

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

Seventy-ninth Legislative Day

Thursday, March 26, 2009

1 Prayer by Representative Summers.

2

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

4

5 Pledge of Allegiance led by Denzel Harper, Miles Gill, Boden Lanham,
6 Bailey Hughes, Braden Cook, Caleb Rotello, Dominic Brewick, Austin
7 Mee, Liam Gill, Cub Scout Pack 564.

8

9 The roll was called with the following result:

10

11 Present--60.

12 Excused--Representative(s) Levy, McGihon, Pommer, Scanlan,
13 Weissmann--5.

14

Present after roll call--Representative(s) Levy, Pommer.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Pace, the reading of the journal of
20 March 25, 2009, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22

23

24

25

MESSAGE(S) FROM THE SENATE

26

27 The Senate has adopted and transmits herewith: SJR09-031.

28

29

30

INTRODUCTION AND CONSIDERATION OF RESOLUTION

32

33 On motion of Representative Kerr A., the rules were suspended and the
34 following resolution was given immediate consideration.

35

36 **SJR09-031** by Senator(s) Shaffer B.; also Representative(s) Rice--
37 Concerning the continuing importance of Braille literacy
38 in the lives of blind children and adults in Colorado and
39 across the nation, and, in connection therewith,
40 recognizing "National Braille Readers are Leaders Day".

41

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

43

1 On motion of Representative Rice, the resolution was read at length and
2 **adopted** by **viva voce** vote.

3
4 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
5 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,
6 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green,
7 Hullinghorst, Judd, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy,
8 Liston, Looper, Marostica, Massey, May, McCann, McFadyen, McKinley,
9 McNulty, Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston,
10 Primavera, Priola, Riesberg, Roberts, Ryden, Schafer S., Solano, Sonnenberg,
11 Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Speaker

12
13
14
15 On motion of Representative Hullinghorst, the House resolved itself into
16 Committee of the Whole for consideration of General Orders, and she
17 was called to the Chair to act as Chairman.

18
19
20 **GENERAL ORDERS--SECOND READING OF BILLS**

21
22 The Committee of the Whole having risen, the Chairman reported the
23 titles of the following bills had been read (reading at length had been
24 dispensed with by unanimous consent), the bills considered and action
25 taken thereon as follows:

26
27 (Amendments to the committee amendment are to the printed committee
28 report which was printed and placed in the members' bill file.)

29
30 **SB09-080** by Senator(s) Isgar, Romer, White; also Representative(s)
31 Looper--Concerning limited exemptions for water
32 collected from certain residential rooftops.

33
34 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
35 dated March 10, 2009, and placed in member's bill file; Report also
36 printed in House Journal, March 11, pages 686-68.

37
38 Amendment No. 2, by Representative(s) Looper.

39
40 Amend the Agriculture, Livestock, and Natural Resources Committee
41 Report, dated March 10, 2009, page 1, after line 1, insert the following:

42
43 "SECTION 1. 37-80-111.5 (1) (d), Colorado Revised Statutes, is
44 amended to read:

45
46 **37-80-111.5. Fees - water data bank cash fund - division of**
47 **water resources publication cash fund - satellite monitoring system**
48 **cash fund - ground water management cash fund - well inspection**
49 **cash fund - created.** (1) (d) The state engineer shall collect fees
50 pursuant to sections 37-90-105 (3) (a), (3) (e), and (4), 37-90-107 (7) (c)
51 (I) and (7) (d) (I), 37-90-108 (4) and (6), 37-90-116 (1) (a), (1) (c), (1)
52 (h), and (1) (i), 37-90-137 (2), (3) (a), and (3) (c), 37-90.5-106, 37-92-305
53 (17), 37-92-308, and 37-92-602 (1) (g) (III) (C), (3) (a), (3) (d), and (5).
54 All such fees shall be transmitted to the state treasurer, who shall credit
55 the same to the division of water resources ground water management
56 cash fund, which is hereby created; except that, of each fee collected

1 pursuant to section 37-90-107 (7) (c) (I) and (7) (d) (I) and section 37-90-
2 116 (1) (a), (1) (h), and (1) (i), thirty dollars shall be credited to the
3 general fund; of each fee collected pursuant to section 37-90-137 (2), (3)
4 (a) (I), and (3) (a) (II) and section 37-92-602 (3) (a) for wells applied for
5 pursuant to section 37-92-602 (3) (b), twenty-five dollars shall be credited
6 to the general fund; of each fee collected pursuant to section 37-90-116
7 (1) (c), ten dollars shall be credited to the general fund; of each fee
8 collected pursuant to section 37-90-105 (3) (a) and (4) (a) and section 37-
9 92-602 (3) (a) for wells applied for pursuant to section 37-92-602 (3) (c)
10 and (5), five dollars shall be credited to the general fund; and except that,
11 of each fee collected pursuant to sections 37-90-105 (3) (a) (I) and (4) (a),
12 37-90-107 (7) (d) (I), 37-90-116 (1) (a), (1) (c), and (1) (h), 37-90-137 (2)
13 (a), and 37-92-602 (3) (a) and (5), forty dollars shall be credited to the
14 well inspection cash fund, which fund is hereby created. Moneys in the
15 well inspection cash fund shall be appropriated to and expended by the
16 state engineer for the purposes established in section 37-91-113. Any
17 moneys credited to the well inspection cash fund and unexpended at the
18 end of any given fiscal year shall remain in the fund and shall not revert
19 to the general fund. All interest derived from the deposit and investment
20 of this fund shall remain in the fund and shall not revert to the general
21 fund. Moneys in the ground water management cash fund shall be
22 expended by the state engineer for the purposes of developing an
23 automated well permit processing system that will expedite the issuance
24 of well permits, creating and maintaining a ground water information
25 management system, establishing a ground water data network,
26 establishing ground water recharge programs, conducting ground water
27 investigations, MONITORING COMPLIANCE WITH ROOFTOP PRECIPITATION
28 CAPTURE LAWS AND PERMITS PURSUANT TO SECTION 37-92-602 (1) (g), the
29 administration of rotational crop management contracts, and for other
30 ground water related activities that are deemed necessary by the state
31 engineer in performing statutory duties, subject to appropriation by the
32 general assembly. Data in the ground water data network shall be made
33 available to the public by the office of the state engineer as expeditiously
34 as possible.";

35
36 line 2 of the committee report, strike ""SECTION 1." and substitute
37 "SECTION 2.".

38
39 Page 4 of the committee report, after line 23, insert the following:

40
41 "Page 5 of the reengrossed bill, after line 2, insert the following:

42 "(V) (A) THE STATE ENGINEER OR THE DIVISION ENGINEERS MAY
43 ISSUE, TO THE USERS OF METHODS OR SYSTEMS OF ROOFTOP PRECIPITATION
44 COLLECTION, ORDERS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
45 PARAGRAPH (g). IF SUCH ORDERS ARE GIVEN ORALLY, THEY SHALL BE
46 CONFIRMED PROMPTLY IN WRITING.

47
48 (B) IN THE EVENT THAT AN ORDER OF A DIVISION ENGINEER OR THE
49 STATE ENGINEER ISSUED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS
50 SUBPARAGRAPH (V) IS NOT COMPLIED WITH, THE STATE ENGINEER, IN THE
51 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE
52 ATTORNEY GENERAL, SHALL APPLY TO THE WATER JUDGE OF THE
53 PARTICULAR DIVISION FOR AN INJUNCTION ENJOINING THE PERSON FROM
54 COMMITTING THE VIOLATION. IN SUCH PROCEEDING, IF THE COURT
55 UPHOLDS THE ORDER OF THE STATE ENGINEER, THE PERSON AGAINST
56 WHOM SUCH ORDER WAS ISSUED SHALL PAY THE COSTS OF THE

1 PROCEEDING, INCLUDING REASONABLE ATTORNEY FEES.

2

3 (C) ANY PERSON WHO VIOLATES AN ORDER ISSUED BY THE STATE
4 ENGINEER PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH
5 (V) SHALL FORFEIT AND PAY A SUM NOT TO EXCEED FIVE HUNDRED
6 DOLLARS FOR EACH VIOLATION. ANY FINE COLLECTED FOR VIOLATIONS OF
7 THIS PARAGRAPH (g) SHALL BE TRANSMITTED TO THE STATE TREASURER,
8 WHO SHALL CREDIT THE SAME TO THE DIVISION OF WATER RESOURCES
9 GROUND WATER MANAGEMENT CASH FUND, CREATED IN SECTION 37-80-
10 111.5 (1) (d).".".

11

12 As amended, ordered revised and placed on the Calendar for Third
13 Reading and Final Passage.

14

15 **HB09-1314** by Representative(s) Judd; also Senator(s) Sandoval--
16 Concerning safety in day treatment centers.

17

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

20

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

24

25 Ordered revised and placed on the Calendar for Third Reading and Final
26 Passage.

27

28 **SB09-059** by Senator(s) Schwartz, Brophy, Mitchell, Shaffer B.,
29 Veiga; also Representative(s) Gardner B., Labuda, Levy,
30 McGihon, Roberts--Concerning the enactment of Colorado
31 Revised Statutes 2008 as the positive and statutory law of
32 the state of Colorado.

33

34 Ordered revised and placed on the Calendar for Third Reading and Final
35 Passage.

36

37 **SB09-050** by Senator(s) Scheffel; also Representative(s) Murray--
38 Concerning a requirement that at least one member of the
39 limited gaming control commission be a resident of a
40 locality in which limited gaming takes place.

41

42 Amendment No. 1, Local Government Report, dated March 5, 2009, and
43 placed in member's bill file; Report also printed in House Journal,
44 March 6, page 638.

45

46 As amended, ordered revised and placed on the Calendar for Third
47 Reading and Final Passage.

48

49 **SB09-181** by Senator(s) Tapia, Keller, White; also Representative(s)
50 Marostica, Ferrandino, Pommer--Concerning the
51 elimination of the annual resolution to certify the amount
52 of moneys in the state education fund that are available for
53 appropriation in the next fiscal year.

54

55 Ordered revised and placed on the Calendar for Third Reading and Final
56 Passage.

1 **SB09-227** by Senator(s) Tapia, Keller, White; also Representative(s)
2 Pommer, Ferrandino, Marostica--Concerning assistance
3 with the unfunded accrued liability of old hire pension
4 plans that are affiliated with the fire and police pension
5 association, and, in connection therewith, eliminating the
6 state contribution to the old hire pension plans for the
7 2008-09, 2009-10, and 2010-11 state fiscal years,
8 extending the state contribution through the 2014-15 state
9 fiscal year, extending the amortization period for
10 underfunded old hire pension plans that no longer receive
11 state assistance, and modifying the appropriation therefor.

12
13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.

15
16 **SB09-062** by Senator(s) Shaffer B.; also Representative(s) Apuan--
17 Concerning incentives for armed forces veterans to enter
18 the teaching profession.

19
20 Amendment No. 1, Education Report, dated March 9, 2009, and placed
21 in member's bill file; Report also printed in House Journal, March 10,
22 page 666.

23
24 As amended, ordered revised and placed on the Calendar for Third
25 Reading and Final Passage.

26
27 **SB09-053** by Senator(s) Tochtrop; also Representative(s) Schafer S.-
28 -Concerning support arrearages that accrue prior to an
29 applicant's eligibility for public assistance.

30
31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33
34 **SB09-119** by Senator(s) Harvey; also Representative(s) McNulty--
35 Concerning a clarification of the enforcement of water
36 quality laws relating to the discharge of certain hazardous
37 pollutants.

38
39 Laid over until March 30, retaining place on Calendar.

40
41 **SB09-150** by Senator(s) Heath; also Representative(s) Levy--
42 Concerning the priority of a purchase-money lien for a
43 motor vehicle.

44
45 Amendment No. 1, Business Affairs & Labor Report, dated
46 March 10, 2009, and placed in member's bill file; Report also printed in
47 House Journal, March 1, page 679.

48
49 Amendment No. 2, by Representative(s) Levy.

50
51 Amend reengrossed bill, page 2, before line 1, insert the following:

52
53 "SECTION 1. 4-9-317 (e), Colorado Revised Statutes, is
54 amended to read:

55
56 **4-9-317. Interests that take priority over or take free of**

1 **security interest or agricultural lien.** (e) Except as otherwise provided
 2 in sections 4-9-320 and 4-9-321, if a person files a financing statement
 3 with respect to a purchase-money security interest before or within twenty
 4 days after the debtor receives delivery of the collateral, OR IF A PERSON
 5 PERFECTS UNDER ARTICLE 6 OF TITLE 42, C.R.S., A PURCHASE-MONEY
 6 SECURITY INTEREST IN A MOTOR VEHICLE, OTHER THAN INVENTORY,
 7 BEFORE OR WITHIN THIRTY DAYS AFTER THE DEBTOR RECEIVES DELIVERY
 8 OF THE MOTOR VEHICLE, the security interest takes priority over the rights
 9 of a buyer, lessee, or lien creditor which arise between the time the
 10 security interest attaches and the time of filing.

11
 12 **SECTION 2.** 4-9-324 (a), Colorado Revised Statutes, is amended
 13 to read:

14
 15 **4-9-324. Priority of purchase-money security interests.**
 16 (a) Except as otherwise provided in subsection (g) of this section, a
 17 perfected purchase-money security interest in goods other than inventory
 18 or livestock has priority over a conflicting security interest in the same
 19 goods, and, except as otherwise provided in section 4-9-327, a perfected
 20 security interest in its identifiable proceeds also has priority, if the
 21 purchase-money security interest is perfected when the debtor receives
 22 possession of the collateral or within twenty days thereafter, OR, IF THE
 23 COLLATERAL IS A MOTOR VEHICLE, AS DEFINED IN SECTION 42-6-102,
 24 C.R.S., WITHIN THIRTY DAYS THEREAFTER."

25
 26 Renumber succeeding sections accordingly.

27
 28 Page 2, line 2, strike "amended" and substitute "amended, and the said
 29 42-6-120 is further amended BY THE ADDITION OF A NEW
 30 SUBSECTION,";

31
 32 after line 14, insert the following:

33
 34 "(4) THE RIGHTS OF A BUYER, LESSEE, OR LIEN CREDITOR THAT
 35 ARISE AFTER A MORTGAGE ATTACHES TO A MOTOR VEHICLE AND BEFORE
 36 PERFECTION UNDER THIS ARTICLE SHALL BE DETERMINED BY SECTION 4-9-
 37 317, C.R.S.";

38
 39 line 23, strike "SECTION" and substitute "SECTIONS 4-9-317 (e) AND".

40
 41 Page 3, line 2, strike "4," and substitute "5,".

42
 43 As amended, ordered revised and placed on the Calendar for Third
 44 Reading and Final Passage.

45
 46 **SB09-101** by Senator(s) White; also Representative(s) Levy--
 47 Concerning the requirement for the creation of an
 48 independent historic preservation commission by any city
 49 receiving moneys from the state historical fund for historic
 50 preservation purposes when the city is not a certified local
 51 government, and, in connection therewith, establishing the
 52 composition and operation of such a commission.

53
 54 Amendment No. 1, Local Government Report, dated March 10, 2009, and
 55 placed in member's bill file; Report also printed in House Journal,
 56 March 11, pages 679-680.

1 Amendment No. 2, by Representative(s) Levy.

2

3 Amend reengrossed bill, page 6, after line 22, insert the following:

4

5 **"SECTION 5. Effective date - applicability.** This act shall take
6 effect August 1, 2009, and shall apply to disbursements from the state
7 historical fund received on or after said date."

8

9 Renumber succeeding section accordingly.

10

11 As amended, ordered revised and placed on the Calendar for Third
12 Reading and Final Passage.

13

14 **SB09-014** by Senator(s) Williams, Gibbs, Renfroe, Spence; also
15 Representative(s) Sonnenberg, Fischer, Levy, Marostica,
16 McFadyen, McNulty, Merrifield, Primavera, Rice, Vaad--
17 Concerning allowing vehicles with deficient splash guards
18 to remain in service for the limited time necessary to
19 replace the splash guards.

20

21 Ordered revised and placed on the Calendar for Third Reading and Final
22 Passage.

23

24 **SB09-039** by Senator(s) Schwartz; also Representative(s) Curry--
25 Concerning the discretionary authority of cooperative
26 electric associations to establish reasonable graduated rates
27 for increased energy consumption by residential
28 customers.

29

30 Amendment No. 1, by Representative(s) Curry.

31

32 Amend reengrossed bill, page 2, line 21, strike "CONSUMPTION", and
33 substitute "CONSUMPTION, FOR ENERGY CONSERVATION AND ENERGY
34 EFFICIENCY PURPOSES,".

35

36 Page 3, line 4, strike "A GRADUATED" and substitute "SUCH";

37

38 line 11, strike "A GRADUATED" and substitute "SUCH".

39

40 As amended, ordered revised and placed on the Calendar for Third
41 Reading and Final Passage.

42

43 **SB09-165** by Senator(s) Isgar and Penry; also Representative(s)
44 Curry and Gardner C., Fischer--Concerning the funding of
45 grants to small communities for water quality-related
46 capital projects through allocation of a portion of revenues
47 that would otherwise be credited to the severance tax trust
48 fund.

49

50 Amendment No. 1, by Representative(s) Curry.

51

52 Amend reengrossed bill, page 3, line 17, after "Statutes,", insert "as
53 amended by Senate Bill 09-208, enacted at the First Regular Session of
54 the Sixty-seventh General Assembly,".

55

56 Page 4, after line 9, insert the following:

1 ~~"(H) (B)~~ Notwithstanding any provision of ~~subparagraph (I) of~~
2 this paragraph (a) to the contrary, on the effective date of this
3 ~~subparagraph (H)~~ SUB-SUBPARAGRAPH (B), the state treasurer shall deduct
4 twenty million dollars from the perpetual base account of the fund and
5 transfer such sum to the general fund.";

6
7 line 10, strike "(B)" and substitute "(C)".

8
9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.

11
12 **SB09-157** by Senator(s) Sandoval; also Representative(s)
13 Hullinghorst--Concerning the retirement plan eligibility of
14 specified employees of the university of Colorado.

15
16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.

18
19 **SB09-107** by Senator(s) Kester; also Representative(s) Loooper--
20 Concerning the time during which a notarized bill of sale
21 will exempt a vehicle that is at least twenty-five years old
22 from being required to have a bonded title.

23
24 Amendment No. 1, by Representative(s) Marostica.
25 Amend reengrossed bill, page 2, line 19, strike "TWELVE" and substitute
26 "TWENTY-FOUR".

27
28 Page 3, line 6, strike "**Effective date.**" and substitute "**Act subject to**
29 **petition - effective date.**".

30
31 As amended, ordered revised and placed on the Calendar for Third
32 Reading and Final Passage.

33
34 **SB09-005** by Senator(s) Spence; also Representative(s) Primavera--
35 Concerning the Colorado traumatic brain injury program.

36
37 Amendment No. 1, by Representative(s) Primavera.
38 Amend reengrossed bill, page 8, line 12, strike "†" and substitute "†,
39 2004,";

40
41 line 13, strike "SEPTEMBER 1, 2004," and substitute "SEPTEMBER 1,
42 2009,".

43
44 As amended, ordered revised and placed on the Calendar for Third
45 Reading and Final Passage.

46
47 **SB09-129** by Senator(s) Tochtrop; also Representative(s) Gagliardi--
48 Concerning the duties that may be performed by a dental
49 hygienist.

50
51 Amendment No. 1, Health & Human Services Report, dated
52 March 12, 2009, and placed in member's bill file; Report also printed in
53 House Journal, March 13, page 730.

54
55 As amended, ordered revised and placed on the Calendar for Third
56 Reading and Final Passage.

1 A motion by Representative Kerr A. that the Committee rise, report
2 progress and beg leave to sit again at 11:15 a.m., was adopted by
3 unanimous consent. (General Orders continued on page 911.)
4

5
6
7 House reconvened.
8

9 The Committee of the Whole reported it had risen, reported progress and
10 would sit again at 11:15 a.m.
11

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14
15 On motion of Representative Hullinghorst, the House resolved itself into
16 Committee of the Whole for continuation of consideration of General
17 Orders, and she returned to the Chair to act as Chairman.
18

19
20
21 **GENERAL ORDERS--SECOND READING OF BILLS**

22 (Continued from page 910)
23

24 **SB09-169** by Senator(s) Tochtrop; also Representative(s) Riesberg--
25 Concerning the continuation of the board of examiners of
26 nursing home administrators.
27

28 Amendment No. 1, Health & Human Services Report, dated
29 March 12, 2009, and placed in member's bill file; Report also printed in
30 House Journal, March 13, page 730.
31

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

35 **SB09-013** by Senator(s) Gibbs and Schwartz, Penry; also
36 Representative(s) Levy and King S.--Concerning the
37 extension of civil immunity to persons engaged in
38 emergency response activities.
39

40 Amendment No. 1, Judiciary Report, dated March 12, 2009, and placed
41 in member's bill file; Report also printed in House Journal, March 13,
42 pages 731-732.
43

44 As amended, ordered revised and placed on the Calendar for Third
45 Reading and Final Passage.
46

47 **SB09-036** by Senator(s) Gibbs; also Representative(s) Scanlan--
48 Concerning theft of sound recordings, and making an
49 appropriation in connection therewith.
50

51 Laid over until March 30, retaining place on Calendar.
52

53
54 **SB09-047** by Senator(s) Newell; also Representative(s) Roberts--
55 Concerning the oversight of crime victim services, and, in
56 connection therewith, creating the crime victim services

- 1 advisory board and repealing the victims compensation
2 and assistance coordinating committee and the victims
3 assistance and law enforcement advisory board.
4
- 5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7
- 8 **SB09-060** by Senator(s) Tochtrop; also Representative(s) Soper--
9 Concerning clarifications to the law regarding testing
10 illegal drug laboratories for methamphetamine.
11
- 12 Ordered revised and placed on the Calendar for Third Reading and Final
13 Passage.
14
- 15 **SB09-109** by Senator(s) Newell, Morse; also Representative(s)
16 Schafer S.--Concerning continuation of provisions related
17 to the fire service training and certification advisory board.
18
- 19 Ordered revised and placed on the Calendar for Third Reading and Final
20 Passage.
21
- 22 **SB09-182** by Senator(s) Penry; also Representative(s) Stephens--
23 Concerning the use of state parks by certain search and
24 rescue organizations for training activities.
25
- 26 Ordered revised and placed on the Calendar for Third Reading and Final
27 Passage.
28
- 29 **SB09-216** by Senator(s) Tapia, Keller, White; also Representative(s)
30 Pommer, Ferrandino, Marostica--Concerning increases in
31 the fees paid to the division of water resources in the
32 department of natural resources, and, in connection
33 therewith, modifying appropriations made to the division
34 of water resources in the fiscal year 2008-09 long
35 appropriations bill.
36
- 37 Laid over until March 30, retaining place on Calendar.
38
- 39 **SB09-168** by Senator(s) Tochtrop; also Representative(s) Soper--
40 Concerning workers' compensation procedures.
41
- 42 Ordered revised and placed on the Calendar for Third Reading and Final
43 Passage.
44
- 45 **SB09-173** by Senator(s) Veiga; also Representative(s) Rice--
46 Concerning the economic development of large-scale
47 regional tourism projects to be partially financed with a
48 portion of state sales tax revenue above an existing base
49 amount.
50
- 51 Laid over until March 30, retaining place on Calendar.
52
- 53 **SB09-042** by Senator(s) Tapia; also Representative(s) Vigil and
54 Peniston--Concerning the administration of the exempt
55 status of property for property tax purposes.
56

1 Amendment No. 1, Finance Report, dated March 17, 2009, and placed in
2 member's bill file; Report also printed in House Journal, March 18,
3 page 770.

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

7
8 **SB09-020** by Senator(s) Gibbs; also Representative(s) Scanlan--
9 Concerning the responsibility for responding to wild land
10 fires.

11
12 Laid over until March 30, retaining place on Calendar.

13
14 **SB09-148** by Senator(s) Brophy, Gibbs; also Representative(s)
15 Merrifield, Carroll T., Kerr A., Marostica, McNulty--
16 Concerning revisions to the rules governing the safe
17 interaction of bicycles with other vehicles on roadways.

18
19 Amendment No. 1, Transportation & Energy Report, dated
20 March 17, 2009, and placed in member's bill file; Report also printed in
21 House Journal, March 18, pages 780-781.

22
23 Amendment No. 2, by Representative(s) Merrifield.

24
25 Amend reengrossed bill, page 3, line 7, strike "VEHICLE" and substitute
26 "MOTOR VEHICLE";

27
28 line 20, strike "VEHICLE" and substitute "MOTOR VEHICLE".

29
30 Amendment No. 3, by Representative(s) Baumgardner.

31
32 Amend reengrossed bill, page 6, after line 23, insert the following:

33
34 "(d) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
35 CONTRARY, ON A STATE HIGHWAY WITH LANES LESS THAN TWELVE FEET
36 WIDE, BICYCLISTS SHALL NOT RIDE TWO OR MORE ABREAST.

37
38 (e) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
39 IF THE CENTER LINE OF A HIGHWAY, AS DEFINED IN SECTION 43-1-406 (2)
40 (c), C.R.S., IS INDICATED BY A SOLID SINGLE OR SOLID DOUBLE YELLOW
41 LINE, A BICYCLIST RIDING ON SUCH HIGHWAY SHALL TRAVEL AS CLOSE AS
42 FEASIBLE TO THE SHOULDER OF THE HIGHWAY."

43
44 As amended, ordered revised and placed on the Calendar for Third
45 Reading and Final Passage.

46
47 **SB09-222** by Senator(s) Lundberg, Cadman, Schultheis, Harvey,
48 Renfroe, Scheffel; also Representative(s) Vaad--
49 Concerning standards for a sign required to notify drivers
50 that an automated vehicle identification device is being
51 used to detect traffic violations.

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

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SB09-105 by Senator(s) Gibbs; also Representative(s) Scanlan--
Concerning removal of the statutory limit on the amount
that may be raised in a single year by a special property tax
levied by a board of county commissioners for the purpose
of fighting specified types of fires in a county.

Laid over until March 30, retaining place on Calendar.

SB09-132 by Senator(s) Boyd; also Representative(s) Kerr J.--
Concerning discounted prescription drug programs, and,
in connection therewith, providing information regarding
discounted prescription drug programs and modifying the
"Colorado Cares Rx Act" and making an appropriation.

Laid over until March 30, retaining place on Calendar.

SB09-131 by Senator(s) Romer; also Representative(s) Massey--
Concerning the requirement that students in public schools
engage in a certain amount of physical activity each week.

Amendment No. 1, Education Report, dated March 19, 2009, and placed
in member's bill file; Report also printed in House Journal, March 20,
page 819.

As amended, ordered revised and placed on the Calendar for Third
Reading and Final Passage.

SB09-237 by Senator(s) Lundberg, Harvey, Schultheis, Cadman,
Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfroe,
Romer, Scheffel, Tochtrop, White; also Representative(s)
Acree, McNulty--Concerning grounds for mandatory
expulsion from a public school.

Amendment No. 1, Education Report, dated March 19, 2009, and placed
in member's bill file; Report also printed in House Journal, March 20,
pages 819.

As amended, ordered revised and placed on the Calendar for Third
Reading and Final Passage.

SB09-137 by Senator(s) Renfroe; also Representative(s)
Baumgardner--Concerning the timely payment of debts in
relation to a waiver of the right to attach a property lien.

Ordered revised and placed on the Calendar for Third Reading and Final
Passage.

SB09-143 by Senator(s) Bacon; also Representative(s) Hullinghorst,
Fischer--Concerning enforcing traffic regulations through
the expanded use of an automated vehicle identification
system.

Laid over until March 30, retaining place on Calendar.

- 1 **SB09-231** by Senator(s) Penry; also Representative(s) Solano and
2 Bradford, King S., Tipton--Concerning the continuation of
3 the state methamphetamine task force.
4
- 5 Amendment No. 1, Judiciary Report, dated March 19, 2009, and placed
6 in member's bill file; Report also printed in House Journal, March 20,
7 page 824.
8
- 9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.
11
- 12 **SB09-084** by Senator(s) Scheffel; also Representative(s) Scanlan--
13 Concerning documents related to the role of the office of
14 the secretary of state as filing office for secured
15 transactions.
16
- 17 Laid over until March 30, retaining place on Calendar.
18
- 19 **SB09-051** by Senator(s) Carroll M.; also Representative(s) Levy--
20 Concerning measures to facilitate the financing of energy-
21 efficient structures.
22
- 23 Amendment No. 1, Transportation & Energy Report, dated
24 March 19, 2009, and placed in member's bill file; Report also printed in
25 House Journal, March 20, page 825.
26
- 27 Amendment No. 2, by Representative(s) Levy.
28
- 29 Amend reengrossed bill, page 3, strike lines 8 through 19.
30
- 31 Page 7, line 24, strike "ELECTRIC" and substitute "ENERGY".
32
- 33 Page 8, line 1, after "OF", insert "SOLAR HEATING OR COOLING AND";
34
- 35 line 10, before "SOLAR", insert "SOLAR HEATING, SOLAR COOLING, OR".
36
- 37 As amended, ordered revised and placed on the Calendar for Third
38 Reading and Final Passage.
39
- 40 **SB09-078** by Senator(s) Newell; also Representative(s) Rice--
41 Concerning the abandonment of portions of the state
42 highway system to local jurisdictions.
43
- 44 Amendment No. 1, Transportation & Energy Report, dated
45 March 19, 2009, and placed in member's bill file; Report also printed in
46 House Journal, March 20, page 826.
47
- 48 As amended, ordered revised and placed on the Calendar for Third
49 Reading and Final Passage.
50
- 51 **SB09-177** by Senator(s) Schwartz; also Representative(s) Vigil--
52 Concerning the valuation of new solar energy facilities for
53 the purpose of property taxation.
54
- 55 Laid over until March 30, retaining place on Calendar.
56

1 **SB09-056** by Senator(s) Kester; also Representative(s) Riesberg--
 2 Concerning the Trinidad state nursing home.
 3

4 Amendment No. 1, Health & Human Services Report, dated
 5 March 23, 2009, and placed in member's bill file; Report also printed in
 6 House Journal, March 24, page 87.
 7

8 As amended, ordered revised and placed on the Calendar for Third
 9 Reading and Final Passage.
 10

11 On motion of Representative Kerr A., the remainder of the General
 12 Orders Calendar (**SB09-092, 175**) was laid over until March 30, retaining
 13 place on Calendar.
 14

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 16
 17 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 18

19 Passed Second Reading: **SB09-080 amended, HB09-1314, SB09-054,**
 20 **059, 050 amended, 181, 227, 062 amended, 053, 150 amended, 101**
 21 **amended, 014, 039 amended, 165 amended, 157, 107 amended,**
 22 **005 amended, 129 amended, 169 amended, 013 amended, 047, 060,**
 23 **109, 182, 168, 042 amended, 148 amended, 222, 131 amended, 237**
 24 **amended, 137, 231 amended, 051 amended, 078 amended, 056**
 25 **amended.**
 26

27 Laid over until date indicated retaining place on Calendar: **SB09-119,**
 28 **036, 216, 173, 020, 105, 132, 177, 143, 084, 092, 175**--March 30, 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	56	NO	0	EXCUSED	9	ABSENT	0
36	Acree	Y	Green	E	McFadyen	Y	Roberts	Y
37	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
38	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	E
39	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
40	Benefield	E	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	E	Levy	Y	Pace	E	Swalm	Y
46	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
47	Frangas	Y	Looper	Y	Pommer	E	Todd	Y
48	Gagliardi	Y	Marostica	E	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

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REPORT(S) OF COMMITTEE(S) OF REFERENCE**BUSINESS AFFAIRS & LABOR**

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

HB09-1310 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 15, strike "EMPLOYEES, EITHER" and substitute "EMPLOYEES";

line 16, strike "INTENTIONALLY OR DUE TO OVERSIGHT,".

Page 3, line 20, strike "8-70-115," and substitute "8-70-103 (11),".

Page 4, line 18, strike "ADVANTAGE." and substitute "ADVANTAGE OR TO AVOID THE PAYMENT OF TAXES.";

strike lines 20 through 23 and substitute the following:

"THE DIRECTOR SHALL DETERMINE WHETHER OR NOT AN INVESTIGATION IS WARRANTED. IF THE DIRECTOR DETERMINES THAT AN INVESTIGATION IS WARRANTED, THE DIRECTOR SHALL NOTIFY THE COMPLAINANT AND RESPONDENT THAT AN INVESTIGATION WILL BE CONDUCTED AND";

line 24, strike "DIRECTOR";

line 25, strike "ACT, AND THE" and substitute "ACT. THE".

