

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

Seventeenth Legislative Day

Friday, January 25, 2008

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

2

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

4

5 Pledge of Allegiance led by Captain Roger Englesman, Adams County  
6 Sheriff's Department.

7

8 The roll was called with the following result:

9

10 Present--58.

11 Excused--Representatives Fischer, Madden, McFadyen, Pommer,  
12 Rice, Stafford--6.

13 Absent--Representative White--1.

14 Present after roll call--Representatives Madden, McFadyen,  
15 Pommer, Stafford, White.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Borodkin, the reading of the journal of  
21 January 24, 2008, was declared dispensed with and approved as corrected  
22 by the Chief Clerk.

23

24

25

26

27 **THIRD READING OF BILLS--FINAL PASSAGE**

28

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

32

33 **HB08-1060** by Representative(s) Gagliardi; also Senator(s) Hagedorn-  
34 -Concerning the procedure for determining whether an  
35 advanced practice nurse will be granted participating  
36 provider status for a health benefit plan.

37

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

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

42

	YES	61	NO	01	EXCUSED	03	ABSENT	00
1	Balmer	N	Gardner B	Y	Lundberg	Y	Riesberg	Y
2	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
3	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
4	Bruce	Y	Green	Y	Marshall	Y	Scanlan	Y
5	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
6	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
7	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
8	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
9	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
10	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
11	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
12	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
13	Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
14	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	Y
15	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
16	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
17							Speaker	Y

18  
19 Co-sponsors added: Representatives Benefield, Butcher, Casso, Hodge, Jahn,  
20 Kefalas, Kerr A, Labuda, Lundberg, Madden, McGihon, Merrifield, Primavera,  
21 Roberts, Solano, Stafford, Todd.

22  
23 **HB08-1094** by Representative(s) Gagliardi; also Senator(s) Hagedorn-  
24 -Concerning reimbursement for services provided by  
25 advanced practice nurses under the "Colorado Medical  
26 Assistance Act".

27  
28 The question being "Shall the bill pass?".  
29 A roll call vote was taken. As shown by the following recorded vote, a  
30 majority of those elected to the House voted in the affirmative and the bill  
31 was declared **passed**.

	YES	60	NO	02	EXCUSED	03	ABSENT	00
33	Balmer	N	Gardner B	Y	Lundberg	Y	Riesberg	Y
34	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
35	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
36	Bruce	N	Green	Y	Marshall	Y	Scanlan	Y
37	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
38	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
39	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
40	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
41	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
42	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
43	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
44	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
45	Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
46	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	Y
47	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
48	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
49							Speaker	Y

50  
51 Co-sponsors added: Representatives Benefield, Butcher, Casso, Gallegos,  
52 Hodge, Kefalas, Kerr A, Looper, Lundberg, Madden, Marshall, McFadyen,  
53 McGihon, Merrifield, Primavera, Roberts, Solano, Stafford, Todd.

54  
55

1 **HB08-1028** by Representative(s) Mitchell V., Balmer, Gagliardi,  
 2 Gardner B., Garza-Hicks, Green, Kerr J., Liston,  
 3 Marostica, McNulty, Peniston, Riesberg, Rose, Summers,  
 4 Todd, Witwer; also Senator(s) Sandoval, Bacon, Gordon,  
 5 Hagedorn, Isgar, Kester, Penry, Schultheis, Spence,  
 6 Tochtrop, Ward, Wiens, Williams--Concerning the  
 7 voluntary contribution designation benefiting the  
 8 Alzheimer's Association fund that appears on the state  
 9 individual income tax return forms, and, in connection  
 10 therewith, extending the period for the contribution  
 11 designation.  
 12

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

	YES	57	NO	05	EXCUSED	03	ABSENT	00
19	Balmer	Y	Gardner B	Y	Lundberg	N	Riesberg	Y
20	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
21	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
22	Bruce	N	Green	Y	Marshall	Y	Scanlan	Y
23	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
24	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
25	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
26	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
27	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
28	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
29	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
30	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
31	Frangas	Y	Lambert	N	Peniston	Y	Vaad	Y
32	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	N
33	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
34	Garcia	N	Looper	Y	Rice	E	Witwer	Y
35							Speaker	Y

36 Co-sponsors added: Representatives Borodkin, Buescher, Casso, Gallegos,  
 37 Kefalas, King, Labuda, Levy, Looper, Madden, Marshall, Massey, May,  
 38 McFadyen, McGihon, Merrifield, Primavera, Roberts, Solano, Soper, Stafford,  
 39 Stephens, Vaad.  
 40

41 **HB08-1035** by Representative(s) Carroll M. and Swalm, Garza-Hicks,  
 42 Kefalas, Solano; also Senator(s) Morse--Concerning the  
 43 voluntary contribution designation benefiting the military  
 44 family relief fund that appears on the state individual  
 45 income tax return forms, and, in connection therewith,  
 46 extending the period for the contribution designation.  
 47

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

	YES	59	NO	03	EXCUSED	03	ABSENT	00
54	Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
55	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
56	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y

1	Bruce	N	Green	Y	Marshall	Y	Scanlan	Y
2	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
3	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
4	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
5	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
6	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
7	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
8	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
9	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
10	Frangas	Y	Lambert	N	Peniston	Y	Vaad	Y
11	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	N
12	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
13	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
14							Speaker	Y

15 Co-sponsors added: Representatives Balmer, Benefield, Borodkin, Buescher,  
16 Butcher, Casso, Ferrandino, Frangas, Gallegos, Gardner B, Green, Hodge, Jahn,  
17 Kerr A, Kerr J, Labuda, Looper, Lundberg, Madden, Marostica, Massey, May,  
18 McFadyen, McGihon, McNulty, Mitchell, Peniston, Primavera, Riesberg,  
19 Roberts, Rose, Soper, Stafford, Todd, Vaad, Witwer.

20  
21 **HB08-1067** by Representative(s) Gardner B.; also Senator(s) Kester--  
22 Concerning immunity for parole administrative hearing  
23 officers when acting within the scope of their  
24 responsibilities as public employees.

25  
26 The question being "Shall the bill pass?".  
27 A roll call vote was taken. As shown by the following recorded vote, a  
28 majority of those elected to the House voted in the affirmative and the  
29 bill was declared **passed**.

31	YES	61	NO	01	EXCUSED	03	ABSENT	00
32	Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
33	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
34	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
35	Bruce	N	Green	Y	Marshall	Y	Scanlan	Y
36	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
37	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
38	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
39	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
40	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
41	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
42	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
43	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
44	Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
45	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	Y
46	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
47	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
48							Speaker	Y

49 Co-sponsors added: Representatives Borodkin, Buescher, Carroll T, Frangas,  
50 Garza-Hicks, Hodge, Kerr J, King, Liston, Massey, McFadyen, Roberts, Rose,  
51 Stafford, Stephens, Todd.

52  
53 **HB08-1095** by Representative(s) Gardner B., Levy, McGihon, Roberts;  
54 also Senator(s) Brophy, Veiga--Concerning the enactment  
55 of Colorado Revised Statutes 2007 as the positive and  
56 statutory law of the state of Colorado.

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	61	NO	01	EXCUSED	03	ABSENT	00
7	Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
8	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
9	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
10	Bruce	N	Green	Y	Marshall	Y	Scanlan	Y
11	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
12	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
13	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
14	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
15	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
16	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
17	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
18	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
19	Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
20	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	Y
21	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
22	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Borodkin, Garza-Hicks, Kerr A, Kerr J,  
 25 Stafford, Stephens.

26  
 27  
 28 **HB08-1135** by Representative(s) Carroll M.; also Senator(s)  
 29 Hagedorn, Williams--Concerning common interest  
 30 communities, and, in connection therewith, invalidating  
 31 covenants that prohibit building modifications to  
 32 accommodate persons with disabilities, requiring due  
 33 process in penalty assessment procedures, and providing  
 34 for alternative dispute resolution.

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

	YES	61	NO	01	EXCUSED	03	ABSENT	00
42	Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
43	Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
44	Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
45	Bruce	N	Green	Y	Marshall	Y	Scanlan	Y
46	Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
47	Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
48	Carroll M	Y	Judd	Y	McFadyen	Y	Soper	Y
49	Carroll T	Y	Kefalas	Y	McGihon	Y	Stafford	Y
50	Casso	Y	Kerr A	Y	McKinley	Y	Stephens	Y
51	Curry	Y	Kerr J	Y	McNulty	Y	Summers	Y
52	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
53	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
54	Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
55	Gagliardi	Y	Levy	Y	Pommer	E	Weissmann	Y
56	Gallegos	Y	Liston	Y	Primavera	Y	White	Y

1	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
2							Speaker	Y

3 Co-sponsors added: Representatives Borodkin, Ferrandino, Frangas, Green,  
4 Hodge, Kerr A, Madden, Marshall, Merrifield, Peniston, Primavera, Solano,  
5 Soper, Stafford, Todd.

6  
7  
8  
9  
10 On motion of Representative Garcia, **HB08-1018, 1052, 1173, 1008,**  
11 **1076, 1017, 1073, 1059, 1102** were made Special Orders on Friday,  
12 January 25, 2008, at 9:45 a.m.

13  
14  
15  
16 The hour of 9:45 a.m., having arrived, on motion of Representative  
17 McGihon, the House resolved itself into Committee of the Whole for  
18 consideration of Special Orders and she was called to the Chair to act as  
19 Chairman.

### 20 21 22 23 **SPECIAL ORDERS--SECOND READING OF BILLS**

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

29  
30 (Amendments to the committee amendment are to the printed committee  
31 report which was printed and placed in the members' bill file.)

32  
33 **HB08-1018** by Representative(s) Primavera--Concerning allowing  
34 nonadjacent judicial districts to establish a volunteer  
35 court-appointed special advocate program.

36  
37 Ordered engrossed and placed on the Calendar for Third Reading and  
38 Final Passage.

39  
40 **HB08-1052** by Representative(s) McGihon; also Senator(s) Shaffer--  
41 Concerning the participation of members of the Colorado  
42 commission on uniform state laws in the national  
43 conference of commissioners on uniform state laws.

44  
45 Ordered engrossed and placed on the Calendar for Third Reading and  
46 Final Passage.

47  
48 **HB08-1173** by Representative(s) McGihon; also Senator(s) Shaffer--  
49 Concerning the enactment of the "Uniform Prudent  
50 Management of Institutional Funds Act".

51  
52 Amendment No. 1, Judiciary Report, dated January 23, 2008, and placed  
53 in member's bill file; Report also printed in House Journal, January 23,  
54 page 119.

55  
56

1 Amendment No. 2, by Representative McGihon.

2

3 Amend printed bill, page 2, strike lines 15 and 16 and substitute the  
4 following:

5

6 "OR ANY OTHER CHARITABLE OR ELEEMOSYNARY PURPOSE."

7

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

10

11 **HB08-1008** by Representative(s) Garcia--Concerning a requirement  
12 that notice be provided in connection with the filing of a  
13 petition for municipal incorporation.

14

15 Amendment No. 1, Local Government Report, dated January 22, 2008,  
16 and placed in member's bill file; Report also printed in House Journal,  
17 January 23, page 117.

18

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

21

22 **HB08-1017** by Representative(s) Peniston; also Senator(s) Veiga--  
23 Concerning the designation of the western painted turtle  
24 as the state reptile.

25

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

28

29 **HB08-1073** by Representative(s) Massey; also Senator(s) Shaffer--  
30 Concerning the exemption of certain industrial wastewater  
31 treatment facilities from the requirement to operate under  
32 the supervision of a certified operator.

33

34 Amendment No. 1, by Representative Massey.

35

36 Amend printed bill, page 2, strike lines 24 through 26 and substitute the  
37 following:

38

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

48

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

51

52 **HB08-1076** by Representative(s) Ferrandino--Concerning fees for  
53 copies of criminal justice records.

54

55 Referred to the Committee on Appropriations.

56

1 **HB08-1059** by Representative(s) Liston; also Senator(s) Romer--  
 2 Concerning the timing of property tax revenue  
 3 distributions by a county treasurer to a local governmental  
 4 entity.

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

8  
 9 **HB08-1102** by Representative(s) Labuda; also Senator(s) Johnson--  
 10 Concerning an increase in the reserve requirement for the  
 11 liquor enforcement division and state licensing authority  
 12 cash fund.

13  
 14 Amendment No. 1, Finance Report, dated January 23, 2008, and placed  
 15 in member's bill file; Report also printed in House Journal, January 24,  
 16 page 131.

17  
 18 Amendment No. 2, by Representative Garcia.

19  
 20 Amend printed bill, page 2, strike lines 12 through 14 and substitute the  
 21 following:

22  
 23 "~~of each fiscal year which is in excess of the amount appropriated by the~~  
 24 ~~general assembly and a ten percent reserve shall revert to the general fund~~  
 25 SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL  
 26 FUND OR ANY OTHER FUND. THE FUND SHALL BE MAINTAINED IN  
 27 ACCORDANCE WITH SECTION 24-75-402."

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

31  
 32  
 33  
 34 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

35  
 36 Passed Second Reading: **HB08-1018, 1052, 1173 amended, 1008**  
 37 **amended, 1017, 1073 amended, 1059, 1102 amended.**

38  
 39 Referred to Committee indicated: **HB08-1076--Appropriations.**

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

45  
 46

YES	63	NO	00	EXCUSED	02	ABSENT	00
Balmer	Y	Gardner B	Y	Lundberg	Y	Riesberg	Y
Benefield	Y	Gardner C	Y	Madden	Y	Roberts	Y
Borodkin	Y	Garza-Hicks	Y	Marostica	Y	Rose	Y
Bruce	Y	Green	Y	Marshall	Y	Scanlan	Y
Buescher	Y	Hodge	Y	Massey	Y	Solano	Y
Butcher	Y	Jahn	Y	May	Y	Sonnenberg	Y
Carroll M	Y	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



1	Ferrandino	Y	King	Y	Merrifield	Y	Swalm	Y
2	Fischer	E	Labuda	Y	Mitchell	Y	Todd	Y
3	Frangas	Y	Lambert	Y	Peniston	Y	Vaad	Y
4	Gagliardi	Y	Levy	Y	Pommer	Y	Weissmann	Y
5	Gallegos	Y	Liston	Y	Primavera	Y	White	Y
6	Garcia	Y	Looper	Y	Rice	E	Witwer	Y
7							Speaker	Y

8  
9  
10  
11 **REPORTS OF COMMITTEES OF REFERENCE**

12  
13 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

16  
17 **HB08-1069** 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 8, strike "UNLESS" and substitute "IF"  
22 and strike "OR OTHERWISE" and substitute "AS BEING NOT";  
23  
24 line 9, after "ROUTES", insert "THAT ARE NOT AVAILABLE FOR MOTORIZED  
25 TRAVEL SHALL BE IDENTIFIED BY SIGNS AND ROUTES THAT ARE".

26  
27  
28  
29  
30 **BUSINESS AFFAIRS & LABOR**

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

33  
34 **HB08-1105** be amended as follows, and as so amended, be referred to  
35 the Committee on Appropriations with favorable  
36 recommendation:

37  
38 Amend printed bill, page 2, line 7, strike "PERMIT." and substitute  
39 "PERMIT, WHICH SHALL BE RENEWED ANNUALLY.";

40  
41 line 11, strike "CALENDER YEAR." and substitute "YEAR OF LICENSURE.";  
42  
43 strike lines 12 through 15 and substitute the following:

44  
45 "(2) (a) THE STATE OR LOCAL LICENSING AUTHORITY MAY REJECT  
46 THE APPLICATION FOR AN ART GALLERY PERMIT IF THE APPLICANT FAILS  
47 TO ESTABLISH THAT THE APPLICANT IS ABLE TO OFFER COMPLIMENTARY  
48 ALCOHOL BEVERAGES WITHOUT VIOLATING THIS SECTION OR CREATING A  
49 PUBLIC SAFETY RISK TO THE NEIGHBORHOOD.

50  
51 (b) UPON INITIAL APPLICATION, AND FOR EACH RENEWAL, THE  
52 APPLICANT SHALL LIST EACH DAY THAT ALCOHOL BEVERAGES WILL BE  
53 SERVED, WHICH DAYS SHALL NOT BE CHANGED WITHOUT A MINIMUM OF  
54 FIFTEEN DAYS WRITTEN NOTICE TO THE STATE AND LOCAL LICENSING  
55 AUTHORITY.".

56

1 Page 3, after line 25, insert the following:

2 "SECTION 4. 12-47-505 (4) (a), Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4  
5 **12-47-505. Local license fees.** (4) (a) Each application for a  
6 license provided for in this article and article 46 of this title filed with a  
7 local licensing authority shall be accompanied by an application fee in an  
8 amount determined by the local licensing authority to cover actual and  
9 necessary expenses, subject to the following limitations:

10  
11 (IV) FOR A NEW LICENSE OR RENEWAL APPLICATION FOR AN ART  
12 GALLERY PERMIT, NOT TO EXCEED ONE HUNDRED DOLLARS.

13  
14 **SECTION 5.** 12-47-901 (1) (h), Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

16  
17 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided  
18 in section 18-13-122, C.R.S., it is unlawful for any person:

19  
20 (h) (IV) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS  
21 PARAGRAPH (h), IT SHALL NOT BE UNLAWFUL FOR ADULT PATRONS OF AN  
22 ART GALLERY PERMITEE TO CONSUME MALT, VINOUS, OR SPIRITUOUS  
23 LIQUOR ON THE PREMISES WHEN THE CONSUMPTION IS CONDUCTED WITHIN  
24 THE LIMITATIONS OF A VALID PERMIT GRANTED PURSUANT TO SECTION  
25 12-47-122."

26  
27 Renumber succeeding sections accordingly.

28  
29

30

31 **HB08-1143** be referred to the Committee of the Whole with favorable  
32 recommendation.

33

34

35 **HB08-1187** be postponed indefinitely.

36

37

38 **HB08-1189** be referred to the Committee of the Whole with favorable  
39 recommendation.

40

41

42

43

44 **EDUCATION**

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

47

48 **HB08-1002** be amended as follows, and as so amended, be referred to  
49 the Committee on Appropriations with favorable  
50 recommendation:

51

52 Amend printed bill, page 5, line 12, strike "ANNUALLY DEVELOP" and  
53 substitute "DEVELOP AND ANNUALLY REVIEW".

54

55 Page 8, line 26, strike "ANNUALLY DEVELOP" and substitute "DEVELOP  
56 AND ANNUALLY REVIEW".

1 **HB08-1027** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4

5 Amend printed bill, page 2, line 5, before "EXCEPT", insert "THIS  
6 SUBSECTION (2) SHALL APPLY TO BUILDING OR STRUCTURE  
7 CONSTRUCTION."  
8

9 Page 3, line 6, strike "A LOCAL JURISDICTION" and substitute "AN  
10 APPROPRIATE BUILDING DEPARTMENT".  
11

12 Page 4, line 3, strike "LOCAL".  
13

14 Page 5, line 19, after "department", insert "AND THE DIVISION OF FIRE  
15 SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN  
16 THE DEPARTMENT OF PUBLIC SAFETY, REFERRED TO IN THIS SECTION AS  
17 THE "DIVISION OF FIRE SAFETY,";  
18

19 line 25, after the period, add "THE DIVISION OF FIRE SAFETY SHALL ASSIST  
20 THE DIVISION IN TRACKING AND MONITORING THE STATUS OF ALL  
21 BUILDING PLANS THAT HAVE BEEN REFERRED TO THE APPROPRIATE FIRE  
22 DEPARTMENT."  
23

24 Page 6, line 17, after the period, add "THE DIVISION OF FIRE SAFETY IS  
25 AUTHORIZED TO CHARGE A FEE TO COVER THE ACTUAL, REASONABLE, AND  
26 NECESSARY COSTS OF THE INSPECTIONS OF BUILDINGS AND STRUCTURES.  
27 THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIVISION OF FIRE  
28 SAFETY BY RULE, ON THE BASIS OF THE DIRECT COST OF PROVIDING THE  
29 SERVICE."  
30

31 line 20, before "inspections", insert "BUILDING CODE";  
32

33 line 21, before "PLAN", insert "BUILDING CODE";  
34

35 line 22, strike "department," and substitute "department";  
36

37 line 23, before "the", insert "PURSUANT TO SUBPARAGRAPH (II) OF THIS  
38 PARAGRAPH (a)."  
39

40 Page 7, strike line 4 and substitute the following:  
41

42 "town, city, city and county, or fire department to conduct BUILDING CODE  
43 plan reviews".  
44

45 Page 8, line 8, strike "the national fire" and substitute "~~the national fire~~";  
46

47 line 9, strike "protection association," and substitute "~~protection~~  
48 ~~association,~~";  
49

50 line 25, after "(3)", insert "(a) THIS SUBSECTION (3) SHALL APPLY TO  
51 BUILDING AND STRUCTURE MAINTENANCE."  
52

53 Page 9, line 3, strike "and standards" and substitute "~~and standards~~";  
54

55 after line 7, insert the following:  
56

1           "(b) THE DIVISION OF FIRE SAFETY IS AUTHORIZED TO CHARGE A  
2 FEE FOR INSPECTIONS CONDUCTED BY THE DIVISION OF FIRE SAFETY TO  
3 COVER THE ACTUAL, REASONABLE, AND NECESSARY COSTS OF THE  
4 INSPECTIONS OF BUILDINGS AND STRUCTURES. THE AMOUNT OF THE FEE  
5 SHALL BE DETERMINED BY THE DIRECTOR OF THE DIVISION OF FIRE SAFETY  
6 BY RULE. IN ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S., THE  
7 DIVISION OF FIRE SAFETY SHALL ENFORCE THE FIRE CODE ADOPTED BY THE  
8 DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.  
9

10           (c) A FIRE DEPARTMENT PROVIDING FIRE PROTECTION SERVICE FOR  
11 BUILDINGS AND STRUCTURES OF A SCHOOL DISTRICT, AN INSTITUTE  
12 CHARTER SCHOOL, OR A CHARTER SCHOOL THAT CHOOSES TO CONDUCT  
13 FIRE CODE INSPECTIONS MAY REFER NOTICES OF DEFICIENCIES TO THE  
14 DIVISION OF FIRE SAFETY FOR EVALUATION OR ENFORCEMENT IN  
15 ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S. THE DIVISION OF FIRE  
16 SAFETY SHALL PROMULGATE RULES TO ESTABLISH PROCEDURES FOR FIRE  
17 DEPARTMENTS TO REFER NOTICES OF DEFICIENCIES FOR EVALUATION OR  
18 ENFORCEMENT.  
19

20           (d) NOTHING IN THIS SUBSECTION (3) SHALL PROHIBIT THE FIRE  
21 DEPARTMENT FROM CORRECTING VIOLATIONS THAT POSE AN IMMEDIATE  
22 THREAT TO LIFE SAFETY. NOTHING IN THIS SUBSECTION (3) SHALL  
23 PROHIBIT THE FIRE DEPARTMENT FROM SEEKING ENFORCEMENT ACTION IN  
24 A COURT OF COMPETENT JURISDICTION.";

25  
26 line 14, before "EXCEPT", insert "THIS PARAGRAPH (v) SHALL APPLY TO  
27 BUILDING OR STRUCTURE CONSTRUCTION".  
28

29 Page 10, line 3, strike "THE LOCAL JURISDICTION" and substitute "AN  
30 APPROPRIATE BUILDING DEPARTMENT";  
31

32 line 23, strike "LOCAL".  
33

34 Page 12, line 12, after "department", insert "AND THE DIVISION OF FIRE  
35 SAFETY IN THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN  
36 THE DEPARTMENT OF PUBLIC SAFETY, REFERRED TO IN THIS SECTION AS  
37 THE "DIVISION OF FIRE SAFETY,";  
38

39 line 18, after the period, add "THE DIVISION OF FIRE SAFETY SHALL ASSIST  
40 THE DIVISION IN TRACKING AND MONITORING THE STATUS OF ALL  
41 BUILDING PLANS THAT HAVE BEEN REFERRED TO THE APPROPRIATE FIRE  
42 DEPARTMENT."  
43

44 Page 13, line 9, after the period, add "THE DIVISION OF FIRE SAFETY IS  
45 AUTHORIZED TO CHARGE A FEE TO COVER THE ACTUAL, REASONABLE, AND  
46 NECESSARY COSTS OF THE INSPECTIONS OF BUILDINGS AND STRUCTURES.  
47 THE AMOUNT OF THE FEE SHALL BE DETERMINED BY THE DIVISION OF FIRE  
48 SAFETY BY RULE, ON THE BASIS OF THE DIRECT COST OF PROVIDING THE  
49 SERVICE.";  
50

51 line 11, before "inspections", insert "BUILDING CODE";  
52

53 line 13, before "PLAN", insert "BUILDING CODE";  
54

55 line 24, before "plan", insert " BUILDING CODE".  
56

1 Page 15, line 4, strike "the national fire" and substitute "~~the national fire~~";  
2  
3 line 5, strike "protection association," and substitute "~~protection~~  
4 ~~association,~~";  
5  
6 line 21, after "(VII)", insert "(A)".  
7

8 Page 16, line 12, before "THE", insert "THIS SUBPARAGRAPH (VII) SHALL  
9 APPLY TO BUILDING AND STRUCTURE MAINTENANCE.";  
10  
11 after line 22, insert the following:  
12

13 "(B) THE DIVISION OF FIRE SAFETY IS AUTHORIZED TO CHARGE A  
14 FEE FOR INSPECTIONS CONDUCTED BY THE DIVISION OF FIRE SAFETY TO  
15 COVER THE ACTUAL, REASONABLE, AND NECESSARY COSTS OF THE  
16 INSPECTIONS OF BUILDINGS AND STRUCTURES. THE AMOUNT OF THE FEE  
17 SHALL BE DETERMINED BY THE DIRECTOR OF THE DIVISION OF FIRE SAFETY  
18 BY RULE. IN ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S., THE  
19 DIVISION OF FIRE SAFETY SHALL ENFORCE THE FIRE CODE ADOPTED BY THE  
20 DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.  
21

22 (C) A FIRE DEPARTMENT PROVIDING FIRE PROTECTION SERVICE FOR  
23 BUILDINGS AND STRUCTURES OF A JUNIOR COLLEGE DISTRICT THAT  
24 CHOOSES TO CONDUCT FIRE CODE INSPECTIONS MAY REFER NOTICES OF  
25 DEFICIENCIES TO THE DIVISION OF FIRE SAFETY FOR EVALUATION OR  
26 ENFORCEMENT IN ACCORDANCE WITH SECTION 24-33.5-1212, C.R.S. THE  
27 DIVISION OF FIRE SAFETY SHALL PROMULGATE RULES TO ESTABLISH  
28 PROCEDURES FOR FIRE DEPARTMENTS TO REFER NOTICES OF DEFICIENCIES  
29 FOR EVALUATION OR ENFORCEMENT.  
30

31 (D) NOTHING IN THIS SUBPARAGRAPH (VII) SHALL PROHIBIT THE  
32 FIRE DEPARTMENT FROM CORRECTING VIOLATIONS THAT POSE AN  
33 IMMEDIATE THREAT TO LIFE SAFETY. NOTHING IN THIS SUBPARAGRAPH  
34 (VII) SHALL PROHIBIT THE FIRE DEPARTMENT FROM SEEKING  
35 ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION."  
36

37 Page 17, line 1, after "structures", insert "AND ENFORCE THE FIRE CODE";  
38  
39 line 2, strike "AND (2) (a) (V) and" and substitute "(2) (a) (V), (2) (b), AND  
40 (3) ~~and~~";  
41  
42 line 3, strike "AND" and, after "(D),", insert "(1) (v) (III), AND (1) (v)  
43 (VII), AND 24-33.5-1212,";  
44

45 after line 3, insert the following:  
46

47 "SECTION 4. Part 12 of article 33.5 of title 24, Colorado  
48 Revised Statutes, is amended BY THE ADDITION OF A NEW  
49 SECTION to read:  
50

51 **24-33.5-1212. Enforcement of fire code violations - inspections.**  
52 (1) THE DIRECTOR SHALL ENFORCE THE PROVISIONS OF SECTIONS  
53 22-32-124 (2) (a) (III), (2) (a) (IV), (2) (a) (V), (2) (b), AND (3) AND  
54 23-71-122 (1) (v) (II) (B), (1) (v) (II) (C), (1) (v) (II) (D), (1) (v) (III), AND  
55 (1) (v) (VII), C.R.S., BY APPROPRIATE ACTIONS IN COURTS OF COMPETENT  
56 JURISDICTION.

- 1 (2) (a) THE DIRECTOR MAY ISSUE A NOTICE OF VIOLATION TO A  
2 PERSON WHO IS BELIEVED TO HAVE VIOLATED THE FIRE CODES AS  
3 DETERMINED BY AN INSPECTION PURSUANT TO SECTION 22-32-124 (2) (a)  
4 OR (3) OR 23-71-122 (1) (v) (II) OR (1) (v) (III), C.R.S. THE NOTICE SHALL  
5 BE DELIVERED TO THE ALLEGED VIOLATOR BY CERTIFIED MAIL, RETURN  
6 RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES RECEIPT AS  
7 RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.  
8
- 9 (b) THE NOTICE OF VIOLATION SHALL ALLEGE THE FACTS THAT  
10 CONSTITUTE A VIOLATION.  
11
- 12 (c) THE NOTICE OF VIOLATION MAY REQUIRE THE ALLEGED  
13 VIOLATOR TO ACT TO CORRECT THE ALLEGED VIOLATION.  
14
- 15 (d) WITHIN TEN WORKING DAYS AFTER DELIVERY OF THE NOTICE  
16 OF VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST IN WRITING AN  
17 INFORMAL CONFERENCE WITH THE DIRECTOR CONCERNING THE NOTICE OF  
18 VIOLATION. IF THE ALLEGED VIOLATOR FAILS TO REQUEST THE  
19 CONFERENCE WITHIN TEN DAYS, THE NOTICE OF VIOLATION IS FINAL AND  
20 NOT SUBJECT TO FURTHER REVIEW BY THE DIRECTOR, AND ANY  
21 REQUIREMENT TO CORRECT THE ALLEGED VIOLATION PURSUANT TO  
22 PARAGRAPH (c) OF THIS SUBSECTION (2) BECOMES A BINDING  
23 ENFORCEMENT ORDER.  
24
- 25 (e) UPON RECEIPT OF A REQUEST FOR AN INFORMAL CONFERENCE,  
26 THE DIRECTOR SHALL SET A REASONABLE TIME AND PLACE FOR THE  
27 CONFERENCE AND SHALL NOTIFY THE ALLEGED VIOLATOR OF THE TIME  
28 AND PLACE OF THE CONFERENCE. AT THE CONFERENCE, THE ALLEGED  
29 VIOLATOR MAY PRESENT EVIDENCE AND ARGUMENTS CONCERNING THE  
30 ALLEGATIONS IN THE NOTICE OF VIOLATION.  
31
- 32 (f) WITHIN TWENTY WORKING DAYS AFTER THE INFORMAL  
33 CONFERENCE, THE DIRECTOR SHALL UPHOLD, MODIFY, OR STRIKE THE  
34 ALLEGATIONS WITHIN THE NOTICE OF VIOLATION AND MAY ISSUE AN  
35 ENFORCEMENT ORDER. THE DECISION AND, IF APPLICABLE, ENFORCEMENT  
36 ORDER SHALL BE DELIVERED TO THE ALLEGED VIOLATOR BY CERTIFIED  
37 MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES  
38 RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.  
39
- 40 (3) (a) A PERSON WHO IS THE SUBJECT OF AND IS ADVERSELY  
41 AFFECTED BY A NOTICE OF VIOLATION OR AN ENFORCEMENT ORDER ISSUED  
42 PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY APPEAL SUCH ACTION  
43 TO THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL HOLD A  
44 HEARING TO REVIEW SUCH NOTICE OR ORDER AND TAKE FINAL ACTION IN  
45 ACCORDANCE WITH ARTICLE 4 OF THIS TITLE AND MAY EITHER CONDUCT  
46 THE HEARING PERSONALLY OR APPOINT AN ADMINISTRATIVE LAW JUDGE  
47 FROM THE DEPARTMENT OF PERSONNEL.  
48
- 49 (b) FINAL AGENCY ACTION SHALL BE SUBJECT TO JUDICIAL REVIEW  
50 PURSUANT TO ARTICLE 4 OF THIS TITLE.  
51
- 52 (c) AN ALLEGED VIOLATOR WHO IS REQUIRED TO CORRECT AN  
53 ACTION PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION  
54 SHALL BE AFFORDED THE PROCEDURES SET FORTH IN SECTION 24-4-104  
55 (3), TO THE EXTENT APPLICABLE.  
56

1 (4) AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION  
2 MAY IMPOSE A CIVIL PENALTY, DEPENDING ON THE SEVERITY OF THE  
3 ALLEGED VIOLATION, NOT TO EXCEED FIVE HUNDRED DOLLARS PER  
4 VIOLATION FOR EACH DAY OF VIOLATION; EXCEPT THAT THE DIRECTOR  
5 MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS  
6 PER VIOLATION FOR EACH DAY OF VIOLATION THAT RESULTS IN, OR MAY  
7 REASONABLY BE EXPECTED TO RESULT IN, SERIOUS BODILY INJURY.

8  
9 (5) THE DIRECTOR MAY FILE SUIT IN THE DISTRICT COURT IN THE  
10 JUDICIAL DISTRICT IN WHICH A VIOLATION IS ALLEGED TO HAVE OCCURRED  
11 TO JUDICIALLY ENFORCE AN ENFORCEMENT ORDER ISSUED PURSUANT TO  
12 THIS SECTION."

13  
14 Renumber succeeding sections accordingly.

15  
16  
17  
18  
19 **HEALTH & HUMAN SERVICES**

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

22  
23 **HB08-1047** be amended as follows, and as so amended, be referred to  
24 the Committee on Appropriations with favorable  
25 recommendation:

26  
27 Amend printed bill, strike everything below the enacting clause and  
28 substitute the following:

29  
30 "SECTION 1. Article 103 of title 24, Colorado Revised Statutes,  
31 is amended BY THE ADDITION OF A NEW PART to read:

32  
33 PART 8  
34 SET ASIDES IN STATE PROCUREMENT  
35 FOR ALL PERSONS WITH SEVERE DISABILITIES

36  
37 **24-103-801. Legislative declaration.** (1) THE GENERAL  
38 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

39  
40 (a) IT IS IN THE BEST INTEREST OF THE STATE TO ENHANCE THE  
41 DIGNITY AND CAPACITY FOR SELF-SUPPORT OF ALL PERSONS WITH SEVERE  
42 DISABILITIES AND TO MINIMIZE THEIR DEPENDENCE ON GOVERNMENT  
43 PROGRAMS FOR THEIR BASIC NEEDS; AND

44  
45 (b) IT BENEFITS THE STATE AS WELL AS ALL PERSONS WITH SEVERE  
46 DISABILITIES TO ENCOURAGE AND ASSIST ALL PERSONS WITH SEVERE  
47 DISABILITIES TO ACHIEVE MAXIMUM PERSONAL INDEPENDENCE THROUGH  
48 USEFUL AND PRODUCTIVE GAINFUL EMPLOYMENT BY IDENTIFYING A  
49 MARKET FOR THE SERVICES THAT THEY CAN OFFER.

50  
51 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT  
52 THE PURPOSE OF THIS ACT IS TO CREATE A SET ASIDE PROGRAM FOR  
53 NONPROFIT AGENCIES THAT EMPLOY ANY PERSONS WITH SEVERE  
54 DISABILITIES AND TO ALLOW NONPROFIT AGENCIES TO BID ON CERTAIN  
55 TYPES OF SERVICES SOLICITATIONS. IN FURTHERANCE OF THIS PURPOSE,  
56 THE GENERAL ASSEMBLY RECOGNIZES THAT IT IS IN THE BEST INTERESTS

1 OF ALL PERSONS WITH SEVERE DISABILITIES THAT THE EMPLOYMENT  
2 OPTIONS CREATED PURSUANT TO THIS ACT EXPAND THE OPPORTUNITIES  
3 FOR ALL PERSONS WITH SEVERE DISABILITIES TO WORK IN INTEGRATED  
4 EMPLOYMENT SETTINGS.

5

6 **24-103-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8

9 (1) "BUNDLING" MEANS A STATE AGENCY CONSOLIDATING TWO OR  
10 MORE SOLICITATIONS FOR SERVICES PREVIOUSLY PROVIDED OR  
11 PERFORMED UNDER SEPARATE SMALLER CONTRACTS INTO A SINGLE  
12 SOLICITATION THAT IS LIKELY TO BE UNSUITABLE FOR AWARD TO A  
13 NONPROFIT AGENCY DUE TO ANY OF THE FOLLOWING:

14

15 (a) THE DIVERSITY, SIZE, OR SPECIALIZED NATURE OF THE  
16 ELEMENTS OF THE REQUIRED SERVICES;

17

18 (b) THE AGGREGATE DOLLAR VALUE OF THE ANTICIPATED AWARD;  
19 OR

20

21 (c) THE GEOGRAPHICAL DISPERSION OF THE CONTRACT  
22 PERFORMANCE SITES.

23

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

25

26 (3) "NONPROFIT AGENCY" MEANS A PRIVATE NONPROFIT  
27 ORGANIZATION ESTABLISHED UNDER THE LAWS OF THE UNITED STATES OR  
28 THIS STATE THAT IS OPERATED IN THE INTEREST OF PERSONS WITH SEVERE  
29 DISABILITIES OR THAT SPECIALIZES IN SERVICES FOR PERSONS WITH SEVERE  
30 DISABILITIES, THE NET INCOME OF WHICH DOES NOT BENEFIT IN WHOLE OR  
31 IN PART ANY SHAREHOLDER OR OFFICER.

32

33 (4) "SELF-CERTIFIED VENDOR" MEANS A NONPROFIT AGENCY THAT  
34 HAS APPLIED AND BEEN APPROVED BY THE DEPARTMENT TO BID ON  
35 CERTAIN SERVICES SOLICITATIONS PURSUANT TO THIS PART 8.

36

37 (5) "SERVICES SOLICITATION" MEANS A SOLICITATION BY A STATE  
38 AGENCY FOR THE FURNISHING OF LABOR, TIME, OR EFFORT BY A  
39 CONTRACTOR NOT INVOLVING THE DELIVERY OF A SPECIFIC END PRODUCT  
40 OTHER THAN PRODUCTS THAT ARE MERELY INCIDENTAL TO THE REQUIRED  
41 PERFORMANCE.

42

43 (6) "SEVERE DISABILITY" MEANS ONE OR MORE PHYSICAL OR  
44 MENTAL DISABILITIES THAT CONSTITUTE A SUBSTANTIAL IMPAIRMENT TO  
45 EMPLOYMENT AND THAT ARE OF SUCH A NATURE AS TO REQUIRE MULTIPLE  
46 VOCATIONAL REHABILITATION SERVICES OVER AN EXTENDED PERIOD.

47

48 (7) "STATE AGENCY" MEANS ANY STATE OFFICE, DEPARTMENT,  
49 COMMISSION, INSTITUTION, OR BUREAU, OR ANY AGENCY, DIVISION, OR  
50 UNIT WITHIN A DEPARTMENT OR OFFICE. NOTWITHSTANDING THE  
51 PROVISIONS OF SECTION 24-101-105, "STATE AGENCY" SHALL INCLUDE  
52 EACH INSTITUTION OF HIGHER EDUCATION AND THE COLORADO  
53 COMMISSION ON HIGHER EDUCATION. "STATE AGENCY" SHALL NOT  
54 INCLUDE ANY MUNICIPALITY, COUNTY, SCHOOL DISTRICT, SPECIAL  
55 DISTRICT, OR ANY OTHER LOCAL GOVERNMENT IN THE STATE.

56



- 1           **24-103-803. Nonprofit agencies - self-certified vendor list -**  
2 **creation.** (1) ANY NONPROFIT AGENCY THAT IS INTERESTED IN  
3 PERFORMING STATE SERVICES AND THAT WOULD LIKE TO BID ON  
4 SOLICITATIONS FOR SUCH SERVICES THROUGH THE SET ASIDE PROGRAM  
5 CREATED IN THIS PART 8 SHALL FIRST APPLY TO THE DEPARTMENT, IN A  
6 MANNER TO BE DETERMINED BY THE DEPARTMENT, TO BECOME A  
7 SELF-CERTIFIED VENDOR PURSUANT TO THIS SECTION.  
8  
9           (2) THE DEPARTMENT SHALL ACCEPT APPLICATIONS FROM ANY  
10 NONPROFIT AGENCY THAT SEEKS TO BECOME A SELF-CERTIFIED VENDOR  
11 TO BID ON CERTAIN SERVICES SOLICITATIONS. IN ORDER FOR A NONPROFIT  
12 AGENCY TO BECOME A SELF-CERTIFIED VENDOR, THE NONPROFIT AGENCY  
13 SHALL CERTIFY THAT:  
14  
15           (a) THE NONPROFIT AGENCY IS AN INDEPENDENT TAX-EXEMPT  
16 CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING UNDER  
17 SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF  
18 1986", AS AMENDED;  
19  
20           (b) THE NONPROFIT AGENCY IS REGISTERED ON THE CENTRALIZED  
21 SUPPLIER DATABASE OF ALL BUSINESSES THAT ARE INTERESTED IN  
22 PROVIDING GOODS AND SERVICES TO THE STATE, WHICH DATABASE IS  
23 CREATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
24 PERSONNEL PURSUANT TO SECTION 24-102-202.5;  
25  
26           (c) THE NONPROFIT AGENCY SATISFIES THE STATUTORY  
27 REQUIREMENTS TO BE ELIGIBLE TO BID ON A STATE SERVICES SOLICITATION  
28 PURSUANT TO SECTION 24-103-401 AND ANY RULES PROMULGATED BY  
29 THE DEPARTMENT OF PERSONNEL IN FURTHERANCE OF SAID SECTION;  
30  
31           (d) THE NONPROFIT AGENCY WOULD BE CAPABLE OF HIRING AND  
32 WOULD EMPLOY PEOPLE TO PERFORM ANY SERVICE FOR WHICH THE  
33 NONPROFIT AGENCY BIDS, AND THAT OF THOSE PEOPLE EMPLOYED A TOTAL  
34 OF SEVENTY-FIVE PERCENT WOULD BE PERSONS WITH SEVERE DISABILITIES  
35 AND A MINIMUM OF TWENTY PERCENT WOULD BE PERSONS WITH SEVERE  
36 DISABILITIES WHO HAVE DEVELOPMENTAL DISABILITIES AS DEFINED IN  
37 SECTION 27-10.5-102, C.R.S.; AND  
38  
39           (e) ANY OTHER CRITERIA CONSISTENT WITH THE PURPOSES OF THIS  
40 PART 8 THAT ARE DEEMED NECESSARY BY THE DEPARTMENT.  
41  
42           (3) THE DEPARTMENT SHALL CREATE AND MAINTAIN A LIST OF ALL  
43 NONPROFIT AGENCIES THAT HAVE ATTAINED SELF-CERTIFIED VENDOR  
44 STATUS AND SHALL MAKE THE LIST AVAILABLE TO THE DEPARTMENT OF  
45 PERSONNEL. THE DEPARTMENT OF PERSONNEL SHALL DISTRIBUTE THE LIST  
46 TO EACH STATE AGENCY.  
47  
48           (4) A NONPROFIT AGENCY'S SELF-CERTIFIED VENDOR STATUS IS  
49 VALID FOR ONE YEAR AFTER THE DATE THAT THE NONPROFIT AGENCY'S  
50 SELF-CERTIFICATION APPLICATION WAS APPROVED. AFTER ONE YEAR, A  
51 NONPROFIT AGENCY IS REQUIRED TO REAPPLY TO THE DEPARTMENT FOR  
52 SELF-CERTIFIED VENDOR STATUS TO BE ELIGIBLE TO RESPOND TO A SET  
53 ASIDE SOLICITATION PURSUANT TO THIS PART 8.  
54  
55           (5) (a) NOTHING IN THIS PART 8 SHALL BE CONSTRUED TO REQUIRE  
56 A NONPROFIT AGENCY THAT SEEKS TO RESPOND TO SERVICES

1 SOLICITATIONS TO BECOME A SELF-CERTIFIED VENDOR; EXCEPT THAT A  
2 NONPROFIT AGENCY SHALL NOT BE ELIGIBLE TO BID FOR A SET ASIDE  
3 SOLICITATION PURSUANT TO THIS PART 8 UNLESS THE NONPROFIT AGENCY  
4 IS SELF-CERTIFIED PURSUANT TO THIS SECTION.  
5

6 (b) NOTHING IN THIS PART 8 SHALL BE CONSTRUED TO PREVENT A  
7 NONPROFIT AGENCY FROM BIDDING ON ANY STATE AGENCY SOLICITATION  
8 THAT IS NOT A SET ASIDE SOLICITATION PURSUANT TO THIS PART 8.  
9

10 **24-103-804. Services solicitations - categorical identification.**

11 (1) (a) THE DEPARTMENT OF PERSONNEL SHALL PUBLISH A LIST OF THE  
12 SERVICES THAT STATE AGENCIES SEEK THROUGH SERVICES SOLICITATIONS  
13 AND SHALL MAKE THE LIST AVAILABLE TO NONPROFIT AGENCIES ON AN  
14 ANNUAL BASIS. AS PART OF A NONPROFIT AGENCY'S APPLICATION TO  
15 BECOME A SELF-CERTIFIED VENDOR PURSUANT TO SECTION 24-103-803,  
16 THE NONPROFIT AGENCY SHALL SPECIFY THE TASKS AND ACTIVITIES THAT  
17 IT IS ABLE TO PERFORM FOR STATE AGENCIES BASED ON THE LIST CREATED  
18 BY THE DEPARTMENT OF PERSONNEL.  
19

20 (b) THE DEPARTMENT SHALL REVIEW EACH APPLICATION  
21 SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) AND  
22 CREATE A LIST OF THE TYPES OF TASKS AND ACTIVITIES THAT IT DEEMS  
23 APPROPRIATE FOR A SELF-CERTIFIED VENDOR TO PERFORM. THE  
24 DEPARTMENT SHALL CREATE AN INITIAL TASKS AND ACTIVITIES LIST  
25 WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)  
26 AND SHALL REVIEW AND UPDATE THE LIST AT LEAST ANNUALLY.  
27

28 (2) AFTER CREATING THE TASKS AND ACTIVITIES LIST PURSUANT  
29 TO SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL MEET WITH  
30 THE STATE PURCHASING DIRECTOR OR THE DIRECTOR'S DESIGNEE TO  
31 DETERMINE THE TYPES OF SERVICES SOLICITATIONS THAT WOULD INVOLVE  
32 SOME OR ALL OF THE TASKS OR ACTIVITIES SPECIFIED ON THE LIST AND  
33 THAT COULD BE SUCCESSFULLY PERFORMED BY SELF-CERTIFIED VENDORS.  
34 THE DEPARTMENT AND THE STATE PURCHASING DIRECTOR OR THE  
35 DIRECTOR'S DESIGNEE SHALL SOLICIT INPUT FROM THE PURCHASING  
36 DIRECTOR OF EACH STATE AGENCY REGARDING THE NATURE OF SERVICES  
37 FOR WHICH THE STATE AGENCY PERIODICALLY ISSUES SOLICITATIONS FOR  
38 BIDS AND THE TYPE OF SERVICES THAT THE STATE AGENCY BELIEVES  
39 COULD BE SUCCESSFULLY PERFORMED BY A SELF-CERTIFIED VENDOR.  
40 WITHIN NINETY DAYS AFTER THE ESTABLISHMENT OF THE LIST OF TASKS  
41 AND ACTIVITIES CREATED PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
42 THE DEPARTMENT SHALL CREATE A LIST OF THE TYPES OF SERVICES  
43 SOLICITATIONS THAT IT DEEMS APPROPRIATE FOR A SELF-CERTIFIED  
44 VENDOR TO PERFORM. THE LIST SHALL BE REFERRED TO AS THE "SERVICES  
45 SET ASIDE LIST". THE DEPARTMENT SHALL REVIEW AND UPDATE THE LIST  
46 AT LEAST ANNUALLY.  
47

48 (3) THE DEPARTMENT SHALL PROVIDE THE SERVICES SET ASIDE  
49 LIST TO THE STATE PURCHASING DIRECTOR. THE STATE PURCHASING  
50 DIRECTOR SHALL PROVIDE THE SERVICES SET ASIDE LIST TO THE  
51 PURCHASING DIRECTOR OF EACH STATE AGENCY AND SHALL MAKE THE  
52 LIST AVAILABLE TO ANY NONPROFIT AGENCY THAT IS SELF-CERTIFIED TO  
53 BID ON SERVICES SOLICITATIONS PURSUANT TO THIS PART 8.  
54

55 **24-103-805. Contract set asides - bid process created by**  
56 **department of personnel - obligation of state agencies - rules.**

1 (1) ANY STATE AGENCY THAT INTENDS TO SOLICIT BIDS FOR A SERVICE  
2 THAT IS INCLUDED ON THE SERVICES SET ASIDE LIST CREATED PURSUANT  
3 TO SECTION 24-103-804 SHALL FIRST SOLICIT BIDS FROM SELF-CERTIFIED  
4 VENDORS FOR SUCH SERVICE AND SHALL FOLLOW THE PROCEDURES  
5 SPECIFIED IN THIS SUBSECTION (1):  
6

7 (a) IF TWO OR MORE SELF-CERTIFIED VENDORS BID ON THE  
8 SOLICITATION FOR THE SERVICES, THE PURCHASING DIRECTOR OF THE  
9 STATE AGENCY SHALL AWARD A CONTRACT TO ONE OF THE  
10 SELF-CERTIFIED VENDORS BASED ON A COMPETITIVE PRICE  
11 DETERMINATION.  
12

13 (b) IF ONE SELF-CERTIFIED VENDOR BIDS ON THE SOLICITATION FOR  
14 THE SERVICES, THE PURCHASING DIRECTOR OF THE STATE AGENCY SHALL  
15 AWARD A CONTRACT TO THE SELF-CERTIFIED VENDOR AND SHALL ENSURE  
16 THAT THE CONTRACT IS AWARDED AT A FAIR AND REASONABLE PRICE OF  
17 UP TO FIFTEEN PERCENT ABOVE THE FAIR MARKET VALUE OF THE  
18 SERVICES.  
19

20 (c) IF THE STATE AGENCY DOES NOT RECEIVE A BID FROM ANY  
21 SELF-CERTIFIED VENDOR FOR THE SERVICES, THE STATE AGENCY IS  
22 PERMITTED TO PROCURE THE SERVICES THROUGH OTHER APPROVED  
23 PROCUREMENT METHODS AND SHALL NOT BE SUBJECT TO THE  
24 REQUIREMENTS OF THIS PART 8 FOR THAT SPECIFIC SOLICITATION.  
25

26 (2) THE DEPARTMENT OF PERSONNEL SHALL, WITHIN ONE HUNDRED  
27 EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2),  
28 ESTABLISH A PROCESS WHEREBY ANY STATE AGENCY THAT INTENDS TO  
29 SOLICIT BIDS FOR A SERVICE THAT IS INCLUDED ON THE SERVICES SET  
30 ASIDE LIST CREATED PURSUANT TO SECTION 24-103-804 MAY SOLICIT BIDS  
31 SOLELY FROM SELF-CERTIFIED VENDORS.  
32

33 (3) ANY STATE AGENCY THAT HAS AWARDED A SOLICITATION FOR  
34 SERVICES TO A SELF-CERTIFIED VENDOR PURSUANT TO PARAGRAPH (a) OR  
35 (b) OF SUBSECTION (1) OF THIS SECTION SHALL, BEFORE THE EXPIRATION  
36 OF THE TERM OF THE CONTRACT, RENEGOTIATE A FAIR AND REASONABLE  
37 PRICE FOR THE SERVICES WITH THE SELF-CERTIFIED VENDOR THAT HAS  
38 PERFORMED THE SERVICES FOR THE STATE AGENCY. THE STATE AGENCY  
39 IS NOT PERMITTED TO SOLICIT NEW BIDS FOR THE SERVICES PERFORMED BY  
40 THE SELF-CERTIFIED VENDOR UNLESS ONE OF THE FOLLOWING OCCURS:  
41

42 (a) THE NONPROFIT AGENCY THAT IS THE SELF-CERTIFIED VENDOR  
43 NO LONGER WISHES TO PERFORM THE SERVICES FOR THE STATE AGENCY;  
44

45 (b) THE STATE AGENCY DECIDES TO PERFORM THE SERVICES  
46 INTERNALLY AND HIRES EMPLOYEES WHO WILL BE EMPLOYEES OF THE  
47 STATE TO PERFORM THE SERVICES;  
48

49 (c) THE STATE AGENCY NO LONGER NEEDS THE SERVICE THAT WAS  
50 PROVIDED BY THE SELF-CERTIFIED VENDOR; OR  
51

52 (d) THE SELF-CERTIFIED VENDOR HAS NOT MET THE REQUIREMENTS  
53 FOR THE SERVICES OFFERED.  
54

55 (4) ANY STATE AGENCY THAT IS REQUIRED TO SOLICIT BIDS FOR A  
56 SERVICE THAT IS INCLUDED ON THE SERVICES SET ASIDE LIST IS

1 PROHIBITED FROM BUNDLING THE SERVICE WITH ONE OR MORE OTHER  
2 SERVICES NOT INCLUDED ON THE SERVICES SET ASIDE LIST BEFORE  
3 SOLICITING BIDS FROM SELF-CERTIFIED VENDORS PURSUANT TO THIS  
4 SECTION. IF THE STATE AGENCY HAS NOT RECEIVED A BID FROM ANY  
5 SELF-CERTIFIED VENDOR AND IS THEREFORE AUTHORIZED TO PROCURE THE  
6 SERVICES THROUGH OTHER APPROVED PROCUREMENT METHODS, THE  
7 BUNDLING PROHIBITION SHALL NO LONGER APPLY TO THE STATE AGENCY  
8 FOR THAT SPECIFIC SOLICITATION FOR SERVICES.  
9

10 (5) THE DEPARTMENT OF PERSONNEL SHALL PROMULGATE RULES  
11 TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION PURSUANT TO  
12 SECTION 24-102-101. SUCH RULES SHALL BE PROMULGATED IN  
13 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF THIS TITLE.  
14

15 (6) ANY STATE AGENCY THAT HAS AWARDED A SOLICITATION FOR  
16 SERVICES TO A SELF-CERTIFIED VENDOR PURSUANT TO THIS PART 8 SHALL  
17 REPORT TO THE DEPARTMENT OF PERSONNEL REGARDING THE PROGRESS  
18 OF THE SOLICITATION IN A MANNER AND FREQUENCY TO BE DETERMINED  
19 BY THE DEPARTMENT OF PERSONNEL.  
20

21 **24-103-806. Compliance with state and federal laws.** ANY  
22 SELF-CERTIFIED VENDOR THAT IS AWARDED A SOLICITATION FOR SERVICES  
23 PURSUANT TO THIS PART 8 IS REQUIRED TO COMPLY WITH STATE AND  
24 FEDERAL LAWS REGARDING EMPLOYEE COMPENSATION, EMPLOYEE  
25 PROTECTIONS, WORKERS' COMPENSATION, AND WORKPLACE SAFETY.  
26

27 **24-103-807. Additional requirements.** (1) ANY SELF-CERTIFIED  
28 VENDOR THAT BIDS TO PERFORM A SERVICES SOLICITATION SHALL INCLUDE  
29 IN THE BID THE PERCENTAGE OF THE TOTAL CONTRACT PRICE THAT IT WILL  
30 SPEND ON THE SALARY OR WAGES OF THE EMPLOYEES HIRED TO PERFORM  
31 THE SERVICES SOLICITATION, NOT INCLUDING THE SALARY OR WAGES FOR  
32 ADMINISTRATIVE STAFF OR EMPLOYEES.  
33

34 (2) ANY SELF-CERTIFIED VENDOR THAT IS AWARDED A SERVICES  
35 SOLICITATION SHALL PAY THE EMPLOYEES HIRED TO PERFORM THE  
36 SERVICES SOLICITATION THE PREVAILING WAGE; EXCEPT THAT ANY  
37 EMPLOYEE THAT IS PAID BELOW THE PREVAILING WAGE SHALL UNDERGO  
38 PRODUCTIVITY TESTING AND SHALL HAVE HIS OR HER WAGES ADJUSTED  
39 ACCORDINGLY.  
40

41 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-103-803  
42 (2) (d), A SELF-CERTIFIED VENDOR MAY APPLY FOR A WAIVER OF THE  
43 REQUIREMENT THAT TWENTY PERCENT OF THE EMPLOYEES HIRED TO  
44 PERFORM A SERVICES SOLICITATION SHALL BE PERSONS WITH  
45 DEVELOPMENTAL DISABILITIES. THE DEPARTMENT AND THE DEPARTMENT  
46 OF PERSONNEL MAY IDENTIFY CONTRACTS FOR WHICH THE TWENTY  
47 PERCENT REQUIREMENT IS INAPPROPRIATE.  
48

49 (4) THIS PROGRAM SHALL BE REVIEWED AND RE-AUTHORIZED  
50 EVERY TWO YEARS.  
51

52 **SECTION 2. Effective date - applicability.** (1) This act shall  
53 take effect at 12:01 a.m. on the day following the expiration of the  
54 ninety-day period after final adjournment of the general assembly that is  
55 allowed for submitting a referendum petition pursuant to article V,  
56 section 1 (3) of the state constitution, (August 6, 2008, if adjournment

1 sine die is on May 7, 2008); except that, if a referendum petition is filed  
 2 against this act or an item, section, or part of this act within such period,  
 3 then the act, item, section, or part, if approved by the people, shall take  
 4 effect on the date of the official declaration of the vote thereon by  
 5 proclamation of the governor.

6  
 7 (2) The provisions of this act shall apply to solicitation for bids  
 8 issued on or after the applicable effective date of this act."  
 9

10  
 11

12 **HB08-1134** be amended as follows, and as so amended, be referred to  
 13 the Committee of the Whole with favorable  
 14 recommendation:  
 15

16 Amend printed bill, page 2, after line 13, insert the following:  
 17

18 "(c) (I) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS  
 19 SUBSECTION (1), A NONPROFIT ORGANIZATION MAY BE THE PROPRIETOR OF  
 20 A DENTAL OR DENTAL HYGIENE PRACTICE IF:  
 21

22 (A) THE ORGANIZATION IS A COMMUNITY HEALTH CENTER, AS  
 23 DEFINED IN THE FEDERAL "PUBLIC HEALTH SERVICE ACT", 42 U.S.C. SEC.  
 24 254b; OR  
 25

26 (B) AT LEAST FIFTY PERCENT OF THE PATIENTS SERVED BY THE  
 27 ORGANIZATION ARE MEDICALLY INDIGENT, AS DETERMINED PURSUANT TO  
 28 PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S., ARE ENROLLED IN THE  
 29 CHILDREN'S BASIC HEALTH PLAN PURSUANT TO ARTICLE 8 OF TITLE 25.5,  
 30 C.R.S., OR ARE ENROLLED IN THE COLORADO MEDICAL ASSISTANCE  
 31 PROGRAM ESTABLISHED PURSUANT TO ARTICLES 4, 5, AND 6 OF TITLE 25.5,  
 32 C.R.S.  
 33

34 (II) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS  
 35 SUBSECTION (1), A POLITICAL SUBDIVISION OF THE STATE MAY BE THE  
 36 PROPRIETOR OF A DENTAL OR DENTAL HYGIENE PRACTICE. AS USED IN  
 37 THIS SUBPARAGRAPH (II), "POLITICAL SUBDIVISION OF THE STATE" MEANS  
 38 A COUNTY, CITY AND COUNTY, CITY, TOWN, SERVICE AUTHORITY, SPECIAL  
 39 DISTRICT, OR ANY OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL, OR  
 40 PUBLIC CORPORATION ORGANIZED PURSUANT TO LAW.  
 41

42 (III) THE PROPRIETORSHIP OF A DENTAL OR DENTAL HYGIENE  
 43 PRACTICE BY A NONPROFIT ORGANIZATION THAT MEETS THE CRITERIA IN  
 44 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) OR BY A POLITICAL  
 45 SUBDIVISION OF THE STATE SHALL NOT AFFECT THE EXERCISE OF THE  
 46 INDEPENDENT PROFESSIONAL JUDGMENT OF THE LICENSED DENTIST OR  
 47 DENTAL HYGIENIST PROVIDING CARE TO PATIENTS ON BEHALF OF THE  
 48 ORGANIZATION OR POLITICAL SUBDIVISION."  
 49

50 line 18, strike "POSTED ON" and substitute "AVAILABLE AT THE RECEPTION  
 51 DESK";  
 52

53 line 19, strike "THE PREMISES" and, strike "IN A" and substitute "DURING  
 54 THE";  
 55

56 strike line 20.

- 1 Page 3, line 2, strike "POSTED ON A FORM" and substitute "AVAILABLE IN  
2 A FORMAT";  
3  
4 line 3, strike "RECEIPT OF A WRITTEN";  
5  
6 line 10, strike "POSTED AND MADE AVAILABLE TO THE PUBLIC" and  
7 substitute "UPDATED".  
8  
9 Page 4, line 9, strike the second "DENTAL".

10  
11  
12  
13

#### 14 **LOCAL GOVERNMENT**

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

17

- 18 **HB08-1065** be amended as follows, and as so amended, be referred to  
19 the Committee of the Whole with favorable  
20 recommendation:  
21

22 Amend printed bill, page 2, line 12, after "nuisance.", insert  
23 "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A POLITICAL  
24 SUBDIVISION OF THE STATE SHALL NOT MAINTAIN AN ACTION PURSUANT  
25 TO THIS SECTION IF THE ALLEGED NUISANCE INVOLVES A MINING  
26 OPERATION OR THE DEVELOPMENT, EXTRACTION, OR TRANSPORTATION OF  
27 CONSTRUCTION MATERIALS, AS THOSE TERMS ARE DEFINED IN SECTION  
28 34-32.5-103, C.R.S., A COMMERCIAL ACTIVITY, THE COMMERCIAL USE OF  
29 PROPERTY, A FARMING OR RANCHING ACTIVITY, OR A MINING OR OIL AND  
30 GAS OPERATION."  
31  
32  
33  
34

#### 35 **STATE, VETERANS, & MILITARY AFFAIRS**

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

38

- 39 **HB08-1041** 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 3, strike line 11;

44

45 line 12, strike "effect July 1, 2008, and" and substitute  
46 "**SECTION 4. Applicability.** This act";  
47

48 line 13, strike "said date" and substitute "the effective date of this act".  
49  
50  
51

- 52 **HB08-1090** be postponed indefinitely.  
53  
54

- 55 **HB08-1111** be referred to the Committee of the Whole with favorable  
56 recommendation.

1 **HB08-1113** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5  
6  
7 **TRANSPORTATION & ENERGY**

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

10  
11 **HB08-1050** be amended as follows, and as so amended, be referred to  
12 the Committee of the Whole with favorable  
13 recommendation:  
14

15 Amend printed bill, page 2, strike lines 8 through 13 and substitute the  
16 following:

17  
18 "(b) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR A  
19 GENERAL MOTORCYCLE ENDORSEMENT TO DEMONSTRATE THE  
20 APPLICANT'S ABILITY TO EXERCISE ORDINARY AND REASONABLE CARE AND  
21 CONTROL IN THE OPERATION OF A MOTORCYCLE. THE DEPARTMENT SHALL  
22 ALSO REQUIRE AN APPLICANT FOR A LIMITED THREE-WHEEL MOTORCYCLE  
23 ENDORSEMENT TO DEMONSTRATE THE APPLICANT'S ABILITY TO EXERCISE  
24 ORDINARY AND REASONABLE CARE AND CONTROL IN THE OPERATION OF  
25 A THREE-WHEEL MOTORCYCLE.";

26  
27 strike lines 21 through 24.  
28  
29

30  
31 **HB08-1056** be amended as follows, and as so amended, be referred to  
32 the Committee on Appropriations with favorable  
33 recommendation:  
34

35 Amend printed bill, page 2, line 7, strike "JULY 1, 2008," and substitute  
36 "JANUARY 1, 2009,".

37  
38 Page 3, line 8, strike "JULY 1, 2008," and substitute "JANUARY 1, 2009,";

39  
40 line 9, strike "DRIVER'S LICENSE APPLICATION FORM" and substitute  
41 "APPLICATION FORM FOR A DRIVER'S LICENSE, MINOR DRIVER'S LICENSE, OR  
42 INSTRUCTION PERMIT";

43  
44 line 21, strike "ENTERING" and substitute "PROVIDING".  
45  
46

47  
48 **HB08-1071** be postponed indefinitely.  
49

50  
51 **HB08-1169** be amended as follows, and as so amended, be referred to  
52 the Committee on Appropriations with favorable  
53 recommendation:  
54

55 Amend printed bill, page 2, line 11, after "COLLEGE-LEVEL", insert "AND  
56 BUREAU OF APPRENTICESHIP AND TRAINING APPRENTICESHIP";

1 line 13, after "IN", insert "THE RENEWABLE POWER INDUSTRY, INCLUDING  
2 THE";

3  
4 line 16, after the period, add "COMMUNITY COLLEGES MAY WORK WITH  
5 EXISTING CURRICULUM AND TRAINING PROGRAMS.".

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6  
7  
8 **PRINTING REPORT**  
9

10 The Chief Clerk reports the following bills have been correctly printed:  
11 **HB08-1204, 1205, 1206.**

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12  
13  
14 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**  
15

16 The Speaker has signed: **HB08-1037; HR08-1005.**  
17

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18 House in recess. House reconvened.  
19  
20

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21  
22 **INTRODUCTION OF BILLS**  
23 **First Reading**  
24

25 The following bills were read by title and referred to the committees  
26 indicated:

27  
28 **HB08-1207** by Representative(s) Kefalas; also Senator(s) Bacon--  
29 Concerning a purchasing preference for environmentally  
30 preferable products.  
31 Committee on State, Veterans, & Military Affairs  
32

33 **HB08-1208** by Representative(s) Levy, Carroll T., Green, Kefalas,  
34 Labuda, Merrifield, Weissmann, Benefield, Butcher,  
35 Carroll M., Jahn, Judd, Kerr A., Madden, Marshall,  
36 Solano; also Senator(s) Shaffer, Bacon, Gordon,  
37 Hagedorn, Morse, Tapia--Concerning juveniles against  
38 whom charges are directly filed in a district court.  
39 Committee on Judiciary  
40

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41  
42 **LAY OVER OF CALENDAR ITEMS**  
43

44 On motion of Representative Labuda, the following items on the Calendar  
45 were laid over until January 28, retaining place on Calendar:  
46

47 Consideration of General Orders--**HB08-1147, 1025.**  
48

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49  
50 On motion of Representative Labuda, the House adjourned until  
51 10:00 a.m., January 28, 2008.  
52

53  
54 Attest:  
55 MARILYN EDDINS,  
56 Chief Clerk

Approved:  
ANDREW ROMANOFF,  
Speaker