

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

Fifty-ninth Legislative Day

Friday, March 6, 2009

1 Prayer by Father Curtiss Dwyer, St. John Vianney Theological Seminary,
 2 Denver.

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

5
 6 Pledge of Allegiance led by Shayla Levine, Highlands Ranch Christian
 7 School Pre K.

8
 9 The roll was called with the following result:

10
 11 Present--60.
 12 Excused--Representative(s) Casso, Levy, May, McFadyen,
 13 McKinley--5.
 14 Present after roll call--Representative(s) Levy, McFadyen.

15
 16 The Speaker declared a quorum present.

17 _____
 18
 19 On motion of Representative McCann, the reading of the journal of
 20 March 5, 2009, was declared dispensed with and approved as corrected
 21 by the Chief Clerk.

22 _____
 23
 24
 25 **ADHERENCE ON SB09-217**

26
 27 **SB09-217** by Senator(s) White, Keller, Tapia; also Representative(s)
 28 Ferrandino, Pommer, Marostica--Concerning the re-
 29 duction of moneys transferred to certain funds from the
 30 portion of limited gaming fund moneys that would other-
 31 wise be transferred to the general fund after the transfer to
 32 the local government limited gaming impact fund.

33
 34 (Report of First Conference Committee printed in House Journal
 35 March 3, page 595.)

36
 37 Representative Ferrandino moved that the House **adhere** to its position.
 38 The motion was declared **passed** by the following roll call vote:

39
 40

YES	49	NO	12	EXCUSED	4	ABSENT	0
Acree	N	Green	Y	McFadyen	Y	Roberts	Y
Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
Balmer	Y	Judd	Y	McKinley	E	Scanlan	Y

41
 42
 43

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

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GENERAL ORDERS--SECOND READING OF BILLS

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On motion of Representative Soper, the House resolved itself into Committee of the Whole for consideration of General Orders, and he was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

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

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

HB09-1213 by Representative(s) Gagliardi--Concerning the creation of the housing development grant fund in the state treasury to be administered by the division of housing for purposes associated with increasing the supply of affordable housing in the state.

Referred to the Committee on Appropriations.

SB09-033 by Senator(s) Sandoval; also Representative(s) Solano--Concerning expanding the list of students who qualify to receive a free lunch in Colorado to include children in public school early childhood education programs who are eligible to receive a reduced-cost lunch under the federal "National School Lunch Act".

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

SB09-010 by Senator(s) Spence; also Representative(s) Primavera--Concerning encouraging the use of automated external defibrillators.

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

1 **SB09-044** by Senator(s) Boyd; also Representative(s) Hullinghorst--
 2 Concerning administrative procedures in relation to the
 3 department of human services.
 4

5 Ordered revised and placed on the Calendar for Third Reading and Final
 6 Passage.
 7

8 **HB09-1193** by Representative(s) McFadyen; also Senator(s) Tochtrop,
 9 Carroll M., Hodge, Morse, Tapia--Concerning a
 10 prohibition against the shifting of financial responsibility
 11 for negligence in motor carrier transportation agreements.
 12

13 Laid over until March 9, retaining place on Calendar.
 14

15 **SB09-034** by Senator(s) Kester; also Representative(s) Todd--
 16 Concerning the security level designation for the
 17 Centennial correctional facility.
 18

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

22 **HB09-1276** by Representative(s) Ferrandino, Apuan, Benefield,
 23 Carroll T., Casso, Court, Gagliardi, Gerou, Hullinghorst,
 24 Kerr A., Kerr J., Labuda, Marostica, Massey, McCann,
 25 Merrifield, Middleton, Miklosi, Pace, Peniston, Pommer,
 26 Ryden, Scanlan, Schafer S., Solano, Vigil; also Senator(s)
 27 Carroll M.--Concerning a delay in the foreclosure of
 28 residential property for eligible borrowers.
 29

30 Amendment No. 1, Business Affairs & Labor Report, dated
 31 March 3, 2009, and placed in member's bill file; Report also printed in
 32 House Journal, March 4, pages 604-606.
 33

34 Amendment No. 2, by Representative Ferrandino.
 35

36 Amend the Business Affairs and Labor Committee Report, dated March
 37 3, 2009, page 1, line 20, strike "TO" and substitute "WITH".
 38

39 Page 2, line 15, strike ""TO EXTEND PAST"." and substitute ""NOT TO
 40 EXTEND PAST"";";
 41

42 after line 15, insert the following:
 43

44 "line 27, after "DAYS," insert "EXCEPT AS MAY BE EXTENDED PURSUANT
 45 TO SECTION 38-38-103 (5) (d),".";
 46

47 line 16, strike "ACCURATE"." and substitute "ACCURATE"";";
 48

49 after line 16, insert the following:
 50

51 "line 6, after "(1)," insert "AND THE DETERMINATION OF THE PUBLIC
 52 TRUSTEE THAT THE FILING IS COMPLETE IN ACCORDANCE WITH SECTION
 53 38-38-102 (1),".".
 54

55 Page 3, line 5, after the first "BY", insert "EITHER THE HOLDER OR";
 56

1 strike lines 9 through 11 and substitute the following:

2 "SEVENTY-FIVE DOLLARS AND THEREAFTER".

3

4 Page 8, line 1, before "AND", insert "AS TO THE DEFERRED SALE,";

5

6 strike lines 4 and 5."

7

8 Amendment No. 3, by Representative Ferrandino.

9

10 Amend printed bill, page 9, line 20, strike "ON" and substitute "OF".

11

12 Amendment No. 4, by Representative Frangas.

13

14 Amend printed bill, page 6, line 23, after the period, add "UPON INITIAL
15 CONTACT FROM AN ELIGIBLE BORROWER, THE FORECLOSURE COUNSELOR
16 SHALL PROVIDE INFORMATION TO THE ELIGIBLE BORROWER REGARDING
17 THE FEDERAL GOVERNMENTS'S "MAKING HOME AFFORDABLE" PROGRAM
18 AND ADVISE THE ELIGIBLE BORROWER WHETHER HE OR SHE WOULD
19 BENEFIT FROM THE FEDERAL PROGRAM."

20

21 As amended, ordered engrossed and placed on the Calendar for Third
22 Reading and Final Passage.

23

24 **HB09-1287** by Representative(s) McGihon; also Senator(s) Mitchell--
25 Concerning changes to the "Colorado Probate Code".

26

27 Amendment No. 1, Judiciary Report, dated March 2, 2009, and placed in
28 member's bill file; Report also printed in House Journal, March 3,
29 pages 591-593.

30

31 Amendment No. 2, by Representative McGihon.

32

33 Amend the Judiciary Committee Report, dated March 2, 2009, page 1,
34 strike line 13 and substitute the following:

35

36 "Page 12, strike line 27, and substitute the following:

37 "UNDER SECTION 19-4-105, C.R.S.,".

38

39 Page 13, line 1, strike "ENACTED IN 2009,"."

40

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

43

44 **SB09-070** by Senator(s) Foster; also Representative(s) Acree--
45 Concerning clarifications to workers' compensation
46 procedures.

47

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

50

51 **SB09-041** by Senator(s) Romer; also Representative(s) Vigil--
52 Concerning the administration of the "Private Activity
53 Bond Ceiling Allocation Act".

54

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

1 **HB09-1209** by Representative(s) Green--Concerning modifications to
2 health care coverage cooperatives.
3

4 Amendment No. 1, Health & Human Services Report, dated
5 March 2, 2009, and placed in member's bill file; Report also printed in
6 House Journal, March 4, pages 601-602.
7

8 Amendment No. 2, by Representative McGihon.
9

10 Amend the Health and Human Services Committee Report, dated March
11 2, 2009, page 1, strike lines 7 and 8 and substitute the following:
12

13 "line 9, strike "(I)";
14

15 strike lines 13 through 17."
16

17 Amendment No. 3, by Representative McGihon.
18

19 Amend the Health and Human Services Report, dated March 2, 2009,
20 page 2, strike lines 25 through 29.
21

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

25 (For change in action, see Amendments to Report, page 630.)
26

27 **SB09-140** by Senator(s) Bacon; also Representative(s) Fischer--
28 Concerning a requirement that public trustees serve at the
29 pleasure of the governor.

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

33 **SB09-096** by Senator(s) Bacon, Penry, Schwartz; also
34 Representative(s) Sonnenberg, McFadyen, Riesberg--
35 Concerning the exemption of certain capital construction
36 projects funded with federal moneys from certain contract
37 requirements.
38

39 Ordered revised and placed on the Calendar for Third Reading and Final
40 Passage.
41

42 **HB09-1018** by Representative(s) Bradford; also Senator(s) Spence--
43 Concerning the removal of obsolete language in statutory
44 provisions implementing the statewide voter registration
45 and election system for purposes of compliance with the
46 federal "Help America Vote Act" .
47

48 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
49 March 3, 2009, and placed in member's bill file; Report also printed in
50 House Journal, March 4, pages 606-608.
51

52 As amended, ordered engrossed and placed on the Calendar for Third
53 Reading and Final Passage
54
55

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

16
17 Representative(s) Kerr J. moved to amend the Report of the Committee
18 of the Whole to reverse the action taken by the Committee in not adopting
19 the following Kerr J. amendment, to SB09-044, to show that said
20 amendment passed, and that **SB09-044**, as amended, passed.

21
22 Amend reengrossed bill, page 7, after line 14, insert the following:

23
24 "(1.9) NO RULE, ADMINISTRATIVE POLICY, OR ORDER OF THE
25 EXECUTIVE DIRECTOR SHALL PROHIBIT THE USE OF A RECORDING DEVICE
26 FOR THE PURPOSES OF RECORDING ILLEGAL ACTIVITIES."
27

28 The amendment was declared **lost** by the following roll call vote:
29

30	YES	26	NO	34	EXCUSED	5	ABSENT	0
31	Acree	Y	Green	N	McFadyen	N	Roberts	Y
32	Apuan	Y	Hullingerhorst	N	McGihon	N	Ryden	N
33	Balmer	Y	Judd	N	McKinley	E	Scanlan	N
34	Baumgardner	Y	Kefalas	N	McNulty	Y	Schafer S.	N
35	Benefield	N	Kerr A.	N	Merrifield	N	Solano	N
36	Bradford	Y	Kerr J.	Y	Middleton	N	Sonnenberg	Y
37	Casso	E	King S.	Y	Miklosi	N	Soper	N
38	Court	N	Labuda	N	Murray	Y	Stephens	Y
39	Curry	N	Lambert	Y	Nikkel	Y	Summers	Y
40	Ferrandino	N	Levy	N	Pace	N	Swalm	Y
41	Fischer	N	Liston	Y	Peniston	N	Tipton	Y
42	Frangas	N	Looper	Y	Pommer	N	Todd	N
43	Gagliardi	N	Marostica	E	Primavera	N	Vaad	Y
44	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	N
45	Gardner C.	Y	May	E	Rice	N	Waller	Y
46	Gerou	Y	McCann	E	Riesberg	N	Weissmann	N
47							Speaker	N

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52 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

53
54 Passed Second Reading: **SB09-033, 010, 044, 034,**
55 **HB09-1276 amended, 1287 amended, SB09-070, 041, 140, 096,**
56 **HB09-1018 amended, 1279 amended.**

- 1 Laid over until date indicated retaining place on Calendar:
 2 **HB09-1193** --March 9, 2009.
 3 **HB09-1209 amended, 1247**--March 12, 2009.
 4 **SB09-111**--March 13, 2009.
 5
 6 Referred to Committee indicated: **HB09-1213**--Appropriations.
 7
 8 The Chairman moved the adoption of the Committee of the Whole
 9 Report. As shown by the following roll call vote, a majority of those
 10 elected to the House voted in the affirmative, and the Report was
 11 **adopted**.

	YES	43	NO	17	EXCUSED	5	ABSENT	0
14	Acree	N	Green	Y	McFadyen	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
16	Balmer	N	Judd	Y	McKinley	E	Scanlan	Y
17	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
18	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
19	Bradford	N	Kerr J.	Y	Middleton	Y	Sonnenberg	N
20	Casso	E	King S.	N	Miklosi	Y	Soper	Y
21	Court	Y	Labuda	Y	Murray	Y	Stephens	N
22	Curry	Y	Lambert	N	Nikkel	N	Summers	Y
23	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
24	Fischer	Y	Liston	Y	Peniston	Y	Tipton	N
25	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
26	Gagliardi	Y	Marostica	E	Primavera	Y	Vaad	Y
27	Gardner B.	Y	Massey	Y	Priola	N	Vigil	Y
28	Gardner C.	N	May	E	Rice	Y	Waller	N
29	Gerou	N	McCann	E	Riesberg	Y	Weissmann	Y
30							Speaker	Y

MESSAGE FROM THE SENATE

36 The Senate has adopted and transmits herewith: SJR09-019.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

42 On motion of Representative Weissmann, the rules were suspended and
 43 the following resolution was given immediate consideration.

45 **SJR09-019** by Senator(s) Newell; also Representative(s) Apuan--
 46 Concerning the support of National Multiple Sclerosis
 47 Awareness Week.

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

51 On motion of Representative Apuan, the resolution was read at length and
 52 **adopted by viva voce** vote.

54 Co-sponsor(s) added: Representative(s) Acree, Balmer, Baumgardner,
 55 Benefield, Bradford, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi,
 56 Gardner B., Gardner C., Gerou, Green, Hullinghorst, Judd, Kefalas, Kerr A.,

1 Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Massey, McFadyen,
 2 McGihon, McNulty, Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace,
 3 Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan,
 4 Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton,
 5 Todd, Vaad, Vigil, Waller, Weissmann, Speaker

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REPORT(S) OF COMMITTEE(S) OF REFERENCE

10

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

11 AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES
 12 After consideration on the merits, the Committee recommends the
 13 following:

14

15 **SB09-114** be amended as follows, and as so amended, be referred to
 16 the Committee of the Whole with favorable
 17 recommendation:

18

19 Amend reengrossed bill, page 6, strike lines 24 through 27.

20

21 Page 7, strike lines 1 through 8.

22

23 Renumber succeeding sections accordingly.

24

25

26

27 **SB09-117** be amended as follows, and as so amended, be referred to
 28 the Committee of the Whole with favorable
 29 recommendation:

30

31 Amend reengrossed bill, page 22, strike lines 25 through 27 and substitute
 32 the following:

33 ~~"(3)"~~ (6) Any penalty collected under this section shall be
 34 transmitted to the state treasurer, who shall credit the same to the
 35 inspection and consumer services cash fund created in section 35-1-
 36 106.5."

37

38 Page 23, strike line 1.

39

40 Page 37, line 5, strike "GENERAL FUND." and substitute "INSPECTION AND
 41 CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5".

42

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APPROPRIATIONS

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

49

50 **HB09-1026** be referred to the Committee of the Whole with favorable
 51 recommendation.

52

53

54 **HB09-1039** be amended as follows, and as so amended, be referred to
 55 the Committee of the Whole with favorable
 56 recommendation:

1 Amend the State, Veterans, & Military Affairs Committee Report, dated
2 January 20, 2009, page 1, after line 9, insert the following:

3
4 "line 15, strike "CLASSIFICATION." and substitute "CLASSIFICATION,
5 INCLUDING BUT NOT LIMITED TO ELIGIBILITY TO RECEIVE A STIPEND FROM
6 THE COLLEGE OPPORTUNITY FUND PURSUANT TO PART 2 OF ARTICLE 18 OF
7 THIS TITLE."";

8
9 strike lines 10 through 16 of the committee report.

10

11

12

13 **HB09-1071** be postponed indefinitely.

14

15

16 **HB09-1086** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19

20 Amend printed bill, page 9, after line 11, insert the following:

21

22 **"SECTION 6. Appropriation.** (1) In addition to any other
23 appropriation, there is hereby appropriated, out of any moneys in the
24 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
25 Colorado Revised Statutes, not otherwise appropriated, to the department
26 of regulatory agencies, for allocation to the division of registrations, for
27 the continuing competency of certain mental health professionals, for the
28 fiscal year beginning July 1, 2009, the sum of one hundred thirty-four
29 thousand one hundred twenty-three dollars (\$134,123) cash funds and 1.0
30 FTE, or so much thereof as may be necessary, for the implementation of
31 this act.

32

33 (2) In addition to any other appropriation, there is hereby
34 appropriated to the department of law, for the fiscal year beginning July
35 1, 2009, the sum of thirty thousand dollars (\$30,000) and 0.2 FTE, or so
36 much thereof as may be necessary, for the provision of legal services to
37 the department of regulatory agencies related to the implementation of
38 this act. Said sum shall be from reappropriated funds received from the
39 department of regulatory agencies out of the appropriation made in
40 subsection (1) of this section."

41

42 Renumber seceding section accordingly.

43

44 Page 1, line 102, strike "PROFESSIONALS." and substitute,
45 "PROFESSIONALS, AND MAKING AN APPROPRIATION IN CONNECTION
46 THEREWITH."

47

48

49

50 **HB09-1129** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53

54 Amend the Agriculture, Livestock, and Natural Resources Committee
55 Report, dated February 3, 2009, page 2, line 2, strike "TO." and substitute
56 "TO";";

1 after line 2, insert the following:

2

3 "line 24, after the period, insert "AS A CONDITION OF APPROVING THE
4 RETIREMENT OF A PILOT PROJECT, THE STATE ENGINEER SHALL HAVE THE
5 AUTHORITY TO REQUIRE THE PROJECT SPONSOR TO REPLACE ANY ONGOING
6 DELAYED DEPLETIONS CAUSED BY THE PILOT PROJECT AFTER THE PROJECT
7 HAS CEASED."";

8

9 line 19 of the committee report, strike everything after "PILOT" and
10 substitute "PROJECT."";

11

12 strike lines 20 through 22.

13

14 Page 3, line 15, strike everything after "(B).";

15

16 strike line 16 and substitute the following:

17

18 "AS A CONDITION OF APPROVING A SUBSTITUTE WATER SUPPLY PLAN FOR
19 A PILOT PROJECT PURSUANT TO THIS SUBSECTION (4), THE".

20

21 Page 4, after line 11, insert the following:

22

23 "Page 7, line 23, strike "IF NOT";

24

25 strike line 24;

26

27 line 25, strike "PLAN," and substitute "AS A CONDITION OF APPROVING A
28 SUBSTITUTE WATER SUPPLY PLAN FOR A PILOT PROJECT PURSUANT TO THIS
29 SUBSECTION (5),".

30

31 Page 8, after line 1 insert the following:

32

33 **"SECTION 3. Appropriation.** In addition to any other
34 appropriation, there is hereby appropriated, out of any moneys in the
35 Colorado water conservation board construction fund created in section
36 37-60-121 (1)(a), Colorado Revised Statutes, not otherwise appropriated,
37 to the department of natural resources, Colorado water conservation
38 board, special purpose, for the water conservation program, for the fiscal
39 year beginning July 1, 2009, the sum of three thousand six hundred
40 dollars (\$3,600), or so much thereof as may be necessary, for the
41 implementation of this act."

42

43 Renumber succeeding section accordingly.

44

45 Page 1, line 103, strike "DEVELOPMENTS." and substitute
46 "DEVELOPMENTS, AND MAKING AN APPROPRIATION IN CONNECTION
47 THEREWITH."".

48

49

50

51 **HB09-1136** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54

55 Amend printed bill, page 7, after line 6, insert the following:

56

1 **"SECTION 6. Appropriation.** (1) In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the
3 division of registrations cash fund created in section 24-34-105 (20) (b)
4 (I), Colorado Revised Statutes, not otherwise appropriated, to the
5 department of regulatory agencies, for allocation to the division of
6 registrations, for the establishment of rules to ensure the competency of
7 electricians, for the fiscal year beginning July 1, 2009, the sum of ninety-
8 nine thousand eight hundred ninety-four dollars (\$99,894) cash funds and
9 1.0 FTE, or so much thereof as may be necessary, for the implementation
10 of this act.

11
12 (2) In addition to any other appropriation, there is hereby
13 appropriated to the department of law, for the fiscal year beginning July
14 1, 2009, the sum of eleven thousand two hundred sixty-five dollars
15 (\$11,265) and 0.1 FTE, or so much thereof as may be necessary, for the
16 provision of legal services to the department of regulatory agencies
17 related to the implementation of this act. Said sum shall be from
18 reappropriated funds received from the department of regulatory agencies
19 out of the appropriation made in subsection (1) of this section."

20
21 Renumber succeeding section accordingly.

22
23 Page 1, line 102, strike "**WORK.**" and substitute "**WORK, AND MAKING**
24 **AN APPROPRIATION IN CONNECTION THEREWITH.**"

25
26
27
28 **HB09-1164** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31
32 Amend the Transportation and Energy Committee Report, dated February
33 12, 2009, page 2, line 24, strike the first "AND" and, strike "DONATIONS."
34 and substitute "DONATIONS, AND ANY OTHER MONEYS APPROPRIATED
35 THERETO BY THE GENERAL ASSEMBLY.";

36
37 after line 26, insert the following:

38
39 "line 11, after "ACTIVITIES.", add "THE STATE DEPARTMENT SHALL NOT BE
40 REQUIRED TO TRACK OR REPORT ON THE PERSONS WHO BECOME ELIGIBLE
41 FOR PARTICIPATION IN THE BREAST AND CERVICAL CANCER PREVENTION
42 AND TREATMENT PROGRAM PURSUANT TO SUB-SUBPARAGRAPH (B) OF
43 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION
44 SEPARATELY FROM THOSE PERSONS WHO ARE ELIGIBLE FOR THE PROGRAM
45 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF
46 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, NOR SHALL THE
47 STATE DEPARTMENT BE REQUIRED TO TRACK OR REPORT SEPARATELY ON
48 EXPENDITURES RELATED TO PERSONS ELIGIBLE TO PARTICIPATE IN THE
49 PROGRAM PURSUANT TO EITHER SUCH SUB-SUBPARAGRAPH.";

50
51
52
53 **HB09-1237** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

1 Amend printed bill, page 7, after line 17, insert the following:

2
3 **"SECTION 5. Appropriation.** In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the early
5 intervention services trust fund created in section 27-10.5-709 (2) (a),
6 Colorado Revised Statutes, not otherwise appropriated, to the department
7 of human services, for allocation to services for people with disabilities,
8 community services for people with developmental disabilities, for the
9 fiscal year beginning July 1, 2009, the sum of forty-six thousand nine
10 hundred forty-three dollars (\$46,943) cash funds and 1.0 FTE, or so
11 much thereof as may be necessary, for the implementation of this act. In
12 addition to said appropriation, the general assembly anticipates that, for
13 the fiscal year beginning July 1, 2009, the department of human services
14 will receive the sum of three million five hundred fourteen thousand fifty-
15 seven dollars (\$3,514,057) cash funds custodial funds, for early
16 intervention services, from the early intervention services trust fund
17 created pursuant to section 27-10.5-709 (2) (a), Colorado Revised
18 Statutes. Although the cash funds custodial funds are not appropriated in
19 this act, they are noted for the purpose of indicating the assumptions used
20 relative to these funds in developing state appropriation amounts."

21
22 Renumber succeeding section accordingly.

23
24 Page 1, line 104, strike "ACT"." and substitute "ACT", AND MAKING AN
25 APPROPRIATION THEREFOR."

26
27
28
29 **HB09-1248** 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 15, after line 17, insert the following:

34
35 **"SECTION 21. Adjustments to the 2009 long bill.** For the
36 implementation of this act, appropriations made in the annual general
37 appropriation act for the fiscal year beginning July 1, 2009, to the
38 department of state, administration, are decreased by seventeen thousand
39 three hundred forty-three dollars (\$17,343) cash funds. Said sum shall be
40 from the department of state cash fund created in section 24-21-104 (3)
41 (b), Colorado Revised Statutes."

42
43 Renumber succeeding sections accordingly.

44
45 Page 1, line 107, strike "MEETING." and substitute "MEETING, AND
46 MAKING AN APPROPRIATION."

47
48
49
50 **SB09-181** be referred to the Committee of the Whole with favorable
51 recommendation.

52
53
54 **SB09-224** be referred to the Committee of the Whole with favorable
55 recommendation.

56

1 **SB09-227** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
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7 **HEALTH & HUMAN SERVICES**

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

10
11 **HB09-1278** be postponed indefinitely.
12
13
14
15

16 **JUDICIARY**

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

19
20 **SB09-038** be referred to the Committee of the Whole with favorable
21 recommendation.
22
23

24 **SB09-054** be referred to the Committee of the Whole with favorable
25 recommendation.
26
27

28 **SB09-059** be referred to the Committee of the Whole with favorable
29 recommendation.
30
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33

34 **LOCAL GOVERNMENT**

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

37
38 **SB09-050** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:
41

42 Amend reengrossed bill, page 2, line 13, strike "district." and substitute
43 "district; EXCEPT THAT THE MEMBER WHO IS A REGISTERED ELECTOR OF
44 TELLER OR GILPIN COUNTY MAY RESIDE IN THE SAME CONGRESSIONAL
45 DISTRICT AS ONE OF THE OTHER MEMBERS.";

46
47 line 27, strike "and" and substitute "and, EFFECTIVE JULY 1, 2011,".
48
49
50
51

52 **TRANSPORTATION & ENERGY**

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

55
56 **HB09-1187** be postponed indefinitely.

1 **HB09-1261** be postponed indefinitely.

2

3

4 **HB09-1277** be postponed indefinitely.

5

6

7 **HB09-1284** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10

11 Amend printed bill, page 3, strike lines 22 through 27.

12

13 Page 4, strike lines 1 through 3 and substitute the following:

14

15 "(2) (a) THE DEPARTMENT AND ANY METROPOLITAN PLANNING
16 ORGANIZATION SHALL IDENTIFY AND PRIORITIZE CONGESTED CORRIDORS
17 FOR DEVELOPMENT OF CORRIDOR CAPACITY STRATEGIC PLANS BASED ON
18 THE DEGREE OF EXPECTED CONGESTION AND URGENCY OF PLANNING. THE
19 DEPARTMENT AND THE METROPOLITAN PLANNING ORGANIZATION MAY
20 DEVELOP CORRIDOR CAPACITY STRATEGIC PLANS FOR THOSE IDENTIFIED
21 AND PRIORITIZED CONGESTED CORRIDORS. IN DEVELOPING SUCH CORRIDOR
22 CAPACITY STRATEGIC PLANS, THE DEPARTMENT AND THE METROPOLITAN
23 PLANNING ORGANIZATION MAY CONSIDER, BUT SHALL NOT BE LIMITED TO,
24 THE FOLLOWING:";

25

26 line 4, strike "(A)" and substitute "(I)";

27

28 line 5, strike "(B)" and substitute "(II)";

29

30 line 6, strike "(C)" and substitute "(III)";

31

32 line 7, strike "(D)" and substitute "(IV)";

33

34 line 8, strike "(E)" and substitute "(V)";

35

36 line 10, strike "(F)" and substitute "(VI)";

37

38 line 14, after "IMPLEMENT", insert "LOCALLY CONTROLLED COMPONENTS
39 OF";

40

41 strike lines 16 through 27.

42

43 Strike pages 5 and 6.

44

45 Page 7, strike line 1.

46

47 Renumber succeeding subsections accordingly.

48

49 line 27, strike "(6)," and substitute "(4),".

50

51 Page 8, strike lines 1 through 9 and substitute the following:

52

53 "SECTION 4. 30-28-116, Colorado Revised Statutes, is amended
54 to read:

55

56 **30-28-116. Regulations may be amended.** (1) From time to

1 time the board of county commissioners may amend the number, shape,
2 boundaries, or area of any district, or any regulation of or within such
3 district, or any other provisions of the zoning resolution. Any such
4 amendment shall not be made or become effective unless the same has
5 been proposed by or is first submitted for the approval, disapproval, or
6 suggestions of the county planning commission. If disapproved by such
7 commission within thirty days after such submission, such amendment,
8 to become effective, shall receive the favorable vote of not less than a
9 majority of the entire membership of the board of county commissioners.
10 Before finally adopting any such amendment, the board of county
11 commissioners shall hold a public hearing thereon, and at least fourteen
12 days' notice of the time and place of such hearing shall be given by at
13 least one publication in a newspaper of general circulation in the county.
14

15 (2) THE DEPARTMENT OF TRANSPORTATION SHALL BE A REFERRAL
16 AGENCY FOR ANY CHANGES IN THE ZONING MAPS OF ANY CONGESTED
17 CORRIDORS UNDER CONSIDERATION FOR A CORRIDOR CAPACITY STRATEGIC
18 PLAN PURSUANT TO SECTION 43-1-1106, C.R.S.
19

20 **SECTION 5.** 31-23-305, Colorado Revised Statutes, is amended
21 to read:
22

23 **31-23-305. Changes.** (1) Such regulations, restrictions, and
24 boundaries may from time to time be amended, supplemented, changed,
25 modified, or repealed. In case, however, of a protest against changes in
26 regulations or restrictions, or changes in the zone district applicable to
27 particular land, which protest is filed with the municipal clerk at least
28 twenty-four hours prior to the governing body's vote on the change and
29 is signed by the owners of twenty percent or more of the area of land
30 which is subject to the proposed change or twenty percent or more of the
31 area of land extending a radius of one hundred feet from the land which
32 is subject to the proposed change, disregarding intervening public streets
33 and alleys, such changes shall not become effective except by the
34 favorable vote of two-thirds of all the members of the governing body of
35 the municipality. The provisions of section 31-23-304 relative to public
36 hearings and official notice shall apply equally to all changes or
37 amendments.
38

39 (2) THE DEPARTMENT OF TRANSPORTATION SHALL BE A REFERRAL
40 AGENCY FOR ANY CHANGES IN THE ZONING MAPS OF ANY CONGESTED
41 CORRIDORS UNDER CONSIDERATION FOR A CORRIDOR CAPACITY STRATEGIC
42 PLAN PURSUANT TO SECTION 43-1-1106, C.R.S."
43

44 Renumber succeeding section accordingly.
45

48 PRINTING REPORT

49
50
51 The Chief Clerk reports the following bills have been correctly printed:
52 **HB09-1302, 1303.**
53

54
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56

INTRODUCTION OF BILL
First Reading

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

HB09-1304 by Representative(s) Solano, Benefield, Casso, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Green, Hullinghorst, Labuda, Looper, McFadyen, McGihon, McKinley, Merrifield, Middleton, Miklosi, Peniston, Pommer, Ryden, Schafer S., Soper, Todd, Vigil, Weissmann; also Senator(s) Williams, Tapia, Carroll M., Shaffer B.--Concerning the imposition of a temporary suspension in administering certain statewide student assessments for the purpose of meeting state budget restrictions.
Committee on Education

ANNOUNCEMENT

On motion of Representative Weissmann, the following bill(s) will be calendared as follows:

SB09-224--March 9, 2009.
HB09-1284, 1026, 1039, 1086, 1129, 1136, 1164, 1237, 1248--
March 12, 2009.
SB09-114, 117, 038, 054, 059, 050, 181, 227--March 13, 2009.

On motion of Representative Weissmann, the House adjourned until 10:00 a.m., March 9, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk