

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

Seventeenth Legislative Day

Friday, January 23, 2009

1 Prayer by the Reverend Leon Kelly, Director of Youth Gang Alternatives,
2 Denver.

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

5
6 Pledge of Allegiance led by Mauri, Aubrea, and Sierra Taylor from
7 Westlake Middle School and Centennial Elementary, Westminster.

8
9 The roll was called with the following result:

10
11 Present--63.
12 Excused--Representatives Sonnenberg, Waller--2.

13
14 The Speaker declared a quorum present.

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

20 _____
21
22
23 On motion of Representative Labuda, the House resolved itself into
24 Committee of the Whole for consideration of General Orders, and she
25 was called to the Chair to act as Chairman.

26 _____
27
28 **GENERAL ORDERS--SECOND READING OF BILLS**

29
30 The Committee of the Whole having risen, the Chairman reported the
31 titles of the following bills had been read (reading at length had been
32 dispensed with by unanimous consent), the bills considered and action
33 taken thereon as follows:

34
35 (Amendments to the committee amendment are to the printed committee
36 report which was printed and placed in the members' bill file.)

37
38 **HB09-1002** by Representative(s) McFadyen; also Senator(s) Tapia--
39 Concerning the operation of the state lottery.

40
41 Ordered engrossed and placed on the Calendar for Third Reading and
42 Final Passage.

1 **HB09-1058** by Representative(s) Marostica; also Senator(s) Morse--
2 Concerning the final disposition of the remains of veterans
3 of the armed forces that have been abandoned.
4

5 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
6 January 20, 2008, and placed in member's bill file; Report also printed in
7 House Journal, January 21, page 103.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **HB09-1042** by Representative(s) Merrifield--Concerning a prohibition
13 on a slow-moving motor vehicle impeding highway traffic.
14

15 Amendment No. 1, Transportation & Energy Report, dated January 15,
16 2009, and placed in member's bill file; Report also printed in House
17 Journal, January 16, page 91.
18

19 Amendment No. 2, by Representative Merrifield.
20

21 Amend printed bill, page 2, line 1, strike "(1) and" and substitute "(1),";
22 line 2, after "(3),", insert "and 42-4-1103 (3) (b),";
23 after line 21, insert the following:
24
25

26
27 "(b) Pull off the roadway at the first available place where such
28 movement can safely and lawfully be made until such impeded traffic has
29 passed by; EXCEPT THAT, THIS PARAGRAPH (b) SHALL NOT APPLY TO A
30 COMMERCIAL VEHICLE UNLESS SUCH PLACE IS AT LEAST TWELVE FEET
31 WIDE."
32

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

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37
38 **AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT**
39

40 Representative Balmer moved to amend the Report of the Committee of
41 the Whole to reverse the action taken by the Committee in not adopting
42 the following Balmer amendment, to **HB 09-1042**, to show that said
43 amendment passed, and that HB 09-1042, as amended, passed.
44

45 Amend printed bill, page 2, line 2, strike "amended" and substitute
46 "amended, and the said 42-4-1103 is further amended BY THE
47 ADDITION OF A NEW SUBSECTION,";
48

49 after line 21, insert the following:
50

51 "(6) THIS SECTION SHALL NOT APPLY TO COMMERCIAL MOTOR
52 VEHICLES CARRYING HAZARDOUS MATERIALS AS DEFINED IN SECTION
53 42-2-402."
54

55 Renumber succeeding subsections accordingly.
56

1 The amendment was declared **lost** by the following roll call vote:
2

	YES	31	NO	32	EXCUSED	2	ABSENT	0
4	Acree	Y	Green	N	McFadyen	N	Roberts	Y
5	Apuan	N	Hullinghorst	N	McGihon	N	Ryden	N
6	Balmer	Y	Judd	N	McKinley	Y	Scanlan	N
7	Baumgardner	Y	Kefalas	N	McNulty	Y	Schafer S.	N
8	Benefield	N	Kerr A.	N	Merrifield	N	Solano	N
9	Bradford	Y	Kerr J.	Y	Middleton	N	Sonnenberg	E
10	Casso	N	King S.	Y	Miklosi	Y	Soper	N
11	Court	N	Labuda	N	Murray	Y	Stephens	Y
12	Curry	N	Lambert	Y	Nikkel	Y	Summers	Y
13	Ferrandino	N	Levy	N	Pace	N	Swalm	Y
14	Fischer	N	Liston	Y	Peniston	Y	Tipton	Y
15	Frangas	Y	Looper	Y	Pommer	N	Todd	N
16	Gagliardi	N	Marostica	Y	Primavera	Y	Vaad	Y
17	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	N
18	Gardner C.	Y	May	Y	Rice	Y	Waller	E
19	Gerou	Y	McCann	N	Riesberg	N	Weissmann	N
20							Speaker	N

21
22
23
24 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

25
26 Passed Second Reading: **HB09-1002, 1058 amended, 1042 amended.**

27
28 The Chairman moved the adoption of the Committee of the Whole
29 Report. As shown by the following roll call vote, a majority of those
30 elected to the House voted in the affirmative, and the Report was
31 **adopted.**

	YES	63	NO	0	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	E
40	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
41	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
42	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
43	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
44	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
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.	Y	May	Y	Rice	Y	Waller	E
49	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
50							Speaker	Y

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REPORTS OF COMMITTEES OF REFERENCE**HEALTH & HUMAN SERVICES**

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

HB09-1023 be referred to the Committee of the Whole with favorable recommendation.

HB09-1025 be referred to the Committee of the Whole with favorable recommendation.

HB09-1048 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 23, after "THEREOF.", add "THIS SUBSECTION (2) SHALL APPLY TO A NEW BOARD OR COMMISSION CREATED AFTER AUGUST 4, 2009, OR TO A VACANCY OCCURRING ON AN EXISTING BOARD OR COMMISSION AFTER AUGUST 4, 2009.".

Page 8, strike lines 9 through 11 and substitute the following:

"SECTION 14. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

JUDICIARY

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

HB09-1037 be referred to the Committee of the Whole with favorable recommendation.

HB09-1044 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 22 and 23.

HB09-1122 be referred to the Committee of the Whole with favorable recommendation.

1 **LOCAL GOVERNMENT**

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

4
5 **HB09-1019** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 3, line 11, strike "BE OR REMAIN ON OR";
10
11 line 25, after "NATIONAL", insert "PET RECOVERY".

12
13 Page 4, line 18, strike "CLERK" and, strike "OCCURRED." and substitute
14 "OCCURRED OR TO ANY THIRD PARTY THAT CONTRACTS WITH THE CITY
15 FOR THE PURPOSE OF ANIMAL CONTROL.";

16
17 line 19, after "CITY", insert "OR SUCH THIRD PARTY THAT CONTRACTS
18 WITH THE CITY".

19
20 Page 5, line 2, after "ENACTING", insert "THE SAME OR".
21
22
23

24 **HB09-1041** be referred favorably to the Committee on Finance.
25
26
27
28

29 **TRANSPORTATION & ENERGY**

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

32
33 **HB09-1034** be referred to the Committee of the Whole with favorable
34 recommendation.
35
36

37 **HB09-1089** be referred to the Committee of the Whole with favorable
38 recommendation.
39

40
41 _____
42 House in recess. House reconvened.
43 _____
44

45 **INTRODUCTION OF RESOLUTIONS**

46
47 The following resolution was read by title and laid over one day under
48 the rules:

49
50 **HJR09-1004** by Representative(s) Massey and Benefield, Acree,
51 Apuan, Balmer, Baumgardner, Bradford, Carroll T.,
52 Casso, Court, Curry, Ferrandino, Fischer, Frangas,
53 Gagliardi, Gardner B., Gardner C., Gerou, Green,
54 Hullinghorst, Judd, Kefalas, Kerr A., Kerr J., King S.,
55 Labuda, Lambert, Levy, Liston, Looper, Marostica, May,
56 McCann, McFadyen, McGihon, McKinley, McNulty,

1 Merrifield, Middleton, Miklosi, Murray, Pace, Peniston,
2 Pommer, Primavera, Priola, Rice, Riesberg, Roberts,
3 Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper,
4 Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil,
5 Waller, Weissmann--Concerning civility in the Colorado
6 general assembly.
7 _____
8

9 The following resolution was read by title and referred to the committee
10 indicated:

11
12 **HJR09-1005** by Representative(s) Judd; also Senator(s) Sandoval--
13 Concerning the certification by the general assembly of its
14 estimate of state general fund revenues and allowable state
15 general fund appropriations for the 2009-10 fiscal year.
16 Committee on Finance

17 _____
18
19

20 On motion of Representative Weissmann, the following bills will be
21 calendared for Wednesday, January 28, 2009: HB09-1023, 1025, 1048,
22 1037, 1044, 1122, 1019, 1034, 1089.
23 _____
24

25

26 CHANGE IN SPONSORSHIP

27
28 The Speaker Pro Tempore announced the following change in
29 sponsorship:
30 HB09-1097--Representative Acree will replace Representative Lundberg
31 as prime sponsor.
32 _____
33

34

35 On motion of Representative Weissmann, the House adjourned until
36 10:00 a.m., January 26, 2009.
37

38 Approved:
39 TERRANCE D. CARROLL,
40 Speaker

41 Attest:
42 MARILYN EDDINS,
43 Chief Clerk