

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

Forty-third Legislative Day Wednesday, February 18, 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 Adam Neilson, Lakewood.

7
8 The roll was called with the following result:

9
10 Present--61.
11 Excused--Representative(s) Curry, C. Gardner, Middleton,
12 Pace--4.
13 Present after roll call--Representative(s) C. Gardner, Middleton.

14
15 The Speaker declared a quorum present.

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

THIRD READING OF BILLS--FINAL PASSAGE

21
22
23
24
25
26 The following bills were considered on Third Reading. The titles were
27 publicly read. Reading of the bill at length was dispensed with by
28 unanimous consent.

29
30 **HB09-1112** by Representative(s) Kerr J.; also Senator(s) Spence--
31 Concerning the information provided to the staff of the
32 legislative council in connection with the preparation of
33 fiscal notes for legislative measures.

34
35 The question being "Shall the bill pass?".
36 A roll call vote was taken. As shown by the following recorded vote, a
37 majority of those elected to the House voted in the affirmative and the
38 bill was declared **passed**.

	YES	62	NO	0	EXCUSED	2	ABSENT	1
41	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
42	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
43	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	-

1	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
2	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
3	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
4	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
5	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
6	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
7	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
8	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
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	Y	Vigil	Y
12	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
13	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Acree, Baumgardner, Bradford,
16 Gardner C., Gerou, Lambert, Liston, Looper, McNulty, Middleton, Priola,
17 Summers

18
19 **HB09-1153** by Representative(s) May; also Senator(s) Harvey--
20 Concerning the requirements applicable to the formation
21 of an issue committee under Colorado law governing
22 campaign finance.

23
24 As shown by the following roll call vote, a majority of all members
25 elected to the House voted in the affirmative, and Representative May
26 was given permission to offer a Third Reading amendment:

27	YES	62	NO	1	EXCUSED	2	ABSENT	0
29	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
30	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
31	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
32	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
33	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
34	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
35	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
36	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
37	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
38	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
39	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
40	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
41	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
42	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
43	Gardner C.	N	May	Y	Rice	Y	Waller	Y
44	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
45							Speaker	Y

46
47 **Third Reading amendment No. 1**, by Representative May.

48
49 Amend engrossed bill, page 5, line 27, strike "THREE" and substitute
50 "TEN".

51
52 The amendment was declared **passed** by the following roll call vote:

53	YES	63	NO	0	EXCUSED	2	ABSENT	0
55	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
56	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y

1	Balmer	Y	Judd	Y	McKinley	Y	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	Y	King S.	Y	Miklosi	Y	Soper	Y
6	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
7	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
8	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
9	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
10	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
11	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
12	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
13	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
14	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
15							Speaker	Y

16

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

21

	YES	62	NO	1	EXCUSED	2	ABSENT	0
23	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
24	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
25	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
26	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
28	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
29	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
30	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
31	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
32	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
33	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
34	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
35	Gagliardi	N	Marostica	Y	Primavera	Y	Vaad	Y
36	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
37	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
38	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
39							Speaker	Y

40 Co-sponsor(s) added: Representative(s) Court, Gardner B., Kerr J., Labuda,
 41 Lambert, Looper, Murray, Nikkel, Stephens, Waller

42

43 **HB09-1181** by Representative(s) McCann; also Senator(s) Foster--
 44 Concerning the right of a victim to make a statement at a
 45 community corrections hearing.

46

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

51

	YES	62	NO	1	EXCUSED	2	ABSENT	0
53	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
54	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
55	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
56	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y

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

14 Co-sponsor(s) added: Representative(s) Apuan, Court, Frangas, Gagliardi,
 15 Gardner B., Green, Kerr A., Kerr J., King S., Labuda, Liston, Looper, Massey,
 16 Nikkel, Primavera, Priola, Roberts, Ryden, Swalm, Todd

17
 18 **HB09-1185** by Representative(s) Tipton; also Senator(s) Isgar--Con-
 19 cerning requirements for documents related to water rights
 20 applications.
 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**.

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

45 Co-sponsor(s) added: Representative(s) Gardner C., Hullinghorst, Kerr J.,
 46 King S., Labuda, Looper, McNulty, Nikkel, Priola, Sonnenberg, Stephens,
 47 Waller

48
 49 **SB09-015** by Senator(s) Tochtrop, Brophy, Isgar, Hodge, Schwartz,
 50 White; also Representative(s) Gardner C., Curry,
 51 McKinley--Concerning removal of the White river
 52 drainage basin from the jurisdiction of water division 5 to
 53 water division 6.
 54

55 The question being "Shall the bill pass?".
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
 2 was declared **passed**.

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

22 Co-sponsor(s) added: Representative(s) Baumgardner, Kerr J., Nikkel, Priola,
 23 Sonnenberg

24
 25 **HB09-1257** by Representative(s) Scanlan; also Senator(s) Scheffel--
 26 Concerning the requirement that the amount of public
 27 funds invested in any one certificate of deposit may not
 28 exceed the amount insured by the federal deposit insurance
 29 corporation.

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

	YES	62	NO	1	EXCUSED	2	ABSENT	0
37	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
38	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
39	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
40	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
41	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
42	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
43	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
44	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
45	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
46	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
47	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
48	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
49	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
50	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
51	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
52	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
53							Speaker	Y

54 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Frangas, Gardner B.,
 55 Kerr J., Liston, McGihon, Primavera, Todd

1 **SB09-040** by Senator(s) Hodge; also Representative(s) Soper--
 2 Concerning the regulation of manufactured homes.
 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**.
 8

	YES	58	NO	5	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	N	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	N
16	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
17	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
18	Curry	E	Lambert	Y	Nikkel	Y	Summers	N
19	Ferrandino	Y	Levy	Y	Pace	E	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	Y
23	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
24	Gardner C.	N	May	Y	Rice	Y	Waller	Y
25	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
26							Speaker	Y

27 Co-sponsor(s) added: Representative(s) Green, Kerr J.
 28
 29

30 **HB09-1197** by Representative(s) McNulty, Kerr J., Balmer,
 31 Baumgardner, Frangas, Gardner C., Gerou, Looper, May,
 32 Scanlan; also Senator(s) Harvey, Brophy, Kopp, Renfro,
 33 Spence--Concerning a requirement that the division of
 34 housing report data regarding home foreclosures in the
 35 state.
 36

37 The question being "Shall the bill pass?".
 38 A roll call vote was taken. As shown by the following recorded vote, a
 39 majority of those elected to the House voted in the affirmative and the bill
 40 was declared **passed**.
 41

	YES	62	NO	1	EXCUSED	2	ABSENT	0
43	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
44	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
45	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
46	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
47	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
48	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
49	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
50	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
51	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
52	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
53	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
54	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
55	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
56	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y

1	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
2	Gerou	Y	McCann	Y	Riesberg	N	Weissmann	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Apuan, Kefalas, Middleton, Murray,
5 Nikkel, Schafer S., Stephens, Todd

6
7 **HB09-1183** by Representative(s) Vaad; also Senator(s) Hodge--
8 Concerning violations of laws related to real estate
9 appraisers.

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 bill
14 was declared **passed**.

16	YES	49	NO	14	EXCUSED	2	ABSENT	0
17	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
18	Apuan	Y	Hullinghorst	N	McGihon	Y	Ryden	Y
19	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
20	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	N
21	Benefield	N	Kerr A.	Y	Merrifield	N	Solano	N
22	Bradford	Y	Kerr J.	N	Middleton	N	Sonnenberg	Y
23	Casso	N	King S.	Y	Miklosi	Y	Soper	Y
24	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
25	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
26	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
27	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
28	Frangas	N	Looper	Y	Pommer	Y	Todd	Y
29	Gagliardi	N	Marostica	Y	Primavera	Y	Vaad	Y
30	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	N
31	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
32	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
33							Speaker	N

34 Co-sponsor(s) added: Representative(s) Gardner B., Labuda, Looper

35
36 **HB09-1198** by Representative(s) McGihon; also Senator(s) Morse--
37 Concerning the "Uniform Power of Attorney Act".

38
39 The question being "Shall the bill pass?".

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

44	YES	60	NO	3	EXCUSED	2	ABSENT	0
45	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
46	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
47	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
48	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
49	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
50	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
51	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
52	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
53	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
54	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
55	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
56	Frangas	Y	Looper	N	Pommer	Y	Todd	Y

1	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
2	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
3	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
4	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
5							Speaker	Y

6 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Ryden,
7 Schafer S.

8
9 **HB09-1036** by Representative(s) King S.; also Senator(s) Morse--
10 Concerning increasing the amount deposited into the peace
11 officers standards and training board cash fund by
12 increasing the registration fee for certain classes of
13 personal property, and making an appropriation in
14 connection therewith.

15
16 The question being "Shall the bill pass?".

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

21	YES	42	NO	21	EXCUSED	2	ABSENT	0
22	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
23	Apuan	Y	Hullinghorst	Y	McGihon	N	Ryden	Y
24	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
25	Baumgardner	Y	Kefalas	N	McNulty	N	Schafer S.	Y
26	Benefield	Y	Kerr A.	Y	Merrifield	N	Solano	N
27	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
28	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
29	Court	Y	Labuda	Y	Murray	N	Stephens	Y
30	Curry	E	Lambert	N	Nikkel	N	Summers	Y
31	Ferrandino	Y	Levy	N	Pace	E	Swalm	N
32	Fischer	Y	Liston	Y	Peniston	Y	Tipton	N
33	Frangas	Y	Looper	N	Pommer	N	Todd	Y
34	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
35	Gardner B.	Y	Massey	Y	Priola	N	Vigil	Y
36	Gardner C.	N	May	N	Rice	Y	Waller	N
37	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
38							Speaker	N

39 Co-sponsor(s) added: Representative(s) Frangas, Roberts, Ryden

40
41 **HB09-1065** by Representative(s) Benefield, Todd; also Senator(s)
42 Spence--Concerning the quality teachers commission, and,
43 in connection therewith, creating an educator identifier
44 pilot program, and making an appropriation.

45
46 The question being "Shall the bill 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 bill
49 was declared **passed**.

51	YES	54	NO	9	EXCUSED	2	ABSENT	0
52	Acree	N	Green	Y	McFadyen	Y	Roberts	Y
53	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
54	Balmer	Y	Judd	Y	McKinley	N	Scanlan	Y
55	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
56	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y

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

13 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Massey,
 14 Middleton, Ryden, Schafer S., Summers, Speaker

15
 16 **HB09-1076** by Representative(s) Pace; also Senator(s) Tochtrop--
 17 Concerning remuneration resulting from an employee's
 18 separation from employment for the purpose of calculating
 19 the postponement of unemployment insurance benefits.

20
 21 Laid over until February 20, retaining place on Calendar.

22
 23 **HB09-1149** by Representative(s) Merrifield; also Senator(s)
 24 Carroll M.--Concerning measures to encourage the
 25 construction of new homes that make cost-effective use of
 26 solar energy.

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

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

32	YES	57	NO	6	EXCUSED	2	ABSENT	0
34	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
35	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
36	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
37	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
38	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
39	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
40	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
41	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
42	Curry	E	Lambert	N	Nikkel	N	Summers	Y
43	Ferrandino	Y	Levy	Y	Pace	E	Swalm	N
44	Fischer	Y	Liston	Y	Peniston	Y	Tipton	N
45	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
46	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
47	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
48	Gardner C.	N	May	Y	Rice	Y	Waller	Y
49	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Frangas, Gagliardi,
 52 Green, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McGihon, Middleton,
 53 Miklosi, Pommer, Primavera, Priola, Ryden, Scanlan, Schafer S., Solano,
 54 Soper, Todd, Weissmann, Speaker

55

1 **HB09-1150** by Representative(s) Todd, Benefield, Court, Labuda,
 2 Miklosi, Ryden; also Senator(s) Williams, Boyd, Isgar,
 3 Spence--Concerning the administrative duties of the
 4 department of personnel, and making an appropriation in
 5 connection therewith.
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.
 11

	YES	61	NO	2	EXCUSED	2	ABSENT	0
13	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
14	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
15	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
16	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
17	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
18	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
19	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
20	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
21	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
22	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
23	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
24	Frangas	Y	Looper	Y	Pommer	N	Todd	Y
25	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
26	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
27	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
28	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Priola
 31

32 **HB09-1188** by Representative(s) Ryden; also Senator(s) Carroll M.--
 33 Concerning modifications to the disclosure requirements
 34 imposed on physicians under the "Michael Skolnik
 35 Medical Transparency Act", and making an appropriation
 36 in connection therewith.
 37

38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.
 42

	YES	63	NO	0	EXCUSED	2	ABSENT	0
44	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
45	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
46	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
47	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
48	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
49	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
50	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
51	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
52	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
53	Ferrandino	Y	Levy	Y	Pace	E	Swalm	Y
54	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
55	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
56	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y

1	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
2	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
3	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
4							Speaker	Y

5 Co-sponsor(s) added: Representative(s) Green, Kefalas, Kerr A., Kerr J.,
6 Labuda, McGihon, Middleton, Primavera, Schafer S., Todd, Speaker

7
8 **HB09-1135** by Representative(s) Judd; also Senator(s) White--
9 Concerning the adjustment of fees imposed by counties in
10 the state.

11
12 Laid over until February 20, retaining place on Calendar.

13
14
15
16 On motion of Representative Solano, the House resolved itself into
17 Committee of the Whole for consideration of General Orders, and she
18 was called to the Chair to act as Chairman.

19
20
21 **GENERAL ORDERS--SECOND READING OF BILLS**

22
23 The Committee of the Whole having risen, the Chairman reported the
24 titles of the following bills had been read (reading at length had been
25 dispensed with by unanimous consent), the bills considered and action
26 taken thereon as follows:

27
28 (Amendments to the committee amendment are to the printed committee
29 report which was printed and placed in the members' bill file.)

30
31 **HB09-1013** by Representative(s) Sonnenberg--Concerning an
32 exception to statutory requirements governing the
33 collection of excess property tax revenue by urban renewal
34 authorities in connection with tax increment financing for
35 certain special districts providing emergency services.

36
37 Declared **lost** on Second Reading.

38
39 **HB09-1240** by Representative(s) Miklosi; also Senator(s) Foster--
40 Concerning creating the Colorado teacher of the year
41 program.

42
43 Amendment No. 1, by Representative Baumgardner.

44
45 Amend printed bill, page 5, line 23, strike "FROM PRIVATE OR PUBLIC
46 SOURCES";

47
48 line 27, strike "PRIVATE AND PUBLIC".

49
50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.

52
53 **HB09-1272** by Representative(s) Massey and Pommer, Gardner C.,
54 McKinley, McNulty, Merrifield, Scanlan, Summers, Todd;
55 also Senator(s) Tapia, Brophy, Heath, Kester, Penry,
56 Williams--Concerning statutory amendments required to

1 implement locally approved changes to the parameters for
2 limited gaming under section 9 (7) of article XVIII of the
3 Colorado constitution, adopted by voters at the 2008
4 general election.
5

6 Amendment No. 1, Education Report, dated February 12, 2009, and
7 placed in member's bill file; Report also printed in House Journal,
8 February 13, pages 330-332.
9

10 Amendment No. 2, by Representative Massey.

11 Amend printed bill, page 6, line 26, after "(b)", insert "(I)".

12 Page 7, strike lines 6 through 10 and substitute the following:

13
14 "commission, director, or executive director. Such payment shall be
15 made upon proper";

16 after line 15, insert the following:
17
18

19
20
21 "(II) FOR THE FISCAL YEAR ENDING JUNE 30, 2009, THE EXPENSES
22 PAYABLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL
23 INCLUDE THE STARTUP COSTS OF ADMINISTERING EXPANDED LIMITED
24 GAMING UNDER SECTION 9 (7) OF ARTICLE XVIII OF THE STATE
25 CONSTITUTION; EXCEPT THAT AN AMOUNT EQUAL TO THESE STARTUP
26 COSTS SHALL BE TREATED AS A LOAN AND REPAID INTO THE FUND,
27 WITHOUT INTEREST, FROM THE EXPANDED LIMITED GAMING FUND
28 CREATED IN SECTION 12-47.1-701.5 DURING THE FISCAL YEAR ENDING
29 JUNE 30, 2010, OR AS SOON AS THE BALANCE IN THE EXPANDED LIMITED
30 GAMING FUND IS SUFFICIENT TO MAKE SUCH REPAYMENT, WHICHEVER
31 OCCURS FIRST."
32

33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.
35

36 **HB09-1121** by Representative(s) King S.; also Senator(s) Renfroe--
37 Concerning the disposition of evidence collected in
38 criminal cases.
39

40 Amendment No. 1, Judiciary Report, dated February 12, 2009, and placed
41 in member's bill file; Report also printed in House Journal, February 13,
42 page 335.
43

44 As amended, ordered engrossed and placed on the Calendar for Third
45 Reading and Final Passage.
46

47 **HB09-1207** by Representative(s) Gardner C.; also Senator(s) Veiga--
48 Concerning procedures to enforce a lien related to real
49 property.
50

51 Amendment No. 1, Judiciary Report, dated February 12, 2009, and placed
52 in member's bill file; Report also printed in House Journal, February 13,
53 page 336.
54

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

1 **HB09-1223** by Representative(s) Marostica, Ferrandino, Pommer; also
 2 Senator(s) Tapia, Keller, White--Concerning the extension
 3 of the deadline for expending moneys for the Colorado
 4 benefits management system from the health care
 5 supplemental appropriations and overexpenditures account
 6 of the tobacco litigation settlement cash fund.

7
 8 Ordered engrossed and placed on the Calendar for Third Reading and
 9 Final Passage.

10
 11 **HB09-1241** by Representative(s) Roberts; also Senator(s) Morse--
 12 Concerning title 15 of the Colorado Revised Statutes.

13
 14 Amendment No. 1, Judiciary Report, dated February 12, 2009, and placed
 15 in member's bill file; Report also printed in House Journal, February 13,
 16 page 337.

17
 18 As amended, ordered engrossed and placed on the Calendar for Third
 19 Reading and Final Passage.

20
 21 On motion of Representative Weissmann, the remainder of the General
 22 Orders Calendar (**HB09-1254, 1186, 1216, 1236**) was laid over until
 23 February 20, retaining place on Calendar.

24
 25
 26
 27 **AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT**

28
 29 Representatives Sonnenberg and Weissmann moved to amend the Report
 30 of the Committee of the Whole to reverse the action taken by the
 31 Committee in not adopting HB09-1013, to show that **HB09-1013** passed.

32
 33 The amendment was declared **lost** by the following roll call vote:

	YES	32	NO	30	EXCUSED	3	ABSENT	0
36	Acree	Y	Green	Y	McFadyen	N	Roberts	Y
37	Apuan	Y	Hullinghorst	N	McGihon	N	Ryden	N
38	Balmer	E	Judd	N	McKinley	Y	Scanlan	N
39	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	N
40	Benefield	N	Kerr A.	N	Merrifield	N	Solano	Y
41	Bradford	Y	Kerr J.	N	Middleton	N	Sonnenberg	Y
42	Casso	N	King S.	Y	Miklosi	N	Soper	Y
43	Court	N	Labuda	N	Murray	Y	Stephens	N
44	Curry	E	Lambert	Y	Nikkel	Y	Summers	Y
45	Ferrandino	N	Levy	Y	Pace	E	Swalm	Y
46	Fischer	Y	Liston	Y	Peniston	N	Tipton	Y
47	Frangas	Y	Looper	Y	Pommer	Y	Todd	N
48	Gagliardi	N	Marostica	N	Primavera	N	Vaad	Y
49	Gardner B.	N	Massey	N	Priola	Y	Vigil	Y
50	Gardner C.	Y	May	N	Rice	N	Waller	Y
51	Gerou	Y	McCann	N	Riesberg	N	Weissmann	Y
52							Speaker	N

53 Representative Balmer excused from voting under House Rule 21(c).

54
 55
 56

1 King S., Labuda, Lambert, Levy, Liston, Looper, Marostica, Massey, May,
2 McCann, McFadyen, McGihon, McKinley, McNulty, Merrifield, Middleton,
3 Miklosi, Murray, Nikkel, Peniston, Pommer, Primavera, Priola, Rice, Riesberg,
4 Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens,
5 Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Weissmann, Speaker
6

7

8

9

REPORTS OF COMMITTEES OF REFERENCE

10

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

14

15 **HB09-1249** be referred to the Committee of the Whole with favorable
16 recommendation.
17

18

19

20

21

BUSINESS AFFAIRS & LABOR

22 After consideration on the merits, the Committee recommends the
23 following:
24

25

26 **HB09-1108** be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:
29

30

31 Amend printed bill, page 2, strike lines 13 through 25 and substitute the
32 following:
33

34

35 "(b) AN EMPLOYER IS SUBJECT TO THE PENALTIES SPECIFIED IN
36 SECTION 8-4-113 (1) IF THE EMPLOYER CAUSES AN EMPLOYEE'S CHECK,
37 DRAFT, OR ORDER TO NOT BE PAID BECAUSE THE EMPLOYER'S BANK DOES
38 NOT HONOR AN EMPLOYEE'S PAYCHECK UPON PRESENTMENT. THE
39 DIRECTOR MAY INVESTIGATE COMPLAINTS REGARDING ALLEGED
40 VIOLATIONS OF THIS PARAGRAPH (b).".
41

42

43 Page 3, strike lines 1 through 18 and substitute the following:
44

45

46 "**SECTION 2.** 13-21-109 (2) (a), Colorado Revised Statutes, is
47 amended to read:
48

49

50 **13-21-109. Recovery of damages for checks, drafts, or orders**
51 **not paid upon presentment.** (2) (a) If notice of nonpayment on
52 presentment of the check, draft, or order has been given in accordance
53 with the provisions of subsections (3) and (4) of this section and the total
54 amount due as set forth in the notice has not been paid within fifteen days
55 after such notice is given, instead of the amounts set forth in paragraph
56 (a) or (b) of subsection (1) of this section, the person shall be liable to the
holder or any assignee for collection for three times the face amount of
the check but not less than one hundred dollars AND, WITH REGARD TO A
PAYCHECK, ACTUAL DAMAGES CAUSED BY THE NONPAYMENT, INCLUDING
ASSOCIATED LATE FEES.".

57

58

1 **HB09-1117** be postponed indefinitely.

2

3

4 **HB09-1224** be amended as follows, and as so amended, be referred to
5 the Committee of the Whole with favorable
6 recommendation:

7

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

10

11 "SECTION 1. 10-16-221, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13

14 **10-16-221. Health care task force - creation - duties - repeal.**

15 (2.7) DURING THE 2009 INTERIM, THE TASK FORCE SHALL EXAMINE AND
16 MAKE RECOMMENDATIONS CONCERNING ISSUES RAISED BY THE
17 INTRODUCED VERSION OF HOUSE BILL 09-1224, RELATED TO THE
18 CONSIDERATION OF GENDER IN SETTING RATES AND BENEFITS OFFERED FOR
19 INDIVIDUAL HEALTH BENEFIT PLANS.

20

21 **SECTION 2. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly that is
24 allowed for submitting a referendum petition pursuant to article V,
25 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
26 sine die is on May 6, 2009); except that, if a referendum petition is filed
27 against this act or an item, section, or part of this act within such period,
28 then the act, item, section, or part, if approved by the people, shall take
29 effect on the date of the official declaration of the vote thereon by
30 proclamation of the governor."

31

32 Page 1, line 102, strike "INSURANCE POLICIES." and substitute "BENEFIT
33 PLANS, AND, IN CONNECTION THEREWITH, DIRECTING THE HEALTH
34 CARE TASK FORCE DURING THE 2009 INTERIM TO STUDY ISSUES
35 RELATED TO SUCH PROHIBITION."

36

37

38

39

40 **FINANCE**

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

43

44 **HB09-1222** be referred favorably to the Committee on Appropriations.

45

46

47 **HB09-1269** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:

50

51 Amend printed bill, page 4, line 9, strike "1994," and substitute "~~1994,~~
52 2010,";

53

54 line 22, strike "1996-97" and substitute "~~1996-97~~ 2009-10".

55

56 Page 13, line 25, strike "FIFTY" and substitute "SEVENTY-FIVE".

- 1 Page 16, line 21, after "MADE,", insert "THE LESSER OF";
2
3 line 27, strike "YEAR;" and substitute "YEAR OR THE BALANCE OF THE
4 SALES AND USE TAX HOLDING FUND;"
5
6 Page 17, line 18, after "MADE,", insert "THE LESSER OF";
7
8 line 26, strike "YEAR;" and substitute "YEAR OR THE BALANCE OF THE
9 SALES AND USE TAX HOLDING FUND;"
10
11 Page 18, line 26, after "TRANSFER,", insert "ON SEPTEMBER 20 OF ANY
12 FISCAL YEAR,";
13
14 line 27, after "ACCRUED", insert "EFFECTIVE JUNE 30 OF THE PRECEDING
15 FISCAL YEAR".
16
17 Page 20, strike lines 22 through 25 and substitute the following:
18
19 "(B.8) ~~The state treasurer and controller shall transfer fifty-five~~
20 ~~million dollars from the general fund to the controlled maintenance trust~~
21 ~~fund on June 30, 2005."~~
22
23 Page 23, line 6, strike "1996-97" and substitute "~~1996-97~~ 2009-10".
24
25
26
27

28 LOCAL GOVERNMENT

- 29 After consideration on the merits, the Committee recommends the
30 following:
31
32 HB09-1217 be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:
35
36 Amend printed bill, page 2, line 4, strike "A NEW PARAGRAPH," and
37 substitute "THE FOLLOWING NEW PARAGRAPHS,";
38
39 line 5, after "**Improvements**", insert "**and funding**";
40
41 strike lines 8 through 11 and substitute the following:
42
43 "acquiring, OR FUNDING any public improvement OR RAISING FUNDS TO
44 ASSIST THE PROPERTY OWNERS WITHIN THE DISTRICT TO PAY, IN WHOLE OR
45 IN PART, THE COSTS ASSESSED BY PRIVATE PROVIDERS FOR THE
46 CONSTRUCTION OF THE INFRASTRUCTURE, FACILITIES, IMPROVEMENTS, OR
47 LINE EXTENSIONS NECESSARY TO PROVIDE UTILITY SERVICES TO THE
48 PROPERTY OWNERS IN THE DISTRICT, so long as the county that forms the
49 district is authorized to provide such improvement OR PROVIDE FOR SUCH
50 FUNDING under the county's home rule charter, if any, or the laws of this
51 state. Public improvements OR THE FUNDING OF THE CONSTRUCTION OF
52 INFRASTRUCTURE, FACILITIES, IMPROVEMENTS, OR EXTENSIONS USED TO
53 PROVIDE UTILITY SERVICES shall not include any facility".
54
55 Page 3, strike lines 12 through 23 and substitute the following:
56

1 (f) THE IMPROVEMENTS AND FUNDING AUTHORIZED BY THIS PART
2 6 MAY INCLUDE ANY FACILITY OR INFRASTRUCTURE IMPROVEMENT OR
3 LINE EXTENSION FOR GAS, ELECTRIC, GEOTHERMAL,
4 TELECOMMUNICATIONS, CABLE TELEVISION, OR ADVANCED SERVICES
5 CONSTRUCTED BY THE PRIVATE PROVIDER WITHIN THE DISTRICT AS MAY
6 BE SPECIFIED OR GENERALLY PROVIDED FOR IN THE RESOLUTION OF THE
7 BOARD APPROVING THE DISTRICT.

8
9 (g) ANY DISTRICT FORMED PURSUANT TO THIS PART 6 AND THE
10 COUNTY THAT FORMS THE DISTRICT SHALL IMPLEMENT THE
11 IMPROVEMENTS AND FUNDING AUTHORIZED BY THIS PART 6 IN A
12 NONDISCRIMINATORY AND TECHNOLOGICALLY AND COMPETITIVELY
13 NEUTRAL MANNER.

14
15 (h) NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO AUTHORIZE
16 ANY COUNTY OR DISTRICT TO PROVIDE, DIRECTLY OR INDIRECTLY, GAS,
17 ELECTRIC, GEOTHERMAL, TELECOMMUNICATIONS, CABLE TELEVISION, OR
18 ADVANCED SERVICES. NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO
19 GIVE ANY DISTRICT FORMED PURSUANT TO THIS PART 6 OR THE COUNTY
20 THAT FORMS THE DISTRICT ANY RIGHT, TITLE, OR INTEREST IN ANY UTILITY
21 INFRASTRUCTURE, FACILITY, IMPROVEMENT, OR LINE EXTENSION. ANY
22 ELECTRIC OR NATURAL GAS DISTRIBUTION, TELECOMMUNICATIONS, OR
23 ADVANCED SERVICES FACILITY FUNDED BY A DISTRICT ESTABLISHED
24 PURSUANT TO THIS PART 6 SHALL BE CONSTRUCTED BY OR IN AGREEMENT
25 WITH THE UTILITY SERVING THE AREA IN WHICH THE FACILITY IS TO BE
26 CONSTRUCTED AND SHALL BE OWNED, OPERATED, AND MAINTAINED BY
27 SUCH UTILITY."

28
29
30

31 **HB09-1220** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34
35
36
37
38
39

Amend printed bill, page 2, line 10, after "(h)", insert "(I)";

line 12, strike "(I)" and substitute "(A)";

line 14, strike "(II)" and substitute "(B)";

after line 15, insert the following:

42
43
44
45
46
47
48

"(II) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
PROVISIONS OF THIS PARAGRAPH (h) SHALL ONLY APPLY TO A COUNTY THE
POPULATION OF WHICH IS LESS THAN ONE-HUNDRED THOUSAND PERSONS
AND THAT CONTAINS A SKI LIFT LICENSED BY THE PASSENGER TRAMWAY
SAFETY BOARD CREATED IN SECTION 25-5-703 (1), C.R.S.

49 (B) THE PROVISIONS OF THIS PARAGRAPH (h) SHALL NOT APPLY TO
50 A DECLARANT-CONTROLLED COMMUNITY.

51
52
53
54
55
56

(III) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (h)
SHALL BE CONSTRUED TO PROHIBIT THE FUTURE OWNER OF A UNIT
AGAINST WHICH A RESTRICTION OR SPECIFICATION DESCRIBED IN SUCH
SUBPARAGRAPH HAS BEEN PLACED FROM LIFTING SUCH RESTRICTION OR
SPECIFICATION ON SUCH UNIT AS LONG AS ANY UNIT SO RELEASED IS

1 REPLACED BY ANOTHER UNIT IN THE SAME COMMON INTEREST
2 COMMUNITY ON WHICH THE RESTRICTION OR SPECIFICATION APPLIES AND
3 THE UNIT SUBJECT TO THE RESTRICTION OR SPECIFICATION IS REASONABLY
4 EQUIVALENT TO THE UNIT BEING RELEASED IN THE DETERMINATION OF THE
5 BENEFICIARY OF THE RESTRICTION OR SPECIFICATION.

6
7 (IV) EXCEPT AS OTHERWISE PROVIDED IN THE DECLARATION OF
8 THE COMMON INTEREST COMMUNITY, ANY UNIT SUBJECT TO THE
9 PROVISIONS OF THIS PARAGRAPH (h) SHALL ONLY BE OCCUPIED BY THE
10 OWNER OF THE UNIT."

11
12
13
14

15 **TRANSPORTATION & ENERGY**

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

18
19

19 **HB09-1271** be referred favorably to the Committee on Finance.

20
21
22
23
24

House in recess. House reconvened.

25
26

26 **REPORTS OF COMMITTEE OF REFERENCE**

27
28

28 **STATE, VETERANS, & MILITARY AFFAIRS**

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

31
32

32 **HB09-1200** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35
36
37

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

38
39

39 "SECTION 1. Part 3 of article 1 of title 29, Colorado Revised
40 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
41 read:

42
43

43 **29-1-304.9. Fiscal note.** (1) FOR ANY PROPOSED LEGISLATION
44 INTRODUCED AFTER DECEMBER 31, 2010, THAT HAS A FISCAL IMPACT ON
45 A COUNTY, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL CONSIDER AND
46 PROVIDE IN THE LOCAL GOVERNMENT IMPACT SECTION OF THE
47 ACCOMPANYING FISCAL NOTE, WHEN POSSIBLE, TAKING INTO ACCOUNT
48 REASONABLE TIME CONSTRAINTS, THE FOLLOWING:

49
50

50 (a) A REASONABLE AND TIMELY ESTIMATE OF THE FISCAL IMPACT
51 ON THE COUNTIES CHOSEN IN ACCORDANCE WITH SUBSECTION (2) OF THIS
52 SECTION THAT WOULD RESULT FROM THE PROPOSED LEGISLATION; AND

53
54

54 (b) POTENTIAL STAFFING AND OTHER ADMINISTRATIVE ASPECTS OF
55 THE PROPOSED LEGISLATION.

56

1 (2) IN ORDER TO COMPILE THE INFORMATION REQUIRED BY
 2 SUBSECTION (1) OF THIS SECTION, THE STAFF OF THE LEGISLATIVE COUNCIL
 3 SHALL REQUEST FROM A STATEWIDE ASSOCIATION OF COUNTY
 4 COMMISSIONERS, REFERRED TO IN THIS SECTION AS "COLORADO COUNTIES,
 5 INCORPORATED", OR "CCI", FISCAL INFORMATION REGARDING THE IMPACT
 6 OF THE PROPOSED LEGISLATION ON CERTAIN COUNTIES TO BE DETERMINED
 7 BY CCI. THE INFORMATION PROVIDED BY CCI MAY INCLUDE THE FISCAL
 8 IMPACT ON ANY COUNTY DIRECTLY AFFECTED BY THE PROPOSED
 9 LEGISLATION. CCI MAY CONVEY THE REQUESTED INFORMATION TO THE
 10 STAFF OF THE LEGISLATIVE COUNCIL WITHIN THE TIME PRESCRIBED WITH
 11 A SIGNED STATEMENT VERIFYING THAT THE INFORMATION IS ACCURATE
 12 AND COMPLETE TO THE BEST OF CCI'S KNOWLEDGE. IF CCI RECEIVES NEW
 13 INFORMATION AT A LATER DATE, CCI MAY UPDATE ITS ORIGINAL
 14 DETERMINATION OF THE FISCAL IMPACT ON THE COUNTIES CHOSEN BY CCI
 15 BASED ON ACTUAL COST OR REVENUE FIGURES, IMPROVED ESTIMATES, OR
 16 BOTH.

17
 18 (3) THE STAFF OF LEGISLATIVE COUNCIL SHALL CONSIDER THE
 19 INFORMATION RECEIVED FROM CCI, IF ANY, WHEN COMPLETING THE
 20 LOCAL GOVERNMENT IMPACT SECTION OF ANY FISCAL NOTE.

21
 22 **SECTION 2. Act subject to petition - effective date.** This act
 23 shall take effect at 12:01 a.m. on the day following the expiration of the
 24 ninety-day period after final adjournment of the general assembly that is
 25 allowed for submitting a referendum petition pursuant to article V,
 26 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
 27 sine die is on May 6, 2009); except that, if a referendum petition is filed
 28 against this act or an item, section, or part of this act within such period,
 29 then the act, item, section, or part, if approved by the people, shall take
 30 effect on the date of the official declaration of the vote thereon by
 31 proclamation of the governor."

32
 33
 34

35 **HB09-1205** be amended as follows, and as so amended, be referred to
 36 the Committee on Appropriations with favorable
 37 recommendation:

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 39
 40
 41

42 Amend printed bill, page 4, line 2, strike "STATE" and substitute "STATE,
 43 IN COORDINATION WITH THE COUNTY CLERK AND RECORDERS,";
 44 line 5, strike "2010." and substitute "2012.";

45
 46

47 line 6, strike "___" and substitute "ONE OR MORE".
 48 Page 5, line 16, strike "AND";

49

50 after line 16, insert the following:
 51 "(d) VERIFY THAT ALL VOTES CAST VIA THE INTERNET BY
 52 ELECTORS WERE CAST BY 7 P.M. MOUNTAIN STANDARD TIME ON THE DAY
 53 OF THE ELECTION; AND".

54
 55

56 Reletter succeeding paragraph accordingly.
 Page 7, line 15, strike "ELECTION." and substitute "ELECTION, SO LONG AS

1 THE BALLOT IS TRANSMITTED BY ELECTRONIC MEANS BY 7 P.M. MOUNTAIN
2 STANDARD TIME ON THE DAY OF THE ELECTION."

3
4 Page 9, line 11, after "CAST", insert "BY 7 P.M. MOUNTAIN STANDARD TIME
5 ON THE DAY OF THE ELECTION".

6
7
8
9 **HB09-1206** be postponed indefinitely.

10
11
12 **HB09-1218** be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:

15
16 Amend printed bill, page 8, line 15, strike "OFFICE OF THE STATE
17 CONTROLLER." and substitute "STATE CONTROLLER AS AUTHORIZED BY
18 SECTION 24-30-202".

19
20 Page 9, line 7, strike "OFFICE OF THE";
21
22 line 8, after "CONTROLLER", insert "AS AUTHORIZED BY SECTION
23 24-30-202".

24
25
26
27 **HB09-1235** be amended as follows, and as so amended, be referred to
28 the Committee on Judiciary with favorable
29 recommendation:

30
31 Amend printed bill, page 2, line 2, strike "(1) (c) and";
32
33 line 3, strike "are" and substitute "is";
34
35 strike lines 7 through 20.

36
37 Page 3, strike lines 10 through 20 and substitute the following:

38
39 "(C) ANY NEIGHBORHOOD OR COMMUNITY VOLUNTEER OR OTHER
40 PERSON WHO PROVIDES UNPAID SERVICES IN REMOVING WEEDS, BRUSH,
41 AND RUBBISH FROM ABANDONED OR UNOCCUPIED PROPERTY SHALL BE
42 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST SAID
43 PERSON FOR ACTS OCCURRING WHILE THE PERSON WAS ACTING IN SUCH
44 CAPACITY; EXCEPT THAT THIS EXEMPTION SHALL NOT APPLY TO GROSSLY
45 NEGLIGENT, WILLFUL, WANTON, OR RECKLESS ACTS OR OMISSIONS.";

46
47 strike lines 24 and 25 and substitute the following:

48
49 "SALE, SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION".

50
51 Page 4, strike lines 2 and 3 and substitute the following:

52
53 "PROPERTY; EXCEPT THAT THIS EXEMPTION SHALL NOT APPLY TO GROSSLY
54 NEGLIGENT, WILLFUL, WANTON, OR RECKLESS ACTS OR OMISSIONS".

55
56

1 **HB09-1248** be referred favorably to the Committee on Appropriations.
2
3

4 **MESSAGE FROM THE SENATE**
5

6 The Senate has passed on Third Reading and transmitted to the Revisor
7 of Statutes: SB09-157.
8

9 The Senate has passed on Third Reading and transmitted to the Revisor
10 of Statutes:
11

12 SB09-117 Amended as printed in Senate Journal, February 17, 2009,
13 page 356.

14 SB09-069 Amended as printed in Senate Journal, February 17, 2009,
15 page 356.

16 SB09-169 Amended as printed in Senate Journal, February 17, 2009,
17 page 356.

18 SB09-016 Amended as printed in Senate Journal, February 17, 2009,
19 page 357.

20 SB09-012 Amended as printed in Senate Journal, February 17, 2009,
21 page 357.

22 SB09-141 Amended as printed in Senate Journal, February 17, 2009,
23 page 357.
24

25 The Senate has passed on Third Reading and transmitted to the Revisor
26 of Statutes:
27

28 HB09-1002 Amended as printed in Senate Journal, February 17, 2009,
29 page 356.
30

31 **MESSAGE FROM THE REVISOR**
32
33

34 We herewith transmit:

35 Without comment, SB09-157.

36 Without comment, as amended, HB09-1002 and SB 09-117, 069, 169,
37 016, 012, and 141.
38

39 **LAY OVER OF CALENDAR ITEMS**
40
41

42 On motion of Representative Balmer, the following items on the Calendar
43 were laid over until February 19, retaining place on Calendar:
44

45 Consideration of Resolutions--**HR09-1006, SJR09-012.**
46

47
48 On motion of Representative Balmer, the House adjourned until
49 9:00 a.m., February 19, 2009.
50

51 Approved:
52 TERRANCE D. CARROLL,
53 Speaker

54 Attest:
55 MARILYN EDDINS,
56 Chief Clerk