

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

Eighth Legislative Day

Wednesday, January 14, 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 Wyatt Johnson, Luke Najarian, Mark Sippel,
7 Jamie Rogers, Josh Rosen, Cub Scout Troupe 178, Bromwell
8 Elementary, Denver .

9
10 The roll was called with the following result:

11
12 Present--62.
13 Excused--Representatives Pommer, Priola, Swalm--3.
14 Present after roll call--Representatives Pommer, Priola, Swalm.

15
16 The Speaker declared a quorum present.

17 _____
18
19 On motion of Representative Acree, the reading of the journal of
20 January 13, 2009, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

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

26
27 **BUSINESS AFFAIRS & LABOR**

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

30
31 **HB09-1030** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34
35 Amend printed bill, page 2, strike lines 13 through 17.

36
37 Page 3, strike lines 1 through 13 and substitute the following:

38
39 "revenue code, as applicable to governmental plans. In order to meet
40 those requirements, such plans are subject to the following provisions,
41 notwithstanding any other provision of this part 11:

42
43

1 (a) The board shall distribute the corpus and income of the
2 pension plan to members and their beneficiaries in accordance with this
3 part 11 and the rules adopted by the board.
4

5 (b) No part of the corpus or income of the pension plan may be
6 used for or diverted to any purpose other than that of providing benefits
7 to participants and their beneficiaries and defraying reasonable expenses
8 of administering the pension plan, except for an assignment for child
9 support debt pursuant to section 14-14-104, C.R.S., child support
10 arrearages as requested as part of an enforcement action under article 5
11 of title 14, C.R.S., or child support arrearages that are the subject of
12 enforcement services provided under section 26-13-106, C.R.S., and
13 except for income assignments for child support purposes pursuant to
14 section 14-14-111.5, C.R.S., and a writ of garnishment that is the result
15 of a judgment taken for arrearages for child support or for child support
16 debt."
17

18 Page 6, after line 18, insert the following:
19

20 "(5) THE OLD HIRE PENSION FUNDS ESTABLISHED BY THIS ARTICLE
21 SHALL BE HELD IN TRUST FOR THE BENEFIT OF OLD HIRE MEMBERS AND
22 OTHER PERSONS ENTITLED TO BENEFITS. NO PART OF THE CORPUS OR
23 INCOME OF A PENSION FUND SHALL BE USED FOR OR DIVERTED TO
24 PURPOSES OTHER THAN FOR THE EXCLUSIVE BENEFIT OF OLD HIRE
25 MEMBERS OR OTHER PERSONS ENTITLED TO BENEFITS FROM THE PENSION
26 FUND AND FOR EXPENSES INCIDENT TO OPERATION OF THE PENSION FUND.
27 NO PERSON SHALL HAVE ANY INTEREST IN OR RIGHT TO ANY PART OF THE
28 CORPUS OR EARNINGS OF THE PENSION TRUST EXCEPT AS EXPRESSLY
29 PROVIDED, INCLUDING ASSIGNMENTS FOR CHILD SUPPORT PURPOSES AS
30 PROVIDED FOR IN SECTION 14-14-104, C.R.S., CHILD SUPPORT
31 ARREARAGES AS REQUESTED AS PART OF AN ENFORCEMENT ACTION UNDER
32 ARTICLE 5 OF TITLE 14, C.R.S., OR CHILD SUPPORT ARREARAGES THAT ARE
33 THE SUBJECT OF ENFORCEMENT SERVICES PROVIDED UNDER SECTION
34 26-13-106, C.R.S., INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES
35 PURSUANT TO SECTION 14-14-111.5, C.R.S., WRITS OF GARNISHMENT THAT
36 ARE THE RESULT OF A JUDGMENT TAKEN FOR ARREARAGES FOR CHILD
37 SUPPORT OR FOR CHILD SUPPORT DEBT, AND PAYMENTS MADE IN
38 COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A
39 WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113
40 (6), C.R.S."
41
42
43
44

45 **TRANSPORTATION & ENERGY**

46 After consideration on the merits, the Committee recommends the
47 following:
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49 **HB09-1027** be referred to the Committee of the Whole with favorable
50 recommendation.
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PRINTING REPORT1
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The Chief Clerk reports the following bills have been correctly printed:
HB09-1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141.

House in recess. House reconvened.

RESIGNATION

January 6, 2009

Marilyn Eddins
Chief Clerk of the House of Representatives
Colorado State Capitol
200 E. Colfax, Room 271
Denver, CO 80203

Ms. Eddins,

I hereby tender my resignation from the Colorado State House of Representatives as the representative for House District 49, effective January 15, 2009 at 8:30 am. This resignation is contingent upon my appointment to the Colorado State Senate for State Senate District 15, which has been vacated by former State Senator Steve Johnson. I am submitting this resignation in advance in order to facilitate a timely scheduling of the vacancy committee to fill the seat for House District 49 in the event that I am the one who is appointed to the Senate District 15 office.

Respectfully submitted and with deep gratitude for the honor of having served in the Colorado House of Representatives.

(signed)
Representative Kevin Lundberg

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SJR09-004.**

MESSAGE FROM THE SENATE

The Senate has adopted SJR09-005 as amended on January 14, 2009 as printed in Senate Journal, and transmits herewith.

INTRODUCTION OF BILLS
First Reading

- 1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **HB09-1142** by Representative(s) Fischer, Kefalas, Weissmann; also
8 Senator(s) Bacon--Concerning the election of a director of
9 a water conservancy district.
10 Committee on Agriculture, Livestock, & Natural Resources
11
12 **HB09-1143** by Representative(s) Swalm, Acree, Balmer, Bradford,
13 Court, Gardner B., Labuda, Liston, Looper, Lundberg,
14 Massey, McFadyen, McNulty, Priola, Scanlan, Summers;
15 also Senator(s) Schwartz--Concerning the authority of a
16 health maintenance organization to offer basic health
17 services through a limited benefit plan.
18 Committee on Business Affairs and Labor
19
20 **HB09-1144** by Representative(s) Bradford, McNulty, Tipton; also
21 Senator(s) Scheffel--Concerning mandatory sentencing
22 provisions for a defendant convicted of a sex offense
23 against a child who is fourteen years of age or younger.
24 Committee on Judiciary
25 Committee on Appropriations
26
27 **HB09-1145** by Representative(s) Ryden--Concerning a private
28 investigator's access to public records, and, in connection
29 therewith, authorizing the registration of private
30 investigators with the attorney general.
31 Committee on Judiciary
32
33 **HB09-1146** by Representative(s) McNulty, Acree, Baumgardner,
34 Gardner C., Gerou, Kerr J., King S., Lambert, Looper,
35 Lundberg, Marostica, Massey, May, Murray, Sonnenberg,
36 Stephens, Summers, Swalm, Tipton, Vaad, Waller; also
37 Senator(s) Scheffel, Brophy, Harvey, Kester, Kopp,
38 Renfroe, Schultheis--Concerning a requirement to provide
39 proof of citizenship to register to vote.
40 Committee on State, Veterans, & Military Affairs
41
42 **HB09-1147** by Representative(s) Gardner B., King S., Kerr J.,
43 McNulty, Acree, Balmer, Gardner C., Lambert, Liston,
44 Looper, Lundberg, Marostica, Massey, May, Murray,
45 Roberts, Sonnenberg, Stephens, Summers, Swalm, Tipton,
46 Waller; also Senator(s) Mitchell, Brophy, Schultheis,
47 Spence, Penry, Harvey, King K., Kopp, Renfroe, Scheffel--
48 Concerning bail provisions for a person who is illegally
49 present in the United States.
50 Committee on Judiciary
51
52 **HB09-1148** by Representative(s) Schafer S.; also Senator(s) Schwartz--
53 Concerning the authority of the department of revenue to
54 provide information about severance tax taxpayers to the
55 department of local affairs.
56 Committee on Local Government

- 1 **HB09-1149** by Representative(s) Merrifield; also Senator(s) Carroll
2 M.--Concerning measures to encourage the construction of
3 new homes that make cost-effective use of solar energy.
4 Committee on Transportation & Energy
5
- 6 **HB09-1150** by Representative(s) Todd, Benefield, Court, Labuda,
7 Miklosi, Ryden; also Senator(s) Williams, Boyd, Isgar,
8 Spence--Concerning the administrative duties of the
9 department of personnel.
10 Committee on State, Veterans, & Military Affairs
11
- 12 **HB09-1151** by Representative(s) Todd, Labuda, Lundberg, Ryden,
13 Solano--Concerning designating the department of public
14 safety as the agency responsible for oversight of school
15 building inspections.
16 Committee on Judiciary
17
- 18 **HB09-1152** by Representative(s) Sonnenberg; also Senator(s)
19 Tochtrop--Concerning horse racing.
20 Committee on Transportation & Energy
21
- 22 **HB09-1153** by Representative(s) May--Concerning the requirements
23 applicable to the formation of an issue committee under
24 Colorado law governing campaign finance.
25 Committee on State, Veterans, & Military Affairs
26
- 27 **HB09-1154** by Representative(s) Sonnenberg; also Senator(s) Renfro-
28 -Concerning a requirement that a specified percentage of
29 all net revenue generated by the state sales and use tax be
30 credited to the highway users tax fund without regard to
31 whether or not total state general fund revenues are
32 sufficient to so credit the net revenues, increase state
33 general fund appropriations by the maximum percentage
34 permitted by law, and maintain the four percent state
35 general fund reserve required by law.
36 Committee on Finance
37
- 38 **HB09-1155** by Representative(s) Weissmann; also Senator(s) Carroll
39 M.--Concerning title insurance, and, in connection
40 therewith, requiring justifications to be filed with the
41 commissioner of insurance.
42 Committee on Business Affairs and Labor
43
- 44 **HB09-1156** by Representative(s) Bradford; also Senator(s) Mitchell--
45 Concerning the public utility commission's consideration
46 of the costs attributable to the closure of an electricity
47 generating unit.
48 Committee on Transportation & Energy
49
- 50 **HB09-1157** by Representative(s) Waller, Baumgardner, Bradford,
51 King S., Liston, Stephens--Concerning the designation of
52 N-benzylpiperazine as a schedule I controlled substance,
53 and, in connection therewith, making an appropriation.
54 Committee on Judiciary
55

- 1 **HB09-1158** by Representative(s) Waller, Gardner B., Balmer, Court,
2 Looper, Murray--Concerning the withdrawal of an
3 initiative petition from consideration as a ballot issue.
4 Committee on State, Veterans, & Military Affairs
5
- 6 **HB09-1159** by Representative(s) Priola, Baumgardner, Lambert,
7 Looper, Schafer S.; also Senator(s) Isgar, Hodge, Mitchell--
8 -Concerning the ability of a nonresident to serve on the
9 board of directors of certain water districts.
10 Committee on Agriculture, Livestock, & Natural Resources
11
- 12 **HB09-1160** by Representative(s) Miklosi--Concerning the ability of a
13 qualified elector to submit voter information via the secure
14 web site of the secretary of state.
15 Committee on State, Veterans, & Military Affairs
16
- 17 **HB09-1161** by Representative(s) Baumgardner, Bradford, Gardner C.,
18 King S., Looper, May, McNulty, Murray, Tipton; also
19 Senator(s) Gibbs, White--Concerning a reduction in the
20 time to provide written documentation supporting an oil
21 and gas valuation statement.
22 Committee on Agriculture, Livestock, & Natural Resources
23
- 24 **HB09-1162** by Representative(s) Gerou--Concerning
25 intergovernmental cooperation for the purpose of
26 mitigating wildfires.
27 Committee on Local Government
28
- 29 **HB09-1163** by Representative(s) Gardner C., Baumgardner, Bradford,
30 King S., Looper, May, McNulty, Murray, Scanlan,
31 Summers, Tipton, Todd, Vaad; also Senator(s) Romer,
32 Spence, Brophy, Harvey--Concerning crimes in which the
33 victim is a child, and making an appropriation in
34 connection therewith.
35 Committee on Judiciary
36
- 37 **HB09-1164** by Representative(s) Primavera, Gagliardi, Green, Kefalas,
38 Kerr J., McGihon; also Senator(s) Kester--Concerning a
39 surcharge on breast cancer awareness special license plates
40 to provide funding for cancer treatment for women who
41 are not currently eligible to participate in the breast and
42 cervical cancer prevention and treatment program under
43 the "Colorado Medical Assistance Act".
44 Committee on Transportation & Energy
45 Committee on Finance
46
- 47 **HB09-1165** by Representative(s) Lambert; also Senator(s) Cadman--
48 Concerning the creation of a state database containing
49 information about sole-source contracts to which
50 governmental entities are a party for the purpose of
51 implementing changes to article XXVIII of the state
52 constitution approved by the voters in the 2008 general
53 election.
54 Committee on State, Veterans, & Military Affairs
55

1 **HB09-1166** by Representative(s) Levy--Concerning the use of a pay-
2 as-you-drive rate structure for determining premium rates
3 for automobile insurance policies.
4 Committee on Business Affairs and Labor

5 _____
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7
8 **INTRODUCTION OF RESOLUTION**
9

10 The following resolution was read by title and laid over one day under the
11 rules:

12
13 **SJR09-005** by Senator(s) Groff; also Representative(s) Carroll T.--
14 Concerning the creation of the joint select committee on
15 job creation and economic growth.

16 _____
17
18
19 **LAY OVER OF CALENDAR ITEM(S)**
20

21 On motion of Representative J. Kerr, the following item(s) on the
22 Calendar were laid over until January 15, retaining place on Calendar:

23
24 Consideration of Resolution(s)--**HR09-1005**.

25 _____
26
27
28 On motion of Representative J. Kerr, the House adjourned until 9:00 a.m.,
29 January 15, 2009.

30
31 Approved:
32 TERRANCE D. CARROLL,
33 Speaker

34 Attest:
35 MARILYN EDDINS,
36 Chief Clerk