

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

Tenth Legislative Day

Friday, January 16, 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 Jo Hibberd, Centarus High School, Lafayette.

7
8 The roll was called with the following result:

9
10 Present--62.
11 Excused--Representatives Acree, A. Kerr--2.
12 Vacancy--1.
13 Present after roll call--Representatives Acree, A. Kerr.

14
15 The Speaker declared a quorum present.

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

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25 **REPORTS OF COMMITTEES OF REFERENCE**

26
27 **EDUCATION**

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

30
31 **HB09-1033** be referred to the Committee of the Whole with favorable
32 recommendation.

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35 **HB09-1046** be referred to the Committee of the Whole with favorable
36 recommendation.

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39 **HB09-1074** be postponed indefinitely.

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1 **JUDICIARY**

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

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5 **HB09-1021** be referred to the Committee of the Whole with favorable
6 recommendation.

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8
9 **HB09-1022** be amended as follows, and as so amended, be referred to
10 the Committee on Appropriations with favorable
11 recommendation:

12
13 Amend printed bill, page 2, strike lines 8 through 10 and substitute the
14 following:

15 "(a) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE
16 JUSTICE, IN ITS 2008 REPORT, CHOSE TO FOCUS ON RECIDIVISM DURING THE
17 PAST YEAR, STATING:

18
19 THE COMMISSION'S DECISION TO FOCUS ON REDUCING
20 RECIDIVISM AND VICTIMIZATION WAS BASED ON THE FACT
21 THAT RECIDIVISM RATES IN COLORADO AND THROUGHOUT
22 THE COUNTRY ARE VERY HIGH, RAISING QUESTIONS ABOUT
23 THE EFFECTIVENESS OF A WIDE RANGE OF TRADITIONAL
24 CRIMINAL JUSTICE PRACTICES. IN COLORADO, OVER HALF
25 (53 PERCENT) OF THOSE RELEASED FROM PRISON RETURN
26 WITHIN THREE YEARS. THIS IS A SIZABLE NUMBER: IN FISCAL
27 YEAR 2007, OVER 4,000 INDIVIDUALS WERE REVOKED FROM
28 PAROLE AND RETURNED TO PRISON. ANOTHER 2,000
29 OFFENDERS WERE REVOKED FROM PROBATION SUPERVISION
30 AND SENT TO PRISON. NOTE THAT THIS RECIDIVISM RATE
31 DOES NOT ALWAYS REFLECT NEW CRIMINAL ACTIVITY.
32 ONE-QUARTER OF THE PAROLEES AND ABOUT ONE-THIRD OF
33 THE PROBATIONERS COMMITTED A NEW CRIMINAL
34 OFFENSE—THE REMAINDER VIOLATED THE CONDITIONS OF
35 CORRECTIONAL SUPERVISION."

36
37
38
39
40 **LOCAL GOVERNMENT**

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

43
44 **HB09-1072** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47
48 Amend printed bill, page 3, line 2, after "24-90-103", insert "(4.5),";
49 after line 5, insert the following:

50
51
52 "(4.5) "Legal service area" means the geographic area for which
53 a public library has been established to offer services and from which, or
54 on behalf of which, the library derives income. A "legal service area"
55 shall be defined in terms of geographic units for which official population
56 estimates can be obtained or derived annually from either the United

1 ~~States census bureau~~ or the Colorado state data center. LEGAL SERVICE
 2 AREA POPULATION ESTIMATES SHALL BE COLLECTED AND REPORTED
 3 ACCORDING TO GUIDELINES DEVELOPED BY THE STATE LIBRARY. "Legal
 4 service area" includes any areas served under contract for which the
 5 library is the primary provider of library services and for which the library
 6 receives funds to serve."

7
 8 Page 4, strike lines 2 through 27.

9
 10 Page 5, strike lines 1 through 11.

11
 12 Renumber succeeding sections accordingly.

13
 14 Page 9, line 27, strike "LIBRARIAN;" and substitute "LIBRARY;".

17 PRINTING REPORT

18
 19 The Chief Clerk reports the following bills have been correctly printed:
 20 **HB09-1167, 1168, 1169.**

23 CONSIDERATION OF RESOLUTIONS

24
 25 **HJR09-1003** by Representative(s) Carroll T.; also Senator(s) Groff--
 26 Concerning the appointment of members of the Colorado
 27 Commission on Uniform State Laws.

28
 29 (Printed and placed in member's file)

30
 31 On motion of Representative T. Carroll, the resolution was **adopted** by
 32 **viva voce** vote.

33
 34 Co-sponsors added: Representative(s) Apuan, Fischer, Kerr A., Labuda,
 35 McGihon, Soper.

36
 37 **HR09-1005** by Representative(s) Weissmann--Concerning amend-
 38 ments to the rules of the House of Representatives.

39
 40 (Printed and placed in member's file)

41
 42 On motion of Representative Weissmann, the resolution was **adopted** by
 43 the following roll call vote:

45	YES	52	NO	12	EXCUSED	0	ABSENT	0	VACANCY	1
46	Acree		Y	Green	Y	McCann	Y	Roberts		Y
47	Apuan		Y	Hullinghorst	Y	McFadyen	Y	Ryden		Y
48	Balmer		Y	Judd	Y	McGihon	N	Scanlan		Y
49	Baumgardner	Y		Kefalas	Y	McKinley	Y	Schafer S.		Y
50	Benefield	Y		Kerr A.	Y	McNulty	N	Solano		Y
51	Bradford	N		Kerr J.	N	Merrifield	Y	Sonnenberg		Y
52	Casso	Y		King S.	N	Middleton	Y	Soper		Y
53	Court	Y		Labuda	N	Miklosi	Y	Stephens		Y
54	Curry	Y		Lambert	Y	Murray	Y	Summers		Y
55	Ferrandino	Y		Levy	N	Pace	Y	Swalm		Y
56	Fischer	Y		Liston	Y	Peniston	Y	Tipton		Y

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

7 Co-sponsors added: Representative(s) Benefield, Curry, Kerr A., Rice, Scanlan,
8 Speaker.

9
10 **SJR09-007** by Senator(s) Groff; also Representative(s) Carroll T.--
11 Concerning the commemoration of the birthday of the
12 Reverend Dr. Martin Luther King, Jr.

13
14 (Printed and placed in member's file)

15
16 On motion of Representative T. Carroll, the resolution was read at length
17 and **adopted** by **viva voce** vote.

18
19 Co-sponsors added: Representative(s) Acree, Apuan, Balmer, Baumgardner,
20 Benefield, Bradford, Casso, Court, Curry, Ferrandino, Fischer, Frangas,
21 Gagliardi, Gardner B., Gardner C., Gerou, Green, Hulinghorst, Judd, Kefalas,
22 Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Marostica,
23 Massey, May, McCann, McFadyen, McKinley, McNulty, Merrifield,
24 Middleton, Miklosi, Murray, Pace, Peniston, Pommer, Primavera, Priola, Rice,
25 Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Stephens,
26 Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Weissmann

27
28
29 On motion of Representative Levy, the House resolved itself into
30 Committee of the Whole for consideration of General Orders, and she
31 was called to the Chair to act as Chairman.

32 33 34 **GENERAL ORDERS--SECOND READING OF BILLS**

35
36 The Committee of the Whole having risen, the Chairman reported the
37 titles of the following bills had been read (reading at length had been
38 dispensed with by unanimous consent), the bills considered and action
39 taken thereon as follows:

40
41 (Amendments to the committee amendment are to the printed committee
42 report which was printed and placed in the members' bill file.)

43
44 **HB09-1030** by Representative(s) Labuda, Benefield, Gardner B.,
45 King S., Liston, Peniston, Rice, Riesberg; also Senator(s)
46 Tochtrop, Morse, Williams--Concerning firefighter and
47 police officer pension plan compliance with requirements
48 set forth in the internal revenue code.

49
50 Amendment No. 1, Business Affairs and Labor Report, dated
51 January 13, 2009, and placed in member's bill file; report also printed in
52 House Journal, January 14, pages 75-76.

53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.

56

1 **HB09-1027** by Representative(s) Rice, Fischer, Levy, Marostica,
 2 McFadyen, Merrifield, Primavera; also Senator(s) Gibbs,
 3 Williams--Concerning the duty of drivers to yield the
 4 right-of-way to transit buses entering traffic.
 5

6 Ordered engrossed and placed on the Calendar for Third Reading and
 7 Final Passage.
 8
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 11
 12 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

13
 14 Passed Second Reading: **HB09-1030 amended, HB09-1027.**

15
 16 The Chairman moved the adoption of the Committee of the Whole
 17 Report. As shown by the following roll call vote, a majority of those
 18 elected to the House voted in the affirmative, and the Report was
 19 **adopted.**
 20

YES	63	NO	0	EXCUSED	1	ABSENT	0	VACANCY	1
Acree		Y	Green	Y	McCann	Y	Roberts	Y	
Apuan		Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y	
Balmer		Y	Judd	Y	McGihon	E	Scanlan	Y	
Baumgardner	Y		Kefalas	Y	McKinley	Y	Schafer S.	Y	
Benefield	Y		Kerr A.	Y	McNulty	Y	Solano	Y	
Bradford	Y		Kerr J.	Y	Merrifield	Y	Sonnenberg	Y	
Casso	Y		King S.	Y	Middleton	Y	Soper	Y	
Court	Y		Labuda	Y	Miklosi	Y	Stephens	Y	
Curry	Y		Lambert	Y	Murray	Y	Summers	Y	
Ferrandino	Y		Levy	Y	Pace	Y	Swalm	Y	
Fischer	Y		Liston	Y	Peniston	Y	Tipton	Y	
Frangas	Y		Looper	Y	Pommer	Y	Todd	Y	
Gagliardi	Y			V	Primavera	Y	Vaad	Y	
Gardner B.	Y		Marostica	Y	Priola	Y	Vigil	Y	
Gardner C.	Y		Massey	Y	Rice	Y	Waller	Y	
Gerou	Y		May	Y	Riesberg	Y	Weissmann	Y	
							Speaker	Y	

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 41
 42 **REPORT OF COMMITTEE OF REFERENCE**

43
 44 **TRANSPORTATION & ENERGY**

45 After consideration on the merits, the Committee recommends the
 46 following:
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48 **HB09-1042** be amended as follows, and as so amended, be referred to
 49 the Committee of the Whole with favorable
 50 recommendation:
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52 Amend printed bill, page 2, line 10, strike "OR" and substitute "AND".
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MESSAGE FROM THE SENATE

The Senate has adopted and transmits herewith: SJR09-006.

INTRODUCTION OF RESOLUTION

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

SJR09-006 by Senator(s) Boyd; also Representative(s) Riesberg--
Concerning support of the federal reauthorization of the
state child health insurance plan.

On motion of Representative Weissmann, the House adjourned until
9:00 a.m., January 20, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk