HOUSE JOURNAL

SIXTY-SIXTH GENERAL ASSEMBLY

STATE OF COLORADO

Second Regular Session

Thirty-first Legislative Day Friday, February 8, 2008

Prayer by Father Tom Carzon, Holy Ghost Church, Denver.

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

Pledge of Allegiance led by Nicholas Hasling, Doherty High School, Colorado Springs.

The roll was called with the following result:

Present--46.
Excused--Representatives Buescher, Butcher, M. Carroll, Ferrandino, Garza-Hicks, Hodge, J. Kerr, Judd, Madden, McFadyen, McGihon, McNulty, Pommer, Riesberg, Scanlan, Vaad, Weissmann, White--18.
Vacancy--1.
Present after roll call--Representatives Buescher, Butcher, Ferrandino, Hodge, J. Kerr, Judd, Madden, McFadyen, McGihon, McNulty, Pommer, Riesberg, Vaad, Weissmann, White.

The Speaker declared a quorum present.

On motion of Representative Casso, the reading of the journal of February 7, 2008, was declared dispensed with and approved as corrected by the Chief Clerk.

THIRD READING OF BILLS--FINAL PASSAGE

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

HB08-1160 by Representative(s) Solano, Green, Madden, Benefield, Borodkin, Ferrandino, Fischer, Kefalas, Kerr A., Labuda, Levy, Marshall, McGihon, Merrifield, Peniston, Garza-Hicks, Pommer, Riesberg, Todd, Weissmann; also Senator(s) Shaffer, Tochtrop, Williams, Tupa--Concerning net metering for customer-generators of electric utilities.

Laid over until February 11, retaining place on Calendar.

HB08-1116 by Representative(s) Gallegos; also Senator(s) Shaffer--Concerning the authority of the state board of health to promulgate rules regarding the dental assistance program for seniors.

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

YES 58	NO 01	EXCUSED 05		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	N	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	E	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	Y	Kerr J	E	McNulty	Y	Summers	Y
Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Butcher, Casso, Fischer, Frangas, Hodge, Kefalas, Labuda, Madden, Merrifield, Peniston, Primavera, Rice, Riesberg, Stafford, Todd.

HB08-1179 by Representative(s) Gardner C; also Senator Sandoval.--Concerning the circumstances under which distributions payable by the public employees' retirement association may be subject to legal process.

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

YES 60	NO 01	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	Y	Green	N	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y

Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsor added: Representative Mitchell.

HB08-1087 by Representative(s) Kerr J.; also Senator(s) Morse--Concerning a first-level appeal of a health claim for dental care.

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

YES 61	NO 00	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	Y	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Frangas, Kefalas, Looper, Marostica, Primavera, Todd.

HB08-1181 by Representative(s) Rose; also Senator Gibbs--Concerning requirements governing the purchase of compost materials by state governmental bodies.

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

YES 58	NO 03	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	N	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	N	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	N
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y

Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Fischer, Looper, McFadyen, Stephens.

CHANGE IN COMMITTEE

The Speaker announced the following appointment:

Representative T. Carroll to replace Representative Garcia on the Committee on Legislative Council. The appointment was confirmed by the following roll call vote:

YES 61	NO 00	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	Y	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

HB08-1051 by Representative(s) Marshall, Kerr J., Mitchell V., Primavera; also Senator(s) Spence, Isgar, Takis, Taylor--Concerning technical statutory modifications per the 2007 state auditor's report regarding core services for families.

(Amended as printed in Senate Journal, February 1, page 155.)

Representative Marshall moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES 55	NO 06	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y

Bruce	N	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	N	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	N	Kerr J	Y	McNulty	Y	Summers	Y
Ferrandino	Y	King	Y	Merrifield	N	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	N	Lambert	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	N
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

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

YES 60	NO 01	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	N	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	Y	Todd	Y
Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	Y	Primavera	Y	White	Y
	V	Looper	Y	Rice	Y	Witwer	Y
						Speaker	Y

Co-sponsors added: Representatives Green, Merrifield, Stafford.

HB08-1020 by Representative(s) Madden; also Senator(s) Veiga--Concerning recovery of costs in a case in which the plaintiff receives a judgment that is less than a rejected settlement offer.

(Amended as printed in Senate Journal, February 5, page 167.)

Representative Madden moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES 44	NO 17	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	N	Gardner B	N	Lundberg	N	Riesberg	Y
Benefield	Y	Gardner C	N	Madden	Y	Roberts	N
Borodkin	Y	Garza-Hicks	E	Marostica	Y	Rose	Y
Bruce	N	Green	Y	Marshall	Y	Scanlan	E

Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	N	Sonnenberg	N
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	N
Curry	Y	Kerr J	N	McNulty	N	Summers	N
Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
Fischer	Y	Labuda	Y	Mitchell	N	Todd	Y
Frangas	Y	Lambert	N	Peniston	Y	Vaad	Y
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	N	Primavera	Y	White	Y
	V	Looper	N	Rice	Y	Witwer	N
						Speaker	Y

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

YES 37	NO 24	EXCUSED 03		VACANCY 01		ABSENT 00	
Balmer	N	Gardner B	N	Lundberg	N	Riesberg	Y
Benefield	Y	Gardner C	N	Madden	Y	Roberts	N
Borodkin	Y	Garza-Hicks	E	Marostica	N	Rose	N
Bruce	N	Green	Y	Marshall	Y	Scanlan	E
Buescher	Y	Hodge	Y	Massey	N	Solano	Y
Butcher	Y	Jahn	Y	May	N	Sonnenberg	N
Carroll M	E	Judd	Y	McFadyen	Y	Soper	Y
Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
Casso	Y	Kerr A	Y	McKinley	Y	Stephens	N
Curry	Y	Kerr J	N	McNulty	N	Summers	N
Ferrandino	Y	King	N	Merrifield	Y	Swalm	N
Fischer	Y	Labuda	Y	Mitchell	N	Todd	Y
Frangas	Y	Lambert	N	Peniston	Y	Vaad	N
Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
Gallegos	Y	Liston	N	Primavera	Y	White	N
	V	Looper	N	Rice	Y	Witwer	N
						Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

APPROPRIATIONS

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

HB08-1038 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 7, insert the following:

"**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the assisted living residence cash fund created in section 25-27-107.5, Colorado Revised Statutes, not otherwise appropriated, to the department

of public health and environment, health facilities and emergency medical services division, for the fiscal year beginning July 1, 2008, the sum of two hundred thousand dollars ($200,000) cash funds, or so much thereof as may be necessary, for the performance of the department's duties pursuant to title 25, article 27, Colorado Revised Statutes.".

Renumber succeeding section accordingly.

Page 1, strike line 102 and substitute "**RESIDENCES, AND MAKING AN APPROPRIATION THEREFOR.**".

HB08-1054 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, after line 19, insert the following:

"**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any monies in the wholesale food manufacturing and storage protection fund not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2008, the sum of twenty-seven thousand three hundred ninety-four dollars ($27,394) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.".

Renumber succeeding sections accordingly.

Page 1, line 103, strike "**ENVIRONMENT.**" and substitute "**ENVIRONMENT, AND MAKING AN APPROPRIATION THEREFOR.**".

HB08-1063 be referred to the Committee of the Whole with favorable recommendation.

HB08-1076 be referred to the Committee of the Whole with favorable recommendation.

HB08-1078 be referred to the Committee of the Whole with favorable recommendation.

HB08-1100 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 27, insert the following:

"**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the vital statistics records cash fund created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department

of public health and environment, prevention services division, family and community health, children with special needs, health care program for children with special needs, for the fiscal year beginning July 1, 2008, the sum of one hundred forty-three thousand six hundred fifty-seven dollars ($143,657) cash funds and 1.5 FTE, or so much thereof as may be necessary, for the Colorado responds to children with special needs program.".

Renumber succeeding section accordingly.

Page 1, line 103, strike "**PROGRAM.**" and substitute "**PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.**".

HB08-1169 be postponed indefinitely.

HB08-1281 be referred to the Committee of the Whole with favorable recommendation.

HB08-1282 be referred to the Committee of the Whole with favorable recommendation.

HB08-1283 be referred to the Committee of the Whole with favorable recommendation.

HB08-1284 be referred to the Committee of the Whole with favorable recommendation.

HB08-1285 be referred to the Committee of the Whole with favorable recommendation.

HB08-1286 be referred to the Committee of the Whole with favorable recommendation.

HB08-1287 be referred to the Committee of the Whole with favorable recommendation.

HB08-1288 be referred to the Committee of the Whole with favorable recommendation.

HB08-1289 be referred to the Committee of the Whole with favorable recommendation.

HB08-1290 be referred to the Committee of the Whole with favorable recommendation.

HB08-1291 be referred to the Committee of the Whole with favorable recommendation.

HB08-1292 be referred to the Committee of the Whole with favorable recommendation.

HB08-1293 be referred to the Committee of the Whole with favorable recommendation.

HB08-1294 be referred to the Committee of the Whole with favorable recommendation.

HB08-1295 be referred to the Committee of the Whole with favorable recommendation.

HB08-1296 be referred to the Committee of the Whole with favorable recommendation.

HB08-1297 be referred to the Committee of the Whole with favorable recommendation.

HB08-1298 be referred to the Committee of the Whole with favorable recommendation.

HB08-1299 be referred to the Committee of the Whole with favorable recommendation.

HB08-1300 be referred favorably to the Committee on State, Veterans, & Military Affairs.

HB08-1301 be referred to the Committee of the Whole with favorable recommendation.

HB08-1302 be referred to the Committee of the Whole with favorable recommendation.

HB08-1303 be referred to the Committee of the Whole with favorable recommendation.

BUSINESS AFFAIRS & LABOR

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

HB08-1172 be postponed indefinitely.

HB08-1183 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"**SECTION 1.** 24-46-105.7 (1), (2), (3), (4), (5), (6), and (7) (b), Colorado Revised Statutes, are amended to read:

24-46-105.7. Performance-based incentive for new job creation - new jobs incentives cash fund. (1) ~~As used in this section, unless the context otherwise requires:~~

~~(a) "Employee" means a full-time employee hired to fill a new job.~~

~~(b) "New job" means a full-time job created in the state by an employer for which an employee is hired and that is in addition to the average number of full-time jobs that the employer provided in the state during the three years preceding the date that such employee was hired.~~

~~(c) "Rural area" means:~~

~~(I) A county with a population of less than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census;~~

~~(II) A municipality with a population of less than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census, that is located ten miles or more from a municipality with a population of more than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census; or~~

~~(III) The unincorporated part of a county located ten miles or more from a municipality with a population of more than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census.~~

~~(d) "Urban area" means:~~

~~(I) A county with a population of more than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census;~~

~~(II) A municipality with a population of more than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census, or a municipality with a population of less than fifty thousand people, according to the most~~

~~recently available population statistics of the United States bureau of the census, that is located less than ten miles from a municipality with a population of more than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census; or~~

~~(III) The unincorporated part of a county located less than ten miles from a municipality with a population of more than fifty thousand people, according to the most recently available population statistics of the United States bureau of the census.~~

(2) ~~Subject to the provisions of this section,~~ On or after January 1, 2006, but prior to January 1, 2011, any employer ~~in a rural area that creates at least five new jobs within one month and any employer in an urban area that creates at least ten new jobs within one month by opening a new business or expanding or relocating an existing business shall be allowed to claim a performance-based incentive for every new job created so long as the employer maintains all of the new jobs for at least one year. An employer shall be allowed to include a new job in the calculation of the number of new jobs created one time. The amount of the incentive shall be as follows:~~ THAT CREATES A NEW JOB AND SATISFIES THE CRITERIA THAT THE COMMISSION HAS ESTABLISHED FOR AN EMPLOYER TO QUALIFY FOR A GRANT OR A LOAN FROM THE COMMISSION PURSUANT TO SECTION 24-46-105 (2.5) IS ELIGIBLE TO RECEIVE A PERFORMANCE-BASED INCENTIVE FROM THE COMMISSION FROM THE MONEYS IN THE NEW JOBS INCENTIVES CASH FUND CREATED IN THIS SECTION.

~~(a) If the average wage for all new jobs created by the employer for which the performance-based incentive is claimed is one hundred ten percent or more but less than one hundred fifteen percent of the average wage in the county in which the new jobs are created, the employer shall be allowed an incentive in the amount of one thousand dollars for every new job created.~~

~~(b) If the average wage for all new jobs created by the employer for which the performance-based incentive is claimed is one hundred fifteen percent or more but less than one hundred twenty percent of the average wage in the county in which the new jobs are created, the employer shall be allowed an incentive in the amount of one thousand two hundred fifty dollars for every new job created.~~

~~(c) If the average wage for all new jobs created by the employer for which the performance-based incentive is claimed is one hundred twenty percent or more of the average wage in the county in which the new jobs are created, the employer shall be allowed an incentive in the amount of one thousand five hundred dollars for every new job created.~~

(3) An employer that qualifies to ~~claim~~ RECEIVE a performance-based incentive for new jobs created pursuant to this section and that qualifies for an income tax credit pursuant to section 39-30-105, C.R.S., shall be allowed to ~~claim both~~ RECEIVE the incentive allowed pursuant to this section and CLAIM the credit allowed pursuant to section 39-30-105, C.R.S.

(4) (a) ~~In order for an employer to claim a performance-based incentive for new jobs created pursuant to this section, the employer shall~~

~~submit an incentive application to the commission. The application shall be submitted on a form created by the commission and shall include the name of the employer claiming the incentive, verification of the number of new jobs that the employer created, the average wage of all new jobs that the employer created, the number of incentives claimed by the employer, the total amount of the incentives claimed by the employer, and any other information deemed necessary by the commission.~~

(b) ~~The commission shall review each application submitted, determine whether the employer is eligible to receive a performance-based incentive, determine the amount of the incentive due to each employer eligible to receive an incentive, and issue the incentive payment to each employer that is eligible to receive the incentive, subject to the limitations specified in subsection (6) of this section.~~

(c) The commission shall develop procedures for the administration of this section, including establishing ~~deadlines~~ A PROCEDURE for employers to ~~claim~~ APPLY FOR performance-based incentives and for the commission to issue payment of the incentives. ~~pursuant to this section. In addition, the commission shall develop procedures for any employer that claims an incentive for new jobs created pursuant to this section to determine the number of new jobs created and to verify that the average wage for the new jobs for which the incentive is claimed is the applicable percentage above the average wage in the county in which the new jobs are created, based on the most recent statistics available from the department of labor and employment.~~

(5) On or before March 1, 2007, and on or before March 1 of each year thereafter, the commission shall report to the business affairs and labor committee of the house of representatives and the business affairs, labor, and technology committee of the senate, or any successor committees, regarding the performance-based incentives awarded pursuant to this section. The report shall include but need not be limited to the number of employers that ~~claimed~~ RECEIVED the performance-based incentive pursuant to this section and the total amount of all incentives ~~claimed~~ RECEIVED during the most recent fiscal year for which such information is available.

(6) The total amount of performance-based incentives that the commission issues pursuant to this section in any fiscal year shall not exceed the amount appropriated to the commission to be used for the purposes of this section in the applicable fiscal year. ~~If the commission receives applications for incentives that exceed the amount appropriated by the general assembly for the fiscal year,~~ The commission shall issue incentives to applicants ~~in the order in which the commission received the applications~~ AT THE COMMISSION'S DISCRETION until the amount appropriated has been expended.

(7) (b) ~~In approving an employer to receive a performance-based incentive for the creation of new jobs on or after June 5, 2006, the commission may, in its discretion, allow any employer to claim an incentive pursuant to this section in addition to any other incentive offered by the commission.~~

SECTION 2. 24-46-105.1 (3), Colorado Revised Statutes, is amended to read:

24-46-105.1. Reporting requirement - new jobs created. (3) Any private person or entity that receives a grant or loan pursuant to this article based in part or in whole on the person's or entity's creation of full-time permanent new jobs in the state shall file the progress report required pursuant to subsection (1) of this section. ~~no later than one year and one hundred twenty days after the jobs have been created.~~

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.".

EDUCATION

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

HB08-1004 be amended as follows, and as so amended, be referred to the Committee on Judiciary with favorable recommendation:

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

"**SECTION 1.** Part 1 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-107.7. Return of truant student to school - pilot program - repeal. (1) TRUANCY IS A SIGNIFICANT PROBLEM IN MANY SCHOOLS ACROSS COLORADO. IN ORDER FOR COLORADO STUDENTS TO HAVE THE BEST CHANCE TO SUCCEED IN SCHOOL AND TO PREPARE FOR PRODUCTIVE LIVES, IT IS IMPERATIVE THAT REASONABLE RESOURCES WITHIN THE COMMUNITY BE UTILIZED TO MAKE SURE STUDENTS ATTEND SCHOOL. BECAUSE TRUANCY IS A COMMUNITY PROBLEM IN ADDITION TO A SCHOOL DISTRICT PROBLEM, THERE IS PUBLIC BENEFIT IN SCHOOL DISTRICTS AND MUNICIPALITIES JOINING TOGETHER TO KEEP STUDENTS IN SCHOOL. THEREFORE, THE GENERAL ASSEMBLY AUTHORIZES SCHOOL DISTRICTS THAT CHOOSE TO UTILIZE MUNICIPAL LAW ENFORCEMENT OFFICERS TO ASSIST WITH TRUANCY PREVENTION TO DO SO PURSUANT TO THE PILOT PROGRAM CREATED IN THIS SECTION, WHICH INCLUDES PROVISIONS FOR MONITORING AND EVALUATING IMPLEMENTATION OF THE PILOT PROGRAM.

(2) THE COMMISSIONER OF EDUCATION SHALL DESIGNATE TWO TRUANCY PREVENTION PARTNERSHIPS TO PARTICIPATE IN A PILOT PROGRAM TO UTILIZE MUNICIPAL LAW ENFORCEMENT OFFICERS TO DETAIN TRUANT STUDENTS FOR THE PURPOSE OF RETURNING THE STUDENTS TO SCHOOL. A TRUANCY PREVENTION PARTNERSHIP SHALL INCLUDE A

MUNICIPALITY AND EACH OF THE SCHOOL DISTRICTS THAT ARE INCLUDED IN THE GEOGRAPHIC BOUNDARIES OF THE MUNICIPALITY. THE COMMISSIONER OF EDUCATION SHALL DESIGNATE FOR PARTICIPATION IN THE PILOT PROGRAM THE FIRST TRUANCY PREVENTION PARTNERSHIP FROM THE WESTERN SLOPE OF COLORADO AND THE FIRST TRUANCY ENFORCEMENT PARTNERSHIP FROM THE DENVER METROPOLITAN AREA THAT REQUESTS DESIGNATION AFTER THE EFFECTIVE DATE OF THIS SECTION.

(3) A SCHOOL DISTRICT THAT PARTICIPATES IN THE PILOT PROGRAM SHALL:

(a) ESTABLISH A COMMUNITY RESOURCE TEAM WITH REPRESENTATIVES OF COMMUNITY ORGANIZATIONS, THE SCHOOL DISTRICT, AND THE MUNICIPALITY TO PROVIDE OVERSIGHT AND EXPERTISE TO THE PILOT PROGRAM;

(b) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH AN APPROPRIATE MUNICIPALITY TO BE EXECUTED BY THE SCHOOL DISTRICT BOARD OF EDUCATION AND THE CITY COUNCIL. AT A MINIMUM, THE INTERGOVERNMENTAL AGREEMENT SHALL INCLUDE:

(I) A DESCRIPTION OF THE TRAINING THAT A LAW ENFORCEMENT OFFICER WHO PARTICIPATES IN THE PILOT PROGRAM WILL RECEIVE FROM THE SCHOOL DISTRICT AND THE MUNICIPAL LAW ENFORCEMENT AGENCY;

(II) THE COMMUNITY OUTREACH PLAN, INCLUDING BUT NOT LIMITED TO TOWN HALL MEETINGS AND DIRECT COMMUNICATION TO STUDENTS AND PARENTS CONCERNING THE PILOT PROGRAM. THE PLAN SHALL INCLUDE PROVISIONS FOR COMMUNITY OUTREACH DURING IMPLEMENTATION OF THE PILOT PROGRAM AND DURING THE DURATION OF THE PILOT PROGRAM.

(III) THE PROCESS FOR NOTIFYING A STUDENT'S PARENT OR LEGAL GUARDIAN THAT THE STUDENT HAS BEEN DETAINED FOR THE PURPOSE OF RETURNING THE STUDENT TO SCHOOL AND THE METHOD FOR THE NOTIFICATION;

(IV) CONTACT INFORMATION FOR THE SCHOOL OFFICIAL OR OFFICIALS WHO WILL BE CONTACTED BY THE LAW ENFORCEMENT OFFICERS PARTICIPATING IN THE PILOT PROGRAM; AND

(V) THE ACTIONS THE SCHOOL DISTRICT SHALL TAKE TO DETERMINE WHY STUDENTS ARE TRUANT AND THE INTERVENTIONS THAT SHALL BE USED TO REMEDIATE ANY PROBLEMS;

(c) ESTABLISH AN OPPORTUNITY FOR PARENTS OF STUDENTS WHO ARE NOT REQUIRED TO BE IN ATTENDANCE AT SCHOOL DURING NORMAL SCHOOL HOURS, INCLUDING BUT NOT LIMITED TO STUDENTS ENROLLED IN NONPUBLIC HOME-BASED EDUCATIONAL PROGRAMS, TO EXCLUDE THEIR STUDENTS FROM THE PILOT PROGRAM;

(d) SUBMIT AN ANNUAL REPORT ON OR BEFORE JANUARY 1, 2009, JANUARY 1, 2010, AND JANUARY 1, 2011, TO THE EDUCATION COMMITTEES AND THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

THE REPORT SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

(I) STATISTICS ON CONTACTS BETWEEN STUDENTS AND LAW ENFORCEMENT OFFICERS PARTICIPATING IN THE PILOT PROGRAM, AND THE NUMBER OF STUDENTS WHO HAVE BEEN CONTACTED MORE THAN ONE TIME, AS WELL AS ANY CHANGE IN CRIME STATISTICS FOR THE MUNICIPALITY DURING THE TIME THE PILOT PROGRAM HAS BEEN IN EFFECT;

(II) INFORMATION CONCERNING THE REASON OR REASONS WHY STUDENTS CONTACTED BY LAW ENFORCEMENT OFFICERS FOR TRUANCY WERE TRUANT, INTERVENTION STRATEGIES THAT WERE EMPLOYED, AND THE EFFECTIVENESS OF THE INTERVENTION STRATEGIES;

(III) A SUMMARY OF INPUT CONCERNING THE EFFECTIVENESS OF THE PILOT PROGRAM THROUGH SURVEYS OF STUDENTS, PARENTS, ADMINISTRATORS, AND TEACHERS WHO HAVE BEEN INVOLVED IN THE PROGRAM, AS WELL AS MEMBERS OF THE COMMUNITY OUTREACH TEAM; AND

(IV) AN ANALYSIS OF THE INTERGOVERNMENTAL AGREEMENT AND ITS IMPLEMENTATION, AS WELL AS SUGGESTIONS FOR IMPROVEMENT BY THE PARTICIPATING SCHOOL DISTRICT AND THE MUNICIPALITY.

(4) WITHIN THE GEOGRAPHIC BOUNDARIES OF A SCHOOL DISTRICT THAT IS PARTICIPATING IN THE PILOT PROGRAM, A UNIFORMED LAW ENFORCEMENT OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE THAT A STUDENT IS TRUANT FROM SCHOOL IN VIOLATION OF SECTION 22-33-104, MAY DETAIN THE STUDENT. DURING THE LAW ENFORCEMENT OFFICER'S INITIAL CONTACT WITH THE STUDENT, THE LAW ENFORCEMENT OFFICER SHALL:

(a) INFORM THE STUDENT THAT HE OR SHE IS NOT UNDER ARREST, BUT THAT THE OFFICER MAY DETAIN THE STUDENT BECAUSE THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE STUDENT IS TRUANT FROM SCHOOL IN VIOLATION OF THE STATE SCHOOL ATTENDANCE LAWS;

(b) INFORM THE STUDENT THAT HE OR SHE WILL BE RETURNED TO SCHOOL BY THE LAW ENFORCEMENT OFFICER ONLY IF THE STUDENT CONSENTS TO A PAT DOWN SEARCH FOR THE SOLE PURPOSE OF ENSURING THAT THE STUDENT MAY BE TRANSPORTED TO SCHOOL WITHOUT COMPROMISING THE SAFETY OF THE LAW ENFORCEMENT OFFICER AND ANY OTHER PERSON INVOLVED IN THE TRANSPORT. THE LAW ENFORCEMENT OFFICER SHALL FURTHER INFORM THE STUDENT THAT IF THE STUDENT DOES NOT CONSENT TO A PAT DOWN SEARCH, THE OFFICER MAY DETAIN THE STUDENT UNTIL EITHER THE STUDENT'S PARENT OR LEGAL GUARDIAN, OR AN APPROPRIATE SCHOOL DISTRICT REPRESENTATIVE, ARRIVES TO PICK UP THE STUDENT. A LAW ENFORCEMENT OFFICER MAY CONDUCT A SEARCH OF THE CHILD IF THE OFFICER HAS LEGAL GROUNDS, SEPARATE AND DISTINCT FROM THE STUDENT'S TRUANT STATUS, TO CONDUCT A SEARCH.

(c) INFORM THE STUDENT THAT THE STUDENT'S POSSESSIONS, SUCH AS A BACKPACK OR OTHER BAG HOLDING PERSONAL POSSESSIONS, WILL BE SEPARATED FROM THE STUDENT DURING TRANSPORT TO SCHOOL. THE LAW ENFORCEMENT OFFICER SHALL NOT SEARCH THE STUDENT'S POSSESSIONS OR BACKPACK UNLESS THE OFFICER HAS LEGAL GROUNDS,

SEPARATE AND DISTINCT FROM THE STUDENT'S TRUANT STATUS, TO CONDUCT A SEARCH.

(5) A STUDENT CONTACTED BY A LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION SHALL NOT BE PLACED INTO A JUVENILE DETENTION FACILITY, JAIL, LOCKUP, OR OTHER SECURE AREA OF ANY LAW ENFORCEMENT AGENCY; EXCEPT THAT A STUDENT MAY BE PLACED INTO A JUVENILE DETENTION FACILITY PURSUANT TO A COURT ORDER ENTERED PURSUANT TO SECTION 22-33-108.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

HB08-1152 be postponed indefinitely.

HB08-1201 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"~~purposes of promoting precollegiate curriculum as established by the board of education of each school district consistent with the guidelines adopted by the department of higher education and~~ PURPOSE OF increasing access to".

Page 6, strike lines 18 through 22 and substitute the following:

"~~When the board adopts policies requiring a student to complete a precollegiate curriculum, the board shall also include requirements for schools that do not utilize the precollegiate curriculum. The board shall also establish criteria for students to be disqualified from the Colorado achievement scholarship program only for expulsion.~~".

FINANCE

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

HB08-1033 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 5, strike "amended" and substitute "amended, and the said 39-22-514 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 3, after line 22, insert the following:

"(11.7) (a) IF THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN DECEMBER 2010 AND EACH DECEMBER THEREAFTER INDICATES THAT THE AMOUNT OF THE TOTAL GENERAL FUND REVENUES FOR THAT PARTICULAR FISCAL YEAR WILL NOT BE SUFFICIENT TO MAINTAIN THE LIMIT ON APPROPRIATIONS SPECIFIED IN SECTION 24-75-201.1 (1), C.R.S., THEN THE CREDIT AUTHORIZED IN THIS SECTION SHALL NOT BE ALLOWED FOR ANY INCOME TAX YEAR COMMENCING DURING THE CALENDAR YEAR FOLLOWING THE YEAR IN WHICH THE ESTIMATE IS PREPARED; EXCEPT THAT ANY TAXPAYER WHO WOULD HAVE BEEN ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS SECTION IN THE INCOME TAX YEAR IN WHICH THE CREDIT IS NOT ALLOWED SHALL BE ALLOWED TO CLAIM THE CREDIT EARNED IN SUCH INCOME TAX YEAR IN THE NEXT INCOME TAX YEAR IN WHICH THE ESTIMATE INDICATES THAT THE AMOUNT OF THE TOTAL GENERAL FUND REVENUES WILL BE SUFFICIENT TO MAINTAIN THE LIMIT ON APPROPRIATIONS SPECIFIED IN SECTION 24-75-201.1 (1), C.R.S.

(b) THE DEPARTMENT OF REVENUE SHALL, THROUGH ITS WEB SITE, SPECIFY ON OR BEFORE JANUARY 1, 2011, AND ON OR BEFORE EACH JANUARY 1 THEREAFTER, WHETHER THE CREDIT AUTHORIZED IN THIS SECTION SHALL BE ALLOWED FOR A GIVEN INCOME TAX YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11.7).".

HB08-1049 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 39-22-121 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,";

after line 14, insert the following:

"(6.5) FOR THE PURPOSES OF THIS SECTION, "CHILD CARE FACILITY" MEANS ANY FACILITY REQUIRED TO BE LICENSED PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 26, C.R.S., AND SHALL INCLUDE, BUT IS NOT LIMITED TO:

(a) CHILD CARE CENTERS;

(b) CHILD PLACEMENT AGENCIES;

(c) FAMILY CHILD CARE HOMES;

(d) FOSTER CARE HOMES;

(e) HOMELESS YOUTH SHELTERS;

(f) RESIDENTIAL CHILD CARE FACILITIES; AND

(g) SECURE RESIDENTIAL TREATMENT CENTERS.

(6.7) (a) IF THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN DECEMBER 2010 AND EACH DECEMBER THEREAFTER INDICATES THAT THE AMOUNT OF THE TOTAL GENERAL FUND REVENUES FOR THAT PARTICULAR FISCAL YEAR WILL NOT BE SUFFICIENT TO MAINTAIN THE LIMIT ON APPROPRIATIONS SPECIFIED IN SECTION 24-75-201.1 (1), C.R.S., THEN THE CREDIT AUTHORIZED IN THIS SECTION SHALL NOT BE ALLOWED FOR ANY INCOME TAX YEAR COMMENCING DURING THE CALENDAR YEAR FOLLOWING THE YEAR IN WHICH THE ESTIMATE IS PREPARED; EXCEPT THAT ANY TAXPAYER WHO WOULD HAVE BEEN ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS SECTION IN THE INCOME TAX YEAR IN WHICH THE CREDIT IS NOT ALLOWED SHALL BE ALLOWED TO CLAIM THE CREDIT EARNED IN SUCH INCOME TAX YEAR IN THE NEXT INCOME TAX YEAR IN WHICH THE ESTIMATE INDICATES THAT THE AMOUNT OF THE TOTAL GENERAL FUND REVENUES WILL BE SUFFICIENT TO MAINTAIN THE LIMIT ON APPROPRIATIONS SPECIFIED IN SECTION 24-75-201.1 (1), C.R.S.

(b) THE DEPARTMENT OF REVENUE SHALL, THROUGH ITS WEB SITE, SPECIFY ON OR BEFORE JANUARY 1, 2011, AND ON OR BEFORE EACH JANUARY 1 THEREAFTER, WHETHER THE CREDIT AUTHORIZED IN THIS SECTION SHALL BE ALLOWED FOR A GIVEN INCOME TAX YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6.7).".

HB08-1088 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 7 through 10 and substitute the following:

"assembly for the purposes of this section. All moneys not expended or";

line 13, after "year.", add "ANY MONEYS NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.";

strike lines 19 through 22 and substitute the following:

"assembly for the purposes of this section. All moneys not expended or";

line 25, after "year.", add "ANY MONEYS NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.".

Page 3, strike lines 6 through 9;

line 10, strike "COUNCIL." and substitute "article by the council.";

line 13, after "year.", add "ANY MONEYS NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.";

line 19, strike "article;" and substitute "article. All";

strike lines 20 through 22;

line 25, after "year.", add "ANY MONEYS NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.".

Page 1, strike lines 102 through 104 and substitute the following:

"**FUNDS THAT ARE APPROPRIATED BUT UNEXPENDED OR UNENCUMBERED AT THE END OF A FISCAL YEAR TO REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.**".

HB08-1091 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"**SECTION 1.** 24-35-108 (1) (c), Colorado Revised Statutes, is amended to read:

24-35-108. Functions of department of revenue - collection of state taxes - rules - repeal. (1) In addition to any function specified in this article, the functions of the department of revenue and the duties of the executive director of the department of revenue as the head of said department or of the head of a group, division, or subordinate department appointed by the executive director in accordance with this article are:

(c) (I) To audit reports and returns of taxpayers in connection with all taxes, assessments, and licenses within the jurisdiction of the department of revenue, and, in the performance of this function and duty, the work of the department of revenue shall be so planned and organized that when a field auditor of the department of revenue investigates the tax liability of a taxpayer, to the extent practical, he or she shall examine the tax liability of such taxpayer with respect to all state taxes as to which the return or report of the taxpayer is in question to the end that separate audits by different auditors shall be reduced to a minimum.

(II) (A) A TAXPAYER WITH ANNUAL GROSS SALES IN EXCESS OF FIVE HUNDRED MILLION DOLLARS, AS MEASURED BY THE TAXPAYER'S LAST TAXABLE YEAR, MAY NOT UNREASONABLY WITHHOLD DOCUMENTS IN RESPONSE TO AN INITIAL DOCUMENT REQUEST ISSUED BY THE DEPARTMENT OF REVENUE DURING AN AUDIT. THE FAILURE TO REASONABLY RESPOND TO AN INITIAL DOCUMENT REQUEST DURING AN AUDIT MAY BE USED AGAINST A TAXPAYER IN ANY FUTURE PROCEEDING, AND THE TAXPAYER MAY BE SANCTIONED. SANCTIONS MAY INCLUDE THE EXCLUSION OF DOCUMENTS THAT WERE UNREASONABLY WITHHELD.

(B) THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES TO ADMINISTER THIS SUBPARAGRAPH (II).

(C) NO LATER THAN JANUARY 30, 2011, THE DEPARTMENT OF REVENUE SHALL REPORT TO THE FINANCE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING ANY SANCTIONS ORDERED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I).

(D) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2013, UNLESS REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL PRIOR TO SAID DATE.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to initial document requests issued on or after the applicable effective date of this act.".

HB08-1171 be referred favorably to the Committee on Appropriations.

TRANSPORTATION & ENERGY

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

HB08-1139 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill page, 2, line 13, strike "HIGHWAY." and substitute "HIGHWAY OR ENTER INTO A PUBLIC-PRIVATE INITIATIVE PURSUANT TO PART 12 OF ARTICLE 1 OF THIS TITLE IN CONNECTION WITH THE TOLL HIGHWAY.";

line 16, strike "HIGHWAY," and substitute "HIGHWAY OR ENTERING INTO A PUBLIC-PRIVATE INITIATIVE IN CONNECTION WITH THE TOLL HIGHWAY,";

line 17, strike "PURCHASE OR LEASE" and substitute "PURCHASE, LEASE, OR PUBLIC-PRIVATE INITIATIVE".

Page 3, line 4, strike "AND MAY FINANCE" and substitute "OR ENTER INTO A PUBLIC-PRIVATE INITIATIVE IN CONNECTION WITH A TOLL HIGHWAY AND MAY FINANCE ALL OR A PORTION OF";

line 5, after "HIGHWAY", insert "OR A PUBLIC-PRIVATE INITIATIVE ENTERED INTO IN CONNECTION WITH A TOLL HIGHWAY".

On motion of Representative T. Carroll, **HB08-1088, 1091, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1301, 1302, 1303, 1078** were made Special Orders on Friday, February 8, 2008, at 9:36 a.m.

The hour of 9:36 a.m., having arrived, on motion of Representative Curry, the House resolved itself into Committee of the Whole for consideration of Special Orders and she was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

HB08-1088 by Representative(s) Massey--Concerning authorization for the moneys in certain cash funds to be continuously appropriated to the entities created within the governor's office that administer the funds.

Amendment No. 1, Finance Report, dated February 7, 200, and placed in member's bill file; Report also printed in House Journal, February 8, pages 322-323.

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

HB08-1091 by Representative(s) Judd; also Senator(s) Veiga--Concerning the production of information to the department of revenue for purposes of establishing tax liability.

Amendment No. 1, Finance Report, dated February 7, 2008, and placed in member's bill file; Report also printed in House Journal, February 8, pages 323-324.

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

HB08-1281 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of agriculture.

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

HB08-1282 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of corrections.

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

HB08-1283 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of education.

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

HB08-1284 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

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

HB08-1285 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of health care policy and financing.

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

HB08-1286 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of higher education.

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

HB08-1287 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of human services.

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

HB08-1288 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the judicial department.

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

HB08-1289 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of labor and employment.

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

HB08-1290 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of law.

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

HB08-1291 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of legislature.

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

HB08-1292 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of local affairs.

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

HB08-1293 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of military and veterans affairs.

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

HB08-1294 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of natural resources.

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

HB08-1295 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of personnel and administration.

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

HB08-1296 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of public health and environment.

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

HB08-1297 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of public safety.

Referred to the Committee on Judiciary.

HB08-1298 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of regulatory agencies.

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

HB08-1299 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of revenue.

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

HB08-1301 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of transportation.

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

HB08-1302 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning a supplemental appropriation to the department of the treasury.

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

HB08-1303 by Representative(s) Buescher, Pommer, White; also Senator(s) Keller, Morse, Johnson--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

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

HB08-1078 by Representative(s) Kerr J.; also Senator(s) Morse--Concerning a first-level appeal of a health claim for dental care.

Amendment No. 1, Finance Report, dated January 18, 2008, and placed in member's bill file; Report also printed in House Journal, January 18, pages 86-87.

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB08-1088 amended, 1091 amended, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1298, 1299, 1301, 1302, 1303, 1078 amended**.

Referred to Committee indicated: **HB08-1297**--Judiciary.

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

YES 61	NO 00	EXCUSED 03	VACANCY 01	ABSENT 00
Balmer Y	Gardner B Y	Lundberg Y	Riesberg Y	
Benefield Y	Gardner C Y	Madden Y	Roberts Y	
Borodkin Y	Garza-Hicks E	Marostica Y	Rose Y	
Bruce Y	Green Y	Marshall Y	Scanlan E	
Buescher Y	Hodge Y	Massey Y	Solano Y	
Butcher Y	Jahn Y	May Y	Sonnenberg Y	
Carroll M E	Judd Y	McFadyen Y	Soper Y	
Carroll T Y	Kefalas Y	McGihon Y	Stafford Y	
Casso Y	Kerr A Y	McKinley Y	Stephens Y	
Curry Y	Kerr J Y	McNulty Y	Summers Y	
Ferrandino Y	King Y	Merrifield Y	Swalm Y	
Fischer Y	Labuda Y	Mitchell Y	Todd Y	
Frangas Y	Lambert Y	Peniston Y	Vaad Y	
Gagliardi Y	Levy Y	Pommer Y	Weissmann Y	
Gallegos Y	Liston Y	Primavera Y	White Y	
V	Looper Y	Rice Y	Witwer Y	
			Speaker Y	

REPORTS OF COMMITTEES OF REFERENCE

HEALTH & HUMAN SERVICES

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

HB08-1101 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 3, strike "ASSEMBLY PURSUANT TO SUBSECTION (2) OF THIS SECTION." and substitute "ASSEMBLY.";

line 9, strike "2008," and substitute "2009,".

Page 4, line 5, strike "eight" and substitute "two";

line 6, strike "six hundred forty thousand dollars ($8,640,000)," and substitute "dollars ($2,000,000),";

strike lines 12 through 22 and substitute the following:

"the sum of two million dollars ($2,000,000), to be used for purposes consistent with the creation of the fund.".

HB08-1114 be amended as follows, and as so amended, be referred to the Committee on Appropritaions with favorable recommendation:

Amend printed bill, page 4, strike lines 9 through 12 and substitute the following:

"UNDER THE DIRECTION OF A PHYSICIAN.".

Page 5, line 8, strike "PROVIDERS." and substitute "PROVIDERS; EXCEPT THAT, FOR STATE VETERAN NURSING HOMES, THE PAYMENT SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE MEDIAN COST.".

Page 9, line 15, strike "2011," and substitute "2014,";

line 22, strike "2012." and substitute "2015.";

after line 26, insert the following:

"(12) THE PROVISIONS OF THIS SECTION SHALL NOT TAKE EFFECT UNLESS AND UNTIL THE FEDERAL GOVERNMENT APPROVES A WAIVER AUTHORIZING QUALITY ASSURANCE FEE PROVIDED FOR IN SECTION 25.5-6-203.7. TO ESTABLISH THE REIMBURSEMENT RATE FOR CLASS I NURSING FACILITIES UNTIL THE WAIVER IS GRANTED, THE STATE DEPARTMENT SHALL APPLY THE LAWS AND PROCEDURES USED IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.".

Page 10, strike lines 5 through 8 and substitute the following:

"CAMPUS UNDER A SINGLE OPERATIONAL ENTITY, AS FURTHER DEFINED BY THE STATE BOARD BY RULE, BUT THAT SHALL INCLUDE:

(I) INDEPENDENT LIVING SERVICES;

(II) ASSISTED LIVING RESIDENCES AS DEFINED IN SECTION 25-27-102 (1.3), C.R.S., OR THAT PROVIDE ASSISTED LIVING SERVICES ON-SITE, TWENTY-FOUR HOUR PER DAY, SEVEN DAYS PER WEEK; AND

(III) NURSING FACILITY PROVIDERS.".

Page 11, strike lines 15 and 16 and substitute the following:

"SUCH AGGREGATE NET REVENUE DOES NOT EXCEED THE INCREASED COST OF IMPLEMENTING THIS SECTION AND SECTION 25.5-6-203.5 AND FUTURE INCREASES CAUSED BY SUCH IMPLEMENTATION. INFLATIONARY INCREASES IN THE PER DIEM COSTS, AS DEFINED IN SECTION 25.5-6-203.5 (1) (f), SHALL NOT BE CONSIDERED A COST OF IMPLEMENTING THIS SECTION OR SECTION 25.5-6-203.5.".

Page 12, line 17, strike "FOR THE SOLE PURPOSE OF" and substitute "ONLY TO PAY THE ADMINISTRATIVE COSTS OF IMPLEMENTING SECTION 25.5-6-203.5 AND TO PAY";

line 18, strike "PAYING";

line 19, strike "THIS" and substitute "THESE PURPOSES";

line 20, strike "PURPOSE".

HB08-1144 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 1 and 2 and substitute the following:

"**SECTION 1.** 25-1-108.7 (2) and (9), Colorado Revised Statutes, are amended to read:";

line 4, strike "**rules -**" and substitute "**rules.**";

strike lines 5 through 7 and substitute the following:

"(2) ~~The general assembly finds and declares that the current~~";

strike lines 13 through 16 and substitute the following:

"~~costly.~~ The purpose of the "Health Care Credentials Uniform Application Act" is to make credentialing more efficient, less costly, and less duplicative by making it uniform through the use of a single application form for the collection of core credentials data for use by entities.";

strike lines 17 through 27.

Strike pages 3 and 4.

Page 5, strike line 1.

HB08-1150 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 22, strike "OR" and substitute "BUT";

line 23, strike "MAY" and substitute "SHALL BE LIMITED TO CHIROPRACTIC CARE, MASSAGE THERAPY, AND ACUPUNCTURE PERFORMED BY LICENSED OR CERTIFIED PROVIDERS.";

strike lines 24 and 25.

Page 3, line 17, strike "NO LATER THAN" and substitute "THE EARLIER OF" and, strike "2009." and substitute "2009, OR THREE MONTHS AFTER THE STATE DEPARTMENT RECEIVES APPROVAL OF THE WAIVER.";

line 20, strike "A PERSON" and substitute "PERSONS" and, strike "IS" and substitute "ARE".

Page 5, strike lines 23 through 25 and substitute the following:

"**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.".

HB08-1265 be referred to the Committee of the Whole with favorable recommendation.

LOCAL GOVERNMENT

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

HB08-1140 The committee returns herewith HB08-1140 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with House Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

HB08-1218 be postponed indefinitely.

STATE, VETERANS, & MILITARY AFFAIRS

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

HB08-1039 be postponed indefinitely.

HB08-1128 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 21, strike "~~on file in~~" and substitute "on file in";

line 22, strike "~~the office of the county clerk and recorder~~" and substitute "the office of the county clerk and recorder OR".

Page 4, line 4, strike "~~on file with the county clerk and recorder~~" and substitute "on file with the county clerk and recorder OR";

line 25, strike "~~on file~~" and substitute "on file";

line 26, strike "~~with the county clerk and recorder~~" and substitute "with the county clerk and recorder OR".

Page 5, line 3, strike "~~on file with~~" and substitute "on file with";

line 4, strike "~~the county clerk and recorder~~" and substitute "the county clerk and recorder OR";

line 12, strike "~~on~~" and substitute "on";

line 13, strike "~~file with the county clerk and recorder~~" and substitute "file with the county clerk and recorder OR";

line 19, strike "~~on file with the county clerk and recorder~~" and substitute "on file with the county clerk and recorder OR";

line 25, after "ELECTOR", insert "ON FILE WITH THE COUNTY CLERK AND RECORDER OR".

Page 6, line 5, before "IN", insert "ON FILE WITH THE COUNTY CLERK AND RECORDER OR";

line 12, after "ELECTOR", insert "ON FILE WITH THE COUNTY CLERK AND RECORDER OR".

Page 7, line 1, strike "~~on file in the office of the county clerk~~" and substitute "on file in the office of the county clerk";

line 2, strike "~~and recorder~~" and substitute "and recorder OR";

line 15, strike "statewide primary" and substitute "~~statewide~~ COORDINATED, primary,";

line 18, strike "~~on file in the office of the county clerk~~" and substitute "on file in the office of the county clerk";

line 19, strike "~~and recorder~~" and substitute "and recorder OR".

Page 8, line 1, strike "~~on file with the county clerk and recorder~~" and substitute "on file with the county clerk and recorder OR";

line 27, strike "~~on file~~" and substitute "on file".

Page 9, line 1, strike "~~with the county clerk and recorder~~" and substitute "with the county clerk and recorder OR";

line 5, strike "~~on file with~~" and substitute "on file with";

line 6, strike "~~the county clerk and recorder~~" and substitute "the county clerk and recorder OR";

line 14, strike "~~on~~" and substitute "on";

line 15, strike "~~file with the county clerk and recorder~~" and substitute "file with the county clerk and recorder OR";

line 21, strike "~~on file with the county clerk and recorder~~" and substitute "on file with the county clerk and recorder OR".

Page 10, line 1, after "ELECTOR", insert "ON FILE WITH THE COUNTY CLERK AND RECORDER OR";

line 8, after "ELECTOR", insert "ON FILE WITH THE COUNTY CLERK AND RECORDER OR";

line 16, after "ELECTOR", insert "ON FILE WITH THE COUNTY CLERK AND RECORDER OR".

Page 11, line 7, strike "~~on~~" and substitute "on";

line 8, strike "~~file in the county clerk and recorder's office~~" and substitute "file ~~in~~ WITH the county clerk and ~~recorder's office~~ RECORDER OR";

line 13, strike "~~on file in the county clerk and recorder's office~~" and substitute "on file ~~in~~ WITH the county clerk and ~~recorder's office~~ RECORDER OR".

HB08-1177 be postponed indefinitely.

HB08-1184 be postponed indefinitely.

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed: **HB08-1331, 1332, 1333**.

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB08-1015, 1024, 1155** at 2:33 p.m. on February 7, 2008.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 7th day of February, 2008, at 4:15 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,
Chief Clerk of the House

February 7, 2008

To the Honorable
House of Representatives
Sixty-sixth General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

HB08-1006 CONCERNING VISITS BY CHILDREN IN FOSTER CARE WITH THEIR SIBLINGS.

Approved February 7, 2008 at 3:10 p.m.

HB08-1037 CONCERNING EXPENDITURES OF THE LEGISLATIVE DEPARTMENT.

Approved February 7, 2008 at 3:15 p.m.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor

LAY OVER OF CALENDAR ITEMS

On motion of Representative Labuda, the following items on the Calendar were laid over until February 11, retaining place on Calendar:

Consideration of General Orders--**HB08-1147, 1041, 1203**.

On motion of Representative Labuda, the House adjourned until 10:00 a.m., February 11, 2008.

Approved:
ANDREW ROMANOFF,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk