

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

Thirty-eighth Legislative Day

Friday, February 13, 2009

1 Prayer by Father Curtiss Dwyer, St. John Vianney Theological Seminary,
2 Denver.

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

5
6 Pledge of Allegiance led by Kaia Dameron, Green Gables Elementary,
7 Lakewood.

8
9 The roll was called with the following result:

10
11 Present--63.
12 Excused--Representative(s) Miklosi, Vaad--2.

13
14 The Speaker declared a quorum present.

15
16
17 On motion of Representative Court, the reading of the journal of
18 February 12, 2009, was declared dispensed with and approved as
19 corrected by the Chief Clerk.

20
21
22 On motion of Representative Frangas, the House resolved itself into
23 Committee of the Whole for consideration of General Orders, and he was
24 called to the Chair to act as Chairman.

25
26
27 **GENERAL ORDERS--SECOND READING OF BILLS**

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

33
34 (Amendments to the committee amendment are to the printed committee
35 report which was printed and placed in the members' bill file.)

36
37 **HB09-1018** by Representative(s) Bradford--Concerning the removal
38 of obsolete language in statutory provisions implementing
39 the statewide voter registration and election system for
40 purposes of compliance with the federal "Help America
41 Vote Act" .

42
43 Laid over until February 20, retaining place on Calendar.

1 **HB09-1135** by Representative(s) Judd; also Senator(s) White--
2 Concerning the adjustment of fees imposed by counties in
3 the state.
4

5 Laid over until February 17, retaining place on Calendar.
6

7 **HB09-1059** by Representative(s) Primavera; also Senator M. Carroll
8 --Concerning the continuation of health care coverage
9 while participating in a clinical trial.
10

11 Amendment No. 1, Health & Human Services Report, dated February 2,
12 2009, and placed in member's bill file; Report also printed in House
13 Journal, February 3, pages 231-232.
14

15 Amendment No. 2, by Representative Primavera.
16

17 Amend the Health and Human Services Committee Report, dated
18 February 2, 2009, page 1, strike lines 7 and 8 and substitute the following:
19

20 "CLINICAL TRIAL HAS THE POTENTIAL TO PROVIDE A THERAPEUTIC HEALTH
21 BENEFIT TO THE COVERED PERSON;"
22

23 Amendment No. 3, by Representative Primavera.
24

25 Amend printed bill, page 3, line 15, after "THE", insert "ENTITY
26 CONDUCTING THE".
27

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

31 **HB09-1112** by Representative(s) Kerr J.--Concerning the information
32 provided to the staff of the legislative council in
33 connection with the preparation of fiscal notes for
34 legislative measures.
35

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

39 **HB09-1124** by Representative(s) Liston, Gardner B., Massey, Tipton,
40 Gardner C., Bradford, Frangas, Labuda, Lambert, Murray,
41 Soper; also Senator(s) Veiga--Concerning certain
42 conferences with an attorney representing a state public
43 body that may be held in an executive session at a meeting
44 of the state public body.
45

46 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
47 February 5, 2009, and placed in member's bill file; Report also printed in
48 House Journal, February 6, pages 282-283.
49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
52
53
54
55

1 **HB09-1125** by Representative(s) Merrifield, Massey, Benefield,
2 Gagliardi, Middleton, Pace, Peniston, Priola, Scanlan,
3 Solano, Summers, Weissmann; also Senator(s) Hudak--
4 Concerning limitations on the incentives local education
5 providers may provide for participation in public
6 educational programs.
7

8 Amendment No. 1, Education Report, dated February 5, 2009, and placed
9 in member's bill file; Report also printed in House Journal, February 6,
10 pages 273-274.
11

12 As amended, ordered engrossed and placed on the Calendar for Third
13 Reading and Final Passage.
14

15 **HB09-1028** by Representative(s) Frangas--Concerning the creation of
16 an accountability board to review grievances related to the
17 Colorado indigent care program.
18

19 Referred to the Committee on Finance.
20

21 **HB09-1182** by Representative(s) Marostica, Ferrandino, Pommer; also
22 Senator(s) White, Keller, Tapia--Concerning changes in
23 the funding of administrative costs incurred by the division
24 of on-line learning in the department of education.
25

26 Ordered engrossed and placed on the Calendar for Third Reading and
27 Final Passage.
28

29 **HB09-1153** by Representative(s) May; also Senator(s) Harvey--
30 Concerning the requirements applicable to the formation
31 of an issue committee under Colorado law governing
32 campaign finance.
33

34 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
35 February 5, 2009, and placed in member's bill file; Report also printed in
36 House Journal, February 6, page 283.
37

38 Amendment No. 2, by Representative May.
39

40 Amend the State, Veterans, and Military Affairs Committee Report, dated
41 February 5, 2009, page 1, line 7, strike "QUESTION"." and substitute
42 "QUESTION";";
43

44 strike line 8 of the committee report and substitute the following:
45

46 "strike lines 24 through 27.
47

48 Page 5, strike lines 1 through 4 and substitute the following:
49

50 "(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
51 THIS SUBSECTION (7), WHERE A MATTER CONCERNS A MUNICIPAL
52 ANNEXATION BROUGHT PURSUANT TO ARTICLE 12 OF TITLE 31, C.R.S., THE
53 MATTER SHALL NOT BE CONSIDERED TO BE A BALLOT ISSUE OR BALLOT
54 QUESTION FOR THE PURPOSE OF DETERMINING WHETHER AN ISSUE
55 COMMITTEE HAS BEEN FORMALLY ESTABLISHED, THEREBY NECESSITATING
56 COMPLIANCE WITH ANY DISCLOSURE AND REPORTING REQUIREMENTS OF
THIS ARTICLE AND ARTICLE XXVIII OF THE STATE CONSTITUTION, UNLESS

1 AND UNTIL THE FIRST NOTICE OF THE ANNEXATION ELECTION HAS BEEN
2 PUBLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
3 31-12-112 (6), C.R.S.

4
5 **SECTION 3.** 31-12-112 (6), Colorado Revised Statutes, is
6 amended to read:

7
8 **31-12-112. Election - annexation pursuant to election.**
9 (6) Notice of such election shall be given by publication once a week for
10 four weeks in some newspaper of general circulation in the area and
11 published in the county in which such area is located or, if there is no
12 such newspaper in the county, in some newspaper of general circulation
13 published in an adjacent county. Additional notice shall be given by
14 posting a notice at each polling place. The said posting and first
15 newspaper publication shall be not less than four weeks preceding such
16 election. Such notice shall specify the time and place of such election,
17 shall contain a description of the boundaries of the area proposed to be
18 annexed, and shall state that a map or plat thereof is on file in the office
19 of the clerk of the district court in which such area, or a part thereof, is
20 located. ~~and it~~ SUCH NOTICE shall ALSO set forth the conditions and
21 requirements proposed by the governing body for annexation of the area,
22 AND IT SHALL INFORM THE PUBLIC THAT AN ISSUE COMMITTEE IS REQUIRED
23 BY LAW TO REGISTER WITH THE APPROPRIATE OFFICER PURSUANT TO
24 SECTION 1-45-108, C.R.S., WITHIN THREE CALENDAR DAYS OF ACCEPTING
25 OR MAKING A CONTRIBUTION OR EXPENDITURE IN EXCESS OF TWO
26 HUNDRED DOLLARS TO SUPPORT OR OPPOSE THE ANNEXATION QUESTION.

27
28 Renumber succeeding section accordingly."
29

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

32
33 **HB09-1189** by Representative(s) Pommer, Ferrandino, Marostica; also
34 Senator(s) Tapia, Keller, White--Concerning per pupil
35 funding for education programs that report their pupil
36 enrollment counts to the facility schools unit in the
37 department of education.

38
39 Amendment No. 1, Education Report, dated February 9, 2009, and placed
40 in member's bill file; Report also printed in House Journal, February 9,
41 page 295.

42
43 As amended, ordered engrossed and placed on the Calendar for Third
44 Reading and Final Passage.

45
46 **HB09-1181** by Representative(s) McCann; also Senator(s) Foster--
47 Concerning the right of a victim to make a statement at a
48 community corrections hearing.

49
50 Amendment No. 1, Judiciary Report, dated February 9, 2009, and placed
51 in member's bill file; Report also printed in House Journal, February 10,
52 page 302.

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

56

1 **HB09-1183** by Representative(s) Vaad; also Senator(s) Hodge--
2 Concerning violations of laws related to real estate
3 appraisers.
4

5 Laid over until February 17, retaining place on Calendar.
6

7
8 **HB09-1198** by Representative(s) McGihon; also Senator(s) Morse--
9 Concerning the "Uniform Power of Attorney Act".
10

11 Laid over until February 17, retaining place on Calendar.
12

13
14 **HB09-1178** by Representative(s) Green; also Senator(s) Boyd--
15 Concerning the creation of a task force to study the
16 establishment of a registry of caregivers who are deemed
17 to have a substantiated allegation of wrongdoing against
18 a person with a developmental disability.
19

20 Amendment No. 1, Health & Human Services Report,
21 dated February 9, 2009, and placed in member's bill file; Report also
22 printed in House Journal, February 10, page 303.
23

24 Amendment No. 2, by Representative Green.
25

26 Amend printed bill, page 2, line 12, after "FORCE", insert "SHALL BE
27 LIMITED TO TWENTY MEMBERS AND";
28

29 line 17, after "AGENCIES,", insert "PERSONS WITH LEGAL OR JUDICIAL
30 EXPERTISE IN ABUSE REGISTRIES,";
31

32 line 18, after "PARTY.", insert "THE MEMBERS OF THE TASK FORCE SHALL
33 SELECT A CHAIR AND VICE-CHAIR AT THE FIRST MEETING."
34

35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.
37

38
39 **HB09-1215** by Representative(s) Ferrandino, Pommer, Marostica; also
40 Senator(s) Tapia, Keller, White--Concerning the creation
41 of a stabilization fund to assist with the state's efforts to
42 meet the federal maintenance of effort requirements for
43 the state supplemental security income program.
44

45 Amendment No. 1, Finance Report, dated February 10, 2009, and placed
46 in member's bill file; Report also printed in House Journal, February 11,
47 page 308.
48

49 As amended, ordered engrossed and placed on the Calendar for Third
50 Reading and Final Passage.
51

52
53 **HB09-1219** by Representative(s) Judd; also Senator(s) Sandoval--
54 Concerning the interest paid to taxpayers on certain tax
55 overpayments.
56

- 1 Amendment No. 1, Finance Report, dated February 10, 2009, and placed
2 in member's bill file; Report also printed in House Journal, February 11,
3 pages 308-309.
4
- 5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
- 8 **HB09-1265** by Representative(s) Liston, Kerr J., Looper, Massey,
9 Murray, Priola, Tipton; also Senator(s) King--Concerning
10 a two-year limitation on abatement interest awarded to a
11 nonprofit entity that has not qualified for tax exemption
12 due to an error made by the nonprofit entity.
13
- 14 Ordered engrossed and placed on the Calendar for Third Reading and
15 Final Passage.
16
- 17 **HB09-1171** by Representative(s) Court; also Senator(s) Kester--
18 Concerning requirements related to the installation of
19 manufactured homes.
20
- 21 Ordered engrossed and placed on the Calendar for Third Reading and
22 Final Passage.
23
- 24 **HB09-1203** by Representative(s) Tipton, Roberts; also Senator(s)
25 Isgar--Concerning the reclassification of Montezuma
26 county.
27
- 28 Ordered engrossed and placed on the Calendar for Third Reading and
29 Final Passage.
30
- 31 **HB09-1168** by Representative(s) Riesberg, McFadyen, Sonnenberg;
32 also Senator(s) Schwartz, Bacon, Penry--Concerning the
33 timing of reports to the capital development committee.
34
- 35 Ordered engrossed and placed on the Calendar for Third Reading and
36 Final Passage.
37
- 38 **HB09-1169** by Representative(s) Riesberg, McFadyen, Sonnenberg;
39 also Senator(s) Bacon, Penry, Schwartz--Concerning an
40 extension of the repeal date for the capital development
41 committee.
42
- 43 Ordered engrossed and placed on the Calendar for Third Reading and
44 Final Passage.
45
- 46 **HB09-1179** by Representative(s) Labuda, McGihon, Gardner B., Levy,
47 Roberts--Concerning participation in the address
48 confidentiality program by a person who resides with a
49 victim participant.
50
- 51 Ordered engrossed and placed on the Calendar for Third Reading and
52 Final Passage.
53
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55
-

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB09-1059 amended, 1112, 1124 amended,**
4 **1125 amended, 1182, 1153 amended, 1189 amended, 1181 amended,**
5 **1178 amended, 1215 amended, 1219 amended, 1265, 1171, 1203, 1168,**
6 **1169, 1179.**

7
8 Laid over until date indicated retaining place on Calendar:
9 **HB09-1018**--February 20, 2009.

10 **HB09-1135, 1183, 1198**--February 17, 2009.

11
12 Referred to Committee indicated: **HB09-1028**--Finance.

13
14 The Chairman moved the adoption of the Committee of the Whole
15 Report. As shown by the following roll call vote, a majority of those
16 elected to the House voted in the affirmative, and the Report was
17 **adopted.**

	YES	61	NO	0	EXCUSED	4	ABSENT	0
20	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
21	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	E
22	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
23	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
24	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
25	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
26	Casso	Y	King S.	Y	Miklosi	E	Soper	Y
27	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
28	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
29	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
30	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
31	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
32	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	E
33	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
34	Gardner C.	Y	May	Y	Rice	E	Waller	Y
35	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
36							Speaker	Y

37
38
39
40 **REPORTS OF COMMITTEES OF REFERENCE**

41
42 **APPROPRIATIONS**

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

45
46 **HB09-1036** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend printed bill, page 2, after line 17, insert the following:

51
52 **"SECTION 2. Appropriation.** In addition to any other
53 appropriation, there is hereby appropriated, out of any moneys in the
54 P.O.S.T. board cash fund created in section 24-31-303 (2) (b), Colorado
55 Revised Statutes, not otherwise appropriated, to the department of law,
56 criminal justice and appellate division, for the fiscal year beginning July

1 1, 2009, the sum of one million four hundred ninety-four thousand nine
2 hundred ninety-five dollars (\$1,494,995) cash funds and 1.0 FTE, or so
3 much thereof as may be necessary, for the purposes set forth in section
4 24-31-310, Colorado Revised Statutes."

5

6 Renumber succeeding sections accordingly.

7

8 Page 1, line 104, strike "**PROPERTY.**" and substitute "**PROPERTY, AND**
9 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

10

11

12

13 **HB09-1065** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:

16

17 Amend printed bill, page 9, after line 13, insert the following:

18

19 **"SECTION 5. Appropriation.** In addition to any other
20 appropriation, there is hereby appropriated, to the department of
21 education, management and administration, for the fiscal year beginning
22 July 1, 2009, 3.0 FTE. These 3.0 FTE shall be supported by moneys in
23 the educator identifier fund, created in section 22-68.5-104 (1), Colorado
24 Revised Statutes. Moneys in the educator identifier fund are continuously
25 appropriated pursuant to section 22-68.5-104 (2), Colorado Revised
26 Statutes."

27

28 Renumber succeeding section accordingly.

29

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

32

33

34

35 **HB09-1076** be referred to the Committee of the Whole with favorable
36 recommendation.

37

38

39 **HB09-1149** be referred to the Committee of the Whole with favorable
40 recommendation.

41

42

43 **HB09-1150** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46

47 Amend the State, Veterans, and Military Affairs Committee Report, dated
48 January 20, 2009, page 1, line 2, after "OR", insert "COST ALLOCATION";

49

50 strike line 3 and substitute the following:

51

52 "strike line 14 and substitute the following:

53

54 "OF ADMINISTRATIVE COURTS. THE DEPARTMENT OF PERSONNEL SHALL
55 NOT ESTABLISH A FEE FOR INDIVIDUALS OR BENEFICIARIES THAT HAVE A
56 RIGHT TO AN ADMINISTRATIVE HEARING WITHOUT PRIOR APPROVAL OF THE

1 ASSOCIATED STATE AGENCY AND FORMAL RULE MAKING RELATED TO THE
2 FEE PURSUANT TO ARTICLE 4 OF THIS TITLE. ALL MONEYS COLLECTED
3 SHALL BE".".

4

5 Page 2, of the Committee report, after line 10, insert the following:

6

7 "Page 5, after line 12, insert the following:

8

9 **"SECTION 8. Appropriation - adjustments to the 2009 long**
10 **bill.** (1) For the implementation of this act, appropriations made in the
11 annual general appropriation act for the fiscal year beginning July 1,
12 2009, shall be adjusted as follows:

13

14 (a) The appropriation to the department of personnel, personnel
15 board, for operating expenses, is decreased by three thousand five
16 hundred twenty-eight dollars (\$3,528) reappropriated funds from indirect
17 cost recoveries.

18

19 (b) The appropriation to the department of personnel,
20 administrative courts, for operating expenses, is decreased by five
21 thousand four hundred sixty dollars (\$5,460) reappropriated funds from
22 user fees from state agencies.

23

24 **SECTION 9. Appropriation.** (1) In addition to any other
25 appropriation, there is hereby appropriated, out of any moneys in the
26 department of personnel revolving fund created in section 24-30-1108
27 (1), Colorado Revised Statutes, not otherwise appropriated, to the
28 department of personnel, for allocation to the central services division,
29 integrated document factory, reprographics services, personal services,
30 for the fiscal year beginning July 1, 2009, the sum of five hundred ninety-
31 four thousand six hundred thirty-two dollars (\$594,632) reappropriated
32 funds, or so much thereof as may be necessary, for the implementation of
33 this act.

34

35 (2) In addition to any other appropriation, there is hereby
36 appropriated, out of any moneys in the department of personnel revolving
37 fund created in section 24-30-1108 (1), Colorado Revised Statutes, not
38 otherwise appropriated, to the department of personnel, for allocation to
39 the central services division, integrated document factory, reprographics
40 services, operating expenses, for the fiscal year beginning July 1, 2009,
41 the sum of one million one hundred eighty-four thousand seven hundred
42 forty-seven dollars (\$1,184,747) reappropriated funds, or so much thereof
43 as may be necessary, for the implementation of this act.

44

45 (3) In addition to any other appropriation, there is hereby
46 appropriated, out of any moneys in the department of personnel revolving
47 fund created in section 24-30-1108 (1), Colorado Revised Statutes, not
48 otherwise appropriated, to the department of personnel, for allocation to
49 the central services division, integrated document factory, document
50 solutions group, personal services, for the fiscal year beginning July 1,
51 2009, the sum of one million three hundred fifty-seven thousand six
52 hundred seventy-six dollars (\$1,357,676) reappropriated funds, or so
53 much thereof as may be necessary, for the implementation of this act.

54

55 (4) In addition to any other appropriation, there is hereby
56 appropriated, out of any moneys in the department of personnel revolving

1 fund created in section 24-30-1108 (1), Colorado Revised Statutes, not
2 otherwise appropriated, to the department of personnel, for allocation to
3 the central services division, integrated document factory, document
4 solutions group, operating expenses, for the fiscal year beginning July 1,
5 2009, the sum of two hundred thousand seven hundred twenty-two
6 dollars (\$200,722) reappropriated funds, or so much thereof as may be
7 necessary, for the implementation of this act.

8
9 (5) In addition to any other appropriation, there is hereby
10 appropriated, out of any moneys in the department of personnel revolving
11 fund created in section 24-30-1108 (1), Colorado Revised Statutes, not
12 otherwise appropriated, to the department of personnel, for allocation to
13 the central services division, integrated document factory, mail services,
14 personal services, for the fiscal year beginning July 1, 2009, the sum of
15 six hundred seventeen thousand six hundred seventy-one dollars
16 (\$617,671) reappropriated funds, or so much thereof as may be necessary,
17 for the implementation of this act.

18
19 (6) In addition to any other appropriation, there is hereby
20 appropriated, out of any moneys in the department of personnel revolving
21 fund created in section 24-30-1108 (1), Colorado Revised Statutes, not
22 otherwise appropriated, to the department of personnel, for allocation to
23 the central services division, integrated document factory, mail services,
24 operating expenses, for the fiscal year beginning July 1, 2009, the sum of
25 three million nine hundred thirteen thousand eight hundred sixty-one
26 dollars (\$3,913,861) reappropriated funds, or so much thereof as may be
27 necessary, for the implementation of this act."

28
29 Renumber succeeding section accordingly.

30
31 Page 1, line 102, strike "**PERSONNEL.**" and substitute "**PERSONNEL, AND**
32 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

33
34
35
36 **HB09-1188** be referred to the Committee of the Whole with favorable
37 recommendation.

38
39
40
41
42 **EDUCATION**

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

45
46 **HB09-1195** be postponed indefinitely.

47
48
49 **HB09-1240** be referred to the Committee of the Whole with favorable
50 recommendation.

51
52
53 **HB09-1272** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:
56

1 Amend printed bill, page 9, strike lines 4 through 10 and substitute the
2 following:

3

4 "PARAGRAPH (b), "ANNUAL ADJUSTMENT" MEANS AN ANNUAL PAYMENT
5 TO LIMITED GAMING FUND RECIPIENTS LISTED IN SECTION 9 (5) (b) (II) OF
6 ARTICLE XVIII OF THE STATE CONSTITUTION, CALCULATED AS FOLLOWS:

7

8 (I) FOR REVENUES COLLECTED IN FISCAL YEAR 2009-10, THE
9 PAYMENT SHALL EQUAL SIX PERCENT OF THE FIRST YEAR'S LIMITED
10 GAMING REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING.

11

12 (II) FOR EACH FISCAL YEAR AFTER 2009-10, THE ANNUAL
13 PAYMENT SHALL BE INCREASED OR DECREASED AS FOLLOWS AND SHALL
14 CONSTITUTE THE ANNUAL ADJUSTMENT:

15

16 (A) FOR ANY YEAR IN WHICH THE ANNUAL GROWTH OF LIMITED
17 GAMING REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING
18 EXCEEDS OR EQUALS SIX PERCENT, ADD AN AMOUNT EQUAL TO SIX
19 PERCENT OF SAID REVENUES;

20

21 (B) FOR ANY YEAR IN WHICH THE ANNUAL GROWTH IN LIMITED
22 GAMING REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING IS
23 BETWEEN ZERO AND SIX PERCENT, ADD AN AMOUNT EQUAL TO THE
24 ACTUAL PERCENTAGE GROWTH OF SAID REVENUES;

25

26 (C) FOR ANY YEAR IN WHICH LIMITED GAMING TAX REVENUES
27 EXPERIENCE A DECLINE, SUBTRACT AN AMOUNT EQUAL TO THE ACTUAL
28 PERCENTAGE DECLINE OF SAID REVENUES.

29

30 (III) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO
31 PERMIT COMPOUNDING OR ACCUMULATION OF THE ANNUAL
32 ADJUSTMENT."

33

34 Page 10, line 20, after "THE", insert "TWO-YEAR ROLE AND MISSION OF
35 MESA STATE COLLEGE, CURRENTLY REFERRED TO AS";

36

37 line 24, after the period, add "WITH RESPECT TO THE TWO-YEAR MISSION
38 AT ADAMS STATE COLLEGE, THE TERM INCLUDES ONLY THE ASSOCIATE'S
39 DEGREE PROGRAMS THAT EXISTED AT ADAMS STATE COLLEGE AS OF
40 NOVEMBER 4, 2008."

41

42 Page 11, line 1, after "(c)", insert "(I)";

43

44 line 17, strike "DEVELOPMENT" and substitute "DEVELOPMENTAL";

45

46 line 22, strike "(I)" and substitute "(A)" and, after "ADMITTED", insert "TO
47 A COLLEGE";

48

49 line 23, strike "(II)" and substitute "(B)";

50

51 line 27, strike "(III)" and substitute "(C)".

52

53 Page 12, after line 1, insert the following:

54

55 "(II) WITH RESPECT TO THE TWO-YEAR MISSION AT ADAMS STATE
56 COLLEGE, FULL-TIME EQUIVALENT STUDENT ENROLLMENT SHALL BE

1 LIMITED TO ENROLLMENT IN THE ASSOCIATE'S DEGREE PROGRAMS THAT
2 EXISTED AS OF NOVEMBER 4, 2008.";

3

4 line 4, strike "2008-09." and substitute "2008-09, ADJUSTED AS FOLLOWS:

5

6 (I) FOR REVENUES COLLECTED IN FISCAL YEAR 2009-2010,
7 REDUCED BY A THREE PERCENT GROWTH FACTOR ON THE 2008-2009 BASE
8 OF LIMITED GAMING TAX REVENUES, WHICH AMOUNT SHALL BE ADDED TO
9 THE BASE AND SHALL CONSTITUTE THE ADJUSTED BASE; AND

10

11 (II) THEREAFTER:

12

13 (A) REDUCED BY A THREE PERCENT PER FISCAL YEAR GROWTH
14 FACTOR ON THE PREVIOUS YEAR'S ADJUSTED BASE, WHICH GROWTH
15 FACTOR SHALL BE ADDED TO THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE
16 AND SHALL CONSTITUTE THE NEW ADJUSTED BASE; OR

17

18 (B) IF GROWTH IN LIMITED GAMING TAX REVENUES IS BETWEEN
19 ZERO AND THREE PERCENT IN ANY FISCAL YEAR, THE GROWTH FACTOR ON
20 THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE SHALL BE THE ACTUAL
21 PERCENTAGE GROWTH IN LIMITED GAMING TAX REVENUES, WHICH SHALL
22 BE ADDED TO THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE; OR

23

24 (C) IF LIMITED GAMING TAX REVENUES DECLINE FROM YEAR TO
25 YEAR, THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE SHALL BE REDUCED
26 BY THE ACTUAL PERCENTAGE DECLINE IN LIMITED GAMING TAX
27 REVENUE.";

28

29 strike lines 15 and 16 and substitute the following:

30

31 "TOTAL GENERAL FUND OPERATING FUNDING, INCLUDING COLLEGE
32 OPPORTUNITY FUND STIPENDS AND FEE-FOR-SERVICE FUNDS, FOR ALL
33 INSTITUTIONS OF HIGHER EDUCATION DURING THE SAME STATE FISCAL
34 YEAR.".

35

36 Page 13, strike lines 9 and 10 and substitute the following:

37

38 "PURPOSES. AS USED IN THIS SUBSECTION (5), "STATE MONEYS" MEANS
39 GENERAL FUND OPERATING FUNDING, INCLUDING COLLEGE OPPORTUNITY
40 FUND STIPENDS AND FEE-FOR-SERVICE FUNDS, ADJUSTED FOR INFLATION
41 TO THE SAME DEGREE AS THE INFLATION ADJUSTMENT RECEIVED BY
42 OTHER INSTITUTIONS OF HIGHER EDUCATION.";

43

44 strike lines 12 through 16 and substitute the following:

45

46 "STATE-APPROPRIATED MONEYS SHALL NOT USE MONEYS DISTRIBUTED
47 UNDER THIS SECTION TO SUPPLANT STATE MONEYS OTHERWISE
48 ALLOCATED BY SUCH FORMULA.".

49

50

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1 **HEALTH & HUMAN SERVICES**

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

4
5 **HB09-1175** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, page 4, line 11, strike "PROCESSES" and substitute
10 "PROCESSES. NATUROPATHIC MEDICINE IS PRACTICED";

11
12 line 12, strike "PHYSICAL";

13
14 line 15, strike "LIGHT;" and substitute "LIGHT.";

15
16 strike lines 16 through 20.

17
18 Page 5, strike lines 17 through 27.

19
20 Page 6, strike lines 1 through 4 and substitute the following:

21
22 "(2) THE TASK FORCE SHALL CONSIDER ISSUES RELATED TO THE
23 PRACTICE AND REGULATION OF NATUROPATHIC MEDICINE. SUCH
24 CONSIDERATION SHALL BE BASED UPON STANDARD EVIDENCE OF
25 EFFECTIVENESS AND SAFETY IN LIGHT OF QUALITY, PEER REVIEWED
26 PUBLISHED OR WIDELY VETTED RESEARCH. THE ISSUES CONSIDERED
27 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

28
29 (a) THE QUALIFICATIONS OF NATUROPATHIC DOCTORS AND WHAT
30 SCOPE OF PRACTICE SHOULD GOVERN NATUROPATHIC MEDICINE IN
31 COLORADO INCLUDING, WITHOUT LIMITATION, ANY ADDITIONAL
32 TREATMENTS THAT MAY BE APPROPRIATE FOR NATUROPATHIC DOCTORS
33 TO PERFORM;".

34
35 Reletter succeeding paragraphs accordingly.

36
37 Page 6, line 20, after "CERTIFICATIONS;", add "AND";

38
39 line 22, strike "CARRY; AND" and substitute "CARRY.";

40
41 strike lines 23 through 25.

42
43 Page 7, strike lines 16 through 18;

44
45 line 27, strike "AN" and substitute "A COMPLETED".

46
47 Page 8, line 11, after "REGISTER", insert "BY ENDORSEMENT".

48
49 Page 10, line 2, strike "ARTICLE." and substitute "ARTICLE OR SECTION
50 24-34-102 (8), C.R.S.";

51
52 line 3, strike "(c)" and substitute "(5)";

53
54 line 5, strike "(5)" and substitute "(6)";

55

1 line 8, after "C.R.S.", add "FEES MAY BE SPENT FOR EXPENSES OF THE
2 DIVISION IN STAFFING THE TASK FORCE.";

3
4 line 16, after the period, add "A NATUROPATHIC DOCTOR SHALL OBSERVE
5 AND BE SUBJECT TO ALL APPLICABLE LAWS WITH REGARD TO THE CONTROL
6 OF CONTAGIOUS AND INFECTIOUS DISEASES, THE REPORTING OF BIRTHS
7 AND DEATHS, AND ANY OTHER MATTERS PERTAINING TO THE PUBLIC
8 HEALTH.".

9
10 Page 11, line 16, strike "CONCOMITANT CONDITIONS AND".

11
12 Page 12, strike lines 10 through 15 and substitute the following:

13
14 "(II) VERIFIES THAT THE CHILD IS BEING TREATED BY A PHYSICIAN
15 LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE OR OBTAINS A WAIVER
16 SIGNED BY THE CHILD'S PARENT OR GUARDIAN STATING THAT HE OR SHE
17 REFUSES TO HAVE THE CHILD TREATED BY A PHYSICIAN, IN WHICH CASE
18 THE NATUROPATHIC DOCTOR";

19
20 line 22, strike "OR";

21
22 strike lines 25 and 26 and substitute the following:

23
24 "12-37.7-112;

25
26 (o) PERFORM COLONIC IRRIGATION; OR

27
28 (p) PERFORM REVISION, DESTRUCTION, INCISION, OR OTHER
29 STRUCTURAL ALTERATION OF HUMAN TISSUE USING LASER TECHNOLOGY,
30 WHICH INCLUDES THE USE OF LASERS OR PULSE LIGHT DEVICES IDENTIFIED
31 BY THE FEDERAL DRUG ADMINISTRATION AS A CLASS II DEVICE.".

32
33 Page 13, line 16, strike "SHALL" and substitute "MAY";

34
35 line 17, strike "REGISTRATION" and substitute "REGISTRATION, PLACE A
36 REGISTRANT ON PROBATION,".

37
38 Page 14, strike lines 9 through 12 and substitute the following:

39
40 "HAVING SIMILAR EFFECTS";

41
42 line 13, strike "OR DISABILITY".

43
44 Page 16, line 11, strike "OR";

45
46 strike lines 12 through 19 and substitute the following:

47
48 "(p) HAS FAILED TO MEET GENERALLY ACCEPTED STANDARDS OF
49 NATUROPATHIC PRACTICE;

50
51 (q) HAS FAILED TO REFER A PATIENT TO THE APPROPRIATE
52 LICENSED HEALTH CARE PRACTITIONER WHEN THE SERVICES REQUIRED BY
53 THE PATIENT ARE BEYOND THE LEVEL OF COMPETENCE OF THE
54 NATUROPATHIC DOCTOR OR BEYOND THE SCOPE OF THIS ARTICLE; OR

55
56

1 (r) HAS PERFORMED A PROCEDURE IN THE COURSE OF PATIENT
2 CARE THAT IS BEYOND THE NATUROPATHIC DOCTOR'S TRAINING OR
3 COMPETENCE OR BEYOND THE SCOPE OF PRACTICE OF THIS ARTICLE."

4
5 Page 17, line 2, strike "SUBJECT TO SECTION 12-37.7-104 (2), IF" and
6 substitute "IF".

7
8 Page 22, strike lines 17 through 27 and substitute the following:

9
10 "(12) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
11 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
12 IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR PRACTICE; AN ACT OR
13 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE; A RULE
14 PROMULGATED PURSUANT TO THE ARTICLE; AN ORDER ISSUED PURSUANT
15 TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
16 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR
17 MAY ENTER INTO A STIPULATION WITH THE PERSON."

18
19 Page 27, line 14, after "WHO", insert "IS ELIGIBLE TO REGISTER PURSUANT
20 TO SECTION 12-37.7-105 AND WHO";

21
22 after line 20, insert the following:

23
24 "(3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO APPLY TO
25 A PERSON WHO IS NOT ELIGIBLE TO REGISTER PURSUANT TO SECTION
26 12-37.7-105."

27
28
29

30 **HB09-1223** be referred to the Committee of the Whole with favorable
31 recommendation.

32
33
34
35

36 **JUDICIARY**

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

39

40 **HB09-1121** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:

43

44 Amend printed bill, page 9, line 17, after "of", insert "**or waiver of
45 preservation of**";

46

47 line 18, strike the first "IN" and substitute "(1) IN".

48

49 Page 10, after line 1, insert the following:

50 "(2) IN A CASE DESCRIBED IN SECTION 18-1-1102 (1), A
51 DEFENDANT MAY WAIVE HIS OR HER RIGHT TO PRESERVATION OF DNA
52 EVIDENCE UNDER THIS PART 11 AT ANY STAGE OF THE PROCEEDING BY
53 MAKING A KNOWING AND VOLUNTARY WAIVER. A WAIVER EXECUTED AS
54 A PART OF A PLEA BARGAIN OR SENTENCING AGREEMENT SHALL BE
55 VOLUNTARILY AGREED TO BY ALL PARTIES AND SHALL INCLUDE A
56 WRITTEN LIST DESCRIBING ALL EVIDENCE TO BE DISPOSED OF."

1 **HB09-1207** be amended as follows, and as so amended, be referred to
 2 the Committee of the Whole with favorable
 3 recommendation:
 4

5 Amend printed bill, page 3, line 3, strike "(10) (d),";
 6
 7 line 5, strike "A NEW SUBSECTION," and substitute "THE
 8 FOLLOWING NEW SUBSECTIONS,".
 9

10 Page 4, strike lines 23 through 27.
 11

12 Page 5, after line 27, insert the following:
 13

14 "(17.5) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION,
 15 GOVERNMENT OR GOVERNMENTAL SUBDIVISION OR AGENCY, BUSINESS
 16 TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY, PARTNERSHIP,
 17 ASSOCIATION, OR OTHER LEGAL ENTITY."
 18

19 Page 6, line 21, after "debt," insert "INCLUDING ANY MODIFICATIONS TO
 20 THE ORIGINAL EVIDENCE OF DEBT,".
 21

22 Page 11, line 10, after the period, add "AN ASSIGNEE OR TRANSFEREE
 23 SHALL BE PRESUMED TO NOT BE A QUALIFIED HOLDER, AND AS SUCH,
 24 SHALL BE SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH (c), UNLESS A
 25 SIGNED STATEMENT BY THE ATTORNEY FOR SUCH ASSIGNEE OR
 26 TRANSFEREE THAT CITES THE PARAGRAPH OF SECTION 38-38-100.3 (20)
 27 UNDER WHICH THE ASSIGNEE OR TRANSFEREE CLAIMS TO BE A QUALIFIED
 28 HOLDER IS FILED WITH THE OFFICER."
 29

30 Page 14, line 19, strike "(a)" and substitute "(b)";
 31

32 line 20, strike "OR SUBSECTION (3)".
 33

34 Page 20, strike lines 20 and 21 and substitute the following:
 35

36 "HOMEOWNER'S ASSOCIATION
 37 ASSESSMENT PAID _____".
 38

39 Page 29, line 11, strike "and (6)," and substitute "(6), and (8),".
 40

41 Page 32, after line 4, insert the following:
 42

43 "(8) **Misstatement of redemption amount.** If an aggrieved
 44 person contests the amount set forth in the statement filed BY A
 45 REDEEMING LIENOR pursuant to paragraph (f) of subsection (1) of this
 46 section OR BY A HOLDER OF A CERTIFICATE OF PURCHASE PURSUANT TO
 47 PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION and a court
 48 determines that the redeeming lienor OR HOLDER OF THE CERTIFICATE OF
 49 PURCHASE HAS made a material misstatement ~~of the amount due and~~
 50 ~~owing~~ ON THE STATEMENT with respect to the ~~redeeming lienor's lien~~
 51 AMOUNT DUE AND OWING TO THE REDEEMING LIENOR OR THE HOLDER OF
 52 THE CERTIFICATE OF PURCHASE, the court shall, in addition to other relief,
 53 award to the aggrieved person the aggrieved person's court costs and
 54 reasonable attorney fees and costs."
 55
 56

1 **HB09-1241** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 23, line 21, strike "(a)";
6
7 line 24, strike "PURSUANT TO THE PROVISIONS OF PARAGRAPH (b) OF
8 THIS";
9
10 line 25, strike "SUBSECTION (4)";
11
12 strike lines 26 and 27.

13
14 Page 24, strike lines 1 and 2.

15
16 Page 29, line 15, before "(2) (b),", insert "(1) (b) and" and, strike "is" and
17 substitute "are";

18
19 strike line 18 and substitute the following:
20

21 **"definitions.** (1) (b) If a person described in subparagraph (I) or (II) of
22 paragraph (a) of this subsection (1) desires access to a safe deposit box
23 but does not possess a key to the box, the custodian shall drill the safe
24 deposit box at the person's expense. ~~The custodian shall retain, in a~~
25 ~~secure location at the person's expense, the contents of the box other than~~
26 ~~the purported will, deed to a burial plot, or burial instructions. The~~
27 ~~expenses~~ IN THE CASE OF A PERSON DESCRIBED IN SUBPARAGRAPH (I) OF
28 PARAGRAPH (a) OF THIS SUBSECTION (1), THE CUSTODIAN SHALL DELIVER
29 THE CONTENTS OF THE BOX, OTHER THAN THE PURPORTED WILL, DEED TO
30 A BURIAL PLOT, AND BURIAL INSTRUCTIONS, TO THE PERSON IN
31 ACCORDANCE WITH SECTION 15-12-1201. IN THE CASE OF A PERSON
32 DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
33 (1), THE CUSTODIAN SHALL RETAIN, IN A SECURE LOCATION AT THE
34 PERSON'S EXPENSE, THE CONTENTS OF THE BOX OTHER THAN THE
35 PURPORTED WILL, DEED TO A BURIAL PLOT, AND BURIAL INSTRUCTIONS.
36 A CUSTODIAN MAY DELIVER A PURPORTED WILL AS DESCRIBED IN
37 PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION. A CUSTODIAN MAY
38 DELIVER A DEED TO A BURIAL PLOT OR BURIAL INSTRUCTIONS AS
39 DESCRIBED IN PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION.
40 EXPENSES INCURRED BY A CUSTODIAN PURSUANT TO THIS SECTION shall
41 be considered an estate administration expense.

42
43 (2) (b) ~~The representative of the custodian may copy the".~~
44
45
46

47 **HB09-1254** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:
50

51 Amend printed bill, page 6, line 19, strike "CASH, SECURITIES," and
52 substitute "CASH".
53

54 Page 8, line 4, strike "HOW" and substitute "THE MANNER IN WHICH" and,
55 strike "HAVE BEEN" and substitute "WILL BE".
56

1 Page 9, line 24, after "TO", insert "BE SUFFICIENTLY LIQUID TO".

2

3 Page 1, line 102, strike "**MEDIATED**" and substitute "**FACILITATED**".

4

5

6

7

8 **STATE, VETERANS, & MILITARY AFFAIRS**

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

11

12 **HB09-1160** be amended as follows, and as so amended, be referred to
13 the Committee on Appropriations with favorable
14 recommendation:

15

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

18

19 "SECTION 1. Part 2 of article 2 of title 1, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
21 read:

22

23 **1-2-202.5. Online voter registration - online changes in elector**
24 **information.** (1) (a) AN ELECTOR MAY REGISTER TO VOTE, AND A
25 REGISTERED ELECTOR MAY CHANGE HIS OR HER RESIDENCE ON THE
26 REGISTRATION RECORD, CHANGE OR WITHDRAW HIS OR HER AFFILIATION,
27 APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER
28 EXISTING MAIL-IN BALLOT STATUS, BY COMPLETING AN ELECTRONIC FORM
29 ON THE OFFICIAL WEB SITE OF THE SECRETARY OF STATE IF THE ELECTOR'S
30 SIGNATURE IS STORED IN DIGITAL FORM IN THE DATABASE SYSTEMS
31 MAINTAINED BY THE DEPARTMENT OF STATE PURSUANT TO SECTION
32 1-2-301 (1) OR ACCESSIBLE TO THE DEPARTMENT OF STATE IN
33 ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 1-2-302 (6) AND
34 42-1-211 (1.5), C.R.S.

35

36 (b) THE OFFICIAL WEB SITE REFERENCED IN PARAGRAPH (a) OF THIS
37 SUBSECTION (1) SHALL BE FULLY SECURE. THE WEB SITE SHALL MAINTAIN
38 THE CONFIDENTIALITY OF ALL USERS AND PRESERVE THE INTEGRITY OF
39 THE DATA SUBMITTED. FURTHER SPECIFICATIONS REGARDING THE
40 SECURITY OF THE WEB SITE MAY BE PROMULGATED BY THE SECRETARY BY
41 RULE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-1-107 (2) (a).

42

43 (2) NO LATER THAN APRIL 1, 2010, THE SECRETARY OF STATE
44 SHALL MAKE AVAILABLE ON THE SECRETARY OF STATE'S OFFICIAL WEB
45 SITE ELECTRONIC FORMS FOR PERSONS TO APPLY TO REGISTER TO VOTE
46 AND FOR A REGISTERED ELECTOR TO CHANGE HIS OR HER RESIDENCE,
47 CHANGE OR WITHDRAW HIS OR HER AFFILIATION, APPLY FOR PERMANENT
48 MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER EXISTING MAIL-IN BALLOT
49 STATUS.

50

51 (3) THE ELECTRONIC VOTER REGISTRATION FORM SHALL INCLUDE:

52

53 (a) (I) THE QUESTIONS "ARE YOU A CITIZEN OF THE UNITED
54 STATES OF AMERICA?", "WILL YOU BE AT LEAST EIGHTEEN YEARS OF AGE
55 ON ELECTION DAY?", "HAVE YOU RESIDED IN COLORADO AND IN THE
56 PRECINCT IN WHICH YOU INTEND TO REGISTER FOR AT LEAST THIRTY DAYS

1 IMMEDIATELY PRIOR TO THE ELECTION?", AND "DO YOU AFFIRM THAT YOU
2 ARE NOT CURRENTLY SERVING A SENTENCE OF DETENTION OR
3 CONFINEMENT IN A CORRECTIONAL FACILITY, JAIL, OR OTHER LOCATION
4 FOR A FELONY CONVICTION OR SERVING A SENTENCE OF PAROLE?" AND
5 PLACES FOR THE ELECTOR TO INPUT ANSWERS TO THE QUESTIONS.

6
7 (II) FOLLOWING THE QUESTIONS LISTED IN SUBPARAGRAPH (I) OF
8 THIS PARAGRAPH (a), THE FORM SHALL INCLUDE THE STATEMENT "IF YOU
9 CHECKED 'NO' IN RESPONSE TO ANY OF THESE QUESTIONS, DO NOT
10 COMPLETE THIS APPLICATION BECAUSE YOU DO NOT QUALIFY AS AN
11 ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 1-2-101, COLORADO
12 REVISED STATUTES."

13
14 (b) THE QUESTIONS SPECIFIED IN SECTION 1-2-204 (1) AND (2)
15 WITH PLACES FOR THE ELECTOR TO INPUT INFORMATION IN RESPONSE TO
16 THE QUESTIONS;

17
18 (c) A PLACE FOR THE ELECTOR TO INPUT ADDITIONAL
19 INFORMATION, AS DETERMINED BY THE SECRETARY OF STATE, NECESSARY
20 TO LOCATE THE ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS
21 SPECIFIED IN SUBSECTION (1) OF THIS SECTION AND A PLACE FOR THE
22 ELECTOR TO ASSENT TO THE USE OF THE SIGNATURE FOR VOTER
23 REGISTRATION PURPOSES;

24
25 (d) A SELF-AFFIRMATION THAT THE ELECTOR IS QUALIFIED TO
26 REGISTER AND THAT THE INFORMATION ENTERED BY THE ELECTOR ON THE
27 ELECTRONIC APPLICATION IS TRUE; AND

28
29 (e) A STATEMENT THAT NOTIFIES THE USER OF THE WEB SITE THAT
30 IT IS AGAINST THE LAW TO KNOWINGLY SUBMIT FALSE INFORMATION OR TO
31 TAMPER WITH ANOTHER PERSON'S VOTER REGISTRATION INFORMATION.

32
33 (4) (a) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO
34 CHANGE HIS OR HER RESIDENCE SHALL INCLUDE THE INFORMATION
35 REQUIRED BY SECTION 1-2-216 (1).

36
37 (b) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO
38 CHANGE OR WITHDRAW HIS OR HER AFFILIATION SHALL INCLUDE THE
39 INFORMATION REQUIRED BY SECTION 1-2-219 (1).

40
41 (c) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO APPLY
42 FOR PERMANENT MAIL-IN BALLOT STATUS SHALL MEET THE
43 REQUIREMENTS OF SECTION 1-8-104.5 (1).

44
45 (d) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS SECTION,
46 IN ORDER FOR A REGISTERED ELECTOR TO ACCESS THE ELECTRONIC FORM
47 TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR HER
48 AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND
49 HIS OR HER EXISTING MAIL-IN BALLOT STATUS, THE REGISTERED ELECTOR
50 SHALL SUBMIT HIS OR HER BIRTH DATE AND THE LAST FOUR DIGITS OF HIS
51 OR HER SOCIAL SECURITY NUMBER.

52
53 (5) AN ELECTOR'S ASSENT ON THE ELECTRONIC APPLICATION TO
54 THE USE OF HIS OR HER SIGNATURE FOR VOTER REGISTRATION PURPOSES
55 MEETS THE SIGNATURE REQUIREMENT OF SECTION 1-2-201 (2).

56

1 (6) THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF THE
2 INFORMATION SUBMITTED ON THE ELECTRONIC FORM IS COMPLETE PRIOR
3 TO APPROVING A NEW REGISTRATION OR APPROVING AN ELECTOR'S
4 CHANGE IN RESIDENCE, CHANGE IN OR WITHDRAWAL OF HIS OR HER
5 AFFILIATION, OR CHANGE TO PERMANENT MAIL-IN BALLOT STATUS.
6

7 (7) (a) WHEN A PERSON COMPLETES AN ELECTRONIC VOTER
8 REGISTRATION FORM IN ACCORDANCE WITH SUBSECTION (3) OF THIS
9 SECTION AND IS QUALIFIED TO REGISTER BASED ON THE INFORMATION
10 PROVIDED IN THE FORM, THE COUNTY CLERK AND RECORDER SHALL
11 SEARCH FOR THE ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS
12 SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE SIGNATURE IS
13 FOUND, THE COUNTY CLERK AND RECORDER SHALL APPROVE THE NEW
14 REGISTRATION PURSUANT TO SUBSECTION (6) OF THIS SECTION AND SHALL
15 ADD THE ELECTOR TO THE COMPUTERIZED STATEWIDE VOTER
16 REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE PURSUANT
17 TO SECTION 1-2-301 (1).
18

19 (b) WHEN A REGISTERED ELECTOR COMPLETES AN ELECTRONIC
20 FORM TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR
21 HER AFFILIATION, OR APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, THE
22 SECRETARY OF STATE SHALL SEARCH FOR THE REGISTERED ELECTOR'S
23 SIGNATURE IN THE DATABASE SYSTEMS SPECIFIED IN SUBSECTION (1) OF
24 THIS SECTION. IN THE CASE OF A CHANGE IN RESIDENCE, THE COUNTY
25 CLERK AND RECORDER SHALL ALSO SEND A NONFORWARDABLE POSTCARD
26 TO THE REGISTERED ELECTOR AT HIS OR HER OLD ADDRESS OF RECORD, BY
27 REGULAR MAIL, GIVING NOTICE TO THE REGISTERED ELECTOR THAT A
28 CHANGE IN RESIDENCE FORM HAS BEEN SUBMITTED BY THE REGISTERED
29 ELECTOR AND ASKING THE REGISTERED ELECTOR TO CONTACT THE
30 COUNTY CLERK AND RECORDER WITHIN TEN CALENDAR DAYS OF
31 RECEIVING THE POSTCARD IF IT IS NOT THE REGISTERED ELECTOR'S INTENT
32 TO CHANGE HIS OR HER ADDRESS OF RECORD. IF THE SIGNATURE IS FOUND
33 AND, IN THE CASE OF A CHANGE IN RESIDENCE, IF THE REGISTERED
34 ELECTOR HAS NOT TIMELY CONTACTED THE COUNTY CLERK AND
35 RECORDER PURSUANT TO THIS PARAGRAPH (b), THE COUNTY CLERK AND
36 RECORDER SHALL APPROVE THE CHANGE IN STATUS PURSUANT TO
37 SUBSECTION (6) OF THIS SECTION AND SHALL MAKE THE CHANGES
38 INDICATED ON THE ELECTRONIC FORM IN THE COMPUTERIZED STATEWIDE
39 VOTER REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE
40 PURSUANT TO SECTION 1-2-301 (1).
41

42 (c) A VOTER REGISTRATION, CHANGE OF RESIDENCE, CHANGE OR
43 WITHDRAWAL OF AFFILIATION, OR APPLICATION FOR PERMANENT MAIL-IN
44 BALLOT STATUS MADE IN ACCORDANCE WITH THIS SECTION SHALL APPLY
45 TO AN ELECTION IF THE ELECTOR COMPLETES THE ELECTRONIC FORM NO
46 LATER THAN TWENTY-NINE DAYS BEFORE THE ELECTION.
47

48 **SECTION 2.** 1-2-302 (6), Colorado Revised Statutes, is amended
49 to read:
50

51 **1-2-302. Maintenance of computerized statewide voter**
52 **registration list - confidentiality.** (6) The secretary of state shall
53 determine and use other necessary means to maintain the master list of
54 registered electors on a current basis. In accordance with the provisions
55 of section 42-1-211, C.R.S., the department of state and the department
56 of revenue shall allow for the exchange of information between the

1 systems used by them to collect information on residence addresses,
2 signatures, and party affiliation ~~including, but not limited to, the driver's~~
3 ~~license database~~ FOR ALL APPLICANTS FOR DRIVER'S LICENSES OR STATE
4 IDENTIFICATION CARDS. The department of revenue may exchange
5 information on residence addresses in the driver's license database with
6 the motor vehicle registration database, motorist insurance database, and
7 the state income tax information systems.

8
9 **SECTION 3.** 42-1-211 (1.5) (a), Colorado Revised Statutes, is
10 amended to read:

11
12 **42-1-211. Colorado state titling and registration system.**
13 (1.5) (a) In accordance with the requirements of ~~section 1-2-302 (6.7)~~
14 SECTION 1-2-302 (6), C.R.S., the department of revenue and the
15 department of state shall allow for the exchange of information on
16 residence addresses, signatures, and party affiliation between the systems
17 used by the department of revenue, the master list of registered electors
18 maintained by the department of state, and, no later than January 1, 2006,
19 the computerized statewide voter registration list created in section
20 1-2-301 (1), C.R.S., for the purpose of updating information in these
21 systems.

22
23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety."

26
27
28
29 **HB09-1186** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:

32
33 Amend printed bill, page 2, strike lines 2 through 17.

34
35 Renumber succeeding sections accordingly.

36
37 Page 3, line 11, strike "five" and substitute "~~five~~ TEN".

38
39 Page 1, strike lines 101 and 102 and substitute the following:

40
41 "**CONCERNING THE DELIVERY OF A MAIL-IN BALLOT TO THE**
42 **DESIGNATED ELECTION OFFICIAL BY THE ELECTOR.**"

43
44
45
46 **HB09-1216** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend printed bill, page 2, line 12, strike "(1) (a) (I) and";

51
52 line 13, strike "are" and substitute "is";

53
54 strike lines 15 through 19.

55
56 Page 3, strike lines 1 through 11 and substitute the following:

1 "(5) If a mail OR MAIL-IN ballot that was mailed pursuant to the";
2
3 strike lines 21 through 23 and substitute the following:
4
5 "the mail OR MAIL-IN ballot, the county clerk and recorder shall ~~mark the~~
6 ~~registration record of the elector "Canceled (insert date)", and the record~~
7 ~~shall be removed from the registration file of the county~~ FORWARD THE
8 ADDRESS INFORMATION TO THE COUNTY CLERK AND RECORDER OF THE
9 COUNTY IN WHICH THE VOTER RESIDES. If the elector".

10
11 Page 4, line 14, after "PLACE", insert "DURING THE TIME FOR EARLY
12 VOTING";

13
14 strike lines 16 through 18 and substitute the following:

15
16 **"SECTION 5.** 1-8.5-101 (3), Colorado Revised Statutes, is
17 amended, and the said 1-8.5-101 is further amended BY THE
18 ADDITION OF A NEW SUBSECTION to read:

19
20 **1-8.5-101. Provisional ballot - entitlement to vote.**
21 (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5) OF THIS
22 SECTION, if an elector applies for AND HAS BEEN ISSUED a mail-in ballot
23 but spoils it or otherwise does not cast it, the elector may cast a
24 provisional ballot at the polling place, vote center, or early voter's polling
25 place if the elector affirms under oath that the elector has not and will not
26 cast the mail-in ballot. The provisional ballot shall be counted if the
27 designated election official verifies that the elector is registered to vote
28 and did not cast the mail-in ballot and if the elector's eligibility to vote in
29 the county is verified pursuant to section 1-8.5-105.

30
31 (5) ANY";

32
33 after line 22, insert the following:

34
35 **"SECTION 6.** 31-10-1002, Colorado Revised Statutes, is
36 amended BY THE ADDITION OF A NEW SUBSECTION to read:

37
38 **31-10-1002. Application for absentee ballot - delivery - list.**
39 (2.5) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS
40 SECTION, THE CLERK SHALL ALSO DELIVER, AS SOON AS PRACTICABLE
41 AFTER THE BALLOTS ARE RECEIVED, TO EACH MUNICIPAL ELECTOR WHOSE
42 STATUS AS A PERMANENT MAIL-IN VOTER IS INDICATED IN THE VOTER
43 REGISTRATION RECORDS OF THE COUNTY CLERK AND RECORDER, AN
44 OFFICIAL ABSENT VOTER'S BALLOT, AN IDENTIFICATION RETURN ENVELOPE
45 WITH THE AFFIDAVIT THEREON PROPERLY FILLED IN AS TO PRECINCT AND
46 RESIDENCE ADDRESS AS SHOWN BY THE RECORDS OF THE COUNTY CLERK
47 AND RECORDER, AND AN INSTRUCTION CARD."

48
49 Renumber succeeding section accordingly.

50
51
52
53
54
55

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB09-1164** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 13, strike "(8)," and substitute "(8) (c),";
10
11 strike line 14 and substitute the following:

12
13 "SECTION; EXCEPT THAT ONCE THE ELIGIBILITY EXPANSION ACCOUNT IS
14 DISSOLVED PURSUANT TO SECTION 25.5-5-308 (8) (c) (III), C.R.S., THE
15 STATE TREASURER SHALL CREDIT THE SURCHARGE TO THE BREAST AND
16 CERVICAL CANCER PREVENTION AND TREATMENT FUND CREATED IN
17 SECTION 25.5-5-308 (8) (a), C.R.S.";

18
19 line 22, strike "(8)," and substitute "(8) (a),".

20
21 Page 3, line 1, strike "amended" and substitute "amended, and the said
22 25.5-5-308 (8) is further amended BY THE ADDITION OF A NEW
23 PARAGRAPH,";

24
25 strike lines 25 through 27 and substitute the following:

26
27 "FEDERAL FINANCIAL PARTICIPATION WHEN THE STATE DEPARTMENT
28 DETERMINES THAT THE AMOUNT OF MONEYS ACCUMULATED IN THE
29 ELIGIBILITY EXPANSION ACCOUNT CREATED IN PARAGRAPH (c) OF
30 SUBSECTION (8) OF THIS SECTION, INCLUDING ANY AMOUNTS PLEDGED OR
31 PROMISED THROUGH A GIFT, GRANT, OR DONATION, IS SUFFICIENT TO
32 SUSTAIN THE PROJECTED NUMBER OF ADDITIONAL PERSONS WHO WOULD
33 BE ELIGIBLE FOR THE PROGRAM UNDER THIS SUB-SUBPARAGRAPH (B)."

34
35 Strike page 4.

36
37 Page 5, strike line 1 and substitute the following:

38
39 "(8) (a) There is hereby created in the state treasury the breast and
40 cervical cancer prevention and treatment fund, referred to in this
41 subsection (8) as the "fund". The fund shall consist of any moneys
42 credited thereto pursuant to section 24-22-115 (1), C.R.S., any gifts,
43 grants, and donations, ~~and~~ any moneys appropriated thereto by the
44 general assembly, AND ANY MONEYS TRANSFERRED FROM THE ELIGIBILITY
45 EXPANSION ACCOUNT PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH
46 (c) OF THIS SUBSECTION (8). Except as provided for in paragraph (b) of
47 this subsection (8), all moneys credited to the fund and all interest and
48 income earned on the moneys in the fund shall remain in the fund for the
49 purposes set forth in this section. Any unexpended and unencumbered
50 moneys remaining in the fund at the end of a fiscal year shall remain in
51 the fund and shall not be credited or transferred to the general fund or
52 another fund. The state department is encouraged to secure private gifts,
53 grants, and donations to fund the state costs of the breast and cervical
54 cancer prevention and treatment program.

55

1 (c) (I) THERE IS HEREBY CREATED, AS AN ACCOUNT WITHIN THE
2 FUND, THE ELIGIBILITY EXPANSION ACCOUNT, REFERRED TO IN THIS
3 SUBSECTION (8) AS THE "ACCOUNT". THE ACCOUNT SHALL CONSIST OF
4 MONEYS CREDITED THERETO PURSUANT TO SECTION 42-3-217.5 (3) (c),
5 C.R.S, AND ANY GIFTS, GRANTS, AND DONATIONS. MONEYS IN THE
6 ACCOUNT SHALL BE EXPENDED ONLY TO FUND THE COST TO EXPAND THE
7 ELIGIBILITY CRITERIA";

8
9 after line 11, insert the following:

10
11 "(II) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (8),
12 ALL MONEYS CREDITED TO THE ACCOUNT AND ALL INTEREST AND INCOME
13 EARNED ON THE MONEYS IN THE ACCOUNT SHALL REMAIN IN THE
14 ACCOUNT FOR THE PURPOSES SET FORTH IN THIS PARAGRAPH (c) AND
15 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
16 ANY OTHER FUND EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
17 PARAGRAPH (c). THE STATE DEPARTMENT IS ENCOURAGED TO SECURE
18 PRIVATE GIFTS, GRANTS, AND DONATIONS TO HELP FUND THE COSTS TO
19 EXPAND THE ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE BREAST
20 AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM AS
21 DESCRIBED IN THIS PARAGRAPH (c).

22
23 (III) (A) UPON DETERMINING THAT THE AMOUNT OF MONEYS
24 ACCUMULATED IN THE ACCOUNT, INCLUDING ANY AMOUNTS PLEDGED OR
25 PROMISED THROUGH A GIFT, GRANT, OR DONATION, IS SUFFICIENT TO
26 SUSTAIN THE PROJECTED NUMBER OF ADDITIONAL PERSONS WHO WOULD
27 BE ELIGIBLE FOR THE PROGRAM UNDER SUB-SUBPARAGRAPH (B) OF
28 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS
29 SECTION, AND UPON OBTAINING AUTHORITY TO RECEIVE FEDERAL
30 FINANCIAL PARTICIPATION FOR PERSONS ELIGIBLE UNDER
31 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
32 SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL NOTIFY
33 THE JOINT BUDGET COMMITTEE THAT THE ACCOUNT BALANCE IS
34 SUFFICIENT TO EXPAND ELIGIBILITY FOR THE PROGRAM AND SHALL
35 REQUEST AN APPROPRIATION FOR THE FISCAL YEAR FOR WHICH THE
36 FEDERAL AUTHORITY HAS BEEN GRANTED TO FUND THE PERSONS ELIGIBLE
37 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF
38 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

39
40 (B) ONCE THE STATE DEPARTMENT HAS NOTIFIED THE JOINT
41 BUDGET COMMITTEE, THE STAFF DIRECTOR OF THE JOINT BUDGET
42 COMMITTEE SHALL REQUEST THAT THE STATE TREASURER TRANSFER THE
43 MONEYS IN THE ELIGIBILITY EXPANSION ACCOUNT TO THE BREAST AND
44 CERVICAL CANCER PREVENTION AND TREATMENT FUND AND DISSOLVE
45 THE ACCOUNT.

46
47 (C) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE WHEN THE
48 STATE TREASURER TRANSFERS THE BALANCE OF THE ELIGIBILITY
49 EXPANSION ACCOUNT TO THE BREAST AND CERVICAL CANCER
50 PREVENTION AND TREATMENT FUND AND DISSOLVES THE ACCOUNT. THE
51 STATE TREASURER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING
52 WHEN THE CONDITIONS SPECIFIED IN THIS SUB-SUBPARAGRAPH (C) HAVE
53 BEEN SATISFIED."

54
55
56

1 **HB09-1236** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, strike lines 12 through 15 and substitute the
6 following:
7

8 "~~be displayed or actuated~~ WHEN A SCHOOL BUS THAT IS NOT REQUIRED TO
9 BE EQUIPPED WITH VISUAL SIGNAL LIGHTS BY SUBSECTION (2) OF THIS
10 SECTION STOPS TO RECEIVE OR DISCHARGE SCHOOLCHILDREN, THE DRIVER
11 OF A MOTOR VEHICLE SHALL STOP AT LEAST TWENTY-FIVE FEET BEFORE
12 REACHING THE SCHOOL BUS."
13

14
15
16 **MESSAGE FROM THE SENATE**
17

18 The Senate has adopted and transmits herewith: SJR09-012
19

20
21 On motion of Representative Weissmann, the following bill(s) will be
22 calendared for Wednesday, February 18, 2009: HB09-1240, 1272, 1121,
23 1207, 1223, 1241, 1254, 1236, 1186, 1216.
24

25
26
27 On motion of Representative Weissmann, the House adjourned until
28 10:00 a.m., February 16, 2009.
29

30 Approved:
31 TERRANCE D. CARROLL,
32 Speaker

33 Attest:
34 MARILYN EDDINS,
35 Chief Clerk