Page 5, line 9, strike "RECKLESS" and substitute "WILLFUL";

line 10, strike "DISREGARD," and substitute "DISREGARD OF THE LAW,";

line 13, strike "RECKLESS" and substitute "WILLFUL";

line 14, strike "RECKLESS" and substitute "WILLFUL";

line 16, strike "ISSUE" and substitute "UPON A SECOND OR SUBSEQUENT MISCLASSIFICATION WITH WILLFUL DISREGARD, ISSUE";

line 22, strike "COPIES" and substitute "A COPY";

strike line 23 and substitute the following:

"TO THE RESPONDENT. THOSE PORTIONS OF THE WRITTEN ORDER THAT ARE NOT CONFIDENTIAL UNDER THE ACT SHALL";

after line 26, insert the following:

"(4) (a) AN EMPLOYER MAY REQUEST A WRITTEN ADVISORY OPINION FROM THE DIRECTOR CONCERNING WHETHER THE EMPLOYER SHOULD CLASSIFY THE INDIVIDUAL AS AN EMPLOYEE FOR PURPOSES OF COMPLYING WITH THE ACT. THE EMPLOYER SHALL PROVIDE THE DIRECTOR WITH INFORMATION NECESSARY FOR THE DIRECTOR TO ISSUE AN ADVISORY

1 OPINION.

2

3 (b) UPON RECEIPT OF A REQUEST AND PERTINENT INFORMATION
4 FROM AN EMPLOYER, THE DIRECTOR SHALL ISSUE AN ADVISORY OPINION
5 TO THE EMPLOYER, INDICATING WHETHER THE EMPLOYER SHOULD
6 CLASSIFY THE INDIVIDUAL AS AN EMPLOYEE IN ORDER TO COMPLY WITH
7 THE ACT. AN OPINION ISSUED PURSUANT TO THIS SUBSECTION (4) IS ONLY
8 ADVISORY, BASED ON THE INFORMATION PROVIDED BY THE EMPLOYER AND
9 THE DIRECTOR'S UNDERSTANDING OF THE CIRCUMSTANCES AT THE TIME
10 ISSUED, AND IS NOT BINDING ON THE DIVISION, THE EMPLOYER, OR ANY
11 OTHER STATE OR LOCAL GOVERNMENTAL ENTITY.

12

13 (c) THE DIRECTOR SHALL PROMULGATE RULES IN ACCORDANCE
14 WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING THE PROCESS FOR
15 ISSUING AN ADVISORY OPINION."

16

17 Renumber succeeding subsections accordingly.

18

19 Page 7, line 5, strike "(5)" and substitute "(6)";

20

21 line 23, strike "(5) AND (6)" and substitute "(6) AND (7)";

22

23 line 24, strike "(7)" and substitute "(8)".

24

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27 **SB09-178** be referred favorably to the Committee on Appropriations.

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32 **FINANCE**

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

35

36 **SB09-068** be referred favorably to the Committee on Appropriations.

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41 **STATE, VETERANS, & MILITARY AFFAIRS**

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

44

45 **HB09-1302** be postponed indefinitely.

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49

PRINTING REPORT

50

51 The Chief Clerk reports the following bill has been correctly printed:
52 **HB09-1329.**

53

54

55

1 **HB09-1101** CONCERNING THE ADMINISTRATION OF SALES TAX
2 COLLECTIONS BY THE DEPARTMENT OF REVENUE.

3
4 Approved March 25, 2009 at 1:19 p.m.

5
6 **HB09-1174** CONCERNING THE EXEMPTION OF DEPLETIONS FROM
7 PUMPING THAT OCCURRED PRIOR TO 1974.

8
9 Approved March 25, 2009 at 1:20 p.m.

10
11 **HB09-1215** CONCERNING THE CREATION OF A STABILIZATION FUND
12 TO ASSIST WITH THE STATE'S EFFORTS TO MEET THE
13 FEDERAL MAINTENANCE OF EFFORT REQUIREMENTS FOR
14 THE STATE SUPPLEMENTAL SECURITY INCOME
15 PROGRAM.

16
17 Approved March 25, 2009 at 1:20 p.m.

18
19 **HB09-1219** CONCERNING THE INTEREST PAID TO TAXPAYERS ON
20 CERTAIN TAX OVERPAYMENTS.

21
22 Approved March 25, 2009 at 1:21 p.m.

23
24 Sincerely,
25 (signed)
26 Bill Ritter, Jr.
27 Governor

28 _____

29
30
31 **LAY OVER OF CALENDAR ITEM(S)**

32
33 On motion of Representative Kerr A., the following item(s) on the
34 Calendar were laid over until March 30, retaining place on Calendar:

35
36 Consideration of General Orders--**SB09-111, HB09-1315.**

37 Consideration of Conference Committee Report(s)--**SB09-208, 210,**
38 **HB09-1058.**

39 Consideration of Resolution(s)--**SJR09-026.**

40 Consideration of Senate Amendment(s)--**HB09-1053, 1151, 1200, 1220,**
41 **1285.**

42 _____

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44
45 On motion of Representative Kerr A, the House adjourned until
46 10:00 a.m., March 30, 2009.

47
48 Approved:
49 TERRANCE D. CARROLL,
50 Speaker

51 Attest:
52 MARILYN EDDINS,
53 Chief Clerk