

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

Thirty-sixth Legislative Day

Wednesday, February 11, 2009

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

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

5
6 Pledge of Allegiance led by Anya Epstein, South High School, Denver.

7
8 The roll was called with the following result:

9
10 Present--61.

11 Excused--Representative(s) Green, McFadyen, Pommer,
12 Weissmann--4.

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

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Court, the reading of the journal of
19 February 10, 2009, was declared dispensed with and approved as
20 corrected by the Chief Clerk.

21
22
23
24
25 **REPORTS OF COMMITTEES OF REFERENCE**

26
27 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

30
31 **HB09-1167** be postponed indefinitely.

32
33
34
35
36 **LOCAL GOVERNMENT**

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

39
40 **HB09-1171** be referred to the Committee of the Whole with favorable
41 recommendation.

42
43

1 **HB09-1203** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4 _____
5 House in recess. House reconvened.
6 _____
7

8
9 **REPORTS OF COMMITTEES OF REFERENCE**

10
11 **FINANCE**

12 After consideration on the merits, the Committee recommends the
13 following:
14

15 **HB09-1215** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:
18

19 Amend printed bill, page 2, line 13, strike "FROM RECIPIENTS DUE TO
20 OVERPAYMENT" and substitute "DUE TO OVERPAYMENT OF RECIPIENTS,
21 INCLUDING REGULAR, FRAUD, AND INTERIM ASSISTANCE REIMBURSEMENT
22 RECOVERIES,".
23

24 Page 3, line 15, strike "THE DATE OF ANY EXPENDITURES, THE" and
25 substitute "THE AGGREGATE MONTHLY".
26
27

28
29 **HB09-1219** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:
32

33 Amend printed bill, page 2, line 9, after the period, add "FOR PURPOSES
34 OF THIS SUBSECTION (1.5), THE FOLLOWING BURDENS OF PROOF SHALL
35 APPLY:
36

37 (a) IF A TAXPAYER'S TOTAL PAYMENTS ARE LESS THAN OR EQUAL
38 TO TWICE THE AMOUNT OF THE ACTUAL TAX LIABILITY, THEN THE
39 DEPARTMENT SHALL BEAR THE BURDEN OF PROVING, BY A
40 PREPONDERANCE OF THE EVIDENCE, THAT SUCH PAYMENTS WERE NOT
41 MADE INCIDENT TO A BONA FIDE AND ORDERLY DISCHARGE OF AN ACTUAL
42 LIABILITY OR A LIABILITY REASONABLY ASSUMED TO BE IMPOSED BY LAW;
43 AND
44

45 (b) IF A TAXPAYER'S TOTAL PAYMENTS ARE MORE THAN TWICE THE
46 AMOUNT OF THE ACTUAL TAX LIABILITY, THEN THE TAXPAYER SHALL BEAR
47 THE BURDEN OF PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT
48 SUCH PAYMENTS WERE MADE INCIDENT TO A BONA FIDE AND ORDERLY
49 DISCHARGE OF AN ACTUAL LIABILITY OR A LIABILITY REASONABLY
50 ASSUMED TO BE IMPOSED BY LAW.";
51

52 strike lines 10 through 21 and substitute the following:
53

54 **"SECTION 2. Repeal.** 39-22-604 (9), Colorado Revised
55 Statutes, is repealed as follows:
56

1 The Senate has failed to adopt HJR09-1009, and returns the Resolution
2 herewith.

3
4
5 **MESSAGE FROM THE REVISOR**

6
7 We herewith transmit:
8 Without comment, SB09-097.

9
10
11 **INTRODUCTION OF BILL**
12 **First Reading**

13
14 The following bill was read by title and referred to the committee
15 indicated:

16
17 **SB09-097** by Senator(s) Cadman; also Representative(s) Pace--
18 Concerning clarifying changes to provisions pertaining to
19 institutional peace officers.
20 Committee on Judiciary

21
22
23 **INTRODUCTION OF RESOLUTIONS**

24
25 The following resolutions were read by title and laid over one day under
26 the rules:

27
28 **HJR09-1010** by Representative(s) Weissmann, May; also Senator(s)
29 Shaffer B., Penry--Concerning a Joint Session of the
30 House of Representatives and Senate of the Sixty-seventh
31 General Assembly for the purpose of presenting fiscal
32 information to the members of the General Assembly on
33 the state fiscal situation for the 2008-09 fiscal year.

34
35 **HJR09-1011** by Representative(s) Todd and McNulty, Acree, Apuan,
36 Balmer, Baumgardner, Benefield, Bradford, Casso,
37 Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Judd,
38 Kefalas, Kerr A., Lambert, Liston, Looper, Merrifield,
39 Middleton, Murray, Nikkel, Priola, Riesberg, Roberts,
40 Ryden, Scanlan, Schafer S., Sonnenberg, Soper, Stephens,
41 Summers, Swalm, Tipton, Vaad, Waller, Kerr J., King S.,
42 Massey, May; also Senator(s) Harvey and Scheffel, Groff,
43 Kester, Kopp, Renfro, Schultheis, Schwartz, Williams--
44 Concerning the bicentennial celebration of Abraham
45 Lincoln's birth.

46
47
48 On motion of Representative Weissmann, the House adjourned until
49 9:00 a.m., February 12, 2009.

50
51 Approved:
52 TERRANCE D. CARROLL,
53 Speaker

54 Attest:
55 MARILYN EDDINS,
56 Chief Clerk