

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

Thirty-fifth Legislative Day

Tuesday, February 16, 2010

1 Prayer by the Reverend Miriam Slejko, Trinity United Methodist Church,  
 2 Denver.

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

5  
 6 Pledge of Allegiance led by Will Seawell, Connor Seale, Tyler Fuhs, Cole  
 7 LaMontagne, Cole Kissane, Cooper Dyce, Wolves Den Pack #55, Cherry  
 8 Hills Village Elementary; Fletcher Kim, Aspen Creek Elementary,  
 9 Broomfield.

10  
 11 The roll was called with the following result:

12  
 13 Present--65.

14  
 15 The Speaker declared a quorum present.

16 \_\_\_\_\_  
 17  
 18 On motion of Representative Court, the reading of the journal of  
 19 February 15, 2010, was declared dispensed with and approved as  
 20 corrected by the Chief Clerk.

21 \_\_\_\_\_

22  
 23  
 24 **THIRD READING OF BILL(S)--FINAL PASSAGE**

25  
 26 The following bill(s) (was)were considered on Third Reading. The  
 27 title(s) (was)were publicly read. Reading of the bill at length was  
 28 dispensed with by unanimous consent.

29  
 30 **HB10-1097** by Representative(s) Benefield, Court, Ryden, Pace; also  
 31 Senator(s) Morse, Hudak, Newell--Concerning temporary  
 32 injunctions in proceedings involving minor children.

33  
 34 The question being "Shall the bill pass?"

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

38  
 39

	YES	64	NO	0	EXCUSED	1	ABSENT	0
40	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
41	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
42	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
43	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y

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

14 Co-sponsor(s) added: Representative(s) Gardner B., Labuda, Miklosi,  
 15 Schafer S., Solano, Todd, Vigil.

16  
 17 **HB10-1188** by Representative(s) Curry, Fischer, Labuda, Massey,  
 18 Scanlan; also Senator(s) Hodge, Gibbs, Heath, Tochtrop--  
 19 Concerning clarification of the scope of the existing right  
 20 of navigation of guides employed by river outfitters.

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

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

45 Co-sponsor(s) added: Representative(s) Court, Frangas, Kefalas, Kerr A.,  
 46 McCann, Merrifield, Miklosi, Nikkel, Pommer, Schafer S., Tyler.

47  
 48 **SB10-001** by Senator(s) Shaffer B. and Penry, Bacon, Boyd, Brophy,  
 49 Carroll M., Foster, Gibbs, Heath, Hodge, Hudak, Johnston,  
 50 Keller, Kester, Morse, Newell, Romer, Sandoval,  
 51 Schwartz, Steadman, Tapia, Tochtrop, Whitehead,  
 52 Williams; also Representative(s) Kerr A.--Concerning  
 53 modifications to the public employees' retirement  
 54 association necessary to reach a one hundred percent  
 55 funded ratio within the next thirty years.

1 As shown by the following roll call vote, a majority of all members  
 2 elected to the House voted in the affirmative, and Representative J. Kerr  
 3 was given permission to offer a Third Reading amendment:

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

24 **Third Reading amendment No. 1**, by Representative Kerr J.

25 Amend revised bill, page 10, after line 14 insert:

26 "SECTION 4. 24-51-207 (4), Colorado Revised Statutes, is  
 27 amended to read:

28 **24-51-207. Standard of conduct.** (4) The trustees of the board,  
 29 the executive director, the deputy executive directors, and any employee  
 30 of the association who is in a fiduciary position shall be subject to and  
 31 shall make financial disclosures pursuant to the provisions of section  
 32 24-6-202. SUCH FINANCIAL DISCLOSURES SHALL BE POSTED ON THE WEB  
 33 SITE OF THE ASSOCIATION AND OF THE SECRETARY OF STATE."

34 Renumber succeeding sections accordingly.

35 Page 60, line 12, strike "18, 19, 20, 21, and 22;" and substitute "20, 21,  
 36 22, 23, and 24;"

37 Page 60, line 14, strike "25" and substitute "27", and strike "31, 34, and  
 38 35." and substitute "33, 36, and 37."

39 The amendment was declared **lost** by the following roll call vote:

	YES	30	NO	35	EXCUSED	0	ABSENT	0
49	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
50	Apuan	N	Hullinghorst	N	McKinley	Y	Scanlan	N
51	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
52	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
53	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
54	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
55	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
56	Court	N	King S.	Y	Nikkel	N	Summers	Y

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

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  
 14 bill was declared **passed**.

15

16	YES	36	NO	29	EXCUSED	0	ABSENT	0
17	Acree	N	Gerou	N	McFadyen	N	Ryden	Y
18	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
19	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
20	Baumgardner	N	Kagan	Y	Merrifield	N	Solano	Y
21	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
22	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
23	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
24	Court	Y	King S.	Y	Nikkel	N	Summers	N
25	Curry	Y	Labuda	Y	Pace	N	Swalm	Y
26	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
27	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
28	Fischer	Y	Liston	N	Primavera	N	Tyler	Y
29	Frangas	Y	Looper	N	Priola	N	Vaad	N
30	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
31	Gardner B.	N	May	N	Riesberg	Y	Waller	N
32	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	N
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Benefield, Fischer, Kagan, Labuda,  
 35 Pommer, Schafer S., Tyler

36

37

38

39

House in recess. House reconvened.

40

41

42

43

#### 43 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

44

45

46

47

48

49

50

(Amended as printed in Senate Journal, February 5, page 176.)

51

52

53

54

55

Representative Pommer moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

	YES	63	NO	2	EXCUSED	0	ABSENT	0
1								
2	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	N	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y
19								

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

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

45 **HB10-1190** by Representative(s) Pommer; also Senator(s) Heath--  
 46 Concerning the suspension of the exemption from the state  
 47 sales and use taxes for fuels used for industrial purposes,  
 48 and making an appropriation therefor.

50 (Amended as printed in Senate Journal, February 8, pages 184-186.)

51  
 52 Representative Pommer moved that the House **concur** in Senate  
 53 amendments. The motion was declared **passed** by the following roll call  
 54 vote:

55

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

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

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

43 Co-sponsor(s) added: Representative(s) Hullinghorst, Kagan.

44  
 45 **HB10-1191** by Representative(s) Pommer; also Senator(s) Heath--  
 46 Concerning the narrowing of the existing exemption from  
 47 the state sales and use taxes for food, and, in connection  
 48 therewith, subjecting candy and soft drinks to the state  
 49 sales and use taxes, and making an appropriation therefor.

50  
 51 (Amended as printed in Senate Journal, February 5, page 176 and in  
 52 Senate Journal, February 10, page 204.)

53  
 54 Representative Pommer moved that the House **concur** in Senate  
 55 amendments. A substitute motion by Representative DelGrosso that the  
 56 House **not concur** in Senate amendments and that a Conference

1 Committee be appointed with permission to go beyond the scope of the  
 2 differences between the House and the Senate was declared **lost** by the  
 3 following roll call vote:  
 4

	YES	30	NO	35	EXCUSED	0	ABSENT	0
6	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
7	Apuan	N	Hullinghorst	N	McKinley	N	Scanlan	N
8	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
9	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
10	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
11	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
12	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
13	Court	N	King S.	Y	Nikkel	Y	Summers	Y
14	Curry	Y	Labuda	N	Pace	N	Swalm	Y
15	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y
16	Ferrandino	N	Levy	N	Pommer	N	Todd	N
17	Fischer	N	Liston	Y	Primavera	N	Tyler	N
18	Frangas	N	Looper	Y	Priola	Y	Vaad	Y
19	Gagliardi	N	Massey	Y	Rice	N	Vigil	N
20	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
21	Gardner C.	Y	McCann	N	Roberts	Y	Weissmann	N
22							Speaker	N

23  
 24 Representative Pommer's motion that the House **concur** in Senate  
 25 amendments was declared **passed** by the following roll call vote:  
 26

	YES	65	NO	0	EXCUSED	0	ABSENT	0
28	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
29	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
30	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
31	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
32	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
33	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
34	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
35	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
36	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
37	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
38	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
39	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
40	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
41	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
42	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
43	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
44							Speaker	Y

45  
 46 The question being, "Shall the bill, as amended, pass?".  
 47 A roll call vote was taken. As shown by the following recorded vote, a  
 48 majority of those elected to the House voted in the affirmative, and the  
 49 bill, as amended, was declared **repassed**.  
 50

	YES	36	NO	29	EXCUSED	0	ABSENT	0
52	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
53	Apuan	N	Hullinghorst	Y	McKinley	N	Scanlan	Y
54	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
55	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
56	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N

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

13 Co-sponsor(s) added: Representative(s) Court.

14  
15 **HB10-1192** by Representative(s) Pommer; also Senator(s) Heath--  
16 Concerning the state sales and use tax of standardized  
17 software, and making an appropriation therefor.

18  
19 (Amended as printed in Senate Journal, February 8, pages 184, and  
20 189-190 and in Senate Journal February 10, pages 207-208.)

21  
22 Representative Pommer moved that the House **concur** in Senate  
23 amendments. The motion was declared **passed** by the following roll call  
24 vote:

26	YES	65	NO	0	EXCUSED	0	ABSENT	0
27	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
28	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
29	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
30	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
31	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
32	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
33	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
34	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
35	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
36	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
37	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
38	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
39	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
40	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
41	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
42	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
43							Speaker	Y

44  
45 The question being, "Shall the bill, as amended, pass?"

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

50	YES	34	NO	31	EXCUSED	0	ABSENT	0
51	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
52	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
53	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
54	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
55	Benefield	Y	Kefalas	N	Middleton	Y	Sonnenberg	N
56	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y

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

12 Co-sponsor(s) added: Representative(s) Frangas.

13  
14 **HB10-1193** by Representative(s) Pommer; also Senator(s) Heath--  
15 Concerning the collection of sales and use taxes on sales  
16 made by out-of-state retailers, and making an  
17 appropriation therefor.

18  
19 (Amended as printed in Senate Journal, February 8, pages 171-172, 175  
20 and 181-182 and in Senate Journal February 10, pages 209-211.)

21  
22 Representative Pommer moved that the House **concur** in Senate  
23 amendments. A substitute motion by Representative Stephens that the  
24 House **not concur** in Senate amendments and that a Conference  
25 Committee be appointed was declared **lost** by the following roll call vote:

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

45  
46 Representative Pommer's motion that the House **concur** in Senate  
47 amendments was declared **passed** by the following roll call vote:

49	YES	36	NO	29	EXCUSED	0	ABSENT	0
50	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
51	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	N
52	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
53	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
54	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
55	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
56	Casso	Y	Kerr J.	N	Murray	N	Stephens	N

1	Court	Y	King S.	N	Nikkel	N	Summers	N
2	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
3	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
4	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
5	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
6	Frangas	Y	Looper	N	Priola	N	Vaad	N
7	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
8	Gardner B.	N	May	N	Riesberg	Y	Waller	N
9	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
10							Speaker	Y

11

12 The question being, "Shall the bill, as amended, 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  
15 bill, as amended, was declared **repassed**.

16

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

35 Co-sponsor(s) added: Representative(s) Frangas, Kagan, Ryden, Schafer S.

36

37 **HB10-1194** by Representative(s) Ferrandino; also Senator(s) Heath--  
38 Concerning the narrowing of the existing exemptions from  
39 the state sales and use taxes for articles sold to sellers of  
40 items intended for human consumption that are furnished  
41 by the sellers to their customers with such items without  
42 the addition of a separate charge, and making an  
43 appropriation therefor.

44

45 (Amended as printed in Senate Journal, February 8, page 180.)

46

47 Representative Ferrandino moved that the House **concur** in Senate  
48 amendments. The motion was declared **passed** by the following roll call  
49 vote:

50

51	YES	63	NO	0	EXCUSED	2	ABSENT	0
52	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
53	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
54	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
55	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
56	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y

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

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

	YES	34	NO	29	EXCUSED	2	ABSENT	0
20	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
21	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
22	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
23	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
24	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
25	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
26	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
27	Court	Y	King S.	N	Nikkel	N	Summers	N
28	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
29	DelGrosso	N	Lambert	N	Peniston	N	Tipton	N
30	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
31	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
32	Frangas	Y	Looper	N	Priola	N	Vaad	N
33	Gagliardi	Y	Massey	N	Rice	E	Vigil	Y
34	Gardner B.	N	May	N	Riesberg	Y	Waller	N
35	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	E
36							Speaker	Y

37 Representative Weissmann excused from voting under House Rule 21(c).  
 38 Co-sponsor(s) added: Representative(s) Kagan.

39  
 40 **HB10-1195** by Representative(s) Ferrandino; also Senator(s) Heath--  
 41 Concerning the suspension of the exemption from the state  
 42 sales and use taxes for certain items used in agricultural  
 43 production, and making an appropriation therefor.

44  
 45 (Amended as printed in Senate Journal, February 8, page 183.)

46  
 47 Representative Ferrandino moved that the House **concur** in Senate  
 48 amendments. The motion was declared **passed** by the following roll call  
 49 vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
52	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
53	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
54	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
55	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
56	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y

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

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

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

37  
38 **HB10-1199** by Representative(s) Ferrandino; also Senator(s) Heath--  
39 Concerning a temporary limit on the state income tax  
40 deduction for a net operating loss.

41  
42 (Amended as printed in Senate Journal, February 8, page 183.)

43  
44 Representative Ferrandino moved that the House **concur** in Senate  
45 amendments. The motion was declared **passed** by the following roll call  
46 vote:

47	YES	64	NO	1	EXCUSED	0	ABSENT	0
48								
49	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
50	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
51	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
52	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
53	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
54	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
55	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
56	Court	Y	King S.	Y	Nikkel	Y	Summers	Y

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

10  
 11 The question being, "Shall the bill, as amended, 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  
 14 bill, as amended, was declared **repassed**.

	YES	37	NO	28	EXCUSED	0	ABSENT	0
17	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
18	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
19	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
20	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
21	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
22	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
23	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
24	Court	Y	King S.	N	Nikkel	N	Summers	N
25	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
26	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
27	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
28	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
29	Frangas	Y	Looper	N	Priola	N	Vaad	N
30	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
31	Gardner B.	N	May	N	Riesberg	Y	Waller	N
32	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Pommer.

35  
 36  
 37 House in recess. House reconvened.

38  
 39  
 40  
 41 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

42  
 43 The Speaker has signed: **HJR10-1010, 1012.**

44  
 45  
 46  
 47 **MESSAGE(S) FROM THE SENATE**

48  
 49 The Senate has passed on Third Reading and returns herewith:  
 50 HB10-1039.

51  
 52 The Senate has passed on Third Reading and transmitted to the Revisor  
 53 of Statutes:

54  
 55 HB10-1046 amended as printed in Senate Journal, February 15, 2010,  
 56 page 242.

1 The Senate has passed on Third Reading and transmitted to the Revisor  
2 of Statutes: SB10-082.

3

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

6

7 SB10-032 amended as printed in Senate Journal, February 15, 2010,  
8 page 241.

9 SB10-130 amended as printed in Senate Journal, February 15, 2010,  
10 page 241.

11 SB10-083 amended as printed in Senate Journal, February 15, 2010,  
12 page 243.

13 SB10-159 amended as printed in Senate Journal, February 15, 2010,  
14 page 243.

15

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17

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### 18 MESSAGE(S) FROM THE REVISOR

19

20 We herewith transmit:

21 Without comment, as amended, HB10-1046.

22 Without comment, as amended, SB10-082, 032, 130, 083, and 159.

23

24

25

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### 26 INTRODUCTION OF BILLS

27

#### 28 First Reading

29

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

31

32 **HB10-1347** by Representative(s) Levy; also Senator(s) Morse--  
33 Concerning misdemeanor penalties for persons who are  
34 convicted of multiple traffic offenses involving alcohol or  
35 drugs.

36 Committee on Judiciary

37

38 **HB10-1348** by Representative(s) McFadyen, Massey; also Senator(s)  
39 Kester and Bacon--Concerning increased regulatory  
40 authority regarding radioactive materials.

41 Committee on Transportation & Energy

42

43 **HB10-1349** by Representative(s) Fischer and Pace; also Senator(s)  
44 Schwartz and Tapia--Concerning the use of renewable  
45 energy resources to supply the energy needs of state  
46 government, and, in connection therewith, commissioning  
47 the creation of a statewide map of available renewable  
48 energy generation areas on state lands and establishing the  
49 "Re-energize Colorado" program in the division of parks  
50 and outdoor recreation in the department of natural  
51 resources.

52 Committee on Transportation & Energy

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until February 17, retaining place on Calendar:

Consideration of Resolution(s)--**SJR10-004.**

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On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 17, 2010.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

