Senator(s) Hudak, Boyd, Morse, Shaffer B.; also
2 Representative(s) Marostica--Concerning technical
3 changes to judicial fees.
4 Committee on Judiciary
5
- 6 **SB09-040** by Senator(s) Hodge; also Representative(s) Soper--
7 Concerning the regulation of manufactured homes.
8 Committee on Business Affairs and Labor
9
- 10 **SB09-041** by Senator(s) Romer; also Representative(s) Vigil--
11 Concerning the administration of the "Private Activity
12 Bond Ceiling Allocation Act".
13 Committee on Finance
14
- 15 **SB09-043** by Senator(s) Isgar, Kester, Tapia; also Representative(s)
16 Roberts, Massey, McFadyen, Pace, Tipton--Concerning
17 the merger of Pueblo community college and San Juan
18 basin area vocational school, and, in connection therewith,
19 clarifying the two-year authority of Fort Lewis college and
20 making an appropriation.
21 Committee on Education
22
- 23 **SB09-047** by Senator(s) Newell; also Representative(s) Roberts--
24 Concerning the oversight of crime victim services, and, in
25 connection therewith, creating the crime victim services
26 advisory board and repealing the victims compensation
27 and assistance coordinating committee and the victims
28 assistance and law enforcement advisory board.
29 Committee on Judiciary
30
- 31 **SB09-050** by Senator(s) Scheffel; also Representative(s) Murray--
32 Concerning a requirement that at least one member of the
33 limited gaming control commission be a resident of a
34 locality in which limited gaming takes place.
35 Committee on Local Government
36
- 37 **SB09-059** by Senator(s) Schwartz, Brophy, Mitchell, Shaffer B.,
38 Veiga; also Representative(s) Gardner B., Labuda, Levy,
39 McGihon, Roberts--Concerning the enactment of Colorado
40 Revised Statutes 2008 as the positive and statutory law of
41 the state of Colorado.
42 Committee on Judiciary
43
- 44 **SB09-065** by Senator(s) Schultheis, Isgar; also Representative(s)
45 McNulty, Kerr J., Primavera--Concerning the audit
46 requirements for the public safety communications trust
47 fund.
48 Committee on State, Veterans, & Military Affairs
49
- 50 **SB09-084** by Senator(s) Scheffel; also Representative(s) Scanlan--
51 Concerning documents related to the role of the office of
52 the secretary of state as filing office for secured
53 transactions.
54 Committee on State, Veterans, & Military Affairs
55
56
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1 **INTRODUCTION OF CONCURRENT RESOLUTION**

2
3 The following resolution was read by title and referred to the committee
4 indicated:

5
6 **HCR09-1001** by Representative(s) Frangas--Submitting to the registered
7 electors of the state of Colorado amendments to article X
8 of the constitution of the state of Colorado, concerning the
9 creation of the Colorado future fund to help pay for
10 Colorado's infrastructure needs, and, in connection
11 therewith, creating the Colorado future fund; transferring
12 any state revenues in excess of the constitutional limit on
13 state fiscal year spending to the fund; requiring moneys in
14 the fund to be used equally for transportation infrastructure
15 repair and construction and renewable energy
16 infrastructure development and maintenance; permitting
17 the state to issue bonds payable from the moneys in the
18 fund; and establishing a rainy day account within the fund.

19 Committee on State, Veterans, & Military Affairs
20 Committee on Finance



24 On motion of Representative Weissmann, the House adjourned until
25 9:00 a.m., February 4, 2009.

26
27 Approved:
28 TERRANCE D. CARROLL,
29 Speaker

30 Attest:
31 MARILYN EDDINS,
32 Chief Clerk