

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

Seventy-first Legislative Day

Wednesday, March 18, 2009

1 Prayer by Pastor Tim Foot, Lifebridge Christian Church, Longmont.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Derek Good, Ponderosa High School, Parker.
6
7 The roll was called with the following result:
8
9 Present--59.
10 Excused--Representative(s) Judd, Middleton, Miklosi, Pommer,
11 Swalm, Weissmann--6.
12 Present after roll call--Representative(s) Miklosi, Pommer, Swalm.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Murray, the reading of the journal of
18 March 17, 2009, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

REPORT(S) OF COMMITTEE(S) OF REFERENCE

FINANCE

26 After consideration on the merits, the Committee recommends the
27 following:
28

29 **HB09-1293** be rereferred favorably to the Committee on
30 Appropriations.
31

32
33 **HB09-1301** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:
36

37 Amend printed bill, page 2, after line 15, insert the following:
38

39 "(c) AS SOON AS FEASIBLE AFTER THE EFFECTIVE DATE OF THIS
40 SUBSECTION (2), AS AMENDED, THE STATE TREASURER SHALL
41 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
42 AS MAY BE NECESSARY TO ADMINISTER PAYMENT FOR CONTRACT AUDITOR
43 SERVICES, INCLUDING ANY RULES NECESSARY TO:

1 (I) SPECIFY THE REQUIREMENTS OR EXPERTISE OF CONTRACT
2 AUDITORS;

3
4 (II) ADEQUATELY PROTECT UNCLAIMED PROPERTY WHILE THE
5 PROPERTY IS IN THE POSSESSION OF THE CONTRACT AUDITOR; AND

6
7 (III) PREVENT IDENTITY THEFT AND THE SALE OR TRANSFER OF
8 PERSONAL IDENTIFYING INFORMATION OBTAINED BY THE CONTRACT
9 AUDITOR DURING THE COURSE OF THE CONTRACT AUDITOR'S DUTIES.";

10
11 line 16, strike "(c)" and substitute "(d)".

12
13
14
15 **SB09-016** be referred favorably to the Committee on Appropriations.

16
17
18 **SB09-042** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:

21
22 Amend reengrossed bill, page 3, line 2, strike "MANAGING";

23
24 line 9, strike "HAS BEEN ALLOCATED" and substitute "IS ELIGIBLE FOR".

25
26
27
28
29 **LOCAL GOVERNMENT**

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

32
33 **SB09-020** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:

36
37 Amend reengrossed bill, page 7, line 1, strike "THAT OCCURS" and
38 substitute "OCCURRING";

39
40 strike line 5 and substitute the following:

41
42 "EFFORTS TO SUPPRESS WILDFIRES OCCURRING IN THE UNINCORPORATED
43 AREA".

44
45 Page 11, strike line 8 and substitute the following:

46
47 "FIRES OCCURRING IN THE UNINCORPORATED AREA OF THE COUNTY
48 OUTSIDE";

49
50 strike line 18 and substitute the following:

51
52 "LAND FIRE OCCURRING IN THE UNINCORPORATED AREA OF THE COUNTY".

53
54 Page 13, strike lines 14 through 17 and substitute the following:

55
56 "COUNTY AND TO FIX THE RATE OF LEVY."

1 **TRANSPORTATION & ENERGY**

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

4
5 **SB09-002** be referred favorably to the Committee on Finance.
6
7

8
9 **PRINTING REPORT**

10
11 The Chief Clerk reports the following bills have been correctly printed:
12 **HB09-1315, 1316, 1317.**
13
14

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

17
18 The Speaker has signed: **SB09-017, 065, 115, 116 and 127; SJR09-020,**
19 **021 and 022.**
20
21

22
23 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

24
25 **HB09-1198** by Representative(s) McGihon; also Senator(s) Morse--
26 Concerning the "Uniform Power of Attorney Act".
27

28 (Amended as printed in Senate Journal, March 11, pages 680.)
29

30 Representative McGihon moved that the House **concur** in Senate
31 amendments. The motion was declared **passed** by the following roll call
32 vote:
33

	YES	62	NO	0	EXCUSED	3	ABSENT	0
35	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
36	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
37	Balmer	Y	Judd	E	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	E	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 C.	Y	May	Y	Rice	Y	Waller	Y
50	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
51							Speaker	Y

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

	YES	62	NO	0	EXCUSED	3	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
4	Balmer	Y	Judd	E	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	E	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 C.	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
18							Speaker	Y

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

20
 21 **HB09-1197** by Representative(s) McNulty, Kerr J., Balmer,
 22 Baumgardner, Frangas, Gardner C., Gerou, Looper, May,
 23 Scanlan; also Senator(s) Harvey, Brophy, Kopp, Renfro,
 24 Spence--Concerning a requirement that the division of
 25 housing report data regarding home foreclosures in the
 26 state.

27
 28 (Amended as printed in Senate Journal, March 11, pages 681.)

29
 30 Representative McNulty moved that the House **concur** in Senate
 31 amendments. The motion was declared **passed** by the following roll call
 32 vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
35	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
36	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
37	Balmer	Y	Judd	E	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	E	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 C.	Y	May	Y	Rice	Y	Waller	Y
50	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
51							Speaker	Y

52
 53 The question being, "Shall the bill, as amended, pass?"

54 A roll call vote was taken. As shown by the following recorded vote, a
 55 majority of those elected to the House voted in the affirmative, and the
 56 bill, as amended, was declared **repassed**.

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

19 Co-sponsor(s) added: Representative(s) Gardner B., Green, Ryden

20
 21 **HB09-1272** by Representative(s) Massey and Pommer, Gardner C.,
 22 McKinley, McNulty, Merrifield, Scanlan, Summers, Todd;
 23 also Senator(s) Tapia, Brophy, Heath, Kester, Penry,
 24 Williams--Concerning statutory amendments required to
 25 implement locally approved changes to the parameters for
 26 limited gaming under section 9 (7) of article XVIII of the
 27 Colorado constitution, adopted by voters at the 2008
 28 general election.

29
 30 (Amended as printed in Senate Journal, March 11, pages 682.)

31
 32 Representative Massey moved that the House **concur** in Senate
 33 amendments. The motion was declared **passed** by the following roll call
 34 vote:

	YES	61	NO	1	EXCUSED	3	ABSENT	0
37	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
38	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
39	Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y
40	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
41	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
42	Bradford	Y	Kerr J.	Y	Middleton	E	Sonnenberg	Y
43	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
44	Court	Y	Labuda	N	Murray	Y	Stephens	Y
45	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
46	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
47	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
48	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
49	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
50	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
51	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
52	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
53							Speaker	Y

54
 55 The question being, "Shall the bill, as amended, pass?"

56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative, and the
2 bill, as amended, was declared **repassed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
5	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
6	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
7	Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y
8	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
9	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
10	Bradford	Y	Kerr J.	Y	Middleton	E	Sonnenberg	Y
11	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
12	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
13	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
14	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
15	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
16	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
17	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
18	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
19	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
20	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Kerr J., King S., Looper, Tipton

23
24 **HB09-1162** by Representative(s) Gerou; also Senator(s) Kopp--
25 Concerning intergovernmental cooperation for the purpose
26 of mitigating wildfires.

27
28 (Amended as printed in Senate Journal, March 6, pages 638.)

29
30 Representative Gerou moved that the House **not concur** in Senate
31 amendments and that a Conference Committee be appointed with
32 permission to go beyond the scope of the differences between the House
33 and the Senate. The motion was declared **passed** by the following roll
34 call vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
37	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
38	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
39	Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y
40	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
41	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
42	Bradford	Y	Kerr J.	Y	Middleton	E	Sonnenberg	Y
43	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
44	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
45	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
46	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
47	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
48	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
49	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
50	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
51	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
52	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
53							Speaker	Y

54 The Speaker appointed Representatives Gerou, Chairman, Curry and
55 Scanlan as House conferees to the bill.

56

1 **HB09-1207** by Representative(s) Gardner C.; also Senator(s) Veiga--
 2 Concerning procedures to enforce a lien related to real
 3 property.
 4

5 (Amended as printed in Senate Journal, March 13, page 726.)
 6

7 Representative Gardner C., moved that the House **concur** in Senate
 8 amendments. The motion was declared **passed** by the following roll call
 9 vote:
 10

	YES	62	NO	0	EXCUSED	3	ABSENT	0
12	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
13	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
14	Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y
15	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
16	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
17	Bradford	Y	Kerr J.	Y	Middleton	E	Sonnenberg	Y
18	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
19	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
20	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
21	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
22	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
23	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
24	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
25	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
26	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
27	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
28							Speaker	Y

29
 30 The question being, "Shall the bill, as amended, 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
 33 bill, as amended, was declared **repassed**.
 34

	YES	62	NO	0	EXCUSED	3	ABSENT	0
36	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
37	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
38	Balmer	Y	Judd	E	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	E	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 C.	Y	May	Y	Rice	Y	Waller	Y
51	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Apuan
 54
 55
 56

1 **HB09-1118** by Representative(s) Murray; also Senator(s) Kester--
 2 Concerning the manner in which the records of certain
 3 governmental entities are kept.
 4

5 (Amended as printed in Senate Journal, March 16, page 753.)
 6

7 Representative Murray moved that the House **concur** in Senate
 8 amendments. The motion was declared **passed** by the following roll call
 9 vote:
 10

	YES	62	NO	0	EXCUSED	3	ABSENT	0
12	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
13	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
14	Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y
15	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
16	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
17	Bradford	Y	Kerr J.	Y	Middleton	E	Sonnenberg	Y
18	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
19	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
20	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
21	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
22	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
23	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
24	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
25	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
26	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
27	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
28							Speaker	Y

29
 30 The question being, "Shall the bill, as amended, 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
 33 bill, as amended, was declared **repassed**.
 34

	YES	62	NO	0	EXCUSED	3	ABSENT	0
36	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
37	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
38	Balmer	Y	Judd	E	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	E	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 C.	Y	May	Y	Rice	Y	Waller	Y
51	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Lambert, Priola
 54
 55
 56

THIRD READING OF BILLS--FINAL PASSAGE

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

HB09-1026 by Representative(s) Marostica, Fischer, McFadyen, Rice, Vaad; also Senator(s) Williams, Spence--Concerning the application of vehicle laws to low-power vehicles that operate with less than four wheels in contact with the ground, and, in connection therewith, defining "low-power scooter" and "Electric Personal Assistive Mobility Device".

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

	YES	57	NO	5	EXCUSED	3	ABSENT	0
Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y	
Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y	
Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y	
Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y	
Bradford	Y	Kerr J.	Y	Middleton	E	Sonnenberg	N	
Casso	Y	King S.	Y	Miklosi	Y	Soper	Y	
Court	Y	Labuda	Y	Murray	Y	Stephens	Y	
Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y	
Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N	
Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y	
Frangas	N	Looper	N	Pommer	Y	Todd	Y	
Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y	
Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y	
Gardner C.	N	May	Y	Rice	Y	Waller	Y	
Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E	
						Speaker	Y	

Co-sponsor(s) added: Representative(s) Ferrandino, Priola, Stephens, Todd

HB09-1294 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the voluntary contribution designation benefiting the nongame and endangered wildlife fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

	YES	60	NO	2	EXCUSED	3	ABSENT	0
Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y	
Balmer	Y	Judd	E	McKinley	Y	Scanlan	Y	
Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y	

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

14 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Frangas, Gerou, Green,
15 Kefalas, Kerr A., King S., Labuda, Levy, May, Primavera, Ryden, Scanlan,
16 Summers

17

18 **HB09-1170** by Representative(s) Casso, Pace; also Senator(s)
19 Tochtrop--Concerning unemployment insurance benefits
20 for locked-out employees.

21

22 Laid over until March 19, retaining place on Calendar.

23

24

25

26

REPORT(S) OF COMMITTEE(S) OF REFERENCE

27

BUSINESS AFFAIRS & LABOR

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

30

31
32 **HB09-1309** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35

36 Amend printed bill, page 3, strike lines 1 through 5 and substitute the
37 following:

38

39 "CONDUCTING A PRESSURE TEST IN ACCORDANCE WITH THE PRESSURE";

40

41 line 8, strike "THE" and substitute "ANY NECESSARY";

42

43 line 9, strike "BEAR THE COSTS" and substitute "EQUIPMENT" and strike
44 "HYDROSTATIC".

45

46

47

48 **SB09-168** be referred to the Committee of the Whole with favorable
49 recommendation.

50

51

52 **SB09-173** be referred to the Committee of the Whole with favorable
53 recommendation.

54

55

56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB09-1230** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute the following:

11
12 "SECTION 1. Part 1 of article 26 of title 39, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15
16 **39-26-105.4. Remittance of tax - determination of address -
17 dealer held harmless - rules.** (1) ANY LICENSED MOTOR VEHICLE
18 DEALER THAT COLLECTS AND REMITS TAX TO THE DEPARTMENT OF
19 REVENUE AS SPECIFIED IN THIS PART 1 FOR ANY SALE OF A MOTOR VEHICLE
20 SHALL BE HELD HARMLESS FOR ANY TAX, CHARGE, OR FEE LIABILITY TO
21 ANY TAXING JURISDICTION THAT THE DEALER PROVES WAS NOT
22 COLLECTED SOLELY BECAUSE AN ADDRESS THAT DOES NOT MEET THE
23 REQUIREMENTS OF SECTION 42-6-139, C.R.S., WAS PROVIDED BY THE
24 PURCHASER FOR PURPOSES OF CALCULATING THE AMOUNTS OF TAX EITHER
25 DUE ON THE SALE AND PURCHASE OF SUCH VEHICLE PURSUANT TO THIS
26 PART 1 OR SECTION 29-2-106, C.R.S., IF THE DEALER:

27
28 (a) INFORMS THE PURCHASER OF A MOTOR VEHICLE OF THE KEY
29 REQUIREMENTS OF MOTOR VEHICLE TITLING AND REGISTRATION AS
30 SPECIFIED IN SECTIONS 42-3-103 (4) (a), 42-6-134, 42-6-139, AND
31 42-6-140, C.R.S.; AND

32
33 (b) OBTAINS AN AFFIDAVIT SIGNED BY THE PURCHASER STATING
34 THAT THE PURCHASER'S ADDRESS IS TRUE AND CORRECT.

35
36 **SECTION 2.** Part 2 of article 26 of title 39, Colorado Revised
37 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
38 read:

39
40 **39-26-204.6. Remittance of tax - determination of address -
41 motor vehicle dealer held harmless.** THE PROVISIONS OF SECTION
42 39-26-105.4 ALLOWING LICENSED MOTOR VEHICLE DEALERS TO BE HELD
43 HARMLESS FOR ANY TAX, CHARGE, OR FEE LIABILITY TO ANY TAXING
44 JURISDICTION THAT WOULD BE DUE SOLELY AS A RESULT OF AN ERROR IN
45 THE DETERMINATION OF THE PURCHASER'S ADDRESS SHALL APPLY TO ANY
46 LICENSED MOTOR VEHICLE DEALER DOING BUSINESS IN THIS STATE AND
47 MAKING SALES OF MOTOR VEHICLES FOR STORAGE, USE, OR CONSUMPTION
48 IN THE STATE THAT COLLECTS AND REMITS USE TAX TO THE DEPARTMENT
49 OF REVENUE AS PROVIDED BY LAW.

50
51 **SECTION 3.** 43-2-145, Colorado Revised Statutes, is amended
52 BY THE ADDITION OF A NEW SUBSECTION to read:

53
54 **43-2-145. Transportation legislation review - committee.** (8)
55 (a) PRIOR TO THE FIRST DAY OF THE LEGISLATIVE SESSION BEGINNING IN
56 JANUARY 2010, FOR PURPOSES OF ESTABLISHING BEST PRACTICES FOR THE

1 COLLECTION OF SALES TAX ON THE SALE OF MOTOR VEHICLES, THE
2 COMMITTEE SHALL CONSULT WITH THE DEPARTMENT OF REVENUE,
3 COLORADO LICENSED AUTOMOBILE DEALERS, AUTOMOBILE RETAILERS,
4 AND EXPERTS IN THE FIELDS OF MOTOR VEHICLE REGISTRATION AND
5 TITLING AND STATE AND LOCAL SALES TAX COLLECTION TO REVIEW:
6

7 (I) THE ACCURACY AND AVAILABILITY OF STATE APPROVED SALES
8 TAX DATABASES RELIED ON BY AUTOMOBILE DEALERS AND RETAILERS;
9

10 (II) THE CONSISTENCY OF UPDATES TO THE STATE APPROVED
11 SALES TAX DATABASES;
12

13 (III) THE EFFICIENCY OF THE COLLECTION OF SALES TAX ON THE
14 SALE OF MOTOR VEHICLES FOR HOME RULE COUNTIES AND
15 MUNICIPALITIES; AND
16

17 (IV) THE NUMBER OF OCCURRENCES THAT PAPERWORK IS
18 RETURNED TO AN AUTOMOBILE DEALER OR RETAILER DUE TO INACCURATE
19 SALES TAX COLLECTION.
20

21 (b) BASED ON THE REVIEW SPECIFIED IN PARAGRAPH (a) OF THIS
22 SUBSECTION (8), THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO
23 THE GENERAL ASSEMBLY FOR SUCH LEGISLATION AS IT DEEMS NECESSARY.
24 LEGISLATION RECOMMENDED BY THE COMMITTEE PURSUANT TO THIS
25 PARAGRAPH (b) SHALL BE TREATED AS LEGISLATION RECOMMENDED BY AN
26 INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION
27 DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE
28 GENERAL ASSEMBLY.
29

30 (c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2010.
31

32 **SECTION 4. Act subject to petition - effective date -**
33 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
34 following the expiration of the ninety-day period after final adjournment
35 of the general assembly that is allowed for submitting a referendum
36 petition pursuant to article V, section 1 (3) of the state constitution,
37 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
38 if a referendum petition is filed against this act or an item, section, or part
39 of this act within such period, then the act, item, section, or part, if
40 approved by the people, shall take effect on the date of the official
41 declaration of the vote thereon by proclamation of the governor.
42

43 (2) The provisions of this act shall apply to motor vehicles
44 registered on or after the applicable effective date of this act."
45

46
47
48 **SB09-148** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:
51

52 Amend reengrossed bill, page 4, line 12, strike "NOT INTENTIONALLY"
53 and substitute "NOT, IN A CARELESS AND IMPRUDENT MANNER,";
54

55 strike lines 13 and 14 and substitute the following:
56

1 "VEHICLE UNNECESSARILY CLOSE TO, TOWARD, OR NEAR A BICYCLIST."
2
3 Page 7, strike line 5 and substitute the following:
4 "AGAINST A BICYCLIST".
5
6
7

8 **SB09-175** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:
11

12 Amend reengrossed bill, page 2, after line 1, insert the following:
13

14 "SECTION 1. 42-3-208 (1) (b), Colorado Revised Statutes, is
15 amended to read:
16

17 **42-3-208. Special plates - qualifications for issuance of special**
18 **license plates.** (1) The following special license plates created by rule
19 by the department under section 42-3-207, as such section existed when
20 the plates were created, shall be subject to the requirement so specified:
21

22 (b) The department or an authorized agent shall not issue a raptor
23 education ~~foundation~~ special license plate to an applicant until such
24 applicant has provided to the department or an authorized agent sufficient
25 evidence to demonstrate that the applicant is a member in good standing
26 of the raptor education foundation and qualified by such foundation to
27 receive a special license plate OR THE APPLICANT IS A MEMBER OF THE
28 ROCKY MOUNTAIN RAPTOR PROGRAM AND QUALIFIED BY SUCH PROGRAM
29 TO RECEIVE A SPECIAL LICENSE PLATE."
30

31 Renumber succeeding sections accordingly.
32
33
34

35 **SB09-222** be referred to the Committee of the Whole with favorable
36 recommendation.
37

38 _____
39 House in recess. House reconvened.
40 _____
41

42 **MESSAGE(S) FROM THE SENATE**
43

44 The Senate has adopted and transmits herewith: SJR09-023, and
45 SJR09-024.
46 _____
47

48 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**
49

50 On motion of Representative Kerr A., the rules were suspended and the
51 following resolution was given immediate consideration.
52

53 **SJR09-024** by Senator(s) Penry, Isgar; also Representative(s)
54 Sonnenberg, Curry, Gardner C.--Concerning the
55 recognition of March 18, 2009, as "National Agriculture
56 Day".

1 (Printed and placed in member's file).

2

3 On motion of Representative Sonnenberg, the resolution was read at
4 length and **adopted** by the following roll call vote:

5

	YES	62	NO	0	EXCUSED	3	ABSENT	0
7	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
8	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
9	Balmer	Y	Judd	E	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	E	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 C.	Y	May	Y	Rice	Y	Waller	Y
22	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
23							Speaker	Y

24 Current Roll Call added as Co-sponsor(s) added: Representative(s) Acree,
25 Apuan, Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Ferrandino,
26 Fischer, Frangas, Gagliardi, Gardner B., Gerou, Green, Hullinghorst, Kefalas,
27 Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Marostica,
28 Massey, May, McCann, McFadyen, McGihon, McKinley, McNulty, Merrifield,
29 Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera, Priola, Rice,
30 Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Soper, Stephens,
31 Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Speaker

32

33

34

35

REPORT(S) OF COMMITTEE(S) OF REFERENCE

36

STATE, VETERANS, & MILITARY AFFAIRS

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House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

SB09-182 be referred to the Committee of the Whole with favorable recommendation.

SB09-216 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, strike lines 2 through 11.

Strike pages 3 through 12.

Page 13, strike lines 1 through 19 and substitute the following:

"**SECTION 1.** The introductory portion to 39-29-109.3 (2) (f) and 39-29-109.3 (2) (f) (I) (A), Colorado Revised Statutes, are amended to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(f) For providing energy-related assistance to low-income households as specified in section 40-8.7-112, C.R.S., AND FOR PARTIAL FUNDING OF THE DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF NATURAL RESOURCES:

(I) (A) For the state fiscal year commencing July 1, 2008, thirteen million dollars as follows: Five million nine hundred fifty thousand dollars to the department of human services low-income energy assistance fund created in section 40-8.7-112 (1), C.R.S.; one million fifty thousand dollars to the energy outreach Colorado low-income energy assistance fund created in section 40-8.7-112 (2) (a), C.R.S.; ~~and six~~ FIVE million FOUR HUNDRED SIXTY-TWO THOUSAND TWO HUNDRED FORTY-THREE dollars to the governor's energy office low-income energy assistance fund created in section 40-8.7-112 (3) (a), C.R.S.; FIVE HUNDRED TWENTY-ONE THOUSAND SIX HUNDRED TWENTY-FOUR DOLLARS TO THE DIVISION OF WATER RESOURCES GROUND WATER MANAGEMENT CASH FUND CREATED IN SECTION 37-80-111.5 (1) (d), C.R.S.; AND SIXTEEN THOUSAND ONE HUNDRED THIRTY-THREE DOLLARS TO THE WELL INSPECTION CASH FUND CREATED IN SECTION 37-80-111.5 (1) (d), C.R.S."

Renumber succeeding sections accordingly.

Page 1, strike line 101 and substitute the following:

"**CONCERNING A REDUCTION IN THE GENERAL FUND APPROPRIATION MADE TO THE DIVISION OF WATER**".

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB09-1122, 1168, 1178; HJR09-1002.**

MESSAGE(S) FROM THE SENATE

The Senate has passed on Third Reading and returns herewith HB09-1233, and HB09-1186.

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

HB09-1254 amended as printed in Senate Journal, March 13, 2009, page 729,
HB09-1125 amended as printed in Senate Journal, March 16, 2009, pages 754 -755,
HB09-1053 amended as printed in Senate Journal, March 16, 2009, page 755, and on Third Reading, March 18, 2009, as printed in the Senate Journal.

The Senate has adopted and returns herewith: HJR09-1012.

MESSAGE(S) FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB09-1254, 1125, and 1053.

**INTRODUCTION OF BILLS
First Reading**

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

HB09-1318 by Representative(s) Sonnenberg and McFadyen; also Senator(s) Brophy and Shaffer B.--Concerning the issuance of overweight permits based on axle configuration for vehicles weighing more than the eighty-five thousand pound nonoverweight vehicle gross vehicle weight limit, and, in connection therewith, repealing before it takes effect a newly enacted increase in the limit from eighty-five thousand pounds to ninety-two thousand pounds, making an overweight vehicle permit available for a vehicle that is operated in combination with a trailer or semitrailer if the trailer has a tandem or triple axle grouping and the vehicle weighs up to ninety-seven thousand pounds, and specifying overweight vehicle permit fees for such a vehicle of five hundred dollars for an annual permit, two hundred fifty dollars for a six-month permit, and fifteen dollars plus ten dollars per axle for a single trip permit.

Committee on Transportation & Energy

1 **HB09-1319** by Representative(s) Merrifield and Massey, Todd,
2 Baumgardner, Benefield, Carroll T., Casso, Ferrandino,
3 Fischer, Green, Kerr A., Levy, Middleton, Miklosi,
4 Murray, Peniston, Primavera, Priola, Riesberg, Scanlan,
5 Schafer S., Solano, Summers; also Senator(s) Williams,
6 King K., Hudak, Penry, Bacon, Boyd, Heath, Romer,
7 Scheffel, Schwartz, Shaffer B., Tapia--Concerning
8 concurrent enrollment of public high school students in
9 courses offered by institutions of higher education.
10 Committee on Education

11
12
13
14 **INTRODUCTION OF RESOLUTION**

15
16 The following resolution was read by title and laid over one day under the
17 rules:

18
19 **SJR09-023** by Senator(s) Schwartz, Gibbs, Isgar, Tochtrop, White;
20 also Representative(s) Curry--Concerning the general
21 assembly's continuing support for existing terms of the
22 Colorado river compact.

23
24
25
26 **LAY OVER OF CALENDAR ITEM(S)**

27
28 On motion of Representative Kerr A., the following item(s) on the
29 Calendar were laid over until March 19, retaining place on Calendar:

30
31 Consideration of Conference Committee Report(s)--**SB09-208, 215.**

32
33
34 On motion of Representative Soper, the House adjourned until 9:00 a.m.,
35 March 19, 2009.

36
37 Approved:
38 TERRANCE D. CARROLL,
39 Speaker

40 Attest:
41 MARILYN EDDINS,
42 Chief Clerk

