

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

Sixteenth Legislative Day

Thursday, January 22, 2009

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Case and Claire Smith, Hutchinson
6 Elementary, Lakewood.
7
8 The roll was called with the following result:
9
10 Present--62.
11 Excused--Representatives Gagliardi, Vaad, Waller--3.
12 Present after roll call--Representative Gagliardi.

13
14 The Speaker declared a quorum present.

15
16
17
18
19 On motion of Representative Apuan, the reading of the journal of
20 January 21, 2009, was declared dispensed with and approved as corrected
21 by the Chief Clerk.
22

COMMUNICATIONS
STATE OF COLORADO

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29 **Department of**
30 **State**

31
32 **UNITED STATES OF AMERICA**)
33 **STATE OF COLORADO**) **SS. Certificate**
34
35

36 I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby
37 certify that the attached is a true and exact copy of the Designation of
38 Nomination by Vacancy Committee as filed in this office on the twentieth
39 day of January 29, 2009, by the Republican 49th House District Vacancy
40 Committee, designating the appointment of Betty June Nikkel to fill the
41 vacancy in the office of the Colorado State House of Representatives,
42 District 49, for the Sixty-seventh General Assembly of the State of
43 Colorado, caused by the resignation of the Honorable Kevin Lundberg.

1 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
 2 the Great Seal of the State of Colorado, at the City and County of Denver
 3 this twenty-second day of January, 2009.

4
 5 (Signed)
 6 Bernie Buescher
 7 Secretary of State

8
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10
 11 **STATE OF COLORADO**

12 **Department of**
 13 **State**

14
 15 **UNITED STATES OF AMERICA**) **SS. Certificate**
 16 **STATE OF COLORADO**)

17
 18 I, Bernie Buescher, Secretary of State of the State of Colorado, do hereby
 19 certify that the attached is a true and exact copy of the Acceptance of
 20 Designation by Vacancy Committee as filed in this office on the twentieth
 21 day of January, 2009, by Betty June Nikkel, accepting the appointment of
 22 the Republican 49th House District Vacancy Committee to fill the
 23 vacancy in the office of Colorado State House of Representatives, District
 24 49, for the Sixty-seventh General Assembly of the State of Colorado,
 25 caused by the resignation of the Honorable Kevin Lundberg.

26
 27 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
 28 the Great Seal of the State of Colorado, at the City and County of Denver
 29 this twenty-second day of January, 2009.

30
 31 (Signed)
 32 Bernie Buescher
 33 Secretary of State

34
 35 (Note: On January 22, 2009, at 8:35 a.m., Betty June Nikkel, 3201
 36 Cactus Court, Loveland, Colorado 80537 was sworn in as Representative
 37 for District 49. Speaker Terrance D. Carroll administered the oath of
 38 office in the Chamber of the Colorado House of Representatives.)

39
 40

41 **THIRD READING OF BILLS--FINAL PASSAGE**

42
 43 The following bills were considered on Third Reading. The titles were
 44 publicly read. Reading of the bill at length was dispensed with by
 45 unanimous consent.

46
 47 **HB09-1014** by Representative(s) Judd; also Senator(s) Isgar--Con-
 48 cerning the provision of additional resources to the
 49 division of real estate to provide oversight of conservation
 50 easements for which a state income tax credit is claimed.

51
 52 The question being "Shall the bill pass?".
 53 A roll call vote was taken. As shown by the following recorded vote, a
 54 majority of those elected to the House voted in the affirmative and the bill
 55 was declared **passed**.

56

	YES	47	NO	16	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	N	Middleton	Y	Sonnenberg	N
8	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	N	Stephens	N
10	Curry	Y	Lambert	N	Nikkel	N	Summers	Y
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
13	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	E
15	Gardner B.	N	Massey	Y	Priola	N	Vigil	Y
16	Gardner C.	N	May	N	Rice	Y	Waller	E
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Curry, Fischer, McGihon, McKinley,
20 Merrifield, Miklosi, Ryden.

21
22

23 **HB09-1033** by Representative(s) Schafer S., Merrifield, Todd,
24 Benefield; also Senator(s) Spence, Williams--Concerning
25 the regulation of flight schools.

26

27 The question being "Shall the bill pass?".

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

31

	YES	63	NO	0	EXCUSED	2	ABSENT	0
33	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
34	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
35	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
36	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
37	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
38	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
39	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
40	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
41	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
42	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
43	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
44	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
45	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	E
46	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
47	Gardner C.	Y	May	Y	Rice	Y	Waller	E
48	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Middleton,
51 Priola, Riesberg, Ryden, Solano.

52

53 **HB09-1046** by Representative(s) Scanlan; also Senator Penry--
54 Concerning procedures to implement the postsecondary
55 and workforce readiness assessments pilot program.

56

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

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

24
 25 **HB09-1072** by Representative(s) Middleton; also Senator(s) Hudak--
 26 Concerning modifications to statutory provisions
 27 addressing the governance of library districts.
 28

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

	YES	48	NO	15	EXCUSED	2	ABSENT	0
35	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
36	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
37	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
38	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
39	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
40	Bradford	Y	Kerr J.	N	Middleton	Y	Sonnenberg	N
41	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
42	Court	Y	Labuda	Y	Murray	N	Stephens	N
43	Curry	Y	Lambert	N	Nikkel	N	Summers	Y
44	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
45	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
46	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
47	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	E
48	Gardner B.	N	Massey	Y	Priola	Y	Vigil	Y
49	Gardner C.	N	May	N	Rice	Y	Waller	E
50	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Acree, Labuda, Merrifield, Priola,
 53 Roberts, Ryden, Scanlan, Schafer S., Todd.
 54

55 **HB09-1021** by Representative(s) Solano; also Senator(s) Boyd--
 56 Concerning the extension of the study of the treatment of

1 persons with mental illness who are involved in the
2 criminal and juvenile justice systems.

3
4 The question being "Shall the bill pass?".

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
10	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
11	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
12	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
13	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
14	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
15	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
16	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
17	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
18	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
19	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
20	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
21	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
22	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	E
23	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
24	Gardner C.	Y	May	Y	Rice	Y	Waller	E
25	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
26							Speaker	Y

27 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Casso, Court,
28 Fischer, Gagliardi, Green, Hullinghorst, Kefalas, Kerr A., Kerr J., Labuda,
29 Massey, McCann, McGihon, Merrifield, Middleton, Miklosi, Pace, Primavera,
30 Ryden, Scanlan, Soper, Todd, Vigil, Speaker.

35 CONSIDERATION OF RESOLUTIONS

37 **SJR09-006** by Senator(s) Boyd; also Representative(s) Riesberg--
38 Concerning support of the federal reauthorization of the
39 state child health insurance plan.

40
41 (Printed and placed in member's file)

42
43 On motion of Representative Riesberg, the resolution was read at length
44 and **adopted** by **viva voce** vote.

45
46 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Casso, Court, Curry,
47 Ferrandino, Fischer, Frangas, Gagliardi, Green, Hullinghorst, Judd, Kefalas,
48 Labuda, Levy, Massey, McCann, McFadyen, McGihon, Merrifield, Middleton,
49 Miklosi, Pace, Pommer, Primavera, Priola, Roberts, Ryden, Scanlan, Schafer S.,
50 Solano, Todd, Vigil, Weissmann, Speaker.

51
52 **HJR09-1002** by Representative(s) Fischer; also Senator(s) Hodge--
53 Concerning approval of water project revolving fund
54 eligibility lists administered by the Colorado water
55 resources and power development authority.

56

1 (Printed and placed in member's file)

2

3 On motion of Representative Fischer, the resolution was **adopted** by **viva**
4 **voce** vote.

5

6 Co-sponsor(s) added: Representative(s) Apuan, Balmer, Benefield, Gagliardi,
7 Gardner C., Kerr A., Labuda, Looper, McGihon, Merrifield, Middleton,
8 Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Todd.

9

10

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12

REPORTS OF COMMITTEES OF REFERENCE

13

BUSINESS AFFAIRS & LABOR

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

16

17 HB09-1012 be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:
20

21

22 Amend printed bill, page 2, line 6, after "**incentives**", add "**or rewards**".

23

24 Page 3, line 5, strike "INCENTIVES," and substitute "INCENTIVES OR
25 REWARDS,";

26

27 line 11, after "INCENTIVES", insert "OR REWARDS";

28

29 line 15, after "INCENTIVES", insert "OR REWARDS";

30

31 line 20, after "INCENTIVES", insert "OR REWARDS";

32

33 line 21, after "INCENTIVES", insert "OR REWARDS";

34

35 line 23, strike "INCENTIVES. AN INCENTIVE" and substitute "INCENTIVES
36 OR REWARDS. AN INCENTIVE OR REWARD".

37

38 Page 4, line 1, after "INCENTIVES", insert "OR REWARDS";

39

40 line 10, after "INCENTIVE", insert "OR REWARD";

41

42 line 14, after "INCENTIVE", insert "OR REWARD";

43

44 after line 16, insert the following:

45

46 "(4) NOTHING IN THIS SECTION SHALL PROHIBIT A CARRIER FROM
47 OFFERING INCENTIVES TO COVERED PERSONS FOR ADHERENCE TO
48 PROGRAMS OF HEALTH PROMOTION AND DISEASE PREVENTION IF
49 OTHERWISE ALLOWED BY STATE OR FEDERAL LAW."

50

51 Renumber succeeding subsection accordingly.

52

53 Page 4, after line 25, insert the following:

54

55 "(II) MENTAL HEALTH AND SUBSTANCE ABUSE SCREENINGS AND
56 PREVENTION;".

1 Renumber succeeding subparagraphs accordingly.

2

3 Page 6, strike lines 8 through 10 and substitute the following:

4

5 "for adherence to programs of health promotion and disease prevention
6 if otherwise allowed by STATE OR FEDERAL law OR FOR PARTICIPATION IN
7 A WELLNESS AND PREVENTION PROGRAM PURSUANT TO SECTION
8 10-16-136.";

9

10 line 14, after "**Incentives**", insert "**or rewards**";

11

12 line 18, after "INCENTIVES", insert "OR REWARDS".

13

14

15

16 **HB09-1054** 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 2, line 14, strike "AFTER" and substitute
21 "BECAUSE".

22

23

24

25 **HB09-1155** be referred to the Committee of the Whole with favorable
26 recommendation.

27

28

29

30

31 **FINANCE**

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

34

35 **HB09-1013** be referred favorably to the Committee on Local
36 Government.

37

38

39 **HB09-1043** be referred favorably to the Committee on Appropriations.

40

41

42

43

PRINTING REPORT

44

45 The Chief Clerk reports the following bills have been correctly printed:
46 **HB09-1172, 1173, 1174.**

47

48

49

50

House in recess. House reconvened.

51

52

53

54

55

REPORT(S) OF COMMITTEE(S) OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

HB09-1017 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, strike everything below the enacting clause and substitute the following:

"**SECTION 1.** 37-60-126 (12) (a), Colorado Revised Statutes, is amended to read:

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - repeal.

(12) (a) (I) There is hereby created the water efficiency grant program for purposes of providing state funding to aid in the planning and implementation of water conservation plans developed in accordance with the requirements of this section and to promote the benefits of water efficiency. The board is authorized to distribute grants to covered entities, other state or local governmental entities, and agencies in accordance with its guidelines from the moneys transferred to and appropriated from the water efficiency grant program cash fund, which is hereby created in the state treasury.

(II) MONEYS IN THE WATER EFFICIENCY GRANT PROGRAM CASH FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD FOR THE PURPOSES OF THIS SUBSECTION (12) AND SHALL BE AVAILABLE FOR USE UNTIL THE PROGRAMS AND PROJECTS FINANCED USING THE GRANTS HAVE BEEN COMPLETED.

(III) For the 2005-06 through 2010-11 fiscal years, the general assembly shall appropriate from the fund to the board up to five hundred thousand dollars annually for the purpose of providing grants to covered entities, other state and local governmental entities, and agencies in accordance with this subsection (12). Commencing July 1, 2008, the general assembly shall also appropriate from the fund to the board fifty thousand dollars each fiscal year through 2011-12 to cover the costs associated with the administration of the grant program and the requirements of section 37-60-124. ~~However, if less than five hundred thousand dollars is appropriated or expended in any such fiscal year, an amount equal to the difference between five hundred thousand dollars and the amount actually appropriated or expended in that fiscal year shall be available for appropriation and expenditure to the grant program in the next fiscal year in addition to the five hundred thousand dollars available for appropriation in that fiscal year~~ MONEYS APPROPRIATED PURSUANT TO THIS SUBPARAGRAPH (III) SHALL REMAIN AVAILABLE UNTIL EXPENDED OR UNTIL JUNE 30, 2012, WHICHEVER OCCURS FIRST.

(IV) Any moneys remaining in the fund on June 30, 2012, shall be transferred to the ~~reserve in the~~ operational account of the severance tax trust fund described in section ~~39-29-109.3 (3)~~ 39-29-109 (2) (b), C.R.S.

1 **SECTION 2. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.".
4

5

6

7 **HB09-1060** be postponed indefinitely.

8

9

10 **HB09-1062** be postponed indefinitely.

11

12

13

14

APPOINTMENTS

15

16 Due to the resignation of Representative Lundberg the following
17 appointments were made:

18 Committee on Health & Human Services-- Representative Nikkel.

19 Committee on State, Veterans, & Military Affairs--Representative Nikkel.

20

21

22

23 On motion of Representative Vigil, the House adjourned until 9:00 a.m.,
24 January 23, 2009.

25

26

27

28

Approved:
TERRANCE D. CARROLL,
Speaker

29

30

31

Attest:
MARILYN EDDINS,
Chief Clerk