

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

Ninety-ninth Legislative Day

Wednesday, April 15, 2009

1 Prayer by the Reverend Christian Summers, Dakota Ridge Assembly,
2 Littleton.

3

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

5

6 Pledge of Allegiance led by Kika Membreno, Red Canyon High School,
7 Edwards.

8

9 The roll was called with the following result:

10

11 Present--54.

12 Excused--Representative(s) Ferrandino, Gardner B., Judd,
13 Kefalas, Kerr A., Kerr J., McCann, Pace, Pommer, Riesberg,
14 Sonnenberg--11.

15 Present after roll call--Representative(s) Ferrandino, Gardner B.,
16 Judd, Kefalas, Kerr A., Kerr J., McCann, Pace, Pommer,
17 Riesberg, Sonnenberg.

18

19 The Speaker declared a quorum present.

20

21

22

23 On motion of Representative Schafer, the reading of the journal of
24 April 14, 2009, was declared dispensed with and approved as corrected
25 by the Chief Clerk.

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29

REPORT(S) OF COMMITTEE(S) OF REFERENCE

30

APPROPRIATIONS

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

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35 **HB09-1067** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:

38

39 Amend the Finance Committee Report, dated February 3, 2009, page 2,
40 line 9, strike "(7)" and substitute "(6)".

41

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43

1 **HB09-1081** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, after line 23, insert the following:
6

7 **"SECTION 2.** Title 18, Colorado Revised Statutes, is amended
8 **BY THE ADDITION OF A NEW ARTICLE** to read:
9

10 **ARTICLE 25**
11 **Statute of Limitations Cost and Surcharge**
12

13 **18-25-101. Statute of limitations cost and surcharge.** (1)(a) A
14 COST OF FIFTY CENTS IS HEREBY LEVIED ON EACH CRIMINAL ACTION
15 RESULTING IN A CONVICTION OR IN A DEFERRED JUDGMENT AND
16 SENTENCE, AS PROVIDED IN SECTION 18-1.3-102, FOR A FELONY, A
17 MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE CHARGED PURSUANT
18 TO STATE STATUTE. THE DEFENDANT SHALL PAY THE COST TO THE CLERK
19 OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEYS TO THE STATE
20 TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.
21

22 (b) THE PROVISIONS OF SECTIONS 18-1.3-701 AND 18-1.3-702
23 SHALL APPLY AS TO THE COLLECTION OF COSTS LEVIED PURSUANT TO THIS
24 SUBSECTION (1).
25

26 (2) A SURCHARGE OF FIFTY CENTS IS HEREBY LEVIED AGAINST
27 EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SECTION
28 42-4-1701, C.R.S., FOR A MISDEMEANOR OR A CLASS 1 OR CLASS 2
29 MISDEMEANOR TRAFFIC OFFENSE UNDER STATE STATUTE THAT RESULTS IN
30 PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT
31 OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY THE DEPARTMENT
32 OF REVENUE PURSUANT TO THIS SUBSECTION (2) SHALL BE TRANSMITTED
33 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL
34 FUND.
35

36 (3) A COST OF FIFTY CENTS IS HEREBY LEVIED AGAINST EACH CIVIL
37 ACTION RESULTING IN AN ADMISSION OF LIABILITY OR A JUDGMENT
38 AGAINST THE DEFENDANT FOR A CLASS A OR CLASS B TRAFFIC INFRACTION
39 CHARGED PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE
40 COST TO THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE
41 MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE
42 GENERAL FUND.
43

44 (4) A SURCHARGE OF FIFTY CENTS IS HEREBY LEVIED AGAINST
45 EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SECTION
46 42-4-1701, C.R.S., FOR A CLASS A OR CLASS B TRAFFIC INFRACTION
47 UNDER STATE STATUTE THAT RESULTS IN PAYMENT OF THE PENALTY
48 ASSESSMENT WITHOUT THE COMMENCEMENT OF A CIVIL ACTION. ALL
49 MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO THIS
50 SUBSECTION (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
51 SHALL CREDIT THE SAME TO THE GENERAL FUND.
52

53 (5) A SURCHARGE OF FIFTY CENTS IS HEREBY LEVIED AGAINST
54 EACH PENALTY ASSESSMENT ISSUED PURSUANT TO SECTION 33-6-104,
55 C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT
56 WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS

1 COLLECTED BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF
2 NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (5) SHALL BE
3 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
4 TO THE GENERAL FUND.

5
6 (6) A SURCHARGE OF FIFTY CENTS IS HEREBY LEVIED AGAINST
7 EACH PENALTY ASSESSMENT ISSUED PURSUANT TO SECTION 33-15-102,
8 C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT
9 WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS
10 COLLECTED BY THE DIVISION OF PARKS AND OUTDOOR RECREATION IN THE
11 DEPARTMENT OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (6)
12 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
13 THE SAME TO THE GENERAL FUND.

14
15 (7) THE COURT MAY WAIVE A COST OR SURCHARGE LEVIED
16 PURSUANT TO THIS SECTION IF THE COURT DETERMINES THE DEFENDANT
17 IS INDIGENT.

18
19 (8) THE MONEY TRANSFERRED TO THE GENERAL FUND PURSUANT
20 TO THIS SECTION SHALL BE USED FOR THE COST OF IMPLEMENTING THE
21 INCREASE IN THE STATUTE OF LIMITATIONS FOR VEHICULAR HOMICIDE AND
22 LEAVING THE SCENE OF AN ACCIDENT THAT RESULTS IN THE DEATH OF THE
23 PERSON IN SECTION 16-5-401 (1) (a), C.R.S.

24
25 **SECTION 3.** 42-4-1701, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27
28 **42-4-1701. Traffic offenses and infractions classified -**
29 **penalties - penalty and surcharge schedule.** (8) THE SURCHARGES
30 DESCRIBED IN SUBSECTIONS (4) TO (6) OF THIS SECTION ARE SEPARATE
31 AND DISTINCT FROM A SURCHARGE LEVIED PURSUANT TO SECTION
32 18-25-101, C.R.S.

33
34 **SECTION 4.** 42-4-1707 (3) (a) and (6), Colorado Revised
35 Statutes, are amended to read:

36
37 **42-4-1707. Summons and complaint or penalty assessment**
38 **notice for misdemeanors, petty offenses, and misdemeanor traffic**
39 **offenses - release - registration.** (3) (a) Whenever a penalty assessment
40 notice for a misdemeanor, petty offense, or misdemeanor traffic offense
41 is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment
42 notice ~~which~~ THAT shall be served upon the defendant by the peace
43 officer shall contain the name and address of the defendant, the license
44 number of the vehicle involved, if any, the number of the defendant's
45 driver's license, if any, a citation of the statute alleged to have been
46 violated, a brief description of the offense, the date and approximate
47 location thereof, the amount of the penalty prescribed for the offense, the
48 amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections
49 ~~24-4.1-119(1)(f) and 24-4.2-104(1)~~ SECTIONS 18-25-101, 24-4.1-119(1)
50 (f), AND 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed
51 for the offense pursuant to section 42-2-127, and the date the penalty
52 assessment notice is served on the defendant; shall direct the defendant
53 to appear in a specified county court at a specified time and place in the
54 event the penalty and ~~surcharge~~ SURCHARGES thereon are not paid; shall
55 be signed by the peace officer; and shall contain a place for the defendant
56 to elect to execute a signed acknowledgment of guilt and an agreement to

1 pay the penalty prescribed and ~~surcharge~~ SURCHARGES thereon within
2 twenty days, as well as such other information as may be required by law
3 to constitute the penalty assessment notice to be a summons and
4 complaint, should the prescribed penalty and ~~surcharge~~ SURCHARGES
5 thereon not be paid within the time allowed in section 42-4-1701.
6

7 (6) If the defendant is otherwise eligible to be issued a summons
8 and complaint or a penalty assessment notice for a violation of this title
9 punishable as a misdemeanor, petty offense, or misdemeanor traffic
10 offense and if the defendant does not possess a valid Colorado driver's
11 license, the defendant, in order to secure release, as provided in this
12 section, must either consent to be taken by the officer to the nearest
13 mailbox and to mail the amount of the penalty and ~~surcharge~~
14 SURCHARGES thereon to the department or must execute a promise to
15 appear in court on the penalty assessment notice or on the summons and
16 complaint. If the defendant does possess a valid Colorado driver's
17 license, the defendant shall not be required to execute a promise to appear
18 on the penalty assessment notice or on the summons and complaint. The
19 peace officer shall not require any person who is eligible to be issued a
20 summons and complaint or a penalty assessment notice for a violation of
21 this title to produce or divulge such person's social security number.
22

23 **SECTION 5.** 42-4-1709 (1), Colorado Revised Statutes, is
24 amended to read:
25

26 **42-4-1709. Penalty assessment notice for traffic infractions -**
27 **violations of provisions by officer - driver's license.** (1) Whenever a
28 penalty assessment notice for a traffic infraction is issued pursuant to
29 section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall
30 be served upon the defendant by the peace officer shall contain the name
31 and address of the defendant, the license number of the vehicle involved,
32 if any, the number of the defendant's driver's license, if any, a citation of
33 the statute alleged to have been violated, a brief description of the traffic
34 infraction, the date and approximate location thereof, the amount of the
35 penalty prescribed for the traffic infraction, the amount of the ~~surcharge~~
36 SURCHARGES thereon pursuant to sections ~~24-4.1-119 (1) (f) and~~
37 ~~24-4.2-104 (1)~~ SECTIONS 18-25-101, 24-4.1-119 (1) (f), AND 24-4.2-104
38 (1), C.R.S., the number of points, if any, prescribed for the traffic
39 infraction pursuant to section 42-2-127, and the date the penalty
40 assessment notice is served on the defendant; shall direct the defendant
41 to appear in a specified county court at a specified time and place in the
42 event the penalty and ~~surcharge~~ SURCHARGES thereon is ARE not paid;
43 shall be signed by the peace officer; and shall contain a place for the
44 defendant to elect to execute a signed acknowledgment of liability and an
45 agreement to pay the penalty prescribed and ~~surcharge~~ SURCHARGES
46 thereon within twenty days, as well as such other information as may be
47 required by law to constitute the penalty assessment notice to be a
48 summons and complaint, should the prescribed penalty and ~~surcharge~~
49 SURCHARGES thereon not be paid within the time allowed in section
50 42-4-1701.
51

52 **SECTION 6.** 33-6-104, Colorado Revised Statutes, is amended
53 to read:
54

55 **33-6-104. Imposition of penalty - procedures.** (1) Any person
56 who violates any of the provisions of articles 1 to 6 of this title or any rule

1 ~~or regulation~~ of the commission that does not have a specific penalty
2 listed is guilty of a misdemeanor and, upon conviction thereof, shall be
3 punished by a fine of fifty dollars, A SURCHARGE AS DESCRIBED IN
4 SECTION 18-25-101, C.R.S., and an assessment of five license suspension
5 points.
6

7 (2) At the time that any person is charged with violating any
8 misdemeanor provisions of articles 1 to 6 of this title or any rule ~~or~~
9 ~~regulation~~ of the commission, the officer shall issue a summons and
10 complaint to the alleged offender or, in the case of a violation for which
11 a fine of a fixed amount is prescribed, may give the alleged offender an
12 opportunity to voluntarily pay the fine AND SURCHARGE in the form of a
13 penalty assessment. Penalty assessments shall not be issued for violations
14 for which minimum and maximum fines have been established. The
15 penalty assessment notice given to the alleged offender shall contain the
16 information required in and be in the form of a summons and complaint
17 and shall specify in dollars the amount of the penalty to be assessed for
18 the alleged offense and the amount of the ~~surcharge~~ SURCHARGES to be
19 collected pursuant to ~~section 24-4.2-104 (1)~~ SECTIONS 18-25-101 AND
20 24-4.2-104 (1), C.R.S. If the alleged offender accepts such notice and
21 pays the fine and the ~~surcharge~~ SURCHARGES entered thereon to the
22 division within fifteen days of issuance of the notice, such acceptance and
23 payment shall constitute an acknowledgment of guilt by such person of
24 the violation set forth in the penalty assessment notice. Any person who
25 accepts a penalty assessment notice but who does not furnish satisfactory
26 evidence of identity or who the officer has reasonable and probable
27 grounds to believe will disregard a written promise to pay the specified
28 fine and ~~surcharge~~ SURCHARGES may be taken by the officer to the nearest
29 known post-office facility and BE required to remit the amount of the
30 specified fine and ~~surcharge~~ SURCHARGES to the division immediately by
31 mail in United States currency or other legal tender by money order or
32 personal check. Refusal or inability to remit the specified fine and
33 ~~surcharge~~ SURCHARGES by mail when required shall constitute a refusal
34 to accept a penalty assessment notice. The officer shall advise the person
35 arrested of the license suspension points to be assessed in accordance
36 with section 33-6-106. Checks tendered by the violator to and accepted
37 by the division and on which payment is received by the division shall be
38 deemed sufficient receipt. If the fine and ~~surcharge~~ SURCHARGES are not
39 so paid, then the officer who issued the penalty assessment notice shall
40 docket the summons and complaint with a court of competent jurisdiction
41 for appearance by the person to answer the charges therein contained at
42 such time and place as is specified in the summons and complaint.
43

44 **SECTION 7.** 33-15-102 (2), Colorado Revised Statutes, is
45 amended to read:
46

47 **33-15-102. Imposition of penalty - procedures.** (2) At the time
48 that any person is charged with violating any petty offense or
49 misdemeanor provisions of articles 10 to 15 or 32 of this title or any rule
50 of the board, the officer shall issue a summons and complaint to the
51 alleged offender or, in the case of a violation for which a fine of a fixed
52 amount is prescribed, may give the alleged offender an opportunity to
53 voluntarily pay the fine AND SURCHARGE in the form of a penalty
54 assessment. Penalty assessments shall not be issued for violations for
55 which minimum and maximum fines have been established. The penalty
56 assessment notice given to the alleged offender shall contain the

1 information required in and be in the form of a summons and complaint
2 and shall specify in dollars the amount of the penalty to be assessed for
3 the alleged offense AND THE AMOUNT OF THE SURCHARGE TO BE
4 COLLECTED PURSUANT TO SECTION 18-25-101, C.R.S. If the alleged
5 offender accepts such notice and pays the fine AND SURCHARGE entered
6 thereon to the division within twenty days of issuance of the notice, such
7 acceptance and payment shall constitute an acknowledgment of guilt by
8 such person of the violation set forth in the penalty assessment notice.
9 Any person who accepts a penalty assessment notice but who does not
10 furnish satisfactory evidence of identity or who the officer has reasonable
11 and probable grounds to believe will disregard a written promise to pay
12 the specified fine AND SURCHARGE may be taken by the officer to the
13 nearest known post-office facility and BE required to remit the amount of
14 the specified fine AND SURCHARGE to the division immediately by mail in
15 United States currency or other legal tender or by money order or
16 personal check. Refusal or inability to remit the specified fine AND
17 SURCHARGE by mail when required shall constitute a refusal to accept a
18 penalty assessment notice. Checks tendered by the violator to and
19 accepted by the division and on which payment is received by the division
20 shall be deemed sufficient receipt. If the fine is AND SURCHARGE ARE not
21 so paid, then the officer who issued the penalty assessment notice shall
22 docket the summons and complaint with a court of competent jurisdiction
23 for appearance by the person to answer the charges therein contained at
24 such time and place as is specified in the summons and complaint."

25
26 Renumber succeeding sections accordingly.

27
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30 **HB09-1202** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:
33

34 Amend printed bill, page 28, after line 7, insert the following:
35

36 **"SECTION 11. Appropriation.** (1) In addition to any other
37 appropriation, there is hereby appropriated, out of any moneys in the
38 division of registration cash fund created in section 24-34-105 (2) (b) (I),
39 Colorado Revised Statutes, not otherwise appropriated, to the department
40 of regulatory agencies, for allocation to the division of registrations, for
41 the regulation of persons who provide for the final disposition of dead
42 human bodies in the normal course of business, for the fiscal year
43 beginning July 1, 2009, the sum of one hundred fifty-eight thousand six
44 hundred fourteen dollars (\$158,614) cash funds and 1.4 FTE, or so much
45 thereof as may be necessary, for the implementation of this act.

46
47 (2) In addition to any other appropriation, there is hereby
48 appropriated to the department of law, for the fiscal year beginning July
49 1, 2009, the sum of twenty-four thousand seven hundred eighty-three
50 dollars (\$24,783) and 0.2 FTE, or so much thereof as may be necessary,
51 for the provision of legal services to the department of regulatory
52 agencies related to the implementation of this act. Said sum shall be from
53 reappropriated funds received from the department of regulatory agencies
54 out of the appropriation made in subsection (1) of this section."
55

1 Renumber succeeding sections accordingly.

2

3 Page 1, line 103, strike "**BUSINESS.**" and substitute "**BUSINESS, AND**
4 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

5

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7

8 **HB09-1288** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11

12 Amend printed bill, page 4, after line 11, insert the following:

13

14 **"SECTION 2. Appropriation.** In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 general fund not otherwise appropriated, to the department of governor
17 – lieutenant governor – state planning and budgeting, for allocation to the
18 Office of Information Technology, for the fiscal year beginning July 1,
19 2009, the sum of seventy-two thousand five hundred dollars (\$72,500),
20 or so much thereof as may be necessary, for the implementation of this
21 act."

22

23 Renumber succeeding section accordingly.

24

25 Page 1, line 104, strike "**ACT**." and substitute "**ACT**", **AND MAKING AN**
26 **APPROPRIATION.**".

27

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30 **HB09-1323** be referred to the Committee of the Whole with favorable
31 recommendation.

32

33

34 **HB09-1330** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:

37

38 Amend printed bill, page 6, after line 23, insert the following:

39

40 **"SECTION 3. Appropriation - adjustments to the 2009 long**
41 **bill.** (1) In addition to any other appropriation, there is hereby
42 appropriated, out of any moneys in the animal feeding operations fund
43 created in section 25-8-502 (1) (i), to the department of public health and
44 environment, for allocation to the water quality control division, for the
45 fiscal year beginning July 1, 2009, the sum of three hundred twenty-five
46 thousand six hundred thirteen dollars (\$325,613) and 0.3 FTE, or so much
47 thereof as may be necessary, for the implementation of this act.

48

49 (2) For the implementation of this act, appropriations made in the
50 annual general appropriation act for the fiscal year beginning July 1,
51 2009, shall be adjusted as follows:

52

53 (a) The appropriation to the department of public health and
54 environment, water quality control division, for permitting and oversight
55 of concentrated animal feeding operations and housed commercial swine
56 feeding operations, is decreased by two hundred eighty-five thousand

1 seven hundred sixty dollars (\$285,760) and 0.3 FTE. Of said sum, two
2 hundred eighty-five thousand seven hundred sixty dollars (\$285,760)
3 shall be cash funds from the water quality control fund created in section
4 25-8-502 (1) (b) (I) (R), and 0.3 FTE shall be from federal funds."

5

6 Renumber succeeding sections accordingly.

7

8 Page 1, line 102, strike "ACT"." and substitute "ACT", AND MAKING AN
9 APPROPRIATION IN CONNECTION THEREWITH."

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SB09-259 be referred to the Committee of the Whole with favorable recommendation.

SB09-264 be referred to the Committee of the Whole with favorable recommendation.

SB09-265 be referred to the Committee of the Whole with favorable recommendation.

SB09-267 be referred to the Committee of the Whole with favorable recommendation.

SB09-268 be referred to the Committee of the Whole with favorable recommendation.

SB09-269 be referred to the Committee of the Whole with favorable recommendation.

SB09-270 be referred to the Committee of the Whole with favorable recommendation.

SB09-271 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, line 12, strike "09-____" and substitute "09-035".

Page 5, line 11, strike "09-____" and substitute "09-035";

line 14, strike "09-____" and substitute "09-035".

SB09-272 be referred to the Committee of the Whole with favorable recommendation.

- 1 **SB09-274** be referred to the Committee of the Whole with favorable
 2 recommendation.
 3
- 4 **SB09-275** be amended as follows, and as so amended, be referred to
 5 the Committee of the Whole with favorable
 6 recommendation:
 7
- 8 Amend reengrossed bill, page 3, line 10, strike "COMMENCING" and
 9 substitute "FOR PERIODS COMMENCING ON OR AFTER".
 10
 11
 12
- 13 **SB09-276** be referred to the Committee of the Whole with favorable
 14 recommendation.
 15
- 16
- 17 **SB09-277** be referred to the Committee of the Whole with favorable
 18 recommendation.
 19
 20
- 21 **SB09-278** be referred to the Committee of the Whole with favorable
 22 recommendation.
 23
 24
- 25 **SB09-279** be referred to the Committee of the Whole with favorable
 26 recommendation.
 27
 28
- 29 **SB09-280** be referred to the Committee of the Whole with favorable
 30 recommendation.
 31
 32
- 33 **SJR09-035** be referred out for final action.
 34

PRINTING REPORT

37
 38 The Chief Clerk reports the following bill has been correctly printed:
 39 **HB09-1346**.

THIRD READING OF BILLS--FINAL PASSAGE

42
 43
 44 The following bills were considered on Third Reading. The titles were
 45 publicly read. Reading of the bill at length was dispensed with by
 46 unanimous consent.
 47

48 **HB09-1273** by Representative(s) Kefalas, Green, Frangas, Court,
 49 Fischer, Hulinghorst, Labuda, Levy, Miklosi, Pace, Vigil,
 50 Apuan, McCann, Ryden, Schafer S.; also Senator(s)
 51 Foster, Bacon, Carroll M.--Concerning the creation of a
 52 health care authority to develop a health care system that
 53 shall be the administrator for health care services in
 54 Colorado.
 55

56 Laid over until July 5, 2009. Bill deemed lost.

1 **SB09-061** by Senator(s) Carroll M.; also Representative(s)
 2 Primavera--Concerning the qualifications of health care
 3 professionals who review claims for medical treatment
 4 under insurance policies.

5
 6 Laid over until April 16, retaining place on Calendar.

7
 8 **HB09-1313** by Representative(s) Merrifield, Apuan, Benefield, Casso,
 9 Ferrandino, Fischer, Hulinghorst, Kefalas, Kerr A.,
 10 Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi,
 11 Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil,
 12 Green, Pace, Pommer; also Senator(s) Bacon, Gibbs,
 13 Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller,
 14 Morse, Romer, Shaffer B.--Concerning expanding civic
 15 engagement options through student-directed programs at
 16 institutions of higher education.

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

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

41 Co-sponsor(s) added: Representative(s) Gagliardi, Ryden

42
 43 **HB09-1280** by Representative(s) Looper--Concerning the adoption of
 44 a youth challenge corps program in Colorado.

45
 46 Laid over until later in the day, retaining place on Calendar.

47
 48 **SB09-176** by Senator(s) Spence; also Representative(s) Casso and
 49 Massey--Concerning charter school participation in school
 50 district bond elections.

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

56

	YES	64	NO	1	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	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	N	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	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	Y	Liston	Y	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	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Gardner B., Gerou, Kefalas, Kerr J.,
 20 King S., Lambert, Murray, Rice, Scanlan, Summers, Speaker

21
 22 **SB09-094** by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz,
 23 Shaffer B.; also Representative(s) Levy, Green, Marostica,
 24 Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan--
 25 Concerning the creation of a transit and rail division
 26 within the department of transportation.

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**.

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

51 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Kefalas, Kerr A.,
 52 Labuda, McFadyen, Pace, Todd

53
 54 **HB09-1017** by Representative(s) Pace; also Senator(s) Hodge--
 55 Concerning the water efficiency grant program cash fund,
 56 and, in connection therewith, giving the Colorado water

1 conservation board continuous authority to spend moneys
 2 transferred to the water efficiency grant program cash fund
 3 from the operational account of the severance tax trust
 4 fund.
 5

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

10

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

29

Co-sponsor(s) added: Representative(s) Fischer, Vigil

30

31 **HB09-1105** by Representative(s) Kefalas--Concerning the creation of
 32 the Colorado innovation investment tax credit to be
 33 applied against state income taxes, and making an
 34 appropriation in connection therewith.
 35

36 Laid over until later in the day, retaining place on Calendar.

37

38 **HB09-1298** by Representative(s) McFadyen and Gardner C., Liston,
 39 Rice, Solano; also Senator(s) Mitchell, Heath, Scheffel,
 40 Schwartz--Concerning economic development for the
 41 trucking industry in Colorado, and making an
 42 appropriation in connection therewith.
 43

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

48

	YES	62	NO	3	EXCUSED	0	ABSENT	0
50	Acree	Y	Green	Y	McCann	Y	Roberts	Y
51	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
52	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
53	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
54	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
55	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
56	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y

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

11 Co-sponsor(s) added: Representative(s) Baumgardner, Casso, Ferrandino,
 12 Kefalas, Pommer, Priola, Vigil

13
 14 **HB09-1157** by Representative(s) Waller, Baumgardner, Bradford,
 15 King S., Liston, Stephens--Concerning the designation of
 16 N-benzylpiperazine as a schedule I controlled substance,
 17 and, in connection therewith, making an appropriation.

18
 19 Laid over until later in the day, retaining place on Calendar.

20
 21 **HB09-1318** by Representative(s) Sonnenberg and McFadyen; also
 22 Senator(s) Brophy and Shaffer B.--Concerning the
 23 issuance of overweight permits based on axle
 24 configuration for vehicles weighing more than the eighty-
 25 five thousand pound nonoverweight vehicle gross vehicle
 26 weight limit, and, in connection therewith, repealing
 27 before it takes effect a newly enacted increase in the limit
 28 from eighty-five thousand pounds to ninety-two thousand
 29 pounds, making an overweight vehicle permit available for
 30 a vehicle that is operated in combination with a trailer or
 31 semitrailer if the trailer has a tandem or triple axle
 32 grouping and the vehicle weighs up to ninety-seven
 33 thousand pounds, and specifying overweight vehicle
 34 permit fees for such a vehicle of five hundred dollars for
 35 an annual permit, two hundred fifty dollars for a six-month
 36 permit, and fifteen dollars plus ten dollars per axle for a
 37 single trip permit.

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

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

6 Co-sponsor(s) added: Representative(s) Baumgardner, Gardner C., Rice

7
 8 **HB09-1319** by Representative(s) Merrifield and Massey, Todd,
 9 Baumgardner, Benefield, Carroll T., Casso, Ferrandino,
 10 Fischer, Green, Kerr A., Levy, Middleton, Miklosi,
 11 Murray, Peniston, Primavera, Priola, Riesberg, Scanlan,
 12 Schafer S., Solano, Summers; also Senator(s) Williams,
 13 King K., Hudak, Penry, Bacon, Boyd, Heath, Romer,
 14 Scheffel, Schwartz, Shaffer B., Tapia--Concerning
 15 concurrent enrollment of public high school students in
 16 courses offered by institutions of higher education, and
 17 making an appropriation therefor.

18
 19 The question being "Shall the bill pass?".

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

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

42 Co-sponsor(s) added: Representative(s) Gerou, Kefalas, Labuda, May, Pace,
 43 Rice, Roberts, Ryden, Sonnenberg, Soper, Vigil, Weissmann

44
 45
 46 **HB09-1320** by Representative(s) Marostica, Ferrandino, Pommer; also
 47 Senator(s) White, Keller, Tapia--Concerning an increase
 48 in fees paid for certain dairy licenses, and making an
 49 appropriation in connection therewith.

50
 51 The question being "Shall the bill pass?".

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

	YES	44	NO	21	EXCUSED	0	ABSENT	0
1								
2	Acree	N	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
5	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	N	Murray	N	Stephens	N
10	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
11	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
13	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
15	Gardner B.	Y	Marostica	Y	Priola	N	Vigil	Y
16	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
17	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Vigil

20
 21 **HB09-1326** by Representative(s) Carroll T. and Court, Apuan,
 22 Benefield, Casso, Curry, Ferrandino, Fischer, Green,
 23 Hullinghorst, Kefalas, Kerr A., Levy, May, McCann,
 24 McFadyen, Merrifield, Middleton, Miklosi, Peniston,
 25 Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens,
 26 Todd, Vigil; also Senator(s) Shaffer B., Bacon, Boyd,
 27 Groff, Heath, Penry, Williams--Concerning the integrity of
 28 the statewide citizen-initiated petition process, and making
 29 an appropriation therefor.

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	54	NO	11	EXCUSED	0	ABSENT	0
37	Acree	Y	Green	Y	McCann	Y	Roberts	Y
38	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
39	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
40	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
41	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
42	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
43	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
44	Court	Y	King S.	Y	Murray	Y	Stephens	Y
45	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
46	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
47	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
48	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
49	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
50	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
51	Gardner C.	N	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) Labuda, Pace, Rice, Soper, Summers

55

1 **HB09-1329** by Representative(s) Marostica, Ferrandino, Pommer; also
 2 Senator(s) White, Keller, Tapia--Concerning the
 3 percentage of moneys transferred from the tobacco
 4 litigation settlement cash fund to the Colorado state
 5 veterans trust fund that are subject to annual appropriation,
 6 and making an appropriation in connection therewith.

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

	YES	51	NO	14	EXCUSED	0	ABSENT	0
14	Acree	N	Green	Y	McCann	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
20	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
21	Court	Y	King S.	N	Murray	Y	Stephens	Y
22	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
23	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
25	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
27	Gardner B.	Y	Marostica	Y	Priola	N	Vigil	Y
28	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
29	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
30							Speaker	Y

31 Co-sponsor(s) added: Representative(s) Kefalas, Labuda, Todd

MESSAGE(S) FROM THE SENATE

36 The Senate has adopted and transmits herewith SJR09-032, as amended
 37 in Senate Journal, April 15, 2009.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

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

45 **SJR09-032** by Senator(s) Kopp; also Representative(s) McNulty--
 46 Concerning the honoring of Rotarians and the Rotary
 47 Clubs of Colorado.

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

51 On motion of Representative McNulty, the resolution was **adopted** by
 52 **viva voce** vote.

54 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
 55 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,
 56 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green,

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

7
 8
 9

10 On motion of Representative Weissmann, **HB09-1269, 1338, 1332, 1339,**
 11 **1067, 1081, 1202, 1288, 1323, 1330, 1274, SB09-260, 261, 262, 263,**
 12 **264, 265, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280**
 13 were made Special Orders on Wednesday, April 15, 2009, at 9:46 a.m.

14
 15
 16

17 The hour of 9:46 a.m., having arrived, on motion of Representative Curry,
 18 the House resolved itself into Committee of the Whole for consideration
 19 of Special Orders and she was called to the Chair to act as Chairman.

20
 21
 22

23 SPECIAL ORDERS--SECOND READING OF BILLS

24

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

29

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

32

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

39

40 Laid over until April 16, retaining place on Calendar.

41

42 **HB09-1338** by Representative(s) Casso; also Senator(s) Bacon--
 43 Concerning modifications to state insurance laws to
 44 comply with recently enacted federal laws.

45

46 Ordered engrossed and placed on the Calendar for Third Reading and
 47 Final Passage.

48

49 **HB09-1332** by Representative(s) Marostica, Ferrandino, Pommer; also
 50 Senator(s) White, Keller, Tapia--Concerning the repeal of
 51 provisions requiring a cumulative economic analysis of
 52 state air quality control measures every five years.

53

54 Ordered engrossed and placed on the Calendar for Third Reading and
 55 Final Passage.

56

1 **HB09-1339** by Representative(s) Green, Frangas; also Senator(s)
2 Boyd--Concerning a change in the definition of "clinical
3 social work practice" to mean the same as "social work
4 practice".
5

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

9 **HB09-1067** by Representative(s) Pommer; also Senator(s) White--
10 Concerning the establishment of an incentive for the
11 donation of water rights to the Colorado water
12 conservation board for use as instream flow rights.
13

14 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
15 dated January 20, 2009, and placed in member's bill file; Report also
16 printed in House Journal, January 21, page 102.
17

18 Amendment No. 2, Finance Report, dated February 3, 2009, and placed in
19 member's bill file; Report also printed in House Journal, February 4,
20 pages 247-248.
21

22 Amendment No. 3, Appropriations Report, dated April 14, 2009, and
23 placed in member's bill file; Report also printed in House Journal,
24 April 15, page 1187.
25

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

29
30
31 Committee in recess. Committee reconvened.
32
33

34
35 **HB09-1081** by Representative(s) Looper; also Senator(s) Morse--
36 Concerning an increase in the length of the statute of
37 limitations for vehicular homicide.
38

39 Laid over until April 16, retaining place on Calendar.
40

41 **HB09-1288** by Representative(s) Nikkel, Acree, Apuan, Bradford,
42 Casso, Court, Frangas, Gardner B., Gardner C., Green,
43 Kerr J., King S., Lambert, Liston, Massey, May,
44 McKinley, McNulty, Merrifield, Murray, Priola,
45 Sonnenberg, Stephens, Summers, Swalm, Tipton, Vigil;
46 also Senator(s) Kopp, Brophy, Harvey, Kester, Lundberg,
47 Mitchell, Penry, Renfroe, Scheffel, Schultheis, Spence--
48 Concerning the creation of a searchable database web site
49 related to state finances, and, in connection therewith,
50 enacting the "Colorado Taxpayer Transparency Act".
51

52 Amendment No. 1, Finance Report, dated March 4, 2009, and placed in
53 member's bill file; Report also printed in House Journal, March 5,
54 pages 619-620.
55

1 Amendment No. 2, Appropriations Report, dated April 15, 2009, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 15, page 1193.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB09-1323** by Representative(s) Levy, Fischer, Green, Hullinghorst,
9 Kerr A., Labuda, McFadyen, Merrifield, Pace, Pommer,
10 Primavera, Scanlan, Solano; also Senator(s) Veiga, Bacon,
11 Heath, Romer, Shaffer B.--Concerning energy efficiency
12 programs implemented by cooperative electric
13 associations.

14
15 Laid over until April 16, retaining place on Calendar.

16
17
18
19 Committee in recess. Committee reconvened.
20
21

22
23 **SB09-260** by Senator(s) White, Keller, Tapia; also Representative(s)
24 Pommer, Ferrandino, Marostica--Concerning the transfer
25 in state fiscal years 2008-09 and 2009-10 of all moneys
26 not otherwise allocated from state public school lands to
27 the state public school fund instead of the permanent
28 school fund, and making an appropriation in connection
29 therewith.

30
31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33
34 **SB09-261** by Senator(s) Tapia, Keller, White; also Representative(s)
35 Ferrandino, Pommer, Marostica--Concerning the use of
36 moneys in the supplemental old age pension health and
37 medical care fund to pay for services received by certain
38 persons in the state medicaid program, and making an
39 appropriation therefor.

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

43
44 **SB09-262** by Senator(s) White, Keller, Tapia; also Representative(s)
45 Marostica, Ferrandino, Pommer--Concerning the funding
46 source for state costs of the breast and cervical cancer
47 prevention and treatment program, and making an
48 appropriation therefor.

49
50 Ordered revised and placed on the Calendar for Third Reading and Final
51 Passage.

52
53 **SB09-263** by Senator(s) White, Keller, Tapia; also Representative(s)
54 Pommer, Ferrandino, Marostica--Concerning payments to
55 medicaid nursing facility providers, and making an
56 appropriation in connection therewith.

1 Amendment No. 1, Appropriations Report, dated April 14, 2009, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 14, pages 1157-1159.

4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **SB09-264** by Senator(s) Keller, Tapia, White; also Representative(s)
9 Pommer, Ferrandino, Marostica--Concerning the increased
10 moneys received due to the federal "American Recovery
11 and Reinvestment Act of 2009", and making
12 appropriations therefor.

13
14 Ordered revised and placed on the Calendar for Third Reading and Final
15 Passage.

16
17
18 **SB09-265** by Senator(s) White, Keller, Tapia; also Representative(s)
19 Pommer, Ferrandino, Marostica--Concerning the timing of
20 payments made under public medical assistance programs,
21 and making appropriations therefor.

22
23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.

25
26 **SB09-267** by Senator(s) Tapia, Keller, White; also Representative(s)
27 Ferrandino, Pommer, Marostica--Concerning the
28 percentage of costs that a county department of social
29 services pays for a child who is placed in a residential
30 child care facility by the county department, and making
31 an appropriation in connection therewith.

32
33 Ordered revised and placed on the Calendar for Third Reading and Final
34 Passage.

35
36
37 **SB09-268** by Senator(s) Tapia, Keller, White; also Representative(s)
38 Pommer, Ferrandino, Marostica--Concerning clarifying
39 the appointment of state-paid professionals in cases
40 involving children, and making an appropriation in
41 connection therewith.

42
43 Ordered revised and placed on the Calendar for Third Reading and Final
44 Passage.

45
46 **SB09-270** by Senator(s) Tapia, Keller, White; also Representative(s)
47 Marostica, Ferrandino, Pommer--Concerning the crediting
48 to the general fund of earnings generated during specified
49 fiscal years from the deposit and investment of cash funds
50 that receive revenues from the constitutionally imposed
51 taxes on cigarettes and tobacco products.

52
53 Ordered revised and placed on the Calendar for Third Reading and Final
54 Passage.

55
56

1 **SB09-271** by Senator(s) Tapia, Keller, White; also Representative(s)
2 Ferrandino, Pommer, Marostica--Concerning the use of
3 tobacco revenues generated under section 21 of article X
4 of the state constitution in a state fiscal emergency, and
5 making an appropriation therefor.
6

7 Laid over until April 16, retaining place on Calendar.
8

9 **SB09-274** by Senator(s) Keller, Tapia, White; also Representative(s)
10 Pommer, Ferrandino, Marostica--Concerning the financing
11 of the division of motor vehicles in the department of
12 revenue, and, in connection therewith, authorizing
13 appropriations from the highway users tax fund to the
14 division of motor vehicles in the fiscal years 2008-09 and
15 2009-10, crediting during fiscal year 2009-10 the fees
16 relating to driver's licenses and identification cards that
17 would otherwise be allocated to the highway users tax
18 fund to the licensing services cash fund, modifying
19 appropriations made to the division of motor vehicles in
20 the fiscal year 2008-09 long appropriations bill, and
21 making an appropriation.
22

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

26 **SB09-275** by Senator(s) Tapia, Keller, White; also Representative(s)
27 Ferrandino, Pommer, Marostica--Concerning the
28 temporary elimination of the ability of any vendor to retain
29 any amount of state sales tax revenues to compensate for
30 the vendor's expenses incurred in the collection and
31 remittance of the tax revenues to the state, and making an
32 appropriation in connection therewith.
33

34 Amendment No. 1, Appropriations Report, dated April 14, 2009, and
35 placed in member's bill file; Report also printed in House Journal,
36 April 15, page 1195.
37

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

41 **SB09-272** by Senator(s) White, Keller, Tapia; also Representative(s)
42 Marostica, Ferrandino, Pommer--Concerning the Colorado
43 high cost support mechanism, and, in connection
44 therewith, transferring to the state treasurer moneys
45 administered under the direction of the public utilities
46 commission for the support of universal basic telephone
47 service in high cost areas of the state.
48

49 Ordered revised and placed on the Calendar for Third Reading and Final
50 Passage.
51

52 **SB09-269** by Senator(s) White, Keller, Tapia; also Representative(s)
53 Ferrandino, Pommer, Marostica--Concerning adjustment
54 of the allocation of tobacco litigation settlement moneys
55 received by the state during specified fiscal years, and, in
56 connection therewith, requiring settlement moneys that are

1 disputed payments and settlement moneys in excess of a
2 specified amount to be credited to the general fund,
3 requiring a portion of the moneys so credited to be
4 transferred to the children's basic health plan trust and the
5 nurse home visitor program fund, delaying mandated
6 growth in the percentage of settlement moneys allocated
7 for the Colorado nurse home visitor program by one fiscal
8 year, and making appropriations.
9

10 Laid over until April 16, retaining place on Calendar.

11
12 **SB09-276** by Senator(s) White, Keller, Tapia; also Representative(s)
13 Pommer, Ferrandino, Marostica--Concerning the property
14 tax exemptions for qualifying seniors and disabled
15 veterans, and, in connection therewith, lowering for
16 specified property tax years the maximum amount of
17 actual value of the primary owner-occupied residence of
18 a qualifying senior or a qualifying disabled veteran that is
19 partly exempt from property taxation, and making an
20 appropriation in connection therewith.
21

22 Laid over until April 16, retaining place on Calendar.

23
24 **SB09-277** by Senator(s) Tapia, Keller, White; also Representative(s)
25 Marostica, Ferrandino, Pommer--Concerning the general
26 fund reserve required for the 2009-10 state fiscal year.
27

28 Ordered revised and placed on the Calendar for Third Reading and Final
29 Passage.

30
31 **SB09-278** by Senator(s) Tapia, Keller, White; also Representative(s)
32 Ferrandino, Pommer, Marostica--Concerning the
33 augmentation of the general fund during specified fiscal
34 years with revenue that would otherwise be transferred to
35 fund the capital construction needs of the state.
36

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

39
40 **SB09-279** by Senator(s) Tapia, Keller, White; also Representative(s)
41 Pommer, Ferrandino, Marostica--Concerning the
42 augmentation of the general fund through transfers of
43 certain moneys.
44

45 Laid over until April 16, retaining place on Calendar.

46
47 **SB09-280** by Senator(s) Keller, Tapia, White; also Representative(s)
48 Pommer, Ferrandino, Marostica--Concerning funding for
49 capital construction, and making supplemental
50 appropriations in connection therewith.
51

52 Ordered revised and placed on the Calendar for Third Reading and Final
53 Passage.
54
55

1 A motion by Representative Weissmann that the Committee rise, report
2 progress and beg leave to sit again at 1:30 p.m., was adopted by
3 unanimous consent. (Special Orders continued on page 1214.)
4

5
6 House reconvened.
7

8 The Committee of the Whole reported it had risen, reported progress and
9 would sit again at 1:30 p.m.
10

11
12
13 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
14 **on HB09-1281**
15

16 This Report Amends the Rerevised Bill.
17

18 To the President of the Senate and the
19 Speaker of the House of Representatives:
20

21 Your first conference committee appointed on HB09-1281,
22 concerning representation on state boards by persons with disabilities, has
23 met and reports that it has agreed upon the following:
24

25 That the House accede to the Senate amendments made to the bill,
26 as the amendments appear in the rerevised bill, with the following
27 changes:
28

29 Amend rerevised bill, page 2, line 12, strike "SHALL, WHEN POSSIBLE,"
30 and substitute "IS ENCOURAGED TO";
31

32 line 16, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED
33 THAT THE OTHER REQUIREMENTS OF THIS PARAGRAPH (c) ARE MET.";
34

35 line 23, strike "SHALL";
36

37 line 24, strike "WHEN POSSIBLE" and substitute "IS ENCOURAGED TO".
38

39 Page 3, strike lines 3 through 25.
40

41 Renumber succeeding sections accordingly.
42

43 Page 4, line 18, strike "SHALL WHEN POSSIBLE" and substitute "IS
44 ENCOURAGED TO";
45

46 line 22, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED
47 THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET.".
48

49 Page 5, line 9, strike "SHALL, WHEN";
50

51 line 10, strike "POSSIBLE," and substitute "IS ENCOURAGED TO";
52

53 line 13, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED
54 THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET.";
55

56 line 20, strike "SHALL WHEN";

- 1 line 21, strike "POSSIBLE" and substitute "IS ENCOURAGED TO".
 2
 3 Page 6, line 18, strike "SHALL, WHEN POSSIBLE," and substitute "IS
 4 ENCOURAGED TO";
 5
 6 line 22, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED
 7 THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET."
 8
 9 Page 7, line 5, strike "SHALL,";
 10
 11 line 6, strike "WHEN POSSIBLE," and substitute "IS ENCOURAGED TO";
 12
 13 line 9, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED THAT
 14 THE OTHER REQUIREMENTS OF THIS PARAGRAPH (c) ARE MET."
 15
 16 Page 8, line 11, strike "SHALL WHEN POSSIBLE" and substitute "IS
 17 ENCOURAGED TO";
 18
 19 line 14, strike "DISABILITIES." and substitute "DISABILITIES, PROVIDED
 20 THAT THE OTHER REQUIREMENTS OF THIS SUBSECTION (1) ARE MET."
 21

22 Respectfully submitted,

23 House Committee:

24 (signed)

25 Jeanne Labuda

26 Sue Schafer

27 Carole R. Murray

Senate Committee:

(signed)

Morgan Carroll

Linda Newell

Bill Cadman

30 MESSAGE(S) FROM THE SENATE

31
 32 The Senate voted to concur in House amendments to SB09-171 and
 33 SB09-098, and repassed the bills as amended.
 34

35 The Senate has adopted the First Report of the First Conference
 36 Committee on HB09-1281, as printed in Senate Journal, April 14, 2009
 37 pages 1076-1077, and repassed the bill as amended. The bill is returned
 38 herewith.
 39

42 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

43
 44 **HB09-1213** by Representative(s) Gagliardi; also Senator(s) Schwartz--
 45 Concerning the creation of the housing development grant
 46 fund in the state treasury to be administered by the division
 47 of housing for purposes associated with increasing the
 48 supply of affordable housing in the state.
 49

50 (Amended as printed in Senate Journal, April 9, pages 1004-1005)

51
 52 Representative Gagliardi moved that the House **concur** in Senate
 53 amendments. The motion was declared **passed** by the following roll call
 54 vote:
 55

	YES	47	NO	17	EXCUSED	1	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	N	Kagan	Y	McNulty	N	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	N	Murray	E	Stephens	N
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
13	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
15	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
16	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
17	Gerou	Y	May	N	Riesberg	Y	Weissmann	N
18							Speaker	Y

19
 20 The question being, "Shall the bill, as amended, pass?".
 21 A roll call vote was taken. As shown by the following recorded vote, a
 22 majority of those elected to the House voted in the affirmative, and the
 23 bill, as amended, was declared **repassed**.
 24

	YES	46	NO	18	EXCUSED	1	ABSENT	0
25								
26	Acree	Y	Green	Y	McCann	Y	Roberts	Y
27	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
28	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
30	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
31	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
32	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
33	Court	Y	King S.	N	Murray	E	Stephens	N
34	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
35	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
36	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
37	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
38	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
39	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
40	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
41	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
42							Speaker	Y

43
 44
 45 **HB09-1001** by Representative(s) Rice, Balmer, Liston, McFadyen,
 46 Solano; also Senator(s) Heath, Mitchell, Scheffel,
 47 Schwartz, Veiga--Concerning the creation of an income
 48 tax credit to incentivize Colorado job growth.
 49

50 (Amended as printed in Senate Journal, April 9, page 1006)

51
 52 Representative Rice moved that the House **concur** in Senate amendments.
 53 The motion was declared **passed** by the following roll call vote:
 54
 55

	YES	59	NO	5	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
6	Benefield	N	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	N	King S.	Y	Murray	E	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	N	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	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	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

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

	YES	51	NO	13	EXCUSED	1	ABSENT	0
26	Acree	Y	Green	N	McCann	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
28	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
30	Benefield	N	Kefalas	Y	Merrifield	N	Solano	Y
31	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
33	Court	N	King S.	Y	Murray	E	Stephens	Y
34	Curry	N	Labuda	Y	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
36	Fischer	Y	Levy	N	Peniston	Y	Tipton	Y
37	Frangas	Y	Liston	Y	Pommer	N	Todd	Y
38	Gagliardi	Y	Looper	Y	Primavera	N	Vaad	Y
39	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
40	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
41	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Pace, Roberts

46 THIRD READING OF BILLS--FINAL PASSAGE

48 The following bills were considered on Third Reading. The titles were
 49 publicly read. Reading of the bill at length was dispensed with by
 50 unanimous consent.

52 **HB09-1280** by Representative(s) Looper; also Senator(s) Tapia and
 53 Williams--Concerning the adoption of a youth challenge
 54 corps program in Colorado.

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

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

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

23 Co-sponsor(s) added: Representative(s) Kefalas, Kerr J., Labuda, Roberts,
 24 Ryden, Schafer S., Solano, Summers, Todd

25
 26 **HB09-1157** by Representative(s) Waller, Baumgardner, Bradford,
 27 King S., Liston, Stephens; also Senator(s) Kopp--
 28 Concerning the designation of N-benzylpiperazine as a
 29 schedule I controlled substance, and, in connection
 30 therewith, making an appropriation.

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

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

55 Co-sponsor(s) added: Representative(s) Kerr J., Looper, Nikkel, Priola,
 56 Summers

1 House in recess. House reconvened.

2

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

11 (Continued from page 1208)

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On motion of Representative Curry, the House resolved itself into Committee of the Whole for continuation of consideration of General Orders, and she returned to the Chair to act as Chairman.

HB09-1202 by Representative(s) Todd, Benefield, Middleton, Ryden; also Senator(s) Foster--Concerning the regulation of persons who provide for the final disposition of dead human bodies in the normal course of business.

Amendment No. 1, Business Affairs & Labor Report, dated April 7, 2009, and placed in member's bill file; Report also printed in House Journal, April 8, pages 1108-1118.

Amendment No. 2, Appropriations Report, dated April 14, 2009, and placed in member's bill file; Report also printed in House Journal, April 15, pages 1192-1193.

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

HB09-1330 by Representative(s) Curry; also Senator(s) Isgar--Concerning fees assessed on certain feeding operations under the "Colorado Water Quality Control Act".

Amendment No. 1, Appropriations Report, dated April 15, 2009, and placed in member's bill file; Report also printed in House Journal, April 15, pages 1193-1194.

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

HB09-1274 by Representative(s) Weissmann; also Senator(s) Carroll M., Groff--Concerning capital crimes, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Report, dated February 23, 2009, and placed in member's bill file; Report also printed in House Journal, February 24, pages 513.

Amendment No. 2, Appropriations Report, dated April 3, 2009, and placed in member's bill file; Report also printed in House Journal, April 6, page 1055.

Amendment No. 3, by Representative(s) Weissmann.

Amend the Appropriations Committee Report, dated April 3, 2009, page 1, line 19, strike "two hundred seventy-five thousand";

strike line 20 and substitute the following:

1 "one million dollars (\$1,000,000).".

2

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

4

5 Amend printed bill, page 20, strike lines 2 through 4 and substitute the
6 following:

7

8 **"SECTION 24. Act subject to petition - effective date.** This act
9 shall take effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly that is
11 allowed for submitting a referendum petition pursuant to article V,
12 section 1 (3) of the state constitution, (August 5, 2009, if adjournment
13 sine die is on May 6, 2009); except that, if a referendum petition is filed
14 against this act or an item, section, or part of this act within such period,
15 then the act, item, section, or part, if approved by the people, shall take
16 effect on the date of the official declaration of the vote thereon by
17 proclamation of the governor.".

18

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

21

22

23

24

25

AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT

26

27 Representative(s) Frangas and Balmer moved to amend the Report of the
28 Committee of the Whole to reverse the action taken by the Committee in
29 not adopting the following Frangas amendment, to SB09-275, to show
30 that said amendment passed, and that **SB09-275**, as amended, passed.

31

32 Strike the Appropriations Committee Report, dated April 14, 2009, and
33 substitute the following:

34

35 Amend reengrossed bill, page 2, line 20, strike "2011." and substitute
36 "2010.".

37

38 Page 3, strike lines 3 through 10.

39

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

41

42

	YES	33	NO	31	EXCUSED	1	ABSENT	0
43	Acree	Y	Green	N	McCann	N	Roberts	Y
44	Apuan	Y	Hullinghorst	N	McFadyen	N	Ryden	N
45	Balmer	Y	Judd	N	McKinley	Y	Scanlan	N
46	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
47	Benefield	N	Kefalas	Y	Merrifield	N	Solano	N
48	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	E
49	Casso	Y	Kerr J.	Y	Miklosi	N	Soper	N
50	Court	N	King S.	Y	Murray	Y	Stephens	Y
51	Curry	N	Labuda	N	Nikkel	Y	Summers	Y
52	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
53	Fischer	N	Levy	N	Peniston	Y	Tipton	Y
54	Frangas	Y	Liston	Y	Pommer	N	Todd	N
55	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
56	Gardner B.	Y	Marostica	N	Priola	Y	Vigil	N

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

9 Passed Second Reading: **HB09-1338, 1332, 1339, 1067 amended,**
 10 **1288 amended, SB09-260, 261, 262, 263 amended, 264, 265, 267, 268,**
 11 **270, 274, 275 amended, 272, 277, 278, 280, HB09-1202 amended,**
 12 **1330 amended, 1274 amended.**

14 Laid over until date indicated retaining place on Calendar: **HB09-1269,**
 15 **1081, 1323, SB09-271, 269, 276, 279--April 16, 2009.**

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

22	YES	58	NO	6	EXCUSED	1	ABSENT	0
23	Acree	N	Green	Y	McCann	Y	Roberts	Y
24	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
25	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
26	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
28	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	E
29	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
30	Court	Y	King S.	Y	Murray	Y	Stephens	N
31	Curry	Y	Labuda	Y	Nikkel	Y	Summers	N
32	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
33	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
34	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
35	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
36	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
37	Gardner C.	N	Massey	Y	Rice	Y	Waller	Y
38	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
39							Speaker	Y

THIRD READING OF BILL--FINAL PASSAGE

45 The following bill was considered on Third Reading. The title was
 46 publicly read. Reading of the bill at length was dispensed with by
 47 unanimous consent.

49 **HB09-1105** by Representative(s) Kefalas; also Senator(s) Scheffel--
 50 Concerning the creation of the Colorado innovation
 51 investment tax credit to be applied against state income
 52 taxes, and making an appropriation in connection
 53 therewith.

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

22 Co-sponsor(s) added: Representative(s) Casso, Kerr J., McFadyen, Ryden,
23 Scanlan, Schafer S., Summers

27 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

29 The Speaker has signed: **HB09-1053, 1103, 1200, 1220, 1227, 1229,**
30 **1233, 1294, 1296, 1301.**

34 INTRODUCTION OF BILLS

35 First Reading

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

40 **HB09-1347** by Representative(s) Kagan, Benefield, Frangas, Kerr J.,
41 McFadyen, Nikkel, Primavera, Solano; also Senator(s)
42 Romer, Spence--Concerning the issuance of a donate life
43 special license plate.

44 Committee on Transportation & Energy

46 **HB09-1348** by Representative(s) Weissmann--Concerning activities
47 resulting from the performance of legislative duties.

48 Committee on Judiciary

50 **HB09-1349** by Representative(s) Fischer--Concerning a special
51 election period for the continuation of health care
52 coverage after involuntary termination from employment.

53 Committee on Business Affairs and Labor

INTRODUCTION OF RESOLUTIONS1
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The following resolution was read by title and referred to the committee indicated:

HJR09-1017 by Representative(s) Riesberg and Roberts, Acree, Apuan, Benefield, Casso, Gagliardi, Gerou, Green, Hullinghorst, Kerr J., Massey, McCann, McKinley, Merrifield, Peniston, Primavera, Solano, Todd, Vaad, Gardner B., Gardner C., Liston, Looper, Scanlan, Sonnenberg, Summers, Swalm, Tipton, Vigil, Waller; also Senator(s) Williams, Boyd, Carroll M., Hodge, Isgar, Kester, Morse, Newell, Penry, Shaffer B., Tochtrop--Concerning the creation of an interim committee to study hospice and palliative care in Colorado.

Committee on Health and Human Services

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

HJR09-1018 by Representative(s) Frangas; also Senator(s) Carroll M.-- Concerning citizen advocates' freedom of speech rights.

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the Calendar were laid over until April 16, retaining place on Calendar:

Consideration of Conference Committee Report(s)--**SB09-148**.
Consideration of Resolution(s)--**SJR09-034, HJR09-1014, 1016**.
Consideration of Memorial(s)--**SJM09-002**.

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., April 16, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk