

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

One hundred-fifteenth Legislative Day

Friday, May 1, 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 Luke and Kayla Gordon, Saddle Ranch  
7 Elementary and Children's Choice Pre-School, Highlands Ranch.

8  
9 The roll was called with the following result:

10  
11 Present--64.  
12 Excused--Representative(s) Green--1.  
13 Present after Roll Call--Representative(s) Green.

14  
15 The Speaker declared a quorum present.

16 \_\_\_\_\_  
17  
18 On motion of Representative Waller, the reading of the journal of  
19 April 30, 2009, was declared dispensed with and approved as corrected  
20 by the Chief Clerk. \_\_\_\_\_  
21

22  
23 **CONSIDERATION OF RESOLUTION(S)**

24  
25 **HJR09-1027** by Representative(s) King S.; also Senator(s) Morse--  
26 Concerning declaring the week of May 10-16, 2009, as  
27 Police Week and May 15, 2009, as Peace Officers'  
28 Memorial Day.

29  
30 (Printed and placed in member's files.)

31  
32 Representative King S., moved that the resolution be adopted and  
33 requested that it be read at length.

34  
35 Amendment No. 1, moved by Representative King S.

36  
37 Amend printed joint resolution, page 2, line 4, strike "219" and substitute  
38 "225".

39  
40 Page 8, after line 14, insert the following:

41  
42 "!" In 2002: Jim Olterman of the Colorado Division of  
43 Wildlife;"

1 line 25, after "Department;"; insert "and Sean May of the Seventeenth  
2 Judicial District Attorney's Office;".

3  
4 Page 9, line 17, after "Inc."; insert "Don Quick, District Attorney for the  
5 Seventeenth Judicial District; Ted Tow, Executive Director of the  
6 Colorado District Attorneys' Council;".

7  
8 The amendment was declared **passed** by **viva voce** vote.

9  
10 On motion of Representative King S., the resolution as amended was  
11 **adopted** by **viva voce** vote.

12  
13 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,  
14 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,  
15 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Hullinghorst, Judd,  
16 Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lambert, Levy, Liston, Looper,  
17 Marostica, Massey, May, McCann, McFadyen, McKinley, McNulty, Merrifield,  
18 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera,  
19 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,  
20 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil,  
21 Waller, Weissmann, Speaker

### 22 23 24 25 **THIRD READING OF BILLS--FINAL PASSAGE**

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

30  
31 **SB09-245** by Senator(s) Sandoval; also Representative(s) Schafer S.-  
32 -Concerning changes to conform to portions of federal  
33 Public Law 110-351 relating to kinship.

34  
35 As shown by the following roll call vote, a majority of all members  
36 elected to the House voted in the affirmative, and Representative Frangas  
37 was given permission to offer a Third Reading amendment:

38	39	YES	64	NO	0	EXCUSED	1	ABSENT	0
40	Acree	Y	Green	E	McCann	Y	Roberts	Y	
41	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y	
42	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y	
43	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y	
44	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y	
45	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y	
46	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y	
47	Court	Y	King S.	Y	Murray	Y	Stephens	Y	
48	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y	
49	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y	
50	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y	
51	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y	
52	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y	
53	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y	
54	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y	
55	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y	
56							Speaker	Y	

1 **Third Reading amendment No. 1**, by Representative Frangas.

2  
3 Amend revised bill, page 4, strike lines 18 through 25 and substitute the  
4 following:

5  
6 **"SECTION 3. Appropriation.** (1) In addition to any other  
7 appropriation, there is hereby appropriated, out of any moneys in the  
8 general fund not otherwise appropriated, for the kinship guardianship  
9 assistance program created in section 26-5-109, Colorado Revised  
10 Statutes:

11  
12 (a) For the fiscal year beginning July 1, 2009, from moneys  
13 expected to be received by the state for said fiscal year due to the  
14 enactment of House Bill 09-1366, enacted in 2009, to the department of  
15 human services for the purpose of modifying the child welfare case  
16 management data system (TRAILS) in accordance with this act, the sum  
17 of eighty six thousand dollars (\$86,000).

18  
19 (b) For the fiscal year beginning July 1, 2010, from moneys  
20 expected to be received by the state for said fiscal year due to the  
21 enactment of House Bill 09-1366, enacted in 2009, to the department of  
22 human services for one-time assistance payments to kinship foster parents  
23 who become permanent guardians in accordance with this act, the sum of  
24 two hundred seventy six thousand dollars (\$276,000).

25  
26 **SECTION 4. Effective date.** (1) Except as otherwise provided  
27 in subsection (2), this act shall take effect upon passage.

28  
29 (2) Section 3 of this act shall take effect either upon the effective  
30 date of this act or the effective date of House Bill 09-1366, whichever is  
31 later; except that section 3 shall only take effect if House Bill 09-1366 is  
32 enacted and becomes law."

33  
34 Renumber succeeding section accordingly.

35  
36 The amendment was declared **passed** by the following roll call vote:

37  
38

	YES	34	NO	30	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	E	McCann	Y	Roberts	N
40	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	N	Judd	N	McKinley	Y	Scanlan	Y
42	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	N
43	Benefield	N	Kefalas	Y	Merrifield	Y	Solano	Y
44	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
45	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
46	Court	Y	King S.	N	Murray	N	Stephens	N
47	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
48	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
49	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
50	Frangas	Y	Liston	N	Pommer	N	Todd	N
51	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
52	Gardner B.	Y	Marostica	N	Priola	N	Vigil	Y
53	Gardner C.	N	Massey	N	Rice	Y	Waller	N
54	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
55							Speaker	Y

56

1 The question being, "Shall the bill, as amended, 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  
 4 bill, as amended, was declared **passed**.

	YES	40	NO	24	EXCUSED	1	ABSENT	0
7	Acree	N	Green	E	McCann	Y	Roberts	Y
8	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
9	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
10	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
11	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
12	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
13	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
14	Court	Y	King S.	N	Murray	N	Stephens	N
15	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
16	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
17	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
18	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
19	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
20	Gardner B.	N	Marostica	N	Priola	Y	Vigil	Y
21	Gardner C.	N	Massey	N	Rice	Y	Waller	N
22	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Gagliardi, Kefalas,  
 25 Labuda, McFadyen, Ryden, Solano, Todd

26  
 27 **SB09-235** by Senator(s) Gibbs and Isgar; also Representative(s)  
 28 Merrifield--Concerning certain fees charged by the  
 29 division of wildlife.

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	56	NO	8	EXCUSED	1	ABSENT	0
37	Acree	N	Green	E	McCann	Y	Roberts	Y
38	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
39	Balmer	Y	Judd	Y	McKinley	N	Scanlan	Y
40	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
41	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
42	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
43	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
44	Court	Y	King S.	Y	Murray	N	Stephens	Y
45	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
46	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
47	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
48	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
49	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
50	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
51	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
52	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
53							Speaker	Y

54 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Labuda, Ryden,  
 55 Schafer S.

56

1 **SB09-293** by Senator(s) Isgar; also Representative(s) Curry, Labuda,  
 2 Looper, Sonnenberg--Concerning changes to certain tier  
 3 two transfers out of the operational account of the  
 4 severance tax trust fund to compensate for a projected  
 5 revenue loss in that fund for the 2009-10 state fiscal year.  
 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	64	NO	0	EXCUSED	1	ABSENT	0
13	Acree	Y	Green	E	McCann	Y	Roberts	Y
14	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
15	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
16	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
17	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
18	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
19	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
20	Court	Y	King S.	Y	Murray	Y	Stephens	Y
21	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
22	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
23	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
24	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
25	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
26	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
27	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
28	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
29							Speaker	Y

30 Co-sponsor(s) added: Representative(s) Baumgardner, Fischer, Liston, Roberts,  
 31 Vigil  
 32

## 33 34 35 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

### 36 **EDUCATION**

37 After consideration on the merits, the Committee recommends the  
 38 following:  
 39

40 **HB09-1369** be amended as follows, and as so amended, be referred to  
 41 the Committee of the Whole with favorable  
 42 recommendation:  
 43  
 44

45 Amend printed bill, page 4, line 21, after "HIGH-QUALITY", insert "AND  
 46 DIVERSE".  
 47

48 Page 5, line 3, after "QUALIFIED", insert "AND DIVERSE";  
 49

50 line 6, after "QUALIFIED", insert "AND DIVERSE";  
 51

52 line 18, strike "VOTE ON EACH PERSON INTERVIEWED AND".  
 53  
 54  
 55

56 **SB09-130** be postponed indefinitely.

1 **SB09-285** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB09-291** be referred to the Committee of the Whole with favorable  
6 recommendation.  
7

8  
9  
10  
11 **HEALTH & HUMAN SERVICES**

12 After consideration on the merits, the Committee recommends the  
13 following:  
14

15 **SB09-164** be referred favorably to the Committee on Appropriations.  
16  
17

18  
19  
20 **JUDICIARY**

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

24 **SB09-284** be referred to the Committee of the Whole with favorable  
25 recommendation.  
26

27  
28 **SB09-287** be referred to the Committee of the Whole with favorable  
29 recommendation.  
30

31  
32  
33  
34 **STATE, VETERANS, & MILITARY AFFAIRS**

35 After consideration on the merits, the Committee recommends the  
36 following:  
37

38 **HCR09-1005** be postponed indefinitely.  
39

40  
41 **SB09-283** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:  
44

45 Amend corrected reengrossed bill, page 2, line 15, strike "NUMBER," and  
46 substitute "NUMBER".  
47

48 Page 3, strike lines 9 through 16 and substitute the following:  
49

50 "(3) (a) ANY PERSON WHO BELIEVES THAT THE SECRETARY OF  
51 STATE HAS REDACTED INFORMATION IN A COPY OF A SPECIFIC SECURED  
52 TRANSACTION RECORD OTHER THAN THE SOCIAL SECURITY NUMBER OR  
53 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL  
54 IDENTIFIED IN SUCH SECURED TRANSACTION RECORD MAY APPLY TO THE  
55 SECRETARY OF STATE FOR THE RESTORATION OF SUCH REDACTED  
56 INFORMATION.

1 (b) IF, UPON APPLICATION PURSUANT TO PARAGRAPH (a) OF THIS  
2 SUBSECTION (3), THE SECRETARY OF STATE DETERMINES THAT SUCH  
3 REDACTED INFORMATION IS NOT THE SOCIAL SECURITY NUMBER OR  
4 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OF AN INDIVIDUAL  
5 IDENTIFIED IN SUCH SECURED TRANSACTION RECORD, THE SECRETARY OF  
6 STATE SHALL RESTORE SUCH REDACTED INFORMATION SO THAT THE  
7 INFORMATION IS PERCEIVABLE, ACCESSIBLE, AND OPEN TO PUBLIC  
8 INSPECTION.

9  
10 (c) NOTHING IN THIS SECTION SHALL PRECLUDE THE RESTORATION  
11 OF REDACTED INFORMATION THAT THE SECRETARY OF STATE DETERMINES  
12 SHOULD NOT HAVE BEEN REDACTED."

13  
14  
15  
16

### 17 **TRANSPORTATION & ENERGY**

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

20

21 **SB09-289** be amended as follows, and as so amended, be referred to  
22 the Committee of the Whole with favorable  
23 recommendation:

24

25 Amend reengrossed bill, page 4, line 9, after "FEE", insert "ESTABLISHED  
26 UNDER THIS SECTION".

27

28

29

### 30 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE** 31 **on HB09-1164**

32

33 This Report Amends the Rerevised Bill.

34

35 To the President of the Senate and the  
36 Speaker of the House of Representatives:

37

38 Your first conference committee appointed on HB09-1164,  
39 concerning a surcharge on breast cancer awareness special license plates  
40 to provide funding for cancer treatment for women who are not currently  
41 eligible to participate in the breast and cervical cancer prevention and  
42 treatment program under the "Colorado Medical Assistance Act", and  
43 requiring a post-enactment review of the implementation of this act, has  
44 met and reports that it has agreed upon the following:

45

46 1. That the House accede to the Senate amendments made to the  
47 bill, as the amendments appear in the rerevised bill, with the following  
48 changes:

49

50 Amend rerevised bill, page 3, line 1, after "APPLYING", insert "ON OR  
51 BEFORE JUNE 30, 2012,";

52

53 line 4, after "PLATE.", insert "ON OR AFTER JULY 1, 2012, A PERSON  
54 APPLYING TO RENEW A BREAST CANCER AWARENESS SPECIAL LICENSE  
55 PLATE SHALL PAY THE TWENTY-FIVE DOLLAR SURCHARGE REQUIRED BY  
56 THIS PARAGRAPH (c)."

1           2. That, under the authority granted the committee to consider  
2 matters not at issue between the two houses, the following amendments  
3 be recommended:

4  
5 Amend rerevised bill, page 5, line 7, after "(a)", insert "(I)";  
6  
7 after line 22, insert the following:

8  
9           "(II) MONEYS IN THE FUND MAY BE USED TO COVER THE  
10 ADMINISTRATIVE COSTS OF THE DEPARTMENT OF PUBLIC HEALTH AND  
11 ENVIRONMENT TO RECOGNIZE PROVIDERS IN ACCORDANCE WITH  
12 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF  
13 SUBSECTION (2) OF THIS SECTION AS PROVIDING SCREENING ACTIVITIES  
14 UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL  
15 BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM."

16  
17 Respectfully submitted,

18     House Committee:

19       (signed)

20       Dianne Primavera

21       Buffie McFadyen

22       Jim Kerr

Senate Committee:

(signed)

Ken Kester

Chris Romer

Lois Tochtrop

23  
24  
25  
26           **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
27                                   **on SB09-281**

28  
29           This Report Amends the Rerevised Bill.

30  
31 To the President of the Senate and the  
32 Speaker of the House of Representatives:

33  
34           Your first conference committee appointed on SB09-281,  
35 concerning Pinnacol Assurance, and, in connection therewith, clarifying  
36 the operation of Pinnacol Assurance as a political subdivision of the state,  
37 creating a legislative interim committee to study worker safety and the  
38 system of compensation for work-related injuries, and requiring  
39 performance audits of Pinnacol Assurance, has met and reports that it has  
40 agreed upon the following:

41  
42           That the Senate accede to the House amendment made to the bill,  
43 as the amendment appears in the rerevised bill, with the following  
44 changes:

45  
46 Amend rerevised bill, page 3, strike lines 17 through 26, and substitute  
47 the following:

48  
49           **"8-45-125. Legislative interim committee on operation of**  
50 **Pinnacol Assurance - creation - members - study -report - repeal.**

51 (1) THERE IS HEREBY CREATED A LEGISLATIVE INTERIM COMMITTEE TO  
52 STUDY ISSUES RELATED TO PINNACOL ASSURANCE AS SET FORTH IN  
53 SUBSECTION (3) OF THIS SECTION."

54  
55 Page 4, line 1, strike "THIRTEEN" and substitute "SIXTEEN";

56



1 strike lines 12 and 13 and substitute the following:

2 "ASSURANCE DESIGNATED BY SUCH BOARD;

3

4 (V) THE INSURANCE COMMISSIONER OR HIS OR HER DESIGNEE; AND

5

6 (VI) EACH OF THE FOLLOWING APPOINTED JOINTLY BY THE  
7 PRESIDENT OF THE SENATE, MINORITY LEADER OF THE SENATE, SPEAKER  
8 OF THE HOUSE OF REPRESENTATIVES, AND MINORITY LEADER OF THE  
9 HOUSE OF REPRESENTATIVES:

10

11 (A) A POLICYHOLDER INSURED BY PINNACOL ASSURANCE;

12

13 (B) AN INJURED WORKER; AND

14

15 (C) A MEMBER OF THE PUBLIC WHO HAS KNOWLEDGE OF THE  
16 COLORADO WORKERS' COMPENSATION SYSTEM.";

17

18 strike lines 23 through 25, and substitute the following:

19 "TO THE OPERATION OF PINNACOL ASSURANCE INCLUDING, BUT NOT  
20 LIMITED TO,".

21

22 Page 1, strike lines 105 and 106 and substitute the following:

23 "THE OPERATION OF PINNACOL ASSURANCE, AND REQUIRING  
24 PERFORMANCE";

25

26 line 107, strike "PINNOCAL" and substitute "PINNACOL".

27

28 Respectfully submitted,

29 Senate Committee:

30 (signed)

31 Brandon Shaffer

32 Mary Hodge

33 Mike Kopp

34

House Committee:

(signed)

Paul Weissmann

Sal Pace

Robert Gardner

35

36

**MESSAGE(S) FROM THE SENATE**

37

38 The Senate voted to concur in House amendments to SB09-087,  
39 SB09-228, SB09-123, SB09-124, SB09-043, SB09-160, SB09-161,  
40 SB09-167, SB09-219, SB09-239, SB09-173, SB09-021, SB09-093,  
41 SB09-135, SB09-257, SB09-003, and repassed the bills as so amended.

42

43 The Senate has postponed indefinitely HB09-1176 and HB09-1327. The  
44 bills are returned herewith.

45

46 The Senate failed to pass HB 09-1284, on Second Reading. The bill is  
47 returned herewith.

48

49 The Senate has laid HB09-1299 over to May 7th, 2009. The bill is  
50 deemed lost and is returned herewith.

51

52

53 The Senate has adopted the First Report of the First Conference  
54 Committee on HB09-1164, as printed in Senate Journal, April 30, 2009  
55 pages 1425-1426, and repassed the bill as amended. The bill is returned  
56 herewith.

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

2  
3 **HB09-1338** by Representative(s) Casso; also Senator(s) Bacon--  
4 Concerning modifications to state insurance laws to  
5 comply with recently enacted federal laws.  
6

7 (Amended as printed in Senate Journal, April 29, page 1388.)  
8

9 Representative Casso moved that the House **not concur** in Senate  
10 amendments and that a Conference Committee be appointed. The motion  
11 was declared **passed** by the following roll call vote:  
12

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

31 The Speaker appointed Representatives Casso, Chairman, Soper and  
32 Priola as House conferees to the bill.  
33  
34  
35

36 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

37  
38 **HB09-1164** by Representative(s) Primavera, Gagliardi, Green, Kefalas,  
39 Kerr J., McGihon; also Senator(s) Kester--Concerning a  
40 surcharge on breast cancer awareness special license plates  
41 to provide funding for cancer treatment for women who  
42 are not currently eligible to participate in the breast and  
43 cervical cancer prevention and treatment program under  
44 the "Colorado Medical Assistance Act", and requiring a  
45 post-enactment review of the implementation of this act.  
46

47 (Amended as printed in Senate Journal, April 28, pages 1351-1352.)  
48

49 On motion of Representative Primavera, the Conference Committee  
50 Report was **adopted** by the following roll call vote:  
51

	YES	63	NO	0	EXCUSED	2	ABSENT	0
53	Acree	Y	Green	E	McCann	Y	Roberts	Y
54	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
55	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
56	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y

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

14

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

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

19

20

	YES	58	NO	5	EXCUSED	2	ABSENT	0
21	Acree	Y	Green	E	McCann	Y	Roberts	Y
22	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
23	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
24	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
25	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
26	Bradford	Y	Kerr A.	E	Middleton	Y	Sonnenberg	N
27	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
28	Court	Y	King S.	Y	Murray	N	Stephens	Y
29	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
30	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
31	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
32	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
33	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
34	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
35	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
36	Gerou	Y	May	Y	Riesberg	N	Weissmann	Y
37							Speaker	Y

38 Co-sponsor(s) added: Representative(s) McFadyen, Priola, Schafer S.

39

40

41

## 42 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

43

### 44 **JUDICIARY**

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

47

48 **SB09-241** be amended as follows, and as so amended, be referred to  
 49 the Committee on Appropriations with favorable  
 50 recommendation:

51

52 Amend reengrossed bill, page 2, line 25, strike "SEPTEMBER 1, 2009," and  
 53 substitute "SEPTEMBER 30, 2010,".

54

55 Page 3, line 7, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER  
 56 30, 2010,";

1 line 8, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER 30,  
2 2010,";

3  
4 line 13, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER 30,  
5 2010,".

6  
7 Page 4, strike lines 19 through 24.

8  
9 Page 5, strike lines 11 through 27 and substitute the following:

10  
11 **"16-23-105. Expungement.** (1) EXCEPT AS PROVIDED IN  
12 SUBSECTION (7) OF THIS SECTION, A PERSON WHOSE BIOLOGICAL  
13 SUBSTANCE SAMPLE IS COLLECTED PURSUANT TO SECTION 16-23-103  
14 QUALIFIES FOR EXPUNGEMENT IF:

15  
16 (a) IN THE CASE OF A SAMPLE COLLECTED BASED UPON THE FILING  
17 OF A CHARGE OR BASED UPON A FINAL COURT ORDER, EACH FELONY  
18 CHARGE STEMMING FROM THE CHARGES HAS, BY FINAL COURT ORDER,  
19 BEEN DISMISSED, RESULTED IN AN ACQUITTAL, OR RESULTED IN A  
20 CONVICTION FOR AN OFFENSE OTHER THAN A FELONY OFFENSE;

21  
22 (b) IN THE CASE OF A SAMPLE COLLECTED BASED UPON AN ARREST:

23  
24 (I) A FELONY CHARGE WAS NOT FILED WITHIN NINETY DAYS OF THE  
25 ARREST; OR

26  
27 (II) EACH FELONY CHARGE STEMMING FROM THE ARREST HAS, BY  
28 FINAL COURT ORDER, BEEN DISMISSED, RESULTED IN AN ACQUITTAL, OR  
29 RESULTED IN A CONVICTION FOR AN OFFENSE OTHER THAN A FELONY  
30 OFFENSE.

31  
32 (2) A PERSON WHO QUALIFIES FOR EXPUNGEMENT UNDER  
33 SUBSECTION (1) OF THIS SECTION MAY SUBMIT A WRITTEN REQUEST FOR  
34 EXPUNGEMENT TO THE COLORADO BUREAU OF INVESTIGATION. THE  
35 REQUEST SHALL INCLUDE THE ITEMS LISTED IN THIS SUBSECTION (2) AND  
36 MAY INCLUDE ANY ADDITIONAL INFORMATION THAT MAY ASSIST THE  
37 BUREAU IN LOCATING THE RECORDS OF ARREST OR CHARGES OR THE  
38 BIOLOGICAL SUBSTANCE SAMPLE OR TESTING RESULTS. THE FOLLOWING  
39 INFORMATION SHALL BE INCLUDED IN THE SUBMITTED REQUEST:

40  
41 (a) THE PERSON'S NAME, DATE OF BIRTH, AND MAILING ADDRESS;

42  
43 (b) THE NAME OF THE AGENCY THAT COLLECTED THE BIOLOGICAL  
44 SUBSTANCE SAMPLE;

45  
46 (c) THE DATE OF ARREST OR OTHER DATE WHEN THE SAMPLE WAS  
47 TAKEN;

48  
49 (d) WHETHER ANY CHARGES WERE FILED STEMMING FROM THE  
50 ARREST FOR WHICH A BIOLOGICAL SUBSTANCE SAMPLE WAS COLLECTED,  
51 THE IDENTITY OF THE COURT, AND THE CASE NUMBER OF EACH CASE IN  
52 WHICH CHARGES WERE FILED; AND

53  
54 (e) A DECLARATION THAT, TO THE BEST OF THE PERSON'S  
55 KNOWLEDGE, HE OR SHE QUALIFIES FOR EXPUNGEMENT.

56

1 (3) UPON RECEIPT OF A REQUEST SATISFYING THE REQUIREMENTS  
2 OF SUBSECTION (2) OF THIS SECTION, THE COLORADO BUREAU OF  
3 INVESTIGATION SHALL PROMPTLY SUBMIT A WRITTEN INQUIRY TO THE  
4 DISTRICT ATTORNEY IN THE JURISDICTION IN WHICH THE PERSON'S  
5 BIOLOGICAL SUBSTANCE SAMPLE WAS COLLECTED CONCERNING THE  
6 OUTCOME OF THE ARREST OR CHARGES.

7  
8 (4) WITHIN NINETY DAYS AFTER RECEIVING THE REQUEST  
9 SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE  
10 COLORADO BUREAU OF INVESTIGATION SHALL DESTROY THE BIOLOGICAL  
11 SUBSTANCE SAMPLE COLLECTED PURSUANT TO SECTION 16-23-103 AND  
12 EXPUNGE THE RESULTS OF THE TESTING OF THE SAMPLE FROM THE  
13 FEDERAL COMBINED DNA INDEX SYSTEM AND ANY STATE INDEX SYSTEM,  
14 UNLESS THE BUREAU RECEIVES WRITTEN NOTIFICATION FROM THE  
15 APPLICABLE DISTRICT ATTORNEY THAT THE PERSON DOES NOT QUALIFY  
16 FOR EXPUNGEMENT AND THE REASONS THE PERSON DOES NOT QUALIFY.

17  
18 (5) WITHIN THIRTY DAYS AFTER RECEIVING A NOTICE FROM A  
19 DISTRICT ATTORNEY PURSUANT TO SUBSECTION (4) OF THIS SECTION, OR  
20 AT THE END OF THE NINETY-DAY PERIOD IDENTIFIED IN SUBSECTION (4) OF  
21 THIS SECTION, WHICHEVER IS EARLIER, THE COLORADO BUREAU OF  
22 INVESTIGATION SHALL SEND NOTIFICATION BY FIRST CLASS MAIL TO THE  
23 PERSON ARRESTED OR CHARGED, EITHER STATING THAT THE BUREAU HAS  
24 DESTROYED THE BIOLOGICAL SUBSTANCE SAMPLE AND EXPUNGED THE  
25 RESULTS OF THE TESTING OF THE SAMPLE OR STATING WHY THE BUREAU  
26 HAS NOT DESTROYED THE SAMPLE AND EXPUNGED THE TEST RESULTS.

27  
28 (6) A DATA BANK OR DATABASE MATCH SHALL NOT BE ADMITTED  
29 AS EVIDENCE AGAINST A PERSON IN A CRIMINAL PROSECUTION AND SHALL  
30 NOT BE USED AS A BASIS TO IDENTIFY A PERSON IF THE MATCH IS:

31  
32 (a) DERIVED FROM A BIOLOGICAL SUBSTANCE SAMPLE THAT IS  
33 REQUIRED TO BE DESTROYED OR EXPUNGED PURSUANT TO THIS SECTION;  
34 AND

35  
36 (b) OBTAINED AFTER THE REQUIRED DATE OF DESTRUCTION OR  
37 EXPUNGEMENT.

38  
39 (7) THIS SECTION SHALL NOT APPLY IF THE PERSON HAS BEEN  
40 ARRESTED FOR, CHARGED WITH, OR CONVICTED OF SOME OTHER OFFENSE  
41 ON THE BASIS OF WHICH A BIOLOGICAL SUBSTANCE SAMPLE WAS OR COULD  
42 HAVE BEEN COLLECTED UNDER STATE STATUTE.

43  
44 (8) FOR PURPOSES OF THIS SECTION, A COURT ORDER SHALL NOT BE  
45 DEEMED FINAL IF TIME REMAINS FOR AN APPEAL OR APPLICATION FOR  
46 DISCRETIONARY REVIEW WITH RESPECT TO THE ORDER."

47  
48 Strike page 6.

49  
50 Page 7, strike lines 1 through 24.

51  
52 Page 8, strike lines 19 through 27.

53  
54 Strike pages 9 through 16.

55

1 Page 17, strike lines 1 through 12 and substitute the following:

2

3 "SECTION 4. **Effective date.** This act shall take effect July 1,  
4 2009."

5

6 Renumber succeeding section accordingly.

7

8

9

10 **MESSAGE(S) FROM THE SENATE**

11

12 The Senate has adopted and transmits herewith: SJR09-042, SJR09-054.

13

14

15

16 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

17

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

20

21 **SJR09-042** by Senator(s) Newell; also Representative(s) Frangas--  
22 Concerning the value of conflict resolution, and, in  
23 connection therewith, recognizing October 2009 as  
24 "Conflict Resolution Month".

25

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

27

28 On motion of Representative Frangas, the resolution was read at length  
29 and **adopted** by **viva voce** vote.

30

31 Co-sponsor(s) added: Representative(s) Apuan, Baumgardner, Benefield,  
32 Bradford, Casso, Court, Curry, Fischer, Gagliardi, Gardner B., Gerou,  
33 Hullinghorst, Judd, Kagan, Kefalas, Kerr J., Labuda, Levy, Looper, Marostica,  
34 Massey, McCann, McFadyen, McKinley, Merrifield, Miklosi, Murray, Nikkel,  
35 Pace, Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden,  
36 Scanlan, Schafer S., Solano, Soper, Stephens, Tipton, Todd, Vaad, Vigil, Waller,  
37 Weissmann, Speaker

38

39

40 **CONSIDERATION OF RESOLUTION(S)**

41

42 **HJR09-1023** by Representative(s) Gardner B.; also Senator(s) Morse--  
43 Concerning the Ground-based Midcourse Defense System.

44

45 (Printed and placed in members file)

46

47 On motion of Representative Gardner B., the resolution was **adopted** by  
48 **viva voce** vote.

49

50 Co-sponsor(s) added: Representative(s) Acree, Apuan, Balmer, Baumgardner,  
51 Benefield, Court, Curry, Ferrandino, Frangas, Gerou, Kerr J., King S., Labuda,  
52 Lambert, Levy, Liston, Looper, Marostica, Massey, McFadyen, McNulty,  
53 Merrifield, Middleton, Miklosi, Murray, Nikkel, Peniston, Primavera, Priola,  
54 Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper,  
55 Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Gardner C.

56

**ANNOUNCEMENT**

1  
2  
3 The Speaker announced the House was in the last three days of session.  
4  
5  
6

7 On motion of Representative Weissmann, **HB09-1357, 1369, SB09-285,**  
8 **291, 283, 289, 232, 294, 284, 287** were added to the Special Orders  
9 Calendar on Friday, May 1, 2009.  
10  
11  
12

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

**SPECIAL ORDERS--SECOND READING OF BILLS**

19  
20  
21 The Committee of the Whole having risen, the Chairman reported the titles  
22 of the following bills had been read (reading at length had been dispensed  
23 with by unanimous consent), the bills considered and action taken thereon  
24 as follows:  
25

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

29 **HB09-1269** by Representative(s) Ferrandino, Court, Middleton, Pace,  
30 Pommer, Scanlan, Weissmann--Concerning the creation of  
31 a state rainy day account, and, in connection therewith,  
32 specifying the manner in which the account is to be funded  
33 and the circumstances in which moneys may be expended  
34 from the account.  
35

36 Laid over until August 9, 2009. Bill deemed lost.  
37  
38

39 **HB09-1357** by Representative(s) Vigil; also Senator(s) Schwartz--  
40 Concerning a requirement that campaign finance reports  
41 required to be filed with the county clerk and recorder be  
42 filed instead with the secretary of state.  
43

44 Amendment No. 1, Appropriations Report, dated April 30, 2009, and  
45 placed in member's bill file; Report also printed in House Journal,  
46 April 30, pages 1641.  
47

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

51  
52 **SB09-285** by Senator(s) Heath, Mitchell, Schwartz, Foster, Gibbs,  
53 Groff, Isgar, King K., Newell, Romer, Spence, Tapia,  
54 Veiga, White, Williams; also Representative(s) Summers  
55 and Solano, McFadyen, Rice--Concerning the inclusion of  
56 career and technical education program providers among

1 the institutions of higher education that are permitted to  
2 offer concurrent enrollment opportunities to high school  
3 students.  
4

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

7  
8 **SB09-291** by Senator(s) Bacon, Boyd, Carroll M., Foster, Groff,  
9 Heath, Hodge, Hudak, Isgar, Keller, Morse, Newell,  
10 Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also  
11 Representative(s) Middleton, Merrifield--Concerning the  
12 state share of district total program for school districts that  
13 have obtained voter approval to be exempt from the  
14 constitutional revenue limit but then obtain voter approval  
15 to again be subject to such limit.  
16

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

19  
20 **SB09-289** by Senator(s) Schwartz; also Representative(s) Primavera--  
21 Concerning the recycling development fee for waste tires.  
22

23 Amendment No. 1, Transportation & Energy Report, dated April 30, 2009,  
24 and placed in member's bill file; Report also printed in House Journal,  
25 May 1, page 1653.  
26

27 As amended, ordered revised and placed on the Calendar for Third  
28 Reading and Final Passage.  
29

30 **SB09-232** by Senator(s) Schwartz, Heath, Mitchell; also  
31 Representative(s) McFadyen, Rice, Solano--Concerning  
32 state financial assistance to finance local government  
33 capital construction projects.  
34

35 Amendment No. 1, Local Government Report, dated April 30, 2009, and  
36 placed in member's bill file; Report also printed in House Journal,  
37 April 30, pages 1641-1642.  
38

39 As amended, ordered revised and placed on the Calendar for Third  
40 Reading and Final Passage.  
41

42 **SB09-283** by Senator(s) Sandoval; also Representative(s) Scanlan and  
43 Summers--Concerning the redaction by the secretary of  
44 state of tax identification numbers from secured transaction  
45 records filed with the secretary of state.  
46

47 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
48 April 30, 2009, and placed in member's bill file; Report also printed in  
49 House Journal, May 1, pages 1652-1653.  
50

51 As amended, ordered revised and placed on the Calendar for Third  
52 Reading and Final Passage.  
53

54  
55 **HB09-1369** by Representative(s) Weissmann; also Senator(s)  
56 Shaffer B.--Concerning the search process for leadership



1 positions within state institution of higher education  
2 systems.

3  
4 Amendment No. 1, Education Report, dated April 30, 2009, and placed in  
5 member's bill file; Report also printed in House Journal, May 1, page  
6 1651.

7  
8 Amendment No. 2, by Representative(s) Weissmann.

9  
10 Amend printed bill, page 7, after line 6, insert the following:

11  
12 **"23-5.5-105. Applicability.** THIS ARTICLE SHALL ONLY APPLY TO  
13 SEARCHES FOR POSITIONS THAT ARE FILLED BY AN INSTITUTION OF HIGHER  
14 EDUCATION SYSTEM'S OR INSTITUTION OF HIGHER EDUCATION'S BOARD OF  
15 GOVERNORS."

16  
17 Amendment No. 3, by Representative(s) McFadyen.

18  
19 Amend printed bill, page 4, line 9, after "ADMINISTRATION.", insert "THE  
20 SEARCH COMMITTEE FOR AN OPEN POSITION IN AN INSTITUTION OF HIGHER  
21 EDUCATION SYSTEM SHALL INCLUDE A REPRESENTATIVE FROM EACH  
22 INSTITUTION WITHIN THE SYSTEM."

23  
24 Amendment No. 4, by Representative(s) Fischer and Frangas.

25  
26 Amend printed bill, page 3, line 14, strike "INCLUSIVE," and substitute  
27 "INCLUSIVE OF THE WHOLE SYSTEM OR INSTITUTION, INCLUDING THE  
28 STUDENTS,".

29  
30 Page 4, line 8, strike "FACULTY" and substitute "FACULTY, STUDENTS,";

31  
32 line 11, strike "MEMBERS";

33  
34 line 12, strike "OF THE STUDENT BODY OF THE SYSTEM OR INSTITUTION,".

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

38  
39 **SB09-294** by Senator(s) Romer; also Representative(s) McFadyen--  
40 Concerning applications for the issuance of a certificate of  
41 public convenience and necessity to provide taxi service  
42 that relates to counties with a population of at least seventy  
43 thousand.

44  
45 Amendment No. 1, Transportation & Energy Report, dated  
46 April 30, 2009, and placed in member's bill file; Report also printed in  
47 House Journal, April 30, page 1643.

48  
49 Amendment No. 2, by Representative(s) McFadyen.

50  
51 Amend the Transportation and Energy Committee Report, dated April 30,  
52 2009, page 1, strike lines 14 and 15 and substitute the following:

53  
54 "Page 4 of the reengrossed bill, strike lines 5 and 6 and substitute the  
55 following:

56

1           **"SECTION 3. Effective date - applicability.** This act shall take  
2 effect July 1, 2009, and shall apply to applications submitted on or after  
3 said date and shall not apply to applications submitted prior to said  
4 date."."

5  
6 As amended, ordered revised and placed on the Calendar for Third  
7 Reading and Final Passage.

8  
9 **SB09-284**       by Senator(s) Newell, Morse, Shaffer B., Boyd, Foster,  
10 Hodge; also Representative(s) Levy--Concerning the  
11 authority of a law enforcement officer under specified  
12 circumstances to prevent a person from communicating  
13 with someone other than a peace officer.

14  
15 Ordered revised and placed on the Calendar for Third Reading and Final  
16 Passage.

17  
18 **SB09-287**       by Senator(s) Mitchell; also Representative(s) Levy--  
19 Concerning the voluntary contribution designation  
20 benefiting the Special Olympics Colorado fund that appears  
21 on the state individual income tax return forms, and, in  
22 connection therewith, extending the period for the  
23 contribution designation.

24  
25 Ordered revised and placed on the Calendar for Third Reading and Final  
26 Passage.

27  
28 **SB09-282**       by Senator(s) Sandoval and Spence, Bacon, Foster, Groff,  
29 Hudak, Veiga; also Representative(s) Kerr A., Benefield,  
30 Court, Ferrandino, Frangas, Judd, Labuda, Levy, Massey,  
31 McCann, Merrifield, Miklosi, Scanlan, Schafer S., Solano,  
32 Summers--Concerning the merger of the Denver public  
33 schools retirement system with the public employees'  
34 retirement association.

35  
36 Ordered revised and placed on the Calendar for Third Reading and Final  
37 Passage.

38  
39 **SB09-255**       by Senator(s) Cadman; also Representative(s) Kerr A.--  
40 Concerning the Colorado shared services authority.

41  
42 Amendment No. 1, Business Affairs & Labor Report, dated  
43 April 29, 2009, and placed in member's bill file; Report also printed in  
44 House Journal, April 29, page 1621.

45  
46 Amendment No. 2, by Representative(s) Kerr A.

47  
48 Amend reengrossed bill, page 11, line 5, after "(p)", insert "(I)";

49  
50 line 9, strike "OTHER" and substitute "PRIVATE";

51  
52 line 10, strike "ALL" and substitute "EXCEPT AS PROVIDED IN  
53 SUBPARAGRAPH (II) OF THIS PARAGRAPH (p), ALL";

54  
55 after line 12, insert the following:

56

1           "(II) ANY PROPOSED CONTRACT BETWEEN A STATE AGENCY AND  
2 THE AUTHORITY SHALL BE SUBMITTED BY THE STATE AGENCY TO THE  
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL FOR REVIEW  
4 AND APPROVAL. THE EXECUTIVE DIRECTOR SHALL NOT APPROVE THE  
5 CONTRACT IF THE CONTRACT:

6

7           (A) DOES NOT COMPLY WITH THE PROVISIONS OF THE COLORADO  
8 CONSTITUTION AND STATUTES GOVERNING STATE PERSONNEL AND  
9 EMPLOYMENT; OR

10

11           (B) WILL RESULT DIRECTLY OR INDIRECTLY IN THE SEPARATION OF  
12 CERTIFIED EMPLOYEES FROM STATE SERVICE."

13

14 As amended, declared **lost** on Second Reading.

15

16 **SB09-244**       by Senator(s) Shaffer B.; also Representative(s) Primavera-  
17                       -Concerning health insurance benefits for the treatment of  
18                       autism spectrum disorders.

19

20 Amendment No. 1, Business Affairs & Labor Report, dated  
21 April 29, 2009, and placed in member's bill file; Report also printed in  
22 House Journal, April 30, pages 1635-1637.

23

24 Amendment No. 2, by Representative(s) Primavera.

25

26 Amend the Business Affairs and Labor Committee Report, dated April 29,  
27 2009, page 3, strike lines 5 through 8 and substitute the following:

28

29 "line 18, strike "DISORDERS." and substitute "DISORDERS FOR A CHILD  
30 PURSUANT TO THIS SUBSECTION (1.4).", and strike "TEN" and substitute  
31 "EIGHT"."

32

33 Page 4 of the committee report, line 1, strike "BENEFITS." and substitute  
34 "BENEFITS."";

35

36 strike lines 2 through 10 and substitute the following:

37

38 "Page 11 of the reengrossed bill, line 2, strike "TERMS AND" and substitute  
39 "TERMS,", and strike the second "AND";

40

41 line 3, strike "LIMITATIONS" and substitute "LIMITATIONS, AND UTILIZATION  
42 REVIEW OF HEALTH CARE SERVICES";

43

44 strike lines 24 through 27."

45

46 Amendment No. 3, by Representative(s) Primavera.

47

48 Amend the reengrossed bill, page 6, line 3, strike "FOUND TO BE  
49 MEDICALLY NECESSARY," and substitute "NOT CONSIDERED EXPERIMENTAL  
50 OR INVESTIGATIONAL AND ARE CONSIDERED";

51

52 line 4, strike "EFFICIENT." and substitute "EFFICIENT FOR THE TREATMENT  
53 OF AUTISM."

54

55 Page 9, line 1, after the period, add "THE BENEFITS OF THIS SUBSECTION  
56 (1.4) SHALL BE IN ADDITION TO ANY BENEFITS PROVIDED FOR IN

1 SUBSECTION (1.3) AND (1.7) OF THIS SECTION."  
 2

3 Amendment No. 4, by Representative(s) Primavera.  
 4

5 Amend reengrossed bill, page 12, strike lines 10 through 26.  
 6

7 Renumber succeeding sections accordingly.  
 8

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

12 On motion of Representative Weissmann, the remainder of the Special  
 13 Orders Calendar (**HB09-1323, 1356**) was laid over until later in the day,  
 14 retaining place on Calendar.  
 15

---

17 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**  
 18

19 Representative(s) Priola moved to amend the Report of the Committee of  
 20 the Whole to reverse the action taken by the Committee in not adopting  
 21 SB09-255, to show that **SB09-255**, as amended, passed.  
 22

23 The amendment was declared **lost** by the following roll call vote:  
 24

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

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46 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**  
 47

48 Passed Second Reading: **HB09-1357 amended, SB09-285, 291, 289**  
 49 **amended, 232 amended, 283 amended, HB09-1369 amended,**  
 50 **SB09-294 amended, 284, 287, 282, 244 amended.**  
 51

52 Lost on Second Reading: **SB09-255 amended.**  
 53

54 Laid over until date indicated retaining place on Calendar:  
 55 **HB09-1269--August 9, 2009. Bill deemed lost.**  
 56 **HB09-1323, 1356--later in the day.**

1 The Chairman moved the adoption of the Committee of the Whole  
 2 Report. As shown by the following roll call vote, a majority of those  
 3 elected to the House voted in the affirmative, and the Report was  
 4 **adopted.**

	YES	64	NO	0	EXCUSED	1	ABSENT	0
7	Acree	Y	Green	Y	McCann	Y	Roberts	Y
8	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
9	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
10	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
11	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
12	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
13	Casso	Y	Kerr J.	E	Miklosi	Y	Soper	Y
14	Court	Y	King S.	Y	Murray	Y	Stephens	Y
15	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
16	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
17	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
18	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
19	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
20	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
21	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
22	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
23							Speaker	Y

24  
 25  
 26 House in recess. House reconvened.

27  
 28  
 29  
 30 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

31  
 32 The Speaker has signed: **HB09-1164.**

33  
 34  
 35  
 36 **MESSAGE(S) FROM THE SENATE**

37  
 38 The Senate voted to recall HJR09-1020 for purposes of reconsideration,  
 39 and requests the return of the resolution.

40  
 41  
 42 The Senate has adopted and transmits herewith: SJR09-047.

43  
 44 The Senate has adopted SJR09-044 as amended and transmits the  
 45 resolution herewith.

46  
 47  
 48 The Senate has passed on Third Reading and transmitted to the Revisor  
 49 of Statutes:

50  
 51 SB09-297 amended as printed in Senate Journal, April 30, 2009,  
 52 page 1452.

53  
 54  
 55  
 56

**MESSAGE(S) FROM THE REVISOR**

1  
2  
3 We herewith transmit:  
4 Without comment, as amended, SB09-297.

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**INTRODUCTION OF BILL  
First Reading**

5  
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7  
8  
9  
10  
11 The following bill was read by title and referred to the committee  
12 indicated:

13  
14 **SB09-297** by Senator(s) Sandoval; also Representative(s) Judd--  
15 Concerning projects funded with moneys received  
16 pursuant to the federal "American Recovery and  
17 Reinvestment Act of 2009", and, in connection therewith,  
18 establishing a process for the waiving of state contracting  
19 requirements for contracts for such projects in  
20 circumstances in which a waiver is necessary in order to  
21 ensure that the moneys can be timely and efficiently  
22 expended for their intended purposes, requiring the public  
23 utilities commission to give the fullest consideration for  
24 incentives to specified types of such projects, and  
25 including moneys received by the governor's energy office  
26 pursuant to the federal act and from specified other  
27 sources as principal of the clean energy fund.

28 Committee on Finance

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**INTRODUCTION OF RESOLUTION(S)**

29  
30  
31  
32  
33  
34 The following resolutions were read by title and laid over one day under  
35 the rules:

36  
37 **SJR09-044** by Senator(s) Shaffer B.; also Representative(s)  
38 Weissmann--Concerning an interim commission to study  
39 fiscal stability.

40  
41 **SJR09-047** by Senator(s) Kester; also Representative(s) Riesberg--  
42 Concerning Hepatitis C Awareness Month.

43  
44 **SJR09-054** by Senator(s) Keller; also Representative(s) Roberts--  
45 Concerning the designation of May 2009 as "Mental  
46 Health Month".

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**CONSENT GRANTED TO CONFERENCE COMMITTEE**

47  
48  
49  
50  
51  
52 Representative Pommer moved that the First Conference Committee on  
53 **SB09-256** be granted permission to go beyond the scope of the difference  
54 between the House and the Senate. The motion was passed by the  
55 following roll call vote:

56

	YES	56	NO	5	EXCUSED	4	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	E	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	E	Miklosi	Y	Soper	Y
9	Court	Y	King S.	N	Murray	Y	Stephens	E
10	Curry	N	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	N	Liston	E	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	N	Riesberg	Y	Weissmann	N
18							Speaker	Y
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## REPORT(S) OF COMMITTEE(S) OF REFERENCE

### STATE, VETERANS, & MILITARY AFFAIRS

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

**HCR09-1004** be referred to the Committee of the Whole with favorable recommendation.

On motion of Representative Weissmann, **HCR09-1004** was added to the Special Orders Calendar on Friday, May 1, 2009.

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

## SPECIAL 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.)

**HCR09-1004** by Representative(s) Lambert; also Senator(s) Kopp-- Submitting to the registered electors of the state of Colorado an amendment to section 3 of article VIII of the constitution of the state of Colorado, concerning the declaration of a disaster emergency that substantially affects the ability of the state government to operate in the

1 city and county of Denver, and, in connection therewith,  
 2 requiring the general assembly to meet and allowing the  
 3 general assembly to enact a statute to designate a  
 4 temporary location for the seat of government.  
 5

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

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9  
 10 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

11  
 12 Passed Second Reading: **HCR09-1004**.

13  
 14 The Chairman moved the adoption of the Committee of the Whole  
 15 Report. As shown by the following roll call vote, a majority of those  
 16 elected to the House voted in the affirmative, and the Report was  
 17 **adopted**.  
 18

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

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37  
 38  
 39 House in recess. House reconvened.  
 40

41  
 42 **INTRODUCTION OF BILL**  
 43 **First Reading**  
 44

45 The following bill was read by title and referred to the committee  
 46 indicated:  
 47

48 **SB09-296** by Senator(s) Boyd, Groff, Morse, Williams; also  
 49 Representative(s) Ryden, Fischer, Green, Hullinghorst,  
 50 Judd, Levy, McFadyen, Middleton, Pommer, Rice,  
 51 Riesberg--Concerning the enforcement of offenses  
 52 involving failure of certain persons in a vehicle to use an  
 53 appropriate restraining device.

54 Committee on Judiciary  
 55 Committee on Appropriations  
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**LAY OVER OF CALENDAR ITEM(S)**

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On motion of Representative Weissmann, the following item(s) on the Calendar were laid over until May 4, retaining place on Calendar:

- Consideration of Special Orders--**HB09-1323, 1356.**
- Consideration of Conference Committee Report(s)--**SB09-271, HB09-1057, SB09-269, 279.**
- Consideration of Resolution(s)--**HJR09-1018, 1025, 1026, 1028, SJR09-034, 048, 056.**
- Consideration of Memorial(s)--**HM09-1005, SJM09-010.**
- Consideration of Senate Amendment(s)--**HB09-1170, 1180, 1242, 1250, 1252, 1303, 1316, 1035, 1119, 1173, 1196, 1199, 1282, 1312, 1329, 1243.**



On motion of Representative Weissmann, the House adjourned until 10:00 a.m., May 4, 2009.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

