

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

Sixty-fourth Legislative Day

Wednesday, March 11, 2009

1 Prayer by Father Greg Ames, Immaculate Heart of Mary, Northglenn.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Skyler King, Fruita-Monument High School.
6
7 The roll was called with the following result:
8
9 Present--59.
10 Excused--Representative(s) Massey, McGihon, Miklosi, Pommer,
11 Scanlan, Swalm--6.
12 Present after roll call--Representative(s) Miklosi, Pommer,
13 Scanlan, Swalm.
14
15 The Speaker declared a quorum present.
16
17
18 On motion of Representative McCann, the reading of the journal of
19 March 10, 2009, was declared dispensed with and approved as corrected
20 by the Chief Clerk.
21
22
23

CONSIDERATION OF SENATE AMENDMENT(S) TO HOUSE BILL(S)

24
25
26 **HB09-1005** by Representative(s) Marostica; also Senator(s) Veiga,
27 White--Concerning the authority of a special district to
28 establish special improvement districts within the
29 boundaries of the special district.
30

31 (Amended as printed in Senate Journal, March 6, pages 636.)
32

33 Representative Marostica moved that the House **concur** in Senate
34 amendments. The motion was declared **passed** by the following roll call
35 vote:
36

	YES	62	NO	0	EXCUSED	3	ABSENT	0
38	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
42	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y

1	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
2	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
3	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
4	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
5	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
6	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
7	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
8	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
9	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
10	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
11							Speaker	Y

12

13 The question being, "Shall the bill, as amended, 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, as amended, was declared **repassed**.

17

18	YES	60	NO	2	EXCUSED	3	ABSENT	0
19	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
20	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
21	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
22	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
23	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
24	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
25	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
26	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
27	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
28	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
29	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
30	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
31	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
32	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
33	Gardner C.	N	May	Y	Rice	Y	Waller	Y
34	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
35							Speaker	Y

36 Co-sponsor(s) added: Representative(s) Labuda, Todd

37

38 **HB09-1008** by Representative(s) Miklosi; also Senator(s) Williams--
39 Concerning the expansion of the ability to transfer annual
40 leave between employees in the state personnel system.

41

42 (Amended as printed in Senate Journal, March 6, pages 635.)

43

44 Representative Miklosi moved that the House **adhere** to its position on
45 **HB09-1008**. The motion was declared **passed** by the following roll call
46 vote:

47	YES	55	NO	7	EXCUSED	3	ABSENT	0
48	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
49	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
50	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
51	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
52	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
53	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
54	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
55	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
56	Curry	Y	Lambert	N	Nikkel	N	Summers	Y

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

9
10 **HB09-1052** by Representative(s) Waller; also Senator(s) Heath--
11 Concerning limitations on the solicitation of donated items
12 that will be sold for profit.

13
14 (Amended as printed in Senate Journal, March 6, pages 639.)

15
16 Representative Waller moved that the House **concur** in Senate
17 amendments. The motion was declared **passed** by the following roll call
18 vote:

	YES	61	NO	1	EXCUSED	3	ABSENT	0
21	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
22	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
23	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
24	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
25	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
26	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
27	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
28	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
29	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
30	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
31	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
32	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
33	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
34	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
35	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
36	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
37							Speaker	Y

38
39 The question being, "Shall the bill, as amended, pass?"

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

	YES	57	NO	5	EXCUSED	3	ABSENT	0
45	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
46	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
47	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
48	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
49	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
50	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
51	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
52	Court	Y	Labuda	Y	Murray	N	Stephens	Y
53	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
54	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
55	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
56	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y

1	Gardner B.	Y	Massey	E	Priola	N	Vigil	Y
2	Gardner C.	Y	May	Y	Rice	Y	Waller	N
3	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
4							Speaker	Y

5 Co-sponsor(s) added: Representative(s) Hulinghorst, Kefalas, Todd

6
7 **HB09-1153** by Representative(s) May; also Senator(s) Harvey--
8 Concerning the requirements applicable to the formation
9 of an issue committee under Colorado law governing
10 campaign finance.

11
12 (Amended as printed in Senate Journal, March 6, pages 635.)

13
14 Representative May moved that the House **not concur** in Senate
15 amendments and that a Conference Committee be appointed. The motion
16 was declared **passed** by the following roll call vote:

17	YES	62	NO	0	EXCUSED	3	ABSENT	0
18	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
19	Apuan	Y	Hulinghorst	Y	McGihon	E	Ryden	Y
20	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
21	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
22	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
23	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
24	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
25	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
26	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
27	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
28	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
29	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
30	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
31	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
32	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
33	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
34							Speaker	Y
35								

36 The Speaker appointed Representatives May, Chairman, Todd and
37 Miklosi as House conferees to the bill.

38
39 **HB09-1162** by Representative(s) Gerou; also Senator(s) Kopp--
40 Concerning intergovernmental cooperation for the purpose
41 of mitigating wildfires.

42
43 Laid over until March 13, retaining place on Calendar.

44
45 **HB09-1178** by Representative(s) Green; also Senator(s) Boyd--
46 Concerning the creation of a task force to study the
47 establishment of a registry of caregivers who are deemed
48 to have a substantiated allegation of wrongdoing against
49 a person with a developmental disability.

50
51 (Amended as printed in Senate Journal, March 6, pages 635.)

52
53 Representative Green moved that the House **concur** in Senate
54 amendments. The motion was declared **passed** by the following roll call
55 vote:

56

	YES	60	NO	2	EXCUSED	3	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	N
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
10	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
12	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
16	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

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

21 A roll call vote was taken. As shown by the following recorded vote, a
 22 majority of those elected to the House voted in the affirmative, and the
 23 bill, as amended, was declared **repassed**.

	YES	61	NO	1	EXCUSED	3	ABSENT	0
26	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
27	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
28	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
30	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
31	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
33	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
34	Curry	Y	Lambert	N	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	E
36	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
37	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
38	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
39	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
40	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
41	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Acree, Frangas, Soper

44
 45 **HB09-1241** by Representative(s) Roberts; also Senator(s) Morse--
 46 Concerning title 15 of the Colorado Revised Statutes.

47
 48 Laid over until March 13, retaining place on Calendar.

49
 50
 51
 52 **MESSAGE FROM THE SENATE**

53
 54 The Senate has adopted and transmits herewith: SJR09-022.

55
 56

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2

3 On motion of Representative Weissmann, the rules were suspended and
4 the following resolution was given immediate consideration.

5

6 **SJR09-022** by Senator(s) Sandoval; also Representative(s) Looper--
7 Concerning the proclamation of March 9-13, 2009 as
8 Small Business Week.

9

10 (Printed and placed in member's file).

11

12 Representative Looper moved that the resolution be adopted and
13 requested that it be read at length.

14

15 Amendment No. 1, moved by Representative Weissmann.

16

17 Amend engrossed joint resolution, page 2, line 9, strike everything after
18 "powerful" and substitute "disincentive; and";

19

20 strike line 10.

21

22 The amendment was declared **passed** by **viva voce** vote.

23

24 On motion of Representative Looper, the resolution, as amended, was
25 **adopted** by the following roll call vote:

26

	YES	55	NO	8	EXCUSED	2	ABSENT	0
28	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
29	Apuan	Y	Hullinghorst	N	McGihon	E	Ryden	Y
30	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
34	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
35	Court	N	Labuda	N	Murray	Y	Stephens	Y
36	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Levy	N	Pace	Y	Swalm	Y
38	Fischer	N	Liston	Y	Peniston	Y	Tipton	Y
39	Frangas	Y	Looper	Y	Pommer	N	Todd	Y
40	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
41	Gardner B.	Y	Massey	E	Priola	Y	Vigil	Y
42	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
43	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	N
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Acree, Apuan, Balmer, Baumgardner,
46 Bradford, Frangas, Gardner B., Gerou, Kerr J., King S., Lambert, Liston,
47 Marostica, May, McCann, McNulty, Murray, Nikkel, Priola, Rice, Riesberg,
48 Roberts, Schafer S., Stephens, Summers, Swalm, Tipton, Vaad, Waller

49

50

51

52

53

54

55

REPORT(S) OF COMMITTEE(S) OF REFERENCE**BUSINESS AFFAIRS & LABOR**

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

SB09-076 be referred favorably to the Committee on Finance.

SB09-150 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, strike lines 24 through 27 and substitute the following:

"SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to documents filed on or after the applicable effective date of this act.

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

Page 3, strike lines 1 through 8.

FINANCE

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

HB09-1028 be rereferred favorably to the Committee on Health & Human Services.

HB09-1154 be postponed indefinitely.

SB09-066 be referred favorably to the Committee on Appropriations.

LOCAL GOVERNMENT

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

SB09-101 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, strike lines 14 and 15.

ReNUMBER succeeding subsections accordingly.

- 1 Page 4, line 1, strike "BOARD" and substitute "GOVERNING BODY";
 2
 3 line 13, strike "FROM NOMINEES SUBMITTED" and substitute "DIRECTLY";
 4
 5 line 15, strike "BOARD" and substitute "GOVERNING BODY OF THE CITY";
 6
 7 line 23, strike "BOARD" and substitute "GOVERNING BODY OF THE CITY";
 8
 9 line 25, strike "SECTION." and substitute "SECTION;";
 10
 11 line 26, strike "THE BOARD" and substitute "EXCEPT THAT NO SUCH
 12 REQUIREMENT SHALL APPLY TO THE MEMBER OF THE COMMUNITY
 13 APPOINTED DIRECTLY BY THE GOVERNING BODY. THE GOVERNING BODY".
 14
 15 Page 5, line 2, strike "BOARD" and substitute "GOVERNING BODY OF THE
 16 CITY";
 17
 18 line 4, strike "BOARD" and substitute "GOVERNING BODY";
 19
 20 line 6, strike "BOARD" and substitute "GOVERNING BODY";
 21
 22 line 10, strike "BOARD." and substitute "THE GOVERNING BODY OF THE
 23 CITY.";
 24
 25 line 14, strike "BOARD" and substitute "GOVERNING BODY".
 26
 27
 28
 29

30 **TRANSPORTATION & ENERGY**

31 After consideration on the merits, the Committee recommends the
 32 following:
 33

34 **HB09-1176** be amended as follows, and as so amended, be referred to
 35 the Committee of the Whole with favorable
 36 recommendation:
 37

38 Amend printed bill, strike everything below the enacting clause and
 39 substitute the following:
 40

41 **"SECTION 1. Short title.** This act shall be known and may be
 42 cited as the "Kayla Sealy DeMars Drivers' Safety Act".
 43

44 **SECTION 2.** The introductory portion to 42-2-104 (4) (a) and
 45 42-2-104 (5), Colorado Revised Statutes, are amended, and the said
 46 42-2-104 is further amended BY THE ADDITION OF A NEW
 47 SUBSECTION, to read:
 48

49 **42-2-104. Licenses issued - denied.** (4) (a) ~~Before The~~
 50 department ~~may~~ SHALL NOT issue ~~any type of~~ a driver's license, including,
 51 WITHOUT LIMITATION, a temporary driver's license pursuant to section
 52 42-2-106 (2), to a person under eighteen years of age, UNLESS the person
 53 ~~shall have~~ HAS:
 54

55 (5) The department shall not issue a driver's license to a person
 56 under ~~eighteen years of age who was issued a permit pursuant to sections~~

1 ~~42-2-106 (1) (b) and 42-2-114 (1) (a) after April 20, 2007,~~ SEVENTEEN
2 YEARS OF AGE unless ~~such~~ THE person has received either:

3
4 (a) If no entity offers approved behind-the-wheel driver training
5 at least twenty hours a week from a permanent location with an address
6 that is within thirty miles of the permit holder's residence, RECEIVED a
7 minimum of twelve hours of driving-behind-the-wheel training directed
8 by a parent, a legal guardian, or an alternate permit supervisor, which
9 training shall be in addition to the driving experience required by
10 subsection (4) of this section; or

11
12 (b) RECEIVED A minimum of six hours of
13 driving-behind-the-wheel training with a driving instructor employed or
14 associated with an approved driver education course.

15
16 (6) THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE TO A
17 PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS THE PERSON HAS
18 COMPLETED A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS
19 PROGRAM.

20
21 **SECTION 3.** 42-2-106 (1) (a), (1) (b) (I), (1) (c), (1) (d), and (1)
22 (f), Colorado Revised Statutes, are amended to read:

23
24 **42-2-106. Instruction permits and temporary licenses.**
25 (1) (a) (I) A person who is ~~sixteen~~ EIGHTEEN years of age or older and
26 who, ~~except for the person's lack of instruction in operating a motor~~
27 ~~vehicle, motorcycle, or motor-driven cycle, would otherwise be qualified~~
28 ~~to obtain a license under this article~~ may apply for a temporary instruction
29 permit, in accordance with sections 42-2-107 and 42-2-108. The
30 department shall issue a permit entitling an applicant, who is sixteen years
31 of age or older but under eighteen years of age, while having the permit
32 in the applicant's immediate possession, to drive a motor vehicle,
33 motorcycle, or motor-driven cycle upon the highways when accompanied
34 by the parent, stepparent, grandparent with power of attorney, or guardian
35 or foster parent, who signed the affidavit of liability pursuant to section
36 42-2-108 (1) (a), who holds a valid Colorado driver's license, and who
37 occupies the front seat in close proximity to the driver or, in the case of
38 a motorcycle or motor-driven cycle, under the immediate proximate
39 supervision of a licensed driver, who holds a valid Colorado driver's
40 license and is twenty-one years of age or older, authorized under this
41 article to drive a motorcycle or motor-driven cycle. In addition, the
42 parent, stepparent, grandparent with power of attorney, or guardian or
43 foster parent, who is authorized pursuant to this section to supervise the
44 minor driver while the minor is driving, may allow the minor, while
45 having the permit in the applicant's immediate possession, to drive with
46 an individual who holds a valid driver's license and is twenty-one years
47 of age or older for additional driving experience, but such additional
48 driving experience shall not count toward the requirement established in
49 section ~~42-2-104~~. The permit shall expire three years after issuance. The
50 department shall issue a permit entitling the applicant, who is eighteen
51 years of age or older, while having the permit in the applicant's immediate
52 possession, to drive a motor vehicle, motorcycle, or motor-driven cycle
53 upon the highways when accompanied by a driver, who holds a valid
54 Colorado driver's license and is twenty-one years of age or older, who
55 occupies the front seat of the motor vehicle, or if the vehicle is a
56 motorcycle or motor-driven cycle, under the immediate proximate

1 supervision of a driver, who is authorized under this article to drive a
2 motorcycle or motor-driven cycle. The permit shall expire three years
3 after issuance.

4
5 ~~(II) If the parent, stepparent, grandparent with power of attorney,~~
6 ~~or guardian or foster parent, who signed the affidavit of liability pursuant~~
7 ~~to section 42-2-108 (1) (a), does not hold a valid Colorado driver's~~
8 ~~license, the parent, stepparent, grandparent with power of attorney, or~~
9 ~~guardian or foster parent may appoint an alternate permit supervisor. An~~
10 ~~alternate permit supervisor shall hold a valid Colorado driver's license and~~
11 ~~be twenty-one years of age or older or, if the vehicle is a motorcycle or~~
12 ~~motor-driven cycle, is authorized under this article to drive a motorcycle~~
13 ~~or motor-driven cycle. A minor who is issued a permit under this~~
14 ~~paragraph (a) may drive a motor vehicle, including a motorcycle or~~
15 ~~motor-driven cycle, under the supervision of the alternate permit~~
16 ~~supervisor if the minor has the permit in the minor's immediate possession~~
17 ~~and the alternate permit supervisor occupies the front seat of the motor~~
18 ~~vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close~~
19 ~~proximity to the driver.~~

20
21 ~~(III) If the parent, stepparent, grandparent with power of attorney,~~
22 ~~or guardian or foster parent, who signed the affidavit of liability pursuant~~
23 ~~to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license~~
24 ~~but holds a valid driver's license from another state and is authorized to~~
25 ~~drive a motor vehicle, motorcycle, or motor-driven cycle and has proper~~
26 ~~military identification, then the applicant, while having the permit in the~~
27 ~~applicant's immediate possession, shall be authorized to drive a motor~~
28 ~~vehicle, including a motorcycle or motor-driven cycle, under the~~
29 ~~supervision of the parent, stepparent, grandparent with power of attorney,~~
30 ~~or guardian or foster parent, who cosigned the application for the minor's~~
31 ~~instruction permit, if the parent, stepparent, grandparent with power of~~
32 ~~attorney, or guardian or foster parent occupies the front seat of the motor~~
33 ~~vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close~~
34 ~~proximity to the driver while the minor is driving.~~

35
36 (b) (I) A minor who is fifteen years of age or older and has
37 completed a department-approved THIRTY-HOUR driver education course
38 within the last six months may apply for a minor's instruction permit,
39 pursuant to sections 42-2-107 and 42-2-108. Upon presentation of a
40 written or printed statement signed by the parent, stepparent, grandparent
41 with power of attorney, or guardian or foster parent and the instructor of
42 the driver education course that the minor has passed an approved driver
43 education course, the department shall issue the permit entitling the
44 applicant, while having the permit in the applicant's immediate
45 possession, to drive a motor vehicle, including a motorcycle or
46 motor-driven cycle, under the supervision of the parent, stepparent,
47 grandparent with power of attorney, or guardian or foster parent, who
48 cosigned the application for the minor's instruction permit, if the parent,
49 stepparent, grandparent with power of attorney, or guardian or foster
50 parent holds a valid Colorado driver's license and occupies the front seat
51 of the motor vehicle or, if the vehicle is a motorcycle or motor-driven
52 cycle, is authorized under this article to drive a motorcycle or
53 motor-driven cycle and is in close proximity to the driver while the minor
54 is driving. In addition, the parent, stepparent, grandparent with power of
55 attorney, or guardian or foster parent, who is authorized pursuant to this
56 section to supervise the minor driver while the minor is driving, may

1 allow the minor, while having the permit in the applicant's immediate
2 possession, to drive with an individual who holds a valid driver's license
3 and is twenty-one years of age or older for additional driving experience,
4 but such additional driving experience shall not count toward the
5 requirement established in section 42-2-104. The permit shall also entitle
6 the applicant to drive a motor vehicle, including a motorcycle or
7 motor-driven cycle that is marked to indicate that it is a motor vehicle
8 used for instruction and that is properly equipped for instruction, upon the
9 highways when accompanied by or under the supervision of an approved
10 driver education instructor who holds a valid Colorado driver's license.
11 Driver education instructors giving instruction in motorcycle safety shall
12 have a valid motorcycle driver's license from Colorado and shall have
13 successfully completed an instruction program in motorcycle safety
14 approved by the department. The permit shall expire three years after
15 issuance.

16
17 ~~(c) A person sixteen years of age or older who, except for his or~~
18 ~~her lack of instruction in operating a motorcycle or motor-driven cycle,~~
19 ~~would otherwise be qualified to obtain a driver's license under this article~~
20 ~~to drive a motorcycle or motor-driven cycle may apply for a temporary~~
21 ~~instruction permit, pursuant to sections 42-2-107 and 42-2-108. The~~
22 ~~department shall issue the permit entitling the applicant, while having the~~
23 ~~permit in the applicant's immediate possession, to drive a motorcycle or~~
24 ~~motor-driven cycle upon the highways while under the immediate~~
25 ~~supervision of a licensed driver, who holds a valid Colorado driver's~~
26 ~~license and is twenty-one years of age or older, authorized under this~~
27 ~~article to drive a motorcycle or motor-driven cycle. The permit shall~~
28 ~~expire three years after issuance.~~

29
30 ~~(d) (f) A minor fifteen and one-half years of age but less than~~
31 ~~sixteen years of age who has completed a four-hour prequalification~~
32 ~~driver awareness program approved by the department may apply for a~~
33 ~~minor's instruction permit pursuant to sections 42-2-107 and 42-2-108.~~
34 ~~Upon presenting a written or printed statement signed by the parent,~~
35 ~~stepparent, grandparent with power of attorney, or guardian or foster~~
36 ~~parent of the applicant and documentation that the minor completed the~~
37 ~~driver awareness program, the department shall issue a permit entitling~~
38 ~~the applicant, while having the permit in the applicant's immediate~~
39 ~~possession, to drive a motor vehicle, including a motorcycle or~~
40 ~~motor-driven cycle, under the supervision of the parent, stepparent,~~
41 ~~grandparent with power of attorney, or guardian or foster parent, who~~
42 ~~cosigned the application for the minor's instruction permit, if the parent,~~
43 ~~stepparent, grandparent with power of attorney, or guardian or foster~~
44 ~~parent holds a valid Colorado driver's license and occupies the front seat~~
45 ~~of the motor vehicle or, if the vehicle is a motorcycle or motor-driven~~
46 ~~cycle, is authorized under this article to drive a motorcycle or~~
47 ~~motor-driven cycle and is in close proximity to the driver while he or she~~
48 ~~is driving. In addition, the parent, stepparent, grandparent with power of~~
49 ~~attorney, or guardian or foster parent, who is authorized pursuant to this~~
50 ~~section to supervise the minor driver while the minor is driving, may~~
51 ~~allow the minor, while having the permit in the applicant's immediate~~
52 ~~possession, to drive with an individual who holds a valid driver's license~~
53 ~~and is twenty-one years of age or older for additional driving experience,~~
54 ~~but such additional driving experience shall not count toward the~~
55 ~~requirement established in section 42-2-104. The permit shall expire~~
56 ~~three years after issuance.~~

1 ~~(H) If the parent, stepparent, grandparent with power of attorney,~~
 2 ~~or guardian or foster parent, who signed the affidavit of liability pursuant~~
 3 ~~to section 42-2-108 (1) (a), does not hold a valid Colorado driver's~~
 4 ~~license, the parent, stepparent, grandparent with power of attorney, or~~
 5 ~~guardian or foster parent may appoint an alternate permit supervisor. An~~
 6 ~~alternate permit supervisor shall hold a valid Colorado driver's license and~~
 7 ~~be twenty-one years of age or older or, if the vehicle is a motorcycle or~~
 8 ~~motor-driven cycle, is authorized under this article to drive a motorcycle~~
 9 ~~or motor-driven cycle. A minor who is issued a permit under this~~
 10 ~~paragraph (d) may drive a motor vehicle, including a motorcycle or~~
 11 ~~motor-driven cycle, under the supervision of the alternate permit~~
 12 ~~supervisor if the minor has the permit in the minor's immediate possession~~
 13 ~~and the alternate permit supervisor occupies the front seat of the motor~~
 14 ~~vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close~~
 15 ~~proximity to the driver.~~

16
 17 ~~(HH) If the parent, stepparent, grandparent with power of attorney,~~
 18 ~~or guardian or foster parent, who signed the affidavit of liability pursuant~~
 19 ~~to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license~~
 20 ~~but holds a valid driver's license from another state and is authorized to~~
 21 ~~drive a motor vehicle, motorcycle, or motor-driven cycle and has proper~~
 22 ~~military identification, then the applicant, while having the permit in the~~
 23 ~~applicant's immediate possession, shall be authorized to drive a motor~~
 24 ~~vehicle, including a motorcycle or motor-driven cycle, under the~~
 25 ~~supervision of the parent, stepparent, grandparent with power of attorney,~~
 26 ~~or guardian or foster parent, who cosigned the application for the minor's~~
 27 ~~instruction permit, if the parent, stepparent, grandparent with power of~~
 28 ~~attorney, or guardian or foster parent occupies the front seat of the motor~~
 29 ~~vehicle or, if the vehicle is a motorcycle or motor-driven cycle, is in close~~
 30 ~~proximity to the driver while the minor is driving.~~

31
 32 ~~(f) Notwithstanding paragraphs (a) to (d) AND (b) of this~~
 33 ~~subsection (1), a temporary instruction permit to operate a commercial~~
 34 ~~motor vehicle as defined in section 42-2-402 shall expire one year after~~
 35 ~~issuance.~~

36
 37 **SECTION 4.** 42-4-116 (3) (b) and (5), Colorado Revised
 38 Statutes, are amended to read:

39
 40 **42-4-116. Restrictions for minor drivers - definitions.** (3) A
 41 violation of this section is a traffic infraction, and, upon conviction, the
 42 violator may be punished as follows:

43
 44 (b) By the levying of a fine of not more than ~~one~~ fifty ONE HUNDRED
 45 dollars for a first offense, a fine of not more than ~~one~~ TWO hundred
 46 dollars for a second offense, and a fine of ~~one~~ THREE hundred fifty dollars
 47 for a subsequent offense;

48
 49 ~~(5) No driver in a motor vehicle shall be cited for a violation of~~
 50 ~~this section unless such driver was stopped by a law enforcement officer~~
 51 ~~for an alleged violation of articles 1 to 4 of this title other than a violation~~
 52 ~~of this section.~~

53
 54 **SECTION 5.** Article 15 of title 12, Colorado Revised Statutes, is
 55 amended BY THE ADDITION OF A NEW SECTION to read:

56

12-15-122. Criminal history record check - driving instructors.

(1) NO INDIVIDUAL SHALL PROVIDE BEHIND-THE-WHEEL DRIVING INSTRUCTION IF THE INDIVIDUAL HAS BEEN CONVICTED OF OR PLEAD NOLO CONTENDERE TO A VIOLATION OF ARTICLE 3 OR 6.5, PART 3, 4, OR 8 OF ARTICLE 6, OR PART 4, 5, OR 6 OF ARTICLE 7 OF TITLE 18, C.R.S.

(2) AN INDIVIDUAL WISHING TO PROVIDE BEHIND-THE-WHEEL DRIVING INSTRUCTION SHALL SUBMIT A SET OF FINGERPRINTS TO THE DEPARTMENT, WHO SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF FINGERPRINTS AND PAYMENT OF COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE DEPARTMENT IS THE AUTHORIZED AGENCY TO RECEIVE THE RESULTS OF THE NATIONAL CRIMINAL HISTORY RECORD CHECK. THE INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED SHALL BEAR THE COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(3) A VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 2009, and shall apply to driver's licenses, instruction permits, and offenses committed on or after said date.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 101, strike "DRIVERS." and substitute "**DRIVERS, AND, IN CONNECTION THEREWITH, ENACTING THE "KAYLA SEALY DEMARS DRIVERS' SAFETY ACT".**".

SB09-014 be referred to the Committee of the Whole with favorable recommendation.

SB09-039 be referred to the Committee of the Whole with favorable recommendation.

SB09-107 be referred to the Committee of the Whole with favorable recommendation.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB09-1007, 1023, 1046, 1050, 1148, 1161, 1265.**

House in recess. House reconvened.

1
2
3
4
5 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

6
7 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

10
11 **SB09-080** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:
14

15 Amend reengrossed bill, page 2, after line 1, insert the following:

16
17 "SECTION 1. The introductory portion to 37-90-105 (1) and
18 37-90-105 (1) (d), (1) (e), and (7), Colorado Revised Statutes, are
19 amended, and the said 37-90-105 (1) is further amended BY THE
20 ADDITION OF A NEW PARAGRAPH, to read:

21
22 **37-90-105. Small capacity wells.** (1) The state engineer has the
23 authority to approve permits for the following types of wells AND TO
24 ALLOW THE FOLLOWING TYPES OF ROOFTOP PRECIPITATION COLLECTION
25 SYSTEMS in designated ground water basins without regard to any other
26 provisions of this article:
27

28 (d) Wells to be used exclusively for monitoring and observation
29 purposes if said wells are capped and locked and used only to monitor
30 water levels or for water quality sampling; ~~or~~

31
32 (e) Wells to be used exclusively for fire-fighting purposes if said
33 wells are capped and locked and available for use only in fighting fires;
34 OR

35
36 (f) (I) ANY SYSTEM OR METHOD OF COLLECTING PRECIPITATION
37 FROM THE ROOF OF A BUILDING THAT IS USED PRIMARILY AS A RESIDENCE
38 AND IS NOT SERVED BY, WHETHER OR NOT CONNECTED TO, A DOMESTIC
39 WATER SYSTEM THAT SERVES MORE THAN THREE SINGLE-FAMILY
40 DWELLINGS, BUT ONLY IF THE USE OF THE WATER SO COLLECTED IS
41 LIMITED TO ONE OR MORE OF THE FOLLOWING:
42

43 (A) ORDINARY HOUSEHOLD PURPOSES;

44
45 (B) FIRE PROTECTION;

46
47 (C) THE WATERING OF POULTRY, DOMESTIC ANIMALS, AND
48 LIVESTOCK ON FARMS AND RANCHES; OR

49
50 (D) THE IRRIGATION OF NOT MORE THAN ONE ACRE OF GARDENS
51 AND LAWNS.

52
53 (II) ON AND AFTER JULY 1, 2009, ANY PERSON WISHING TO USE A
54 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT MEETS
55 THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL
56 COMPLY WITH ONE OF THE FOLLOWING PROVISIONS:

1 (A) A PERSON WHO HAS A WELL PERMIT ISSUED OR RECORDED
2 PURSUANT TO THIS SECTION AND WHO INTENDS TO USE A SYSTEM OR
3 METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL FILE, ON A FORM
5 PRESCRIBED BY THE STATE ENGINEER AND CONSISTENT WITH THIS
6 SECTION, A NOTICE AND DESCRIPTION OF THE SYSTEM OR METHOD OF
7 ROOFTOP PRECIPITATION CAPTURE TO BE USED IN CONJUNCTION WITH THE
8 WELL. NO FEE SHALL BE CHARGED FOR THE FILING OF THIS FORM.
9

10 (B) A PERSON WHO APPLIES FOR A NEW WELL PERMIT PURSUANT
11 TO PARAGRAPH (a) OF THIS SUBSECTION (1) AND WHO INTENDS TO USE A
12 SYSTEM OR METHOD OF ROOFTOP PRECIPITATION CAPTURE THAT QUALIFIES
13 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL INCLUDE ON THE
14 WELL PERMIT APPLICATION A DESCRIPTION OF THE SYSTEM OR METHOD OF
15 ROOFTOP PRECIPITATION CAPTURE TO BE USED IN CONJUNCTION WITH THE
16 WELL. AN APPLICANT UNDER THIS SUB-SUBPARAGRAPH (B) SHALL PAY
17 THE WELL PERMIT APPLICATION FEE PURSUANT TO SUB-SUBPARAGRAPH
18 (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS
19 SECTION; HOWEVER, SUCH APPLICANT SHALL NOT BE REQUIRED TO PAY
20 ANY ADDITIONAL APPLICATION FEE FOR THE ROOFTOP PRECIPITATION
21 COLLECTION SYSTEM.
22

23 (C) A PERSON WHO DOES NOT INTEND TO CONSTRUCT AND USE A
24 WELL, BUT WOULD OTHERWISE BE ENTITLED TO THE ISSUANCE OF A WELL
25 PERMIT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), SHALL
26 SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE
27 STATE ENGINEER FOR A PERMIT TO INSTALL AND USE A SYSTEM OR
28 METHOD OF ROOFTOP PRECIPITATION CAPTURE AND PAY A FEE IN AN
29 AMOUNT TO BE DETERMINED BY THE STATE ENGINEER. IF THE STATE
30 ENGINEER DETERMINES THAT THE PROPOSED SYSTEM OR METHOD OF
31 ROOFTOP PRECIPITATION CAPTURE MEETS THE REQUIREMENTS OF THIS
32 PARAGRAPH (f), THE STATE ENGINEER SHALL ISSUE A PERMIT FOR THE
33 SYSTEM OR METHOD, BUT NOT OTHERWISE. THE STATE ENGINEER SHALL
34 ENFORCE THE PROVISIONS OF THE PERMIT IN THE SAME MANNER AS THE
35 ENFORCEMENT OF ANY WELL PERMIT ISSUED PURSUANT TO PARAGRAPH (a)
36 OF THIS SUBSECTION (1).
37

38 (III) A PERSON USING OR LEGALLY ENTITLED TO USE A WELL
39 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE ALLOWED
40 TO COLLECT ROOFTOP PRECIPITATION PURSUANT TO THIS PARAGRAPH (f)
41 ONLY FOR USE BY THE SAME DWELLINGS THAT ARE OR WOULD BE SERVED
42 BY THE WELL AND SUBJECT TO ALL OF THE LIMITATIONS ON USE
43 CONTAINED IN THE WELL PERMIT OR, IN THE ABSENCE OF A WELL PERMIT,
44 THE WELL PERMIT TO WHICH THE PERSON WOULD BE LEGALLY ENTITLED,
45 AS DETERMINED BY THE STATE ENGINEER OR AS OTHERWISE LIMITED BY
46 THE BOARD OF A GROUND WATER MANAGEMENT DISTRICT PURSUANT TO
47 SUBSECTION (7) OF THIS SECTION.
48

49 (7) The board of any ground water management district has the
50 authority to adopt rules that further restrict the issuance of small capacity
51 well permits AND USE OF ROOFTOP PRECIPITATION COLLECTION SYSTEMS.
52 In addition, the board of any ground water management district has the
53 authority to adopt rules that expand the acre-foot limitations for small
54 capacity wells set forth in this section. However, in no event shall an
55 annual volume of more than eighty acre-feet be allowed for any small
56 capacity well. Rules adopted by the board may be instituted only after a

1 public hearing. Notice of such hearing shall be published. Such notice
2 shall state the time and place of the hearing and describe, in general
3 terms, the rules proposed. Within sixty days after such hearing, the board
4 shall announce the rules adopted and shall cause notice of such action to
5 be published. In addition, the board shall mail, within five days after the
6 adoption of the rules, a copy of the rules to the state engineer. Any party
7 adversely affected or aggrieved by such a rule may, not later than thirty
8 days after the last date of publication, initiate judicial review in
9 accordance with the provisions of section 24-4-106, C.R.S.; except that
10 venue for such judicial review shall be in the district court for the county
11 in which the office of the ground water management district is located."

12

13 Renumber succeeding sections accordingly.

14

15 Page 3, line 1, after "IF", insert "THE USE OF" and, strike "USED FOR" and
16 substitute "LIMITED TO";

17

18 line 23, strike "ENGINEER," and substitute "ENGINEER AND CONSISTENT
19 WITH THIS SECTION,".

20

21 Page 4, line 3, strike "FILE, ON A FORM" and substitute "INCLUDE ON THE
22 WELL PERMIT APPLICATION A";

23

24 strike line 4 and substitute the following:

25

26 "DESCRIPTION OF THE";

27

28 strike lines 6 and 7 and substitute the following:

29

30 "CONJUNCTION WITH THE WELL. AN APPLICANT UNDER THIS
31 SUB-SUBPARAGRAPH (B) SHALL PAY THE WELL PERMIT APPLICATION FEE
32 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (3)
33 OF THIS SECTION; HOWEVER, SUCH APPLICANT SHALL NOT BE REQUIRED TO
34 PAY ANY ADDITIONAL APPLICATION FEE FOR THE ROOFTOP PRECIPITATION
35 COLLECTION SYSTEM.";

36

37 line 23, strike "SECTION" and substitute "SECTION, INCLUDING THE
38 PROVISIONS OF SUBSECTION (6) OF THIS SECTION,";

39

40 line 26, strike "THE SAME" and substitute "ALL OF THE".

41

42

43

44 **SB09-119** be referred to the Committee of the Whole with favorable
45 recommendation.

46

47

48

49

50 **STATE, VETERANS, & MILITARY AFFAIRS**51 After consideration on the merits, the Committee recommends the
52 following:

53

54 **HB09-1015** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

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

3

4 **"SECTION 1.** 1-4-101 (1), Colorado Revised Statutes, is
5 amended to read:

6

7 **1-4-101. Primary election nominations made.** (1) EXCEPT AS
8 PROVIDED IN SECTION 1-4-104.5, a primary election shall be held at the
9 regular polling places in each precinct on the second Tuesday of August
10 in even-numbered years to nominate candidates of political parties to be
11 voted for at the succeeding general election. Except as provided by
12 section 1-4-1304 (1.5), only a major political party, as defined in section
13 1-1-104 (22), shall be entitled to nominate candidates in a primary
14 election.

15

16 **SECTION 2.** Part 1 of article 4 of title 1, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19

20 **1-4-104.5. Primary election canceled - when.** (1) IF, AT THE
21 CLOSE OF BUSINESS ON THE SIXTIETH DAY BEFORE THE PRIMARY ELECTION,
22 THERE IS NOT MORE THAN ONE CANDIDATE FOR ANY POLITICAL PARTY
23 WHO HAS BEEN NOMINATED IN ACCORDANCE WITH THIS ARTICLE OR WHO
24 HAS FILED A WRITE-IN CANDIDATE AFFIDAVIT OF INTENT PURSUANT TO
25 SECTION 1-4-1101 FOR ANY OFFICE ON THE PRIMARY ELECTION BALLOT,
26 THE DESIGNATED ELECTION OFFICIAL MAY CANCEL THE PRIMARY ELECTION
27 AND DECLARE EACH CANDIDATE THE PARTY NOMINEE FOR THAT OFFICE AT
28 THE GENERAL ELECTION. THE NAME OF EACH NOMINEE SHALL BE PRINTED
29 ON THE OFFICIAL BALLOT PREPARED FOR THE ENSUING GENERAL ELECTION.

30

31 (2) IF A MAJOR POLITICAL PARTY HAS MORE THAN ONE CANDIDATE
32 NOMINATED FOR ANY OFFICE ON THE PRIMARY ELECTION BALLOT, THE
33 PRIMARY ELECTION SHALL BE CONDUCTED AS PROVIDED IN SECTION
34 1-4-101.

35

36 (3) IF, AT THE CLOSE OF BUSINESS ON THE SIXTIETH DAY BEFORE
37 THE PRIMARY ELECTION, THERE IS NOT MORE THAN ONE CANDIDATE FOR
38 EACH MAJOR POLITICAL PARTY WHO HAS BEEN NOMINATED IN
39 ACCORDANCE WITH THIS ARTICLE FOR ANY OFFICE ON THE PRIMARY
40 ELECTION BALLOT AND A MINOR POLITICAL PARTY HAS MORE THAN ONE
41 CANDIDATE NOMINATED FOR ANY SUCH OFFICE, THE PRIMARY ELECTION
42 SHALL BE CONDUCTED AS PROVIDED IN SECTION 1-4-101 FOR THE
43 NOMINATION OF THE MINOR POLITICAL PARTY CANDIDATE ONLY.

44

45 **SECTION 3.** 1-7.5-103 (4), Colorado Revised Statutes, is
46 amended to read:

47

48 **1-7.5-103. Definitions.** As used in this article, unless the context
49 otherwise requires:

50

51 (4) "Mail ballot election" means an election for which eligible
52 electors may cast ballots by mail and in accordance with this article in A
53 PRIMARY ELECTION OR an election that involves only nonpartisan
54 candidates or ballot questions or ballot issues.

55

56 **SECTION 4.** 1-7.5-104 (2), Colorado Revised Statutes, is

1 amended to read:

2

3 **1-7.5-104. Mail ballot elections - optional.** (2) Notwithstanding
4 the provisions of subsection (1) of this section, a mail ballot election shall
5 not be held for:

6

7 (a) Elections or recall elections that involve partisan candidates,
8 EXCEPT FOR PRIMARY ELECTIONS;

9

10 (b) Elections held in conjunction with, or on the same day as, a
11 primary or congressional vacancy election, UNLESS THE PRIMARY
12 ELECTION IS CONDUCTED AS A MAIL BALLOT ELECTION.

13

14 **SECTION 5.** 1-7.5-105 (2), Colorado Revised Statutes, is
15 amended, and the said 1-7.5-105 is further amended BY THE
16 ADDITION OF A NEW SUBSECTION, to read:

17

18 **1-7.5-105. Preelection process.** (1.5) NOTWITHSTANDING THE
19 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, IF A PRIMARY ELECTION
20 IS CONDUCTED AS A MAIL BALLOT ELECTION PURSUANT TO THIS ARTICLE,
21 THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE SECRETARY OF
22 STATE NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO THE
23 ELECTION. THE NOTIFICATION SHALL INCLUDE A PROPOSED PLAN FOR
24 CONDUCTING THE MAIL BALLOT ELECTION, WHICH MAY BE BASED ON THE
25 STANDARD PLAN ADOPTED BY THE SECRETARY OF STATE.

26

27 (2) (a) The secretary of state shall approve or disapprove the
28 written plan for conducting a mail ballot election, in accordance with
29 section 1-7.5-106, within fifteen days after receiving the plan and shall
30 provide a written notice to the affected political subdivision, unless the
31 election is a regular special district election, in which case the secretary
32 of state shall approve or disapprove the written plan within twenty-five
33 days after receiving the plan.

34

35 (b) IN THE CASE OF A PRIMARY ELECTION CONDUCTED AS A MAIL
36 BALLOT ELECTION, THE SECRETARY OF STATE SHALL PROVIDE NOTICE ON
37 ITