

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

Fifty-eighth Legislative Day

Thursday, March 5, 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 Mika Mestek, Meghan McDonald, Gralan  
6 Country Day School, Denver.  
7  
8 The roll was called with the following result:  
9  
10 Present--63.  
11 Excused--Representative(s) McGihon, Miklosi--2.  
12 Present after roll call--Representative(s) McGihon, Miklosi.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative McCann, the reading of the journal of  
18 March 4, 2009, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.  
20  
21

22  
23 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL(S)**  
24

25 **HB09-1148** by Representative(s) Schafer S.; also Senator(s) Schwartz-  
26 -Concerning the authority of the department of revenue to  
27 provide information about severance tax taxpayers to the  
28 department of local affairs.  
29

30 (Amended as printed in Senate Journal, March 3, pages 584.)  
31

32 Representative Schafer S., moved that the House **concur** in Senate  
33 amendments. The motion was declared **passed** by the following roll call  
34 vote:  
35

	YES	61	NO	4	EXCUSED	0	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

1	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
2	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
3	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
4	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
5	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
6	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
7	Gardner B.	N	Massey	Y	Priola	Y	Vigil	Y
8	Gardner C.	N	May	Y	Rice	Y	Waller	Y
9	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
10							Speaker	Y

11

12 The question being, "Shall the bill, as amended, pass?".

13 A roll call vote was taken. As shown by the following recorded vote, a  
14 majority of those elected to the House voted in the affirmative, and the  
15 bill, as amended, was declared **repassed**.

16

17	YES	52	NO	13	EXCUSED	0	ABSENT	0
18	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
19	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
20	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
21	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
22	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
23	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
24	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
25	Court	Y	Labuda	Y	Murray	N	Stephens	Y
26	Curry	Y	Lambert	N	Nikkel	N	Summers	N
27	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
28	Fischer	Y	Liston	N	Peniston	Y	Tipton	Y
29	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
30	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
31	Gardner B.	N	Massey	Y	Priola	Y	Vigil	Y
32	Gardner C.	N	May	Y	Rice	Y	Waller	N
33	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
34							Speaker	Y

35

36 **HB09-1159** by Representative(s) Priola, Baumgardner, Lambert,  
37 Looper, Schafer S.; also Senator(s) Isgar, Hodge,  
38 Mitchell--Concerning the ability of a nonresident to serve  
39 on the board of directors of ground water management  
40 water districts.

41

42 (Amended as printed in Senate Journal, March 3, pages 584.)

43

44 Representative Priola moved that the House **concur** in Senate  
45 amendments. The motion was declared **passed** by the following roll call  
46 vote:

47

48	YES	65	NO	0	EXCUSED	0	ABSENT	0
49	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
50	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
51	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
52	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
53	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
54	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
55	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
56	Court	Y	Labuda	Y	Murray	Y	Stephens	Y

1	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
2	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
3	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
4	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
5	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
6	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
7	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
8	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
9							Speaker	Y

10

11 The question being, "Shall the bill, as amended, 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  
 14 bill, as amended, was declared **repassed**.

15

16	YES	62	NO	3	EXCUSED	0	ABSENT	0
17	Acree	Y	Green	N	McFadyen	Y	Roberts	Y
18	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
19	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
20	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
21	Benefield	Y	Kerr A.	Y	Merrifield	N	Solano	Y
22	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
23	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
24	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
25	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
26	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
27	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
28	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
29	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
30	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
31	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
32	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Gerou, Ryden, Stephens, Tipton,  
 35 Waller

36

37 **HB09-1078** by Representative(s) Ryden; also Senator(s) Hodge--  
 38 Concerning training for foster parents in regard to  
 39 individualized education programs.

40

41 (Amended as printed in Senate Journal, March 3, pages 585.)

42

43 Representative Ryden moved that the House **concur** in Senate  
 44 amendments. The motion was declared **passed** by the following roll call  
 45 vote:

46

47	YES	65	NO	0	EXCUSED	0	ABSENT	0
48	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
49	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
50	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
51	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
52	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
53	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
54	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
55	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
56	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y

1	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
2	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
3	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
4	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
5	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
6	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
7	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
8							Speaker	Y
9								

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

15	YES	65	NO	0	EXCUSED	0	ABSENT	0
16	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
17	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
18	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
19	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
20	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
21	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
22	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
23	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
24	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
25	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
26	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
27	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
28	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
29	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
30	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
31	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
32							Speaker	Y

33 Co-sponsor(s) added: Representative(s) Court, Hullinghorst, Massey, McGihon,  
 34 Nikkel, Scanlan

35 \_\_\_\_\_  
 36  
 37 House in recess. House reconvened.  
 38 \_\_\_\_\_  
 39

## 41 REPORT(S) OF COMMITTEE(S) OF REFERENCE

### 42 AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

45  
 46 **HB09-1194** be postponed indefinitely.

47  
 48  
 49  
 50 **SB09-113** be referred to the Committee of the Whole with favorable  
 51 recommendation.

52  
 53  
 54 **SB09-115** be referred to the Committee of the Whole with favorable  
 55 recommendation.  
 56

- 1 **SB09-116** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3  
4  
5 **SB09-127** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7  
8  
9 **SB09-151** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:  
12

13 Amend reengrossed bill, page 3, line 3, strike "BURROS" and substitute  
14 "DONKEYS."  
15

16 Page 9, strike lines 16 and 17 and substitute the following:  
17

18 "CUSTOM MEAT PROCESSOR LICENSED BY THE DEPARTMENT OR A PACKING  
19 PLANT LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE."  
20

21 Page 12, strike lines 3 and 4 and substitute the following:  
22

23 "MEAT PROCESSOR LICENSED BY THE COLORADO DEPARTMENT OF  
24 AGRICULTURE OR A PACKING PLANT LICENSED BY THE UNITED STATES  
25 DEPARTMENT OF AGRICULTURE."  
26  
27  
28  
29

30 **BUSINESS AFFAIRS & LABOR**

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

- 34 **SB09-091** be referred to the Committee of the Whole with favorable  
35 recommendation.  
36  
37  
38  
39

40 **FINANCE**

41 After consideration on the merits, the Committee recommends the  
42 following:  
43

- 44 **HB09-1266** be referred favorably to the Committee on Appropriations.  
45  
46

- 47 **HB09-1288** 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 2, strike lines 5 and 6 and substitute the  
52 following:  
53

54 "STATE REVENUE AND  
55 EXPENDITURE WEB SITE";  
56

- 1 line 12, strike "STATE BUDGET," and substitute "STATE'S FINANCES,";  
 2  
 3 line 15, strike "BUDGET";  
 4  
 5 line 19, strike "BUDGET DATABASE";  
 6  
 7 line 25, strike ""SEARCHABLE BUDGET DATABASE" and substitute ""STATE  
 8 REVENUE AND EXPENDITURE".  
 9
- 10 Page 3, line 7, strike "**Searchable budget database**" and substitute "**State  
 11 revenue and expenditure web site**";  
 12  
 13 line 10, strike "BUDGET";  
 14  
 15 line 11, strike "REVENUES." and substitute "REVENUES, WHICH SHALL BE  
 16 KNOWN AS THE STATE REVENUE AND EXPENDITURE WEB SITE.";  
 17  
 18 line 12, after "DATA", insert "INCLUDED ON THE WEB SITE";  
 19  
 20 line 13, strike "THE DATA" and substitute "THE EXPENDITURE AND  
 21 REVENUE DATA";  
 22  
 23 line 15, after "BY", insert "THE OFFICE ON BEHALF OF";  
 24  
 25 line 18, after the period, add "FOR THE 2009-10 STATE FISCAL YEAR, THE  
 26 STATE REVENUE AND EXPENDITURE WEB SITE SHALL ONLY INCLUDE STATE  
 27 EXPENDITURE DATA. FOR ALL STATE FISCAL YEARS THEREAFTER, THE WEB  
 28 SITE SHALL INCLUDE BOTH STATE EXPENDITURE AND REVENUE DATA.";  
 29  
 30 line 19, strike "SEARCHABLE BUDGET DATABASE" and substitute "STATE  
 31 REVENUE AND EXPENDITURE";  
 32  
 33 line 24, strike "SEARCHABLE BUDGET DATABASE" and substitute "STATE  
 34 REVENUE AND EXPENDITURE".  
 35
- 36 Page 4, strike lines 6 through 8 and substitute the following:  
 37  
 38 "(e) INCLUDE ARCHIVED REVENUE AND EXPENDITURE DATA FOR  
 39 THE TEN PRIOR STATE FISCAL YEARS; EXCEPT THAT NO DATA SHALL BE  
 40 REQUIRED FOR THE ANY STATE FISCAL YEAR PRIOR TO JULY 1, 2009, AND  
 41 FOR THE 2009-10 STATE FISCAL YEAR ONLY, NO STATE REVENUE DATA  
 42 SHALL BE REQUIRED TO BE ARCHIVED.";  
 43  
 44 line 10, strike "SEARCHABLE BUDGET DATABASE" and substitute "STATE  
 45 REVENUE AND EXPENDITURE".  
 46  
 47  
 48
- 49 **SB09-017** be referred to the Committee of the Whole with favorable  
 50 recommendation.  
 51  
 52
- 53 **SB09-126** be referred to the Committee of the Whole with favorable  
 54 recommendation.  
 55  
 56

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4  
5 **SB09-065** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8  
9  
10 **PRINTING REPORT**

11  
12 The Chief Clerk reports the following bills have been correctly printed:  
13 **HB09-1299, 1300, 1301.**

14  
15  
16  
17 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

18  
19 The Speaker has signed: **SJR09-018.**

20  
21  
22  
23 **MESSAGE FROM THE SENATE**

24  
25 The Senate has passed on Third Reading and transmitted to the Revisor  
26 of Statutes:

27  
28 SB09-087 amended as printed in Senate Journal, March 3, 2009,  
29 page 597, and March 4, 2009 page 611,  
30 SB09-075 amended as printed in Senate Journal, March 4, 2009  
31 page 611,  
32 SB09-225 amended as printed in Senate Journal, March 4, 2009  
33 pages 611-612.

34  
35 The Senate voted to reject the First Report of the First Conference  
36 Committee on SB09-217, as printed in Senate Journal, March 3, 2009,  
37 page 592 and dissolved the Conference Committee. The Senate requests  
38 that a Second Conference Committee be appointed. The President  
39 appointed Senators Keller, Chair, Tapia, and White as members of the  
40 Second Conference Committee on SB09-217. The bill is transmitted  
41 herewith.

42  
43 The Senate has adopted the First Report of the First Conference  
44 Committee on SB09-185, as printed in Senate Journal March 3, 2009,  
45 pages 598-599, and repassed the bill as amended.

46  
47  
48  
49  
50 **MESSAGE FROM THE REVISOR**

51  
52 We herewith transmit:  
53 Without comment, as amended, SB09-087, 075, and 225.

**INTRODUCTION OF BILLS**  
**First Reading**

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The following bills were read by title and referred to the committees indicated:

**HB09-1302** by Representative(s) Pace, McFadyen, Gagliardi, Casso, Hullinghorst, McKinley, Miklosi, Rice, Ryden, Soper, Vigil; also Senator(s) Tapia--Concerning a preference for the purchase of Colorado steel products by governmental entities.

Committee on State, Veterans, & Military Affairs

**HB09-1303** by Representative(s) Curry; also Senator(s) Isgar--Concerning the application of engineering criteria to increase efficiency in the administration of wells that withdraw ground water in conjunction with the mining of minerals, and, in connection therewith, integrating wells that withdraw ground water in conjunction with the mining of minerals into the prior appropriation system and extending the time schedule for well owners to correct deficiencies in permitting and operation.

Committee on Agriculture, Livestock, & Natural Resources

**SB09-029** by Senator(s) Shaffer B.; also Representative(s) McFadyen--Concerning a requirement that people on a school bus wear safety belts.

Committee on Education

**SB09-075** by Senator(s) Schwartz, Gibbs, Williams, Heath; also Representative(s) Marostica, Curry, Kerr A., Levy, McFadyen, Primavera, Scanlan, Vigil--Concerning the operation of low-speed electric self-propelled vehicles on public rights-of-way, and making an appropriation in connection therewith.

Committee on Transportation & Energy

**SB09-087** by Senator(s) Carroll M.; also Representative(s) Peniston--Concerning increased accountability requirements for special districts, and making an appropriation in connection therewith.

Committee on Local Government

**SB09-222** by Senator(s) Lundberg, Cadman, Schultheis, Harvey, Renfroe, Scheffel; also Representative(s) Vaad--Concerning standards for a sign required to notify drivers that an automated vehicle identification device is being used to detect traffic violations.

Committee on Transportation & Energy

**SB09-225** by Senator(s) Boyd; also Representative(s) McGihon--Concerning the definition of contraceptive.

Committee on Health and Human Services

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1 On motion of Representative Todd, the House adjourned until 9:00 a.m.,  
2 March 6, 2009.

3

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5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
TERRANCE D. CARROLL,  
Speaker