

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

Twenty-seventh Legislative Day

Monday, February 8, 2010

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.  
2  
3 The Speaker called the House to order at 10:00 a.m.  
4  
5 Pledge of Allegiance led by Laine Greaves-Smith, Boy Scout Troop 456.  
6  
7 The roll was called with the following result:  
8  
9 Present--61.  
10 Excused--Representative(s) J. Kerr, King, Pace, Tipton--4.  
11 Present after roll call--Representative(s) King, Pace, Tipton.  
12

13 The Speaker declared a quorum present.  
14  
15

16 On motion of Representative Bradford, the reading of the journal of  
17 February 5, 2010, was declared dispensed with and approved as corrected  
18 by the Chief Clerk.  
19  
20  
21  
22

**THIRD READING OF BILL(S)--FINAL PASSAGE**

23  
24  
25 The following bill(s) (was)were considered on Third Reading. The  
26 title(s) (was)were publicly read. Reading of the bill at length was  
27 dispensed with by unanimous consent.  
28

29 **HB10-1064** by Representative(s) Schafer S., Todd; also Senator(s)  
30 Spence, Hodge, King K.--Concerning a requirement that  
31 a student complete an appeal process before filing a  
32 complaint with a group of neutral arbitrators concerning  
33 the student's participation in extracurricular activities.  
34

35 The question being "Shall the bill pass?".  
36 A roll call vote was taken. As shown by the following recorded vote, a  
37 majority of those elected to the House voted in the affirmative and the bill  
38 was declared **passed**.  
39

	YES	62	NO	1	EXCUSED	2	ABSENT	0
41	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
42	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
43	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y

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

15 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Massey,  
16 Merrifield, Pommer, Summers, Vigil.

17

18 **HB10-1059** by Representative(s) Gagliardi; also Senator(s) Newell--  
19 Concerning allowing a minor who is in the foster care  
20 system to register for a driver education course prior to  
21 applying for an instruction permit without a signed  
22 affidavit of liability.

23

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

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

28

29	YES	63	NO	0	EXCUSED	2	ABSENT	0
30	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
31	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
32	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
33	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
34	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
35	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
36	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
37	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
38	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
39	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
40	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
41	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
42	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
43	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
44	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
45	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
46							Speaker	Y

47 Co-sponsor(s) added: Representative(s) Casso, Fischer, Frangas, Hullinghorst,  
48 King S., Labuda, Looper, McFadyen, Merrifield, Pommer, Primavera, Ryden,  
49 Schafer S., Solano, Todd, Vigil.

50

51 **HB10-1023** by Representative(s) Waller, Gagliardi, Kagan, Kefalas,  
52 Summers; also Senator(s) Hudak, Boyd, Sandoval,  
53 Scheffel, White--Concerning clarifying civil liability  
54 regarding negligent hiring practices for an employer that  
55 hires a person with a criminal record.

56

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
6	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
7	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
8	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
9	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
10	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
11	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
12	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
13	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
14	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
15	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
16	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
17	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
18	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
19	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
20	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
21	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
22							Speaker	Y

23 Co-sponsor(s) added: Representative(s) Baumgardner, Casso, Court, Fischer,  
 24 Gardner B., Gerou, King S., Labuda, Merrifield, Murray, Nikkel, Pace,  
 25 Pommer, Priola, Ryden, Schafer S., Solano, Stephens, Todd, Tyler, Vigil,  
 26 Speaker.

27  
 28 **HB10-1065** by Representative(s) McCann; also Senator(s) Tochtrop--  
 29 Concerning a prohibition against counting any time a  
 30 juvenile spends on escape status toward completion of the  
 31 juvenile's commitment.  
 32

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
38	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
39	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
40	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
41	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
43	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
44	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
45	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
46	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
47	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
48	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
49	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
50	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
51	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
52	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
53	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Court, Kagan, Labuda, Priola,  
 56 Schafer S., Todd, Vigil.

1 **HB10-1090** by Representative(s) Waller; also Senator(s) Morse--  
 2 Concerning the punishment for a person who is convicted  
 3 of driving a motor vehicle with knowledge that his or her  
 4 driver's license is under restraint.

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**.

	YES	57	NO	6	EXCUSED	2	ABSENT	0
12	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
14	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
15	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
16	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
17	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
18	Casso	Y	Kerr J.	E	Murray	N	Stephens	Y
19	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
20	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
21	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	E
22	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
23	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
24	Frangas	Y	Looper	Y	Priola	N	Vaad	Y
25	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
26	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
27	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Court, Kagan, Levy, Merrifield, Pace,  
 30 Ryden, Schafer S., Todd, Vigil.

31  
 32 **HB10-1117** by Representative(s) Benefield, Primavera, Solano; also  
 33 Senator(s) Johnston, Hudak, Newell, Tochtrop--  
 34 Concerning certain procedures regarding the levying of  
 35 taxes by county officers, and, in connection therewith,  
 36 raising the amount of abatement or refund that may be  
 37 approved by a board of county commissioners and  
 38 allowing for the electronic transmission of notices of  
 39 valuation sent by the county assessor and tax statements  
 40 sent by the county treasurer.

41  
 42 The question being "Shall the bill pass?".  
 43 A roll call vote was taken. As shown by the following recorded vote, a  
 44 majority of those elected to the House voted in the affirmative and the bill  
 45 was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
48	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
49	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
50	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
51	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
52	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
53	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
54	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
55	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
56	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y

1	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
2	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
3	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
4	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
5	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
6	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
7	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
8							Speaker	Y

9 Co-sponsor(s) added: Representative(s) Tyler, Vigil.

10  
 11 **HB10-1116** by Representative(s) Todd; also Senator(s) Newell--  
 12 Concerning the revision of certain administrative  
 13 provisions relating to the conduct of elections, and, in  
 14 connection therewith, amending or repealing obsolete,  
 15 inconsistent, and conflicting provisions of law.

16  
 17 The question being "Shall the bill pass?".  
 18 A roll call vote was taken. As shown by the following recorded vote, a  
 19 majority of those elected to the House voted in the affirmative and the bill  
 20 was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
23	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
24	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
25	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
26	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
27	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
28	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
29	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
30	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
31	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
32	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
33	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
34	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
35	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
36	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
37	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
38	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
39							Speaker	Y

40 Co-sponsor(s) added: Representative(s) Apuan, Court, Ryden.

41  
 42 **HB10-1004** by Representative(s) Massey, Apuan, Frangas, Kerr J.;  
 43 also Senator(s) Foster, Boyd, Schwartz--Concerning  
 44 standardization of health insurance information provided  
 45 to consumers.

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
53	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
54	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
55	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
56	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y

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

14 Co-sponsor(s) added: Representative(s) Court, Gardner C., Gerou, Kefalas,  
 15 Labuda, Merrifield, Nikkel, Pommer, Primavera, Roberts, Ryden, Schafer S.,  
 16 Solano, Todd, Tyler, Vigil.

17  
 18

19 **HB10-1112** by Representative(s) Miklosi; also Senator(s) Newell--  
 20 Concerning the "Correctional Education Program Act of  
 21 1990".

22

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

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

27

28	YES	50	NO	13	EXCUSED	2	ABSENT	0
29	Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
30	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
31	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
32	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
33	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
34	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
35	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
36	Court	Y	King S.	N	Nikkel	Y	Summers	N
37	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
38	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	E
39	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
40	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
41	Frangas	Y	Looper	Y	Priola	N	Vaad	Y
42	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
43	Gardner B.	N	May	N	Riesberg	Y	Waller	Y
44	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
45							Speaker	Y

46 Co-sponsor(s) added: Representative(s) Court, Hullinghorst, Labuda,  
 47 McFadyen, Merrifield, Pace, Ryden, Schafer S., Solano, Todd, Tyler, Vigil,  
 48 Speaker.

49  
 50

51 **HB10-1107** by Representative(s) Fischer, Ferrandino, Hullinghorst,  
 52 Pommer; also Senator(s) Carroll M., Tochtrop--  
 53 Concerning limitations on the inclusion of agricultural  
 54 lands within urban renewal areas.

55

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

	YES	55	NO	8	EXCUSED	2	ABSENT	0
7	Acree	Y	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
9	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
12	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	E	Murray	Y	Stephens	N
14	Court	Y	King S.	N	Nikkel	Y	Summers	Y
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
16	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	N	May	N	Riesberg	Y	Waller	Y
22	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Court, Frangas, Kagan, Kefalas,  
 25 Labuda, Looper, Merrifield, Sonnenberg, Todd, Vigil.

26  
 27  
 28 **HB10-1202** by Representative(s) Primavera and McNulty, Pace,  
 29 Gerou, Summers, Benefield, Casso, Court, Ferrandino,  
 30 Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas,  
 31 Levy, Looper, Merrifield, Miklosi, Peniston, Pommer,  
 32 Solano, Soper, Todd, Tyler, Vigil, Weissmann; also  
 33 Senator(s) Tochtrop, Penry, Heath, Hudak, Newell--  
 34 Concerning health benefit coverage for chemotherapy  
 35 treatment.

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
42	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
43	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
44	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
45	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
46	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
47	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
48	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
49	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
50	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
51	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
52	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
53	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
54	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
55	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
56	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y

1	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
2							Speaker	Y
3								

4 **Third Reading amendment No. 1**, by Representative Primavera.

5  
6 Amend engrossed bill, page 2, line 26, before "COINSURANCE" insert  
7 "THE" and strike "RELATIVE" and insert "THE".

8  
9 The amendment was declared **passed** by the following roll call vote:

11	YES	63	NO	0	EXCUSED	2	ABSENT	0
12	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
14	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
15	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
16	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
17	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
18	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
19	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
20	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
21	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
22	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
23	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
24	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
25	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
26	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
27	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
28							Speaker	Y
29								

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

31 A roll call vote was taken. As shown by the following recorded vote, a  
32 majority of those elected to the House voted in the affirmative, and the  
33 bill, as amended, was declared **passed**.

35	YES	53	NO	10	EXCUSED	2	ABSENT	0
36	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
37	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
38	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
39	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
40	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
41	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
42	Casso	Y	Kerr J.	E	Murray	N	Stephens	Y
43	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
44	Curry	N	Labuda	Y	Pace	Y	Swalm	N
45	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	E
46	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
47	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
48	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
49	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
50	Gardner B.	Y	May	Y	Riesberg	N	Waller	N
51	Gardner C.	Y	McCann	Y	Roberts	N	Weissmann	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) King S., Labuda, McFadyen,  
54 Middleton, Rice, Ryden, Scanlan, Schafer S.



1 On motion of Representative Court, the House resolved itself into  
2 Committee of the Whole for consideration of General Orders, and she  
3 was called to the Chair to act as Chairman.

4

5

6

### GENERAL ORDERS--SECOND READING OF BILLS

7

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

12

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

15

16 **HB10-1043** by Representative(s) Apuan--Concerning outdated  
17 references to the federal aid to families with dependent  
18 children.

19

20 Laid over until February 10, retaining place on Calendar.

21

22 **HB10-1170** by Representative(s) DelGrosso, Nikkel; also Senator(s)  
23 Bacon--Concerning the provision of alcohol beverages in  
24 sealed containers in luxury boxes located in entertainment  
25 venues with a seating capacity of at least one thousand five  
26 hundred seats.

27

28 Amendment No. 1, Business Affairs & Labor Report, dated  
29 February 2, 2010, and placed in member's bill file; Report also printed in  
30 House Journal, February 3, page 179.

31

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

34

35 **HB10-1203** by Representative(s) Kerr A.; also Senator(s) Steadman--  
36 Concerning the issuing of group life insurance, and, in  
37 connection therewith, deleting the requirement regarding  
38 the minimum number of persons that must be covered by  
39 the policy.

40

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

43

44 **HB10-1076** by Representative(s) DelGrosso; also Senator Heath--  
45 Concerning the classification of a participant in a property  
46 tax work-off program for purposes of labor benefits.

47

48 Amendment No. 1, Finance Report, dated February 2, 2010, and placed  
49 in member's bill file; Report also printed in House Journal, February 3,  
50 pages 179-180.

51

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

54

55

1 **HB10-1137** by Representative(s) Gardner B.; also Senator(s)  
2 Steadman--Concerning the use of people first language in  
3 the drafting of laws.  
4

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

8 **HB10-1185** by Representative(s) Priola, Balmer, Bradford, DelGrosso,  
9 Labuda, Nikkel, Riesberg, Schafer S., Stephens, Todd,  
10 Waller; also Senator(s) Schwartz--Concerning extending  
11 certain dates related to the petroleum storage tank fund.  
12

13 Amendment No. 1, Transportation & Energy Report, dated  
14 February 2, 2010, and placed in member's bill file; Report also printed in  
15 House Journal, February 3, page 184.  
16

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

20 **HB10-1047** by Representative(s) Court and Murray; also Senator(s)  
21 White--Concerning the form of a statewide ballot title.  
22

23 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
24 January 27, 2010, and placed in member's bill file; Report also printed in  
25 House Journal, January 27, page 99.  
26

27 Amendment No. 2, by Representative(s) Court, Murray.  
28

29 Amend printed bill, page 2, after line 1 insert:  
30

31 **"SECTION 1. Legislative declaration.** (1) The general  
32 assembly hereby finds, determines, and declares that:  
33

34 (a) Section 1 (5.5) of article V and section 2 (3) of article XIX of  
35 the state constitution require that every constitutional amendment or law  
36 proposed by initiative and every constitutional amendment proposed by  
37 the general assembly be limited to a single subject, which shall be clearly  
38 expressed in its title;  
39

40 (b) Colorado courts have frequently interpreted these  
41 constitutional requirements;  
42

43 (c) Nothing in House Bill 10-1047, enacted in 2010, should be  
44 construed as in any way changing the constitutional requirements related  
45 to a ballot title nor any court interpretation thereof."  
46

47 Renumber succeeding sections accordingly.  
48

49 Amendment No. 3, by Representative(s) Murray.  
50

51 Amend printed bill, page 2, line 5, strike "ODD-NUMBERED YEAR  
52 ELECTION HELD IN 2011," and substitute "GENERAL ELECTION HELD IN  
53 2012,".  
54

55 Page 2, strike lines 19 through 22.  
56

- 1 Page 3, strike lines 1 through 16.  
2  
3 Renumber succeeding sections accordingly.  
4  
5 Page 3, line 20, strike "ODD-NUMBERED YEAR ELECTION HELD IN 2011,"  
6 and substitute "GENERAL ELECTION HELD IN 2012,".  
7  
8 Page 5, strike lines 18 through 27.  
9  
10 Renumber succeeding sections accordingly.  
11  
12 Page 6, line 20, strike "ODD-NUMBERED YEAR ELECTION HELD IN 2011,"  
13 and substitute "GENERAL ELECTION HELD IN 2012,".  
14  
15 Page 6, line 27, strike "ODD-NUMBERED YEAR ELECTION HELD".  
16  
17 Page 7, line 1, strike "IN 2011," and substitute "GENERAL ELECTION HELD  
18 IN 2012,".  
19  
20 Page 7, strike lines 10 through 12.  
21  
22 Renumber succeeding section accordingly.  
23  
24 As amended, ordered engrossed and placed on the Calendar for Third  
25 Reading and Final Passage.  
26  
27 **SB10-035** by Senator(s) Newell; also Representative(s) Bradford--  
28 Concerning automatic enrollment in employee retirement  
29 plans.  
30  
31 Ordered revised and placed on the Calendar for Third Reading and Final  
32 Passage.  
33  
34  
35 **HB10-1134** by Representative(s) Casso; also Senator(s) Kester--  
36 Concerning measures to prevent illegal interstate pari-  
37 mutuel wagering on racing, and, in connection therewith,  
38 authorizing the entry by Colorado into interstate compacts  
39 governing racing and the collection of source market fees  
40 from out-of-state simulcast activity.  
41  
42 Ordered engrossed and placed on the Calendar for Third Reading and  
43 Final Passage.  
44  
45 **HB10-1021** by Representative(s) Frangas and McCann; also Senator(s)  
46 Foster, Boyd--Concerning required coverages for  
47 reproductive services for health insurance policies.  
48  
49 Laid over until February 10, retaining place on Calendar.  
50  
51  
52 **HB10-1175** by Representative(s) Looper, Todd, Acree, DelGrosso;  
53 also Senator(s) Tapia--Concerning the demonstration of  
54 competency by an out-of-state applicant in a field  
55 regulated by the department of regulatory agencies.  
56

1 Amendment No. 1, Business Affairs & Labor Report, dated  
 2 February 3, 2010, and placed in member's bill file; Report also printed in  
 3 House Journal, February 4, page 198.

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

7  
 8 **HB10-1180** by Representative(s) Massey, Gerou, Rice; also Senator(s)  
 9 Gibbs and Spence--Concerning the criteria to qualify for  
 10 a performance-based incentive for film production  
 11 activities in Colorado.

12  
 13 Referred to the Committee on Finance.

14  
 15 **HB10-1011** by Representative(s) Kerr J., McNulty, Miklosi,  
 16 Primavera; also Senator(s) Schultheis, Carroll M.,  
 17 Mitchell, Tochtrop--Concerning authorization for the  
 18 department of revenue to obtain fingerprint-based criminal  
 19 history record checks for employment purposes.

20  
 21 Laid over until February 10, 2010, retaining place on Calendar.

22  
 23  
 24  
 25  
 26 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

27  
 28 Passed Second Reading: **HB10-1170 amended, 1203, 1076 amended,**  
 29 **1137, 1185 amended, 1047 amended, SB10-035, HB10-1134, 1175**  
 30 **amended.**

31  
 32 Laid over until date indicated retaining place on Calendar:  
 33 **HB10-1043, 1021, 1011**--February 10, 2010

34  
 35 Referred to Committee indicated: **HB10-1180**--Finance.

36  
 37 The Chairman moved the adoption of the Committee of the Whole  
 38 Report. As shown by the following roll call vote, a majority of those  
 39 elected to the House voted in the affirmative, and the Report was  
 40 **adopted.**

41  
 42

	YES	62	NO	0	EXCUSED	3	ABSENT	0
43	Acree	Y	Gerou	Y	McFadyen	E	Ryden	Y
44	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
45	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
46	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
47	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
48	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
49	Casso	Y	Kerr J.	E	Murray	Y	Stephens	Y
50	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
51	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
52	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
53	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
54	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
55	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
56	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y

1	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
2	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
3							Speaker	Y

---

## CONSIDERATION OF RESOLUTION(S)

9 **HJR10-1010** by Representative(s) Massey and Benefield; also  
 10 Senator(s) Johnston, Hudak--Concerning civility in the  
 11 Colorado General Assembly.

12  
 13 (Printed and placed in members' file.)

14  
 15 On motion of Representative Massey, the resolution was read at length  
 16 and **adopted** by **viva voce** vote.

17  
 18 Co-sponsor(s) added: Representative(s) Acree, Apuan, Balmer, Baumgardner,  
 19 Bradford, Casso, Court, Curry, DelGrosso, Ferrandino, Fischer, Frangas,  
 20 Gagliardi, Gardner B., Gardner C., Gerou, Hullinghorst, Judd, Kagan, Kefalas,  
 21 Kerr A., King S., Labuda, Lambert, Levy, Liston, Looper, May, McCann,  
 22 McKinley, McNulty, Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace,  
 23 Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan,  
 24 Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Todd,  
 25 Tyler, Vaad, Vigil, Waller, Weissmann, Speaker

---

26  
 27  
 28  
 29 House in recess. House reconvened.

---

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

### **HEALTH & HUMAN SERVICES**

34  
 35  
 36 After consideration on the merits, the Committee recommends the  
 37 following:

38  
 39 **HB10-1025** be amended as follows, and as so amended, be referred to  
 40 the Committee of the Whole with favorable  
 41 recommendation:

42  
 43 Amend printed bill, page 2, line 14, strike "ARTIFICIAL, EXTRAORDINARY,  
 44 EXTREME, OR RADICAL".

45  
 46 Page 2, strike lines 17 and 18 and substitute "INCREASINGLY INVOLVES  
 47 PATIENTS WHO HAVE A TERMINAL CONDITION OR ARE IN A PERSISTENT  
 48 VEGETATIVE STATE, AND LACK DECISIONAL".

49  
 50 Page 3, strike lines 4 and 5 and substitute "HE OR SHE HAS A TERMINAL  
 51 CONDITION OR IS IN A PERSISTENT VEGETATIVE STATE, AND LACKS  
 52 DECISIONAL CAPACITY TO".

53  
 54 Page 3, strike lines 22 through 25 and substitute:

55  
 56 "(2) "ADVANCED PRACTICE NURSE" MEANS A NURSE WHO IS

1 INCLUDED IN THE ADVANCED PRACTICE REGISTRY PURSUANT TO SECTION  
2 12-38-111.5, C.R.S.

3

4 (3) "ARTIFICIAL NUTRITION AND HYDRATION" MEANS:

5

6 (a) NUTRITION OR HYDRATION SUPPLIED THROUGH A TUBE  
7 INSERTED INTO THE STOMACH OR INTESTINES; OR

8

9 (b) NUTRIENTS OR FLUIDS INJECTED INTRAVENOUSLY INTO THE  
10 BLOODSTREAM."

11

12 Renumber succeeding subsections accordingly.

13

14 Page 4, line 3, after "CONDITION insert "OR IN A PERSISTENT VEGETATIVE  
15 STATE".

16

17 Page 4, line 23, after "PHYSICIAN" insert "OR ADVANCED PRACTICE  
18 NURSE".

19

20 Page 4, strike lines 24 and 25.

21

22 Page 5, strike lines 6 and 7 and substitute "CERTIFIED BY HIS OR HER  
23 ATTENDING PHYSICIAN AND ONE OTHER PHYSICIAN TO HAVE A TERMINAL  
24 CONDITION OR BE IN A PERSISTENT VEGETATIVE STATE."

25

26 Page 5, strike lines 15 and 16 and substitute "WITHDRAWN IF, AT SOME  
27 FUTURE TIME, HE OR SHE HAS A TERMINAL CONDITION OR IS IN A  
28 PERSISTENT VEGETATIVE STATE, AND LACKS".

29

30 Page 5, strike lines 24 through 27 and substitute "EVALUATION SHALL BE  
31 MADE AS TO WHETHER THE FETUS IS VIABLE. IF THE FETUS IS VIABLE, THE  
32 DECLARATION SHALL BE GIVEN NO".

33

34 Page 6, line 1, strike "EFFECT." and substitute "EFFECT UNTIL THE PATIENT  
35 IS NO LONGER PREGNANT."

36

37 Page 6, line 2, strike "THE" and substitute "A".

38

39 Page 6, line 4, strike "NOURISHMENT" and substitute "NUTRITION".

40

41 Page 6, line 5, strike "IS IN" and substitute "HAS".

42

43 Page 6, line 9, strike "NOURISHMENT" and substitute "NUTRITION".

44

45 Page 6, line 11, strike "NOURISHMENT" and substitute "NUTRITION".

46

47 Page 6, line 13, strike "NOURISHMENT" and substitute "NUTRITION".

48

49 Page 6, strike lines 15 through 17.

50

51 Page 6, line 20, after "PHYSICIAN" insert "OR ADVANCED PRACTICE  
52 NURSE".

53

54 Page 6, line 21, strike "NOURISHMENT" and substitute "NUTRITION".

55

56 Page 6, line 22, after "PHYSICIAN" insert "OR ADVANCED PRACTICE

1 NURSE" and strike "NOURISHMENT" and substitute "ARTIFICIAL  
2 NUTRITION".

3  
4 Page 7, strike lines 1 and 2 and substitute:

5  
6 "(6) A DECLARATION EXECUTED PURSUANT TO THIS ARTICLE MAY  
7 INCLUDE A DOCUMENT WITH A WRITTEN STATEMENT AS PROVIDED IN".

8  
9 Page 7, strike lines 7 through 9 and substitute "ANATOMICAL GIFT ACT",  
10 PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S.

11  
12 (7) A DECLARATION EXECUTED PURSUANT TO THIS ARTICLE MAY  
13 INCLUDE A DOCUMENT OR WRITTEN STATEMENT".

14  
15 Page 7, strike lines 15 through 22 and substitute:

16  
17 "(8) A DECLARATION EXECUTED PURSUANT TO THIS ARTICLE MAY  
18 INCLUDE A WRITTEN STATEMENT IN WHICH THE DECLARANT DESIGNATES  
19 INDIVIDUALS WITH WHOM THE DECLARANT'S ATTENDING PHYSICIAN, ANY  
20 OTHER TREATING PHYSICIAN, OR ANOTHER MEDICAL PROFESSIONAL MAY  
21 SPEAK CONCERNING THE DECLARANT'S MEDICAL CONDITION PRIOR TO A  
22 FINAL DETERMINATION AS TO THE WITHHOLDING OR WITHDRAWAL OF LIFE-  
23 SUSTAINING PROCEDURES, INCLUDING ARTIFICIAL NUTRITION AND  
24 HYDRATION. THE DESIGNATION OF SUCH INDIVIDUALS IN THE DOCUMENT  
25 SHALL".

26  
27 Page 7, strike line 27 and substitute "CONFIDENTIALITY.".

28  
29 Page 8, strike lines 1 through 5.

30  
31 Page 8, strike lines 6 and 7 and substitute:

32  
33 "(9) A DECLARATION EXECUTED PURSUANT TO THIS ARTICLE MAY  
34 INCLUDE A WRITTEN STATEMENT PROVIDING INDIVIDUAL MEDICAL".

35  
36 Page 8, line 24, strike "THE" and substitute "EXCEPT AS OTHERWISE  
37 PROVIDED IN SECTION 15-18-105, A".

38  
39 Page 8, strike line 27.

40  
41 Page 9, strike lines 1 through 4 and substitute:

42  
43 "(2) A DECLARATION MAY BE NOTARIZED. THE ABSENCE OF  
44 NOTARIZATION SHALL HAVE NO IMPACT ON THE VALIDITY OF A".

45  
46 Page 9, strike lines 9 and 10 and substitute "THE PHYSICIAN BELIEVES HAS  
47 A TERMINAL CONDITION OR IS IN A PERSISTENT VEGETATIVE STATE, AND  
48 LACKS DECISIONAL CAPACITY TO".

49  
50 Page 9, strike line 14 and substitute "TERMINAL CONDITION OR IS IN A  
51 PERSISTENT VEGETATIVE STATE, AND".

52  
53 Page 9, line 15, strike "OTHERWISE".

54  
55 Page 9, line 19, strike "NOURISHMENT" and substitute "NUTRITION".

56

1 Page 10, line 3, strike "OF TERMINAL CONDITION".

2

3 Page 10, line 8, strike "NOURISHMENT" and substitute "NUTRITION".

4

5 Page 11, after line 15 insert:

6

7           "(4) IF THE COURT DETERMINES THAT ANY PROCEEDINGS  
8 PURSUANT TO THIS SECTION OR ANY PLEADINGS FILED IN SUCH  
9 PROCEEDINGS WERE BROUGHT, DEFENDED, OR FILED IN BAD FAITH, THE  
10 COURT MAY ASSESS THE FEES AND COSTS, INCLUDING REASONABLE  
11 ATTORNEY FEES, INCURRED BY THE AFFECTED PARTIES IN RESPONDING TO  
12 THE PROCEEDINGS OR PLEADINGS, AGAINST A PARTY THAT BROUGHT OR  
13 DEFENDED THE PROCEEDINGS OR FILED THE PLEADINGS IN BAD FAITH.  
14 NOTHING IN THIS SECTION IS INTENDED TO LIMIT ANY OTHER REMEDY,  
15 SANCTION, OR SURCHARGE PROVIDED BY LAW."

16

17 Renumber succeeding subsections accordingly.

18

19 Page 12, line 5, after "PHYSICIAN" insert "OR ADVANCED PRACTICE  
20 NURSE".

21

22 Page 12, strike lines 8 through 11 and substitute:

23

24           "(b) A PHYSICIAN WHO SIGNS A CERTIFICATE WITHHOLDING OR  
25 WITHDRAWING LIFE-SUSTAINING PROCEDURES IN COMPLIANCE WITH A  
26 DECLARATION SHALL NOT BE SUBJECT TO CIVIL LIABILITY, CRIMINAL  
27 PENALTY, OR LICENSING SANCTIONS THEREFOR; AND".

28

29 Page 13, line 6, after "MEDICINE" insert "OR NURSING".

30

31 Page 13, strike lines 14 through 18 and substitute:

32

33           "(2) A DIAGNOSIS OF PERSISTENT VEGETATIVE STATE SHALL BE  
34 PERFORMED BY A QUALIFIED MEDICAL PROFESSIONAL ACCORDING TO  
35 STANDARDS OF THE PRACTICE OF MEDICINE. NOTHING IN THIS ARTICLE  
36 SHALL BE INTERPRETED TO DEFINE "PERSISTENT VEGETATIVE STATE".

37

38 Page 13, line 25, strike "THE DECLARANT" and substitute "A DECLARANT".

39

40 Page 14, strike line 2 and substitute:

41

42           "**15-18-113. Penalties - refusal -transfer.** (1) A PERSON WHO  
43 WILLFULLY CONCEALS, DEFACES, DAMAGES, OR DESTROYS A  
44 DECLARATION OF ANOTHER PERSON, WITHOUT THE KNOWLEDGE AND  
45 CONSENT OF THE DECLARANT, COMMITS A CLASS 1 MISDEMEANOR AND  
46 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

47

48           (2) A PERSON WHO FALSIFIES OR FORGES A DECLARATION OF  
49 ANOTHER PERSON COMMITS A CLASS 5 FELONY AND SHALL BE PUNISHED  
50 AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

51

52           (3) IF A PERSON FALSIFIES OR FORGES A DECLARATION OF ANOTHER  
53 PERSON AND THE TERMS OF THE DECLARATION ARE CARRIED OUT,  
54 RESULTING IN THE DEATH OF THE PURPORTED DECLARANT, THE PERSON  
55 COMMITS A CLASS 2 FELONY AND SHALL BE PUNISHED AS PROVIDED IN  
56 SECTION 18-1.3-401, C.R.S.



1 (4) A PERSON WHO WILLFULLY WITHHOLDS INFORMATION  
2 CONCERNING THE REVOCATION OF A DECLARATION OF ANOTHER PERSON  
3 COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED  
4 IN SECTION 18-1.3-501, C.R.S.

5  
6 (5) AN ATTENDING PHYSICIAN OR ADVANCED PRACTICE NURSE  
7 WHO".

8  
9 Page 14, strike line 9 and substitute "SECTION 12-36-117, C.R.S., OR  
10 GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-38-117, C.R.S.".

11  
12  
13  
14 **HB10-1027** be referred favorably to the Committee on Appropriations.

15  
16  
17 **HB10-1041** be amended as follows, and as so amended, be referred to  
18 the Committee of the Whole with favorable  
19 recommendation:

20  
21 Amend printed bill, page 2, line 7, strike "OR" and substitute "FOR".

22  
23  
24  
25 **HB10-1128** be amended as follows, and as so amended, be referred to  
26 the Committee on Appropriations with favorable  
27 recommendation:

28  
29 Amend printed bill, page 7, after line 9 insert:

30  
31 "SECTION 7. 12-35.5-107 (6), Colorado Revised Statutes, is  
32 amended to read:

33  
34 **12-35.5-107. Registration - reciprocity - denial of registration**  
35 **application.** (6) Notwithstanding any provision of this section, the  
36 director ~~shall~~ MAY deny a registration if the applicant has committed any  
37 act that would be grounds for disciplinary action under section 12-35.5-  
38 111 or if the director determines, subsequent to the criminal history  
39 record check, that the applicant was convicted of or plead guilty to a  
40 charge of unlawful sexual behavior as defined in section 16-22-102,  
41 C.R.S., or any prostitution-related offense, whether or not the act was  
42 committed in Colorado.

43  
44 **SECTION 8.** 12-35.5-111 (1) (k) and (1) (l), Colorado Revised  
45 Statutes, are amended, and the said 12-35.5-111 (1) is further amended  
46 BY THE ADDITION OF A NEW PARAGRAPH, to read:

47  
48 **12-35.5-111. Grounds for discipline - definitions.** (1) The  
49 director is authorized to take disciplinary action pursuant to section 12-  
50 35.5-112 against any person who has:

51  
52 (k) Advertised, represented, held himself or herself out in any  
53 manner, or used any designation in connection with his or her name as a  
54 message therapist without being registered or exempt pursuant to this  
55 article; ~~or~~

56

- 1 (l) Violated or aided or abetted a violation of any provision of this  
2 article, any rule adopted under this article, or any lawful order of the  
3 director; OR  
4
- 5 (m) BEEN CONVICTED OF OR PLEAD GUILTY TO A CHARGE OF  
6 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102, C.R.S.,  
7 OR ANY PROSTITUTION-RELATED OFFENSE, WHETHER OR NOT THE ACT WAS  
8 COMMITTED IN COLORADO."  
9
- 10 Renumber succeeding sections accordingly.  
11
- 12 Page 13, strike lines 18 through 27.  
13
- 14 Strike pages 14 through 19.  
15
- 16 Page 20, strike lines 1 through 25.  
17
- 18 Renumber succeeding sections accordingly.  
19
- 20 Page 21, strike lines 17 through 22.  
21
- 22 Renumber succeeding sections accordingly.  
23
- 24 Page 2, line 102, after the comma insert "AUTHORIZING THE DIRECTOR  
25 OF THE DIVISION OF REGISTRATIONS TO TAKE DISCIPLINARY ACTION  
26 UNDER THE "MESSAGE THERAPY PRACTICE ACT" AGAINST PERSONS  
27 CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR PROSTITUTION-  
28 RELATED OFFENSES,".  
29
- 30 Page 2, strike lines 105 and 106 and substitute "AND CHIROPRACTORS,  
31 AND REPEALING REGULATORY".  
32  
33  
34
- 35 **HB10-1138** be amended as follows, and as so amended, be referred to  
36 the Committee of the Whole with favorable  
37 recommendation:  
38
- 39 Amend printed bill, page 2, line 6, strike "SERVICES" and substitute  
40 "SERVICE".  
41
- 42 Page 3, line 3, strike "SERVICES" and substitute "SERVICE".  
43
- 44 Page 3, line 5, strike "SERVICES" and substitute "SERVICE".  
45
- 46 Page 3, line 8, strike "SERVICES" and substitute "SERVICE".  
47
- 48 Page 3, line 9, strike "SERVICES" and substitute "SERVICE".  
49
- 50 Page 3, line 23, strike "**services**" and substitute "**service**".  
51
- 52 Page 4, line 5, strike "SERVICES" and substitute "SERVICE".  
53
- 54 Page 4, line 7, strike "SERVICES" and substitute "SERVICE".  
55
- 56 Page 4, line 15, strike "SERVICES" and substitute "SERVICE".

- 1 Page 4, line 17, strike "SERVICES" and substitute "SERVICE".
- 2
- 3 Page 5, line 4, strike "SERVICES" and substitute "SERVICE".
- 4
- 5 Page 5, line 5, strike "SERVICES" and substitute "SERVICE".
- 6
- 7 Page 5, line 9, strike "SERVICES" and substitute "SERVICE".
- 8
- 9 Page 5, line 10, strike "SERVICES" and substitute "SERVICE".
- 10
- 11 Page 5, line 16, strike "SERVICES" and substitute "SERVICE".
- 12
- 13 Page 5, line 21, strike "SERVICES" and substitute "SERVICE".
- 14
- 15 Page 5, line 23, strike "SERVICES" and substitute "SERVICE".
- 16
- 17 Page 6, line 10, strike "SERVICES" and substitute "SERVICE".
- 18
- 19 Page 6, line 13, strike "SERVICES" and substitute "SERVICE".
- 20
- 21 Page 6, line 19, strike "**services**" and substitute "**service**".
- 22
- 23 Page 6, line 22, strike "SERVICES" and substitute "SERVICE".
- 24
- 25 Page 6, line 23, strike "SERVICES" and substitute "SERVICE".
- 26
- 27 Page 8, line 1, strike "SERVICES" and substitute "SERVICE".
- 28
- 29 Page 8, line 5, strike "SERVICES" and substitute "SERVICE".
- 30
- 31 Page 8, line 27, strike "SERVICES" and substitute "SERVICE".
- 32
- 33 Page 9, line 11, strike "SERVICES" and substitute "SERVICE".
- 34
- 35 Page 10, line 14, strike "**services**" and substitute "**service**".
- 36
- 37 Page 10, line 16, strike "SERVICES" and substitute "SERVICE".
- 38
- 39 Page 10, line 19, strike "SERVICES" and substitute "SERVICE".
- 40
- 41 Page 10, line 24, strike "SERVICES" and substitute "SERVICE".
- 42
- 43 Page 11, line 16, strike "SERVICES" and substitute "SERVICE".
- 44
- 45 Page 11, line 23, strike "SERVICES" and substitute "SERVICE".
- 46
- 47 Page 12, line 2, strike "SERVICES" and substitute "SERVICE".
- 48
- 49 Page 12, line 10, strike "SERVICES" and substitute "SERVICE".
- 50
- 51 Page 12, line 21, strike "SERVICES" and substitute "SERVICE".
- 52
- 53 Page 12, line 23, strike "SERVICES" and substitute "SERVICE".
- 54
- 55
- 56

1 **TRANSPORTATION & ENERGY**

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

4  
5 **HB10-1001** be amended as follows, and as so amended, be referred to  
6 the Committee on Appropriations with favorable  
7 recommendation:  
8

9 Amend printed bill, strike everything below the enacting clause and  
10 substitute:

11  
12 "SECTION 1. The introductory portion to 40-2-124 (1) and 40-2-  
13 124 (1) (a), (1) (c) (I), (1) (c) (II), (1) (c) (III), (1) (c) (IV), and (1) (c)  
14 (VIII), Colorado Revised Statutes, are amended to read:  
15

16 **40-2-124. Renewable energy standard - definitions - net**  
17 **metering - legislative declaration.** (1) Each provider of retail electric  
18 service in the state of Colorado, other than municipally owned utilities  
19 that serve forty thousand customers or less FEWER, shall be considered a  
20 qualifying retail utility. Each qualifying retail utility, with the exception  
21 of cooperative electric associations that have voted to exempt themselves  
22 from commission jurisdiction pursuant to section 40-9.5-104 and  
23 municipally owned utilities, shall be subject to the rules established under  
24 this article by the commission. No additional regulatory authority of the  
25 commission other than that specifically contained in this section is  
26 provided or implied. In accordance with article 4 of title 24, C.R.S., ~~on~~  
27 ~~or before October 1, 2007,~~ the commission shall revise or clarify existing  
28 rules to establish the following:  
29

30 (a) Definitions of eligible energy resources that can be used to  
31 meet the standards. "Eligible energy resources" means recycled energy  
32 and renewable energy resources. ~~"Renewable energy resources" means~~  
33 ~~solar, wind, geothermal, biomass, new hydroelectricity with a nameplate~~  
34 ~~rating of ten megawatts or less, and hydroelectricity in existence on~~  
35 ~~January 1, 2005, with a nameplate rating of thirty megawatts or less.~~ The  
36 commission shall determine, following an evidentiary hearing, the extent  
37 to which such electric generation technologies utilized in an optional  
38 pricing program may be used to comply with this standard. A fuel cell  
39 using hydrogen derived from an eligible energy resource is also an  
40 eligible electric generation technology. Fossil and nuclear fuels and their  
41 derivatives are not eligible energy resources. For purposes of this section:  
42

43 (I) "Biomass" means:

44  
45 (A) Nontoxic plant matter consisting of agricultural crops or their  
46 byproducts, urban wood waste, mill residue, slash, or brush;  
47

48 (B) Animal wastes and products of animal wastes; or  
49

50 (C) Methane produced at landfills or as a by-product of the  
51 treatment of wastewater residuals.  
52

53 (II) "DISTRIBUTED RENEWABLE ELECTRIC GENERATION" OR  
54 "DISTRIBUTED GENERATION" MEANS:

55  
56 (A) RETAIL DISTRIBUTED GENERATION; AND

1 (B) WHOLESALE DISTRIBUTED GENERATION.  
2

3 (H) (III) "Recycled energy" means energy produced by a  
4 generation unit with a nameplate capacity of not more than fifteen  
5 megawatts that converts the otherwise lost energy from the heat from  
6 exhaust stacks or pipes to electricity and that does not combust additional  
7 fossil fuel. "Recycled energy" does not include energy produced by any  
8 system that uses energy, lost or otherwise, from a process whose primary  
9 purpose is the generation of electricity, including, without limitation, any  
10 process involving engine-driven generation or pumped hydroelectricity  
11 generation.  
12

13 (IV) "RENEWABLE ENERGY RESOURCES" MEANS SOLAR, WIND,  
14 GEOTHERMAL, BIOMASS, NEW HYDROELECTRICITY WITH A NAMEPLATE  
15 RATING OF TEN MEGAWATTS OR LESS, AND HYDROELECTRICITY IN  
16 EXISTENCE ON JANUARY 1, 2005, WITH A NAMEPLATE RATING OF THIRTY  
17 MEGAWATTS OR LESS.  
18

19 (V) "RETAIL DISTRIBUTED GENERATION" MEANS A RENEWABLE  
20 ENERGY RESOURCE THAT IS LOCATED ON THE SITE OF A CUSTOMER'S  
21 FACILITIES AND IS INTERCONNECTED ON THE CUSTOMER'S SIDE OF THE  
22 UTILITY METER. IN ADDITION, RETAIL DISTRIBUTED GENERATION SHALL  
23 PROVIDE ELECTRIC ENERGY PRIMARILY TO SERVE THE CUSTOMER'S LOAD  
24 AND SHALL BE SIZED TO SUPPLY NO MORE THAN ONE HUNDRED TWENTY  
25 PERCENT OF THE AVERAGE ANNUAL CONSUMPTION OF ELECTRICITY BY THE  
26 CUSTOMER AT THAT SITE. FOR PURPOSES OF THIS SUBPARAGRAPH (V), THE  
27 CUSTOMER'S "SITE" INCLUDES ALL CONTIGUOUS PROPERTY OWNED OR  
28 LEASED BY THE CUSTOMER WITHOUT REGARD TO INTERRUPTIONS IN  
29 CONTIGUITY CAUSED BY EASEMENTS, PUBLIC THOROUGHFARES,  
30 TRANSPORTATION RIGHTS-OF-WAY, OR UTILITY RIGHTS-OF-WAY.  
31

32 (VI) "WHOLESALE DISTRIBUTED GENERATION" MEANS A  
33 RENEWABLE ENERGY RESOURCE IN COLORADO WITH A NAMEPLATE  
34 RATING OF THIRTY MEGAWATTS OR LESS AND THAT DOES NOT QUALIFY AS  
35 RETAIL DISTRIBUTED GENERATION.  
36

37 (c) Electric resource standards:  
38

39 (I) Except as provided in subparagraph (V) of this paragraph (c),  
40 the electric resource standards shall require each qualifying retail utility  
41 to generate, or cause to be generated, electricity from eligible energy  
42 resources in the following minimum amounts:  
43

44 (A) Three percent of its retail electricity sales in Colorado for the  
45 year 2007;  
46

47 (B) Five percent of its retail electricity sales in Colorado for the  
48 years 2008 through 2010;  
49

50 (C) ~~Ten~~ TWELVE percent of its retail electricity sales in Colorado  
51 for the years 2011 through 2014, WITH DISTRIBUTED GENERATION  
52 EQUALING AT LEAST ONE PERCENT OF ITS RETAIL ELECTRICITY SALES IN  
53 2011 AND 2012 AND ONE AND ONE-FOURTH PERCENT OF ITS RETAIL  
54 ELECTRICITY SALES IN 2013 AND 2014;  
55

56 (D) ~~Fifteen~~ TWENTY percent of its retail electricity sales in

1 Colorado for the years 2015 through 2019, WITH DISTRIBUTED  
2 GENERATION EQUALING AT LEAST ONE AND THREE-FOURTHS PERCENT OF  
3 ITS RETAIL ELECTRICITY SALES IN 2015 AND 2016 AND TWO PERCENT OF  
4 ITS RETAIL ELECTRICITY SALES IN 2017, 2018, AND 2019; and

5  
6 (E) ~~Twenty~~ THIRTY percent of its retail electricity sales in  
7 Colorado for the years 2020 and thereafter, WITH DISTRIBUTED  
8 GENERATION EQUALING AT LEAST THREE PERCENT OF ITS RETAIL  
9 ELECTRICITY SALES.

10  
11 (II) (A) Of the amounts OF DISTRIBUTED GENERATION in SUB-  
12 SUBPARAGRAPHS (C), (D), AND (E) OF subparagraph (I) of this paragraph  
13 (c), ~~at least four percent shall be derived from solar electric generation~~  
14 ~~technologies. At least one-half of this four percent shall be derived from~~  
15 ~~solar electric technologies located on-site at customers' facilities~~ RETAIL  
16 DISTRIBUTED GENERATION.

17  
18 (B) Solar generating equipment located on-site at customers'  
19 facilities shall be sized to supply no more than one hundred twenty  
20 percent of the average annual consumption of electricity by the consumer  
21 at that site. For purposes of this sub-subparagraph (B), the consumer's  
22 "site" shall include all contiguous property owned or leased by the  
23 consumer, without regard to interruptions in contiguity caused by  
24 easements, public thoroughfares, transportation rights-of-way, or utility  
25 rights-of-way.

26  
27 (C) DISTRIBUTED GENERATION AMOUNTS IN THE ELECTRIC  
28 RESOURCE STANDARD FOR THE YEARS 2015 AND THEREAFTER MAY BE  
29 CHANGED BY THE COMMISSION FOR THE PERIOD AFTER DECEMBER 31,  
30 2014, IF THE COMMISSION FINDS, UPON APPLICATION BY A QUALIFYING  
31 RETAIL UTILITY, THAT THESE PERCENTAGE REQUIREMENTS ARE NO LONGER  
32 IN THE PUBLIC INTEREST. IF SUCH A FINDING IS MADE, THE COMMISSION  
33 MAY SET THE LOWER DISTRIBUTED GENERATION REQUIREMENTS, IF ANY,  
34 THAT SHALL APPLY AFTER DECEMBER 31, 2014. IF THE COMMISSION FINDS  
35 THAT THE PUBLIC INTEREST REQUIRES AN INCREASE IN THE DISTRIBUTED  
36 GENERATION REQUIREMENTS, THE COMMISSION SHALL REPORT ITS  
37 FINDINGS TO THE GENERAL ASSEMBLY.

38  
39 (III) Each kilowatt-hour of electricity generated from eligible  
40 energy resources in Colorado, OTHER THAN RETAIL DISTRIBUTED  
41 GENERATION, shall be counted as one and one-quarter kilowatt-hours for  
42 the purposes of compliance with this standard.

43  
44 (IV) To the extent that the ability of a qualifying retail utility to  
45 acquire eligible energy resources is limited by a requirements contract  
46 with a wholesale electric supplier, the qualifying retail utility shall acquire  
47 the maximum amount allowed by the contract. For any shortfalls to the  
48 amounts established by the commission pursuant to subparagraph (I) of  
49 this paragraph (c), the qualifying retail utility shall acquire an equivalent  
50 amount of either renewable energy credits; documented and verified  
51 energy savings through energy efficiency and conservation programs; or  
52 a combination of both. Any contract entered into by a qualifying retail  
53 utility after December 1, 2004, shall not conflict with this ~~article~~ SECTION.

54  
55 (VIII) ~~Each kilowatt-hour of~~ Electricity from eligible energy  
56 resources ~~may take advantage of~~ SHALL BE SUBJECT TO only one of the

1 methods for counting kilowatt-hours set forth in subparagraphs (III), (VI),  
2 and (VII) of this paragraph (c).

3  
4 **SECTION 2.** The introductory portion to 40-2-124 (1) and 40-2-  
5 124 (1) (e) (I), Colorado Revised Statutes, are amended, and the said 40-  
6 2-124 (1) (e) is further amended BY THE ADDITION OF THE  
7 FOLLOWING NEW SUBPARAGRAPHS, to read:

8  
9 **40-2-124. Renewable energy standard - definitions - net**  
10 **metering - legislative declaration.** (1) Each provider of retail electric  
11 service in the state of Colorado, other than municipally owned utilities  
12 that serve forty thousand customers or ~~less~~ FEWER, shall be considered a  
13 qualifying retail utility. Each qualifying retail utility, with the exception  
14 of cooperative electric associations that have voted to exempt themselves  
15 from commission jurisdiction pursuant to section 40-9.5-104 and  
16 municipally owned utilities, shall be subject to the rules established under  
17 this article by the commission. No additional regulatory authority of the  
18 commission other than that specifically contained in this section is  
19 provided or implied. In accordance with article 4 of title 24, C.R.S., ~~on~~  
20 ~~or before October 1, 2007,~~ the commission shall revise or clarify existing  
21 rules to establish the following:

22  
23 (e) A standard rebate offer program, under which:

24  
25 (I) (A) Each qualifying retail utility, except for cooperative  
26 electric associations and municipally owned utilities, shall make available  
27 to its retail electricity customers a standard rebate offer of a ~~minimum of~~  
28 ~~two dollars~~ SPECIFIED AMOUNT per watt for the installation of eligible  
29 solar electric generation on customers' premises up to a maximum of one  
30 hundred kilowatts per installation.

31  
32 (B) ~~Such~~ THE STANDARD REBATE offer shall allow the customer's  
33 retail electricity consumption to be offset by the solar electricity  
34 generated. To the extent that solar electricity generation exceeds the  
35 customer's consumption during a billing month, such excess electricity  
36 shall be carried forward as a credit to the following month's consumption.  
37 To the extent that solar electricity generation exceeds the customer's  
38 consumption during a calendar year, the customer shall be reimbursed by  
39 the qualifying retail utility at its average hourly incremental cost of  
40 electricity supply over the prior twelve-month period unless the customer  
41 makes a one-time election, in writing, to request that the excess electricity  
42 be carried forward as a credit from month to month indefinitely until the  
43 customer terminates service with the qualifying retail utility, at which  
44 time no payment shall be required from the qualifying retail utility for any  
45 remaining excess electricity supplied by the customer. The qualifying  
46 retail utility shall not apply unreasonably burdensome interconnection  
47 requirements in connection with this standard rebate offer. Electricity  
48 generated under this program shall be eligible for the qualifying retail  
49 utility's compliance with this article.

50  
51 (I.5) THE AMOUNT OF THE STANDARD REBATE OFFER SHALL BE  
52 TWO DOLLARS PER WATT; EXCEPT THAT THE COMMISSION MAY SET THE  
53 REBATE AT A LOWER AMOUNT IF THE COMMISSION DETERMINES, BASED  
54 UPON A QUALIFYING RETAIL UTILITY'S RENEWABLE RESOURCE PLAN OR  
55 APPLICATION, THAT MARKET CHANGES SUPPORT THE CHANGE.

56

1           **SECTION 3.** The introductory portion to 40-2-124 (1) and 40-2-  
2 124 (1) (f) (IV), (1) (g) (I), (1) (g) (III), (1) (g) (IV), and (1) (i), Colorado  
3 Revised Statutes, are amended, and the said 40-2-124 (1) (f) is further  
4 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:  
5

6           **40-2-124. Renewable energy standard - definitions - net**  
7 **metering - legislative declaration.** (1) Each provider of retail electric  
8 service in the state of Colorado, other than municipally owned utilities  
9 that serve forty thousand customers or ~~less~~ FEWER, shall be considered a  
10 qualifying retail utility. Each qualifying retail utility, with the exception  
11 of cooperative electric associations that have voted to exempt themselves  
12 from commission jurisdiction pursuant to section 40-9.5-104 and  
13 municipally owned utilities, shall be subject to the rules established under  
14 this article by the commission. No additional regulatory authority of the  
15 commission other than that specifically contained in this section is  
16 provided or implied. In accordance with article 4 of title 24, C.R.S., ~~on~~  
17 ~~or before October 1, 2007,~~ the commission shall revise or clarify existing  
18 rules to establish the following:  
19

20           (f) Policies for the recovery of costs incurred with respect to these  
21 standards for qualifying retail utilities that are subject to rate regulation  
22 by the commission. These policies shall provide incentives to qualifying  
23 retail utilities to invest in eligible energy resources in the state of  
24 Colorado. Such policies shall include:  
25

26           (IV) Considering, when the qualifying retail utility applies for a  
27 certificate of public convenience and necessity under section 40-5-101,  
28 rate recovery mechanisms that provide for earlier and timely recovery of  
29 costs prudently and reasonably incurred by the qualifying retail utility in  
30 developing, constructing, and operating the eligible energy resource,  
31 including:  
32

33           (A) Rate adjustment clauses until the costs of the eligible energy  
34 resource can be included in the utility's base rates; and  
35

36           (B) A current return on the utility's capital expenditures during  
37 construction at the utility's weighted average cost of capital, including its  
38 most recently authorized rate of return on equity, during the construction,  
39 startup, and operation phases of the eligible energy resource;  
40

41           (VII) A REQUIREMENT THAT ALL DISTRIBUTED RENEWABLE  
42 ELECTRIC GENERATION FACILITIES WITH A NAMEPLATE RATING OF ONE  
43 MEGAWATT OR MORE BE REGISTERED WITH A RENEWABLE ENERGY  
44 GENERATION INFORMATION TRACKING SYSTEM DESIGNATED BY THE  
45 COMMISSION.  
46

47           (g) Retail rate impact rule:  
48

49           (I) (A) Except as otherwise provided in subparagraph (IV) of this  
50 paragraph (g), for each qualifying utility, the commission shall establish  
51 a maximum retail rate impact for this section of two percent of the total  
52 electric bill annually for each customer. The retail rate impact shall be  
53 determined net of new alternative sources of electricity supply from  
54 noneligible energy resources that are reasonably available at the time of  
55 the determination.  
56



1 (B) If the retail rate impact does not exceed the maximum impact  
2 permitted by this paragraph (g), the qualifying utility may acquire more  
3 than the minimum amount of eligible energy resources and renewable  
4 energy credits required by this section. AT THE REQUEST OF THE  
5 QUALIFYING RETAIL UTILITY AND UPON THE COMMISSION'S APPROVAL, THE  
6 QUALIFYING RETAIL UTILITY MAY ADVANCE FUNDS FROM YEAR TO YEAR  
7 TO AUGMENT THE AMOUNTS COLLECTED FROM RETAIL CUSTOMERS UNDER  
8 THIS PARAGRAPH (g) FOR THE ACQUISITION OF MORE ELIGIBLE ENERGY  
9 RESOURCES. SUCH FUNDS SHALL BE REPAID FROM FUTURE RETAIL RATE  
10 COLLECTIONS, WITH INTEREST CALCULATED AT THE QUALIFYING RETAIL  
11 UTILITY'S AFTER-TAX WEIGHTED AVERAGE COST OF CAPITAL, SO LONG AS  
12 THE RETAIL RATE IMPACT DOES NOT EXCEED TWO PERCENT OF THE TOTAL  
13 ANNUAL ELECTRIC BILL FOR EACH CUSTOMER.

14  
15 (C) AS BETWEEN RESIDENTIAL AND NONRESIDENTIAL RETAIL  
16 DISTRIBUTED GENERATION, THE COMMISSION SHALL DIRECT THE UTILITY  
17 TO ALLOCATE ITS EXPENDITURES ACCORDING TO THE PROPORTION OF THE  
18 UTILITY'S REVENUE DERIVED FROM EACH OF THESE CUSTOMER GROUPS;  
19 EXCEPT THAT THE UTILITY MAY ACQUIRE RETAIL DISTRIBUTED  
20 GENERATION AT LEVELS THAT DIFFER FROM THESE GROUP ALLOCATIONS  
21 BASED UPON MARKET RESPONSE TO THE UTILITY'S PROGRAMS.

22  
23 (III) Subject to the maximum retail rate impact permitted by this  
24 paragraph (g), the qualifying retail utility shall have the discretion to  
25 determine, in a nondiscriminatory manner, the price it will pay for  
26 renewable energy credits from on-site customer facilities that are no  
27 larger than ~~one~~ FIVE hundred kilowatts.

28  
29 (IV) (A) For cooperative electric associations, the maximum retail  
30 rate impact for this section is one percent of the total electric bill annually  
31 for each customer.

32  
33 (B) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH  
34 (g), THE COMMISSION MAY ENSURE THAT CUSTOMERS WHO INSTALL  
35 DISTRIBUTED GENERATION CONTINUE TO CONTRIBUTE, IN A  
36 NONDISCRIMINATORY FASHION, THEIR FAIR SHARE TO THEIR UTILITY'S  
37 RENEWABLE ENERGY PROGRAM FUND OR EQUIVALENT RENEWABLE  
38 ENERGY SUPPORT MECHANISM EVEN IF SUCH CONTRIBUTION RESULTS IN A  
39 CHARGE THAT EXCEEDS TWO PERCENT OF SUCH CUSTOMERS' ANNUAL  
40 ELECTRIC BILLS.

41  
42 (i) Rules necessary for the administration of this article including  
43 enforcement mechanisms necessary to ensure that each qualifying retail  
44 utility complies with this standard, and provisions governing the  
45 imposition of administrative penalties assessed after a hearing held by the  
46 commission pursuant to section 40-6-109. The commission shall exempt  
47 a qualifying retail utility from administrative penalties for an individual  
48 compliance year if the utility demonstrates that the retail rate impact cap  
49 described in paragraph (g) of this subsection (1) has been reached and the  
50 utility has not achieved full compliance with paragraph (c) of this  
51 subsection (1). THE QUALIFYING RETAIL UTILITY'S ACTIONS UNDER AN  
52 APPROVED COMPLIANCE PLAN SHALL CARRY A REBUTTABLE PRESUMPTION  
53 OF PRUDENCE. Under no circumstances shall the costs of administrative  
54 penalties be recovered from Colorado retail customers.

55  
56 **SECTION 4.** Article 2 of title 40, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF THE FOLLOWING NEW  
2 SECTIONS to read:

3

4 **40-2-128. Solar photovoltaic installations - supervision by  
5 certified practitioners - qualifications of electrical contractors.**

6 (1) EFFECTIVE JANUARY 1, 2012, FOR ALL PHOTOVOLTAIC INSTALLATIONS  
7 FUNDED WHOLLY OR PARTIALLY THROUGH RATEPAYER-FUNDED  
8 INCENTIVES AS PART OF THE RENEWABLE ENERGY STANDARD ADJUSTMENT  
9 ALLOWED UNDER SECTION 40-2-124:

10

11 (a) (I) THE PERFORMANCE OF ALL PHOTOVOLTAIC ELECTRICAL  
12 WORK, THE INSTALLATION OF PHOTOVOLTAIC MODULES, AND THE  
13 INSTALLATION OF PHOTOVOLTAIC MODULE MOUNTING EQUIPMENT SHALL  
14 BE SUBJECT TO ON-SITE SUPERVISION BY A CERTIFIED PHOTOVOLTAIC  
15 ENERGY PRACTITIONER AS DESIGNATED BY THE NORTH AMERICAN BOARD  
16 OF CERTIFIED ENERGY PRACTITIONERS (NABCEP) OR ANOTHER  
17 NATIONALLY RECOGNIZED PROFESSIONAL ORGANIZATION DESIGNATED BY  
18 THE COLORADO STATE ELECTRICAL BOARD BY RULE. UPON THE INITIAL  
19 APPLICATION FOR FUNDING OR IN THE INITIAL CONTRACT PROPOSAL, THE  
20 APPLICANT SHALL ASSUME RESPONSIBILITY FOR EMPLOYING OR  
21 CONTRACTING WITH ONE OR MORE CERTIFIED ENERGY PRACTITIONERS TO  
22 SUPERVISE THE INSTALLATION AND AS NECESSARY TO MAINTAIN THE  
23 THREE-TO-ONE RATIO REQUIRED BY PARAGRAPHS (b) AND (c) OF THIS  
24 SUBSECTION (1), INCLUDING DURING ANY OFF-SITE, PRE-INSTALLATION  
25 ASSEMBLY. APPROVAL OF THE PAYMENT OF ANY INCENTIVES FOR THE  
26 WORK SHALL BE CONDITIONED UPON THE APPLICANT'S SUPPLYING THE  
27 NAME AND CERTIFICATION NUMBER OF EACH CERTIFIED ENERGY  
28 PRACTITIONER WHO ACTUALLY PROVIDED ON-SITE SUPERVISION OR WAS  
29 PRESENT TO MAINTAIN THE THREE-TO-ONE RATIO REQUIRED BY  
30 PARAGRAPHS (c) AND (d) OF THIS SUBSECTION (1).

31

32 (II) NEITHER THE COMMISSION NOR THE UTILITY SHALL HAVE  
33 RESPONSIBILITY FOR MONITORING OR ENFORCING COMPLIANCE WITH THIS  
34 SECTION. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN  
35 THE INFORMATION REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH  
36 (a), AND IT SHALL BE THE RESPONSIBILITY OF THE QUALIFYING RETAIL  
37 UTILITY TO OBTAIN FROM THE APPLICANT AND RETAIN, FOR AT LEAST ONE  
38 YEAR AFTER COMPLETION OF THE INSTALLATION, COPIES OF ALL  
39 DOCUMENTATION SUBMITTED BY THE APPLICANT IN CONNECTION WITH  
40 THE INSTALLATION.

41

42 (b) ALL WORK PERFORMED ON THE ALTERNATING-CURRENT SIDE  
43 OF THE INVERTER WILL BE PERFORMED BY AN ELECTRICAL CONTRACTOR  
44 WHO EMPLOYS A LICENSED JOURNEYMAN ELECTRICIAN OR A LICENSED  
45 RESIDENTIAL WIREMAN WHO WILL PERFORM THE WORK. ALL ELECTRICAL  
46 WORK THAT PERTAINS TO ARTICLE 23 OF TITLE 12, C.R.S., WILL BE  
47 PERFORMED BY AN ELECTRICAL APPRENTICE REGISTERED WITH THE  
48 APPROPRIATE STATE REGULATORY AGENCY, A LICENSED JOURNEYMAN  
49 ELECTRICIAN, OR A LICENSED RESIDENTIAL WIREMAN. THE APPROPRIATE  
50 RATIO OF NO LESS THAN ONE JOURNEYMAN OR RESIDENTIAL WIREMAN FOR  
51 EVERY THREE ELECTRICAL APPRENTICES WILL BE MAINTAINED.

52

53 (c) ON A SYSTEM WITH A DIRECT CURRENT DESIGN CAPACITY OF  
54 MORE THAN FIVE HUNDRED KILOWATTS:

55

56 (I) DURING ANY PHOTOVOLTAIC ELECTRICAL WORK, THE RATIO OF

1 THE NUMBER OF PERSONS WHO ARE ASSISTING WITH THE WORK AND WHO  
2 ARE NEITHER LICENSED ELECTRICIANS NOR REGISTERED ELECTRICAL  
3 APPRENTICES TO THE NUMBER OF PERSONS WHO ARE CERTIFIED AS  
4 PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NEVER  
5 EXCEED THREE TO ONE, AND A PERSON WHO IS BOTH LICENSED AND  
6 CERTIFIED SHALL NOT COUNT DOUBLE FOR PURPOSES OF MEASURING THIS  
7 RATIO; AND

8  
9 (II) THERE SHALL BE AT LEAST ONE ON-SITE SUPERVISOR WHO IS  
10 CERTIFIED AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1)  
11 DURING THE FOLLOWING STAGES; EXCEPT THAT, IF AT ANY TIME DURING  
12 ANY OF THE FOLLOWING STAGES, THERE ARE MORE THAN TWELVE PERSONS  
13 ON THE WORK SITE WHO ARE NEITHER LICENSED ELECTRICIANS NOR  
14 REGISTERED ELECTRICAL APPRENTICES AND WHO ARE NOT CERTIFIED AS  
15 PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THERE SHALL BE AT  
16 LEAST TWO PERSONS WHO ARE CERTIFIED AS PROVIDED IN PARAGRAPH (a)  
17 OF THIS SUBSECTION (1) PRESENT ON THE WORK SITE AND PROVIDING  
18 DIRECT SUPERVISION:

19  
20 (A) THE INSTALLATION OF PHOTOVOLTAIC MODULES;

21  
22 (B) THE INSTALLATION OF PHOTOVOLTAIC MODULE MOUNTING  
23 EQUIPMENT; AND

24  
25 (C) ANY PHOTOVOLTAIC ELECTRICAL WORK.

26  
27 (d) ON A SYSTEM WITH A DIRECT CURRENT DESIGN CAPACITY OF  
28 FIVE HUNDRED KILOWATTS OR LESS:

29  
30 (I) THE RATIO OF THE NUMBER OF PERSONS WHO ARE ASSISTING  
31 WITH THE WORK AND WHO ARE NEITHER LICENSED ELECTRICIANS NOR  
32 REGISTERED ELECTRICAL APPRENTICES TO THE NUMBER OF PERSONS WHO  
33 ARE CERTIFIED AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1)  
34 SHALL NEVER EXCEED THREE TO ONE, AND A PERSON WHO IS BOTH  
35 LICENSED AND CERTIFIED SHALL NOT COUNT DOUBLE FOR PURPOSES OF  
36 MEASURING THIS RATIO, DURING THE FOLLOWING STAGES:

37  
38 (A) THE INSTALLATION OF PHOTOVOLTAIC MODULES;

39  
40 (B) THE INSTALLATION OF PHOTOVOLTAIC MODULE MOUNTING  
41 EQUIPMENT; AND

42  
43 (C) ANY PHOTOVOLTAIC ELECTRICAL WORK; AND

44  
45 (II) THERE SHALL BE, AT ALL TIMES, AT LEAST ONE ON-SITE  
46 SUPERVISOR WHO IS CERTIFIED AS PROVIDED IN PARAGRAPH (a) OF THIS  
47 SUBSECTION (1).

48  
49 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
50 REQUIRES:

51  
52 (a) (I) "PHOTOVOLTAIC ELECTRICAL WORK" MEANS WIRING,  
53 GROUNDING, OR REPAIRING ELECTRICAL APPARATUS AND EQUIPMENT IN  
54 A PHOTOVOLTAIC DISTRIBUTED GENERATION SYSTEM.

55  
56 (II) "PHOTOVOLTAIC ELECTRICAL WORK" INCLUDES THE PRE-

1 INSTALLATION ASSEMBLY OF PHOTOVOLTAIC MODULES TO PHOTOVOLTAIC  
2 MODULE MOUNTING EQUIPMENT FOR INSTALLATION ON-SITE.

3

4 (III) "PHOTOVOLTAIC ELECTRICAL WORK" DOES NOT INCLUDE SITE  
5 PREPARATION, TRENCHING OR EXCAVATING, HAULING, OR OTHER WORK  
6 THAT IS NOT SPECIFICALLY DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF  
7 THIS PARAGRAPH (a).

8

9 (b) "PHOTOVOLTAIC MODULE" MEANS THE MODULE OR PANEL  
10 THAT GENERATES ELECTRICITY THROUGH A PHOTOVOLTAIC PROCESS.

11

12 (c) "PHOTOVOLTAIC MODULE MOUNTING EQUIPMENT" MEANS THE  
13 RACKING, MOUNTING, APPARATUS, EQUIPMENT, OR STRUCTURE THAT  
14 PHYSICALLY SUPPORTS AND SECURES ONE OR MORE PHOTOVOLTAIC  
15 MODULES IN PLACE OR TO A ROOF, WALL, FOUNDATION, OR PEDESTAL.

16

17 **40-2-129. New resource acquisitions - factors in determination**  
18 **- local employment - "best value" metrics.** WHEN EVALUATING  
19 ELECTRIC RESOURCE ACQUISITIONS, THE COMMISSION SHALL CONSIDER, ON  
20 A QUALITATIVE BASIS, FACTORS THAT AFFECT EMPLOYMENT AND THE  
21 LONG-TERM ECONOMIC VIABILITY OF COLORADO COMMUNITIES. TO THIS  
22 END, THE COMMISSION SHALL REQUIRE UTILITIES TO REQUEST THE  
23 FOLLOWING INFORMATION REGARDING "BEST VALUE" EMPLOYMENT  
24 METRICS: THE AVAILABILITY OF TRAINING PROGRAMS, INCLUDING  
25 TRAINING THROUGH APPRENTICESHIP PROGRAMS REGISTERED WITH THE  
26 UNITED STATES DEPARTMENT OF LABOR, OFFICE OF APPRENTICESHIP AND  
27 TRAINING; EMPLOYMENT OF COLORADO WORKERS AS COMPARED TO  
28 IMPORTATION OF OUT-OF-STATE WORKERS; LONG-TERM CAREER  
29 OPPORTUNITIES; AND INDUSTRY- STANDARD WAGES, HEALTH CARE, AND  
30 PENSION BENEFITS. WHEN A UTILITY PROPOSES TO CONSTRUCT NEW  
31 FACILITIES OF ITS OWN, THE UTILITY SHALL SUPPLY SIMILAR INFORMATION  
32 TO THE COMMISSION.

33

34 **SECTION 5.** Article 38.5 of title 24, Colorado Revised Statutes,  
35 is amended BY THE ADDITION OF A NEW SECTION to read:

36

37 **24-38.5-104. Photovoltaic installer qualifications - cooperation**  
38 **with department of regulatory agencies.** (1) EFFECTIVE JULY 1, 2011,  
39 ALL PHOTOVOLTAIC INSTALLATIONS FUNDED WHOLLY OR PARTIALLY  
40 THROUGH STATE OR FEDERAL GRANTS, INCLUDING GRANTS UNDER THE  
41 FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009",  
42 PUB.L. 111-5, SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN  
43 SECTION 40-2-128, C.R.S.

44

45 (2) IF THE GOVERNOR, BY EXECUTIVE ORDER, APPOINTS A  
46 COMMITTEE TO STUDY THE DESIRABILITY OF CREDENTIALING OF SOLAR  
47 INSTALLERS, THE COMMITTEE, OR THE GOVERNOR'S ENERGY OFFICE ON THE  
48 COMMITTEE'S BEHALF, IS SPECIFICALLY AUTHORIZED TO SUBMIT A  
49 PROPOSAL FOR SUCH CREDENTIALING TO THE DEPARTMENT OF  
50 REGULATORY AGENCIES PURSUANT TO SECTION 24-34-104.1 (2). IN  
51 ADDITION, THE COMMITTEE MAY STUDY AND MAKE RECOMMENDATIONS  
52 CONCERNING THE SCOPE-OF-WORK PROVISIONS OF SECTION 40-2-128,  
53 SPECIFICALLY INCLUDING ENFORCEMENT OF THE SUPERVISION AND  
54 WORKER RATIO REQUIREMENTS OF SECTION 40-2-128 (1) (c) AND (1) (d).

55

56 **SECTION 6.** 24-38.7-104, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW SUBSECTION to read:

2

3 **24-38.7-104. Program administrator - training and**  
4 **certification of contractors - reporting.** (2.5) (a) EFFECTIVE JULY 1,  
5 2011, THE ISSUANCE OF A CLEAN ENERGY LOAN UNDER THIS ARTICLE FOR  
6 THE INSTALLATION OF SOLAR PHOTOVOLTAIC EQUIPMENT SHALL BE  
7 CONDITIONED UPON THE BORROWER'S CERTIFICATION THAT:

8

9 (I) THE PERFORMANCE OF ALL PHOTOVOLTAIC ELECTRICAL WORK,  
10 THE INSTALLATION OF PHOTOVOLTAIC MODULES, AND THE INSTALLATION  
11 OF PHOTOVOLTAIC MODULE MOUNTING EQUIPMENT SHALL BE SUBJECT TO  
12 ON-SITE SUPERVISION BY A CERTIFIED PHOTOVOLTAIC ENERGY  
13 PRACTITIONER AS DESIGNATED BY THE NORTH AMERICAN BOARD OF  
14 CERTIFIED ENERGY PRACTITIONERS (NABCEP) OR ANOTHER NATIONALLY  
15 RECOGNIZED PROFESSIONAL ORGANIZATION DESIGNATED BY THE  
16 COLORADO STATE ELECTRICAL BOARD BY RULE. UPON THE INITIAL  
17 APPLICATION FOR FUNDING OR IN THE INITIAL CONTRACT PROPOSAL, THE  
18 APPLICANT SHALL ASSUME RESPONSIBILITY FOR EMPLOYING OR  
19 CONTRACTING WITH ONE OR MORE CERTIFIED ENERGY PRACTITIONERS TO  
20 SUPERVISE THE INSTALLATION AND AS NECESSARY TO MAINTAIN THE  
21 THREE-TO-ONE RATIO REQUIRED BY SUBPARAGRAPHS (II) AND (III) OF THIS  
22 PARAGRAPH (a), INCLUDING DURING ANY OFF-SITE, PRE-INSTALLATION  
23 ASSEMBLY. FINAL PAYMENT FOR THE WORK SHALL BE CONDITIONED UPON  
24 THE APPLICANT'S SUPPLYING THE NAME AND CERTIFICATION NUMBER OF  
25 EACH CERTIFIED ENERGY PRACTITIONER WHO ACTUALLY PROVIDED ON-  
26 SITE SUPERVISION OR WAS PRESENT TO MAINTAIN THE THREE-TO-ONE  
27 RATIO REQUIRED BY SUBPARAGRAPHS (III) AND (IV) OF THIS SUBSECTION  
28 (1).

29

30 (II) ALL WORK PERFORMED ON THE ALTERNATING-CURRENT SIDE  
31 OF THE INVERTER WILL BE PERFORMED BY AN ELECTRICAL CONTRACTOR  
32 WHO EMPLOYS A LICENSED JOURNEYMAN ELECTRICIAN OR A LICENSED  
33 RESIDENTIAL WIREMAN WHO WILL PERFORM THE WORK. ALL ELECTRICAL  
34 WORK THAT PERTAINS TO ARTICLE 23 OF TITLE 12, C.R.S., WILL BE  
35 PERFORMED BY AN ELECTRICAL APPRENTICE REGISTERED WITH THE  
36 APPROPRIATE STATE REGULATORY AGENCY, A LICENSED JOURNEYMAN  
37 ELECTRICIAN, OR A LICENSED RESIDENTIAL WIREMAN. THE APPROPRIATE  
38 RATIO OF NO LESS THAN ONE JOURNEYMAN OR RESIDENTIAL WIREMAN FOR  
39 EVERY THREE ELECTRICAL APPRENTICES WILL BE MAINTAINED.

40

41 (III) ON A SYSTEM WITH A DIRECT CURRENT DESIGN CAPACITY OF  
42 MORE THAN FIVE HUNDRED KILOWATTS:

43

44 (A) DURING ANY PHOTOVOLTAIC ELECTRICAL WORK, THE RATIO OF  
45 THE NUMBER OF PERSONS WHO ARE ASSISTING WITH THE WORK AND WHO  
46 ARE NEITHER LICENSED ELECTRICIANS NOR REGISTERED ELECTRICAL  
47 APPRENTICES TO THE NUMBER OF PERSONS WHO ARE CERTIFIED AS  
48 PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL NEVER  
49 EXCEED THREE TO ONE, AND A PERSON WHO IS BOTH LICENSED AND  
50 CERTIFIED SHALL NOT COUNT DOUBLE FOR PURPOSES OF MEASURING THIS  
51 RATIO; AND

52

53 (B) THERE SHALL BE AT LEAST ONE ON-SITE SUPERVISOR WHO IS  
54 CERTIFIED AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)  
55 DURING THE INSTALLATION OF PHOTOVOLTAIC MODULES, THE  
56 INSTALLATION OF PHOTOVOLTAIC MODULE MOUNTING EQUIPMENT, AND

1 ANY PHOTOVOLTAIC ELECTRICAL WORK; EXCEPT THAT, IF AT ANY TIME  
2 DURING ANY OF THESE STAGES, THERE ARE MORE THAN TWELVE PERSONS  
3 ON THE WORK SITE WHO ARE NEITHER LICENSED ELECTRICIANS NOR  
4 REGISTERED ELECTRICAL APPRENTICES AND WHO ARE NOT CERTIFIED AS  
5 PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THERE SHALL BE  
6 AT LEAST TWO PERSONS WHO ARE CERTIFIED AS PROVIDED IN  
7 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) PRESENT ON THE WORK SITE  
8 AND PROVIDING DIRECT SUPERVISION:  
9

10 (IV) ON A SYSTEM WITH A DIRECT CURRENT DESIGN CAPACITY OF  
11 FIVE HUNDRED KILOWATTS OR LESS:  
12

13 (A) DURING THE INSTALLATION OF PHOTOVOLTAIC MODULES, THE  
14 INSTALLATION OF PHOTOVOLTAIC MODULE MOUNTING EQUIPMENT, AND  
15 ANY PHOTOVOLTAIC ELECTRICAL WORK, THE RATIO OF THE NUMBER OF  
16 PERSONS WHO ARE ASSISTING WITH THE WORK AND WHO ARE NEITHER  
17 LICENSED ELECTRICIANS NOR REGISTERED ELECTRICAL APPRENTICES TO  
18 THE NUMBER OF PERSONS WHO ARE CERTIFIED AS PROVIDED IN PARAGRAPH  
19 (a) OF THIS SUBSECTION (1) SHALL NEVER EXCEED THREE TO ONE, AND A  
20 PERSON WHO IS BOTH LICENSED AND CERTIFIED SHALL NOT COUNT DOUBLE  
21 FOR PURPOSES OF MEASURING THIS RATIO; AND  
22

23 (B) THERE SHALL BE, AT ALL TIMES, AT LEAST ONE ON-SITE  
24 SUPERVISOR WHO IS CERTIFIED AS PROVIDED IN SUBPARAGRAPH (I) OF THIS  
25 PARAGRAPH (a).  
26

27 (b) AS USED IN THIS SUBSECTION (2.5), THE TERMS  
28 "PHOTOVOLTAIC ELECTRICAL WORK" AND "PHOTOVOLTAIC MODULE  
29 MOUNTING EQUIPMENT" SHALL HAVE THE MEANINGS SET FORTH IN  
30 SECTION 40-2-128, C.R.S.  
31

32 **SECTION 7.** 40-2-109.5, Colorado Revised Statutes, is amended  
33 BY THE ADDITION OF A NEW SUBSECTION to read:  
34

35 **40-2-109.5. Incentives for distributed generation - definition.**  
36 (3) EFFECTIVE JANUARY 1, 2012, ALL PHOTOVOLTAIC INSTALLATIONS  
37 FUNDED WHOLLY OR PARTIALLY THROUGH FINANCIAL INCENTIVES UNDER  
38 THIS SECTION SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN  
39 SECTION 40-2-128.  
40

41 **SECTION 8. Act subject to petition - effective date.** This act  
42 shall take effect at 12:01 a.m. on the day following the expiration of the  
43 ninety-day period after final adjournment of the general assembly (August  
44 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
45 referendum petition is filed pursuant to section 1 (3) of article V of the  
46 state constitution against this act or an item, section, or part of this act  
47 within such period, then the act, item, section, or part shall not take effect  
48 unless approved by the people at the general election to be held in  
49 November 2010 and shall take effect on the date of the official  
50 declaration of the vote thereon by the governor."  
51

52 Page 1, line 106, strike "FIVE" and substitute "THREE".  
53  
54  
55

56 **HB10-1211** be referred favorably to the Committee on Appropriations.

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1  
2  
3  
4 **PRINTING REPORT**  
5

6 The Chief Clerk reports the following bills have been correctly printed:  
7 **HB10-1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277,**  
8 **1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288,**  
9 **1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296.**

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10  
11  
12  
13 **INTRODUCTION OF BILL**  
14 **First Reading**  
15

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

17  
18 **HB10-1297** by Representative(s) Pommer, Ferrandino, Lambert; also  
19 Senator(s) Keller, Tapia, White--Concerning a supple-  
20 mental appropriation to the department of agriculture.

21 Committee on Appropriations  
22

23 **HB10-1298** by Representative(s) Pommer, Ferrandino, Lambert; also  
24 Senator(s) Keller, Tapia, White--Concerning a supple-  
25 mental appropriation to the department of corrections.

26 Committee on Appropriations  
27

28 **HB10-1299** by Representative(s) Pommer, Ferrandino, Lambert; also  
29 Senator(s) Keller, Tapia, White--Concerning a  
30 supplemental appropriation to the offices of the governor,  
31 lieutenant governor, and state planning and budgeting.

32 Committee on Appropriations  
33

34 **HB10-1300** by Representative(s) Pommer, Ferrandino, Lambert; also  
35 Senator(s) Keller, Tapia, White--Concerning a  
36 supplemental appropriation to the department of health  
37 care policy and financing.

38 Committee on Appropriations  
39

40 **HB10-1301** by Representative(s) Pommer, Ferrandino, Lambert; also  
41 Senator(s) Keller, Tapia, White--Concerning a  
42 supplemental appropriation to the department of higher  
43 education.

44 Committee on Appropriations  
45

46 **HB10-1302** by Representative(s) Pommer, Ferrandino, Lambert; also  
47 Senator(s) Keller, Tapia, White--Concerning a supple-  
48 mental appropriation to the department of human services.

49 Committee on Appropriations  
50

51 **HB10-1303** by Representative(s) Pommer, Ferrandino, Lambert; also  
52 Senator(s) Keller, Tapia, White--Concerning a  
53 supplemental appropriation to the judicial department.

54 Committee on Appropriations  
55  
56

- 1 **HB10-1304** by Representative(s) Pommer, Ferrandino, Lambert; also  
2 Senator(s) Keller, Tapia, White--Concerning a  
3 supplemental appropriation to the department of labor and  
4 employment.  
5 Committee on Appropriations  
6
- 7 **HB10-1305** by Representative(s) Pommer, Ferrandino, Lambert; also  
8 Senator(s) Keller, Tapia, White--Concerning a  
9 supplemental appropriation to the department of law.  
10 Committee on Appropriations  
11
- 12 **HB10-1306** by Representative(s) Pommer, Ferrandino, Lambert; also  
13 Senator(s) Keller, Tapia, White--Concerning a suppl-  
14 emental appropriation to the department of legislature.  
15 Committee on Appropriations  
16
- 17 **HB10-1307** by Representative(s) Pommer, Ferrandino, Lambert; also  
18 Senator(s) Keller, Tapia, White--Concerning supplemental  
19 appropriation to the department of local affairs.  
20 Committee on Appropriations  
21
- 22 **HB10-1308** by Representative(s) Pommer, Ferrandino, Lambert; also  
23 Senator(s) Keller, Tapia, White--Concerning a  
24 supplemental appropriation to the department of military  
25 and veterans affairs.  
26 Committee on Appropriations  
27
- 28 **HB10-1309** by Representative(s) Pommer, Ferrandino, Lambert; also  
29 Senator(s) Keller, Tapia, White--Concerning a  
30 supplemental appropriation to the department of natural  
31 resources.  
32 Committee on Appropriations  
33
- 34 **HB10-1310** by Representative(s) Pommer, Ferrandino, Lambert; also  
35 Senator(s) Keller, Tapia, White--Concerning a  
36 supplemental appropriation to the department of personnel  
37 and administration.  
38 Committee on Appropriations  
39
- 40 **HB10-1311** by Representative(s) Pommer, Ferrandino, Lambert; also  
41 Senator(s) Keller, Tapia, White--Concerning a  
42 supplemental appropriation to the department of public  
43 health and environment.  
44 Committee on Appropriations  
45
- 46 **HB10-1312** by Representative(s) Pommer, Ferrandino, Lambert; also  
47 Senator(s) Keller, Tapia, White--Concerning a suppl-  
48 emental appropriation to the department of public safety.  
49 Committee on Appropriations  
50
- 51 **HB10-1313** by Representative(s) Pommer, Ferrandino, Lambert; also  
52 Senator(s) Keller, Tapia, White--Concerning a  
53 supplemental appropriation to the department of regulatory  
54 agencies.  
55 Committee on Appropriations  
56



- 1 **HB10-1314** by Representative(s) Pommer, Ferrandino, Lambert; also  
2 Senator(s) Keller, Tapia, White--Concerning a  
3 supplemental appropriation to the department of revenue.  
4 Committee on Appropriations  
5
- 6 **HB10-1315** by Representative(s) Pommer, Ferrandino, Lambert; also  
7 Senator(s) Keller, Tapia, White--Concerning a  
8 supplemental appropriation to the department of state.  
9 Committee on Appropriations  
10
- 11 **HB10-1316** by Representative(s) Pommer, Ferrandino, Lambert; also  
12 Senator(s) Keller, Tapia, White--Concerning a supple-  
13 mental appropriation to the department of transportation.  
14 Committee on Appropriations  
15
- 16 **HB10-1317** by Representative(s) Pommer, Ferrandino, Lambert; also  
17 Senator(s) Keller, Tapia, White--Concerning a supple-  
18 mental appropriation to the department of the treasury.  
19 Committee on Appropriations  
20
- 21 **HB10-1318** by Representative(s) Pommer, Ferrandino, Lambert; also  
22 Senator(s) Tapia, Keller, White--Concerning  
23 circumstances under which the requirement that each  
24 school district receive a minimum amount of state funding  
25 for total program funding as calculated through the "Public  
26 School Finance Act of 1994" shall not apply to any  
27 district.  
28 Committee on Appropriations  
29
- 30 **HB10-1319** by Representative(s) Ferrandino, Pommer, Lambert; also  
31 Senator(s) Tapia, Keller, White--Concerning modifications  
32 to statutory transfers for energy-related assistance to low-  
33 income households from the operational account of the  
34 severance tax trust fund for three particular state fiscal  
35 years.  
36 Committee on Appropriations  
37
- 38 **HB10-1320** by Representative(s) Pommer, Ferrandino, Lambert; also  
39 Senator(s) Tapia, Keller, White--Concerning the use of  
40 tobacco revenues generated under section 21 of article X  
41 of the state constitution in a state fiscal emergency, and  
42 making an appropriation therefor.  
43 Committee on Appropriations  
44
- 45 **HB10-1321** by Representative(s) Pommer, Ferrandino, Lambert; also  
46 Senator(s) Tapia, Keller, White--Concerning moneys  
47 appropriated for health clinics.  
48 Committee on Appropriations  
49
- 50 **HB10-1322** by Representative(s) Lambert, Ferrandino, Pommer; also  
51 Senator(s) White, Keller, Tapia--Concerning the repeal of  
52 the pilot programs on the use of telemedicine, and making  
53 an appropriation therefor.  
54 Committee on Appropriations  
55

- 1 **HB10-1323** by Representative(s) Pommer, Ferrandino, Lambert; also  
2 Senator(s) Tapia, Keller, White--Concerning the use of  
3 tobacco litigation funds for health care programs, and  
4 making an appropriation therefor.  
5 Committee on Appropriations  
6
- 7 **HB10-1324** by Representative(s) Ferrandino, Pommer, Lambert; also  
8 Senator(s) White, Keller, Tapia--Concerning a reduction  
9 in the general fund portion of the per diem rates paid to  
10 nursing facilities, and making an appropriation therefor.  
11 Committee on Appropriations  
12
- 13 **HB10-1325** by Representative(s) Lambert, Pommer, Ferrandino; also  
14 Senator(s) White, Keller, Tapia--Concerning the transfer  
15 of interest earned by certain settlement moneys in the  
16 natural resource damage recovery fund.  
17 Committee on Appropriations  
18
- 19 **HB10-1326** by Representative(s) Pommer, Ferrandino, Lambert; also  
20 Senator(s) Tapia, Keller, White--Concerning an increase  
21 in the amount of authorized appropriations from the  
22 operational account of the severance tax trust fund to the  
23 division of parks and outdoor recreation, and, in  
24 connection therewith, adjusting the 2009 long bill.  
25 Committee on Appropriations  
26
- 27 **HB10-1327** by Representative(s) Pommer, Ferrandino, Lambert; also  
28 Senator(s) White, Keller, Tapia--Concerning the  
29 augmentation of the general fund through transfers of  
30 certain moneys.  
31 Committee on Appropriations  
32
- 33 **HB10-1328** by Representative(s) Miklosi, Apuan, Benefield, Casso,  
34 Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi,  
35 Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McCann,  
36 McFadyen, Merrifield, Middleton, Peniston, Pommer,  
37 Primavera, Ryden, Scanlan, Solano, Todd, Tyler, Vigil,  
38 Weissmann; also Senator(s) Schwartz--Concerning the  
39 "New Energy Jobs Creation Act of 2010", and, in  
40 connection therewith, creating the Colorado new energy  
41 improvement district and authorizing the district to fund  
42 new energy improvements by issuing special assessment  
43 bonds payable from special assessments levied on eligible  
44 real property owned by persons who voluntarily join the  
45 district in order to have the district help them fund new  
46 energy improvements to the eligible real property.  
47 Committee on State, Veterans, & Military Affairs  
48
- 49 **HB10-1329** by Representative(s) Peniston, Casso, Court, Fischer,  
50 Frangas, Hullinghorst, Labuda, Levy, McCann, Miklosi,  
51 Pommer, Riesberg, Solano, Tyler, Vigil; also Senator(s)  
52 Boyd, Bacon, Hodge, Hudak, Keller, Romer, Steadman,  
53 Tochtrop, Williams--Concerning solid waste user fees.  
54 Committee on Finance  
55  
56

1 **HB10-1330** by Representative(s) Kefalas and Kagan, Apuan, Court,  
2 Fischer, Gagliardi, Levy, Miklosi, Pace, Primavera, Rice,  
3 Riesberg, Solano, Tyler, Vigil; also Senator(s) Morse--  
4 Concerning the creation of an advisory committee to make  
5 recommendations regarding the creation of a Colorado all-  
6 payer health claims database for the purpose of transparent  
7 public reporting of health care information.

8 Committee on Health and Human Services  
9

10 **HB10-1331** by Representative(s) Gerou--Concerning the establishment  
11 of a green building incentive pilot program administered  
12 by the governor's energy office to incentivize the making  
13 of energy efficiency improvements to existing residences  
14 with current home energy ratings below minimum  
15 standards for people who purchase highly efficient new  
16 residential construction.

17 Committee on Transportation & Energy  
18  
19  
20

21 On motion of Representative Weissmann, the House adjourned until  
22 9:00 a.m., February 9, 2010.

23  
24 Approved:  
25 TERRANCE D. CARROLL,  
26 Speaker

27 Attest:  
28 MARILYN EDDINS,  
29 Chief Clerk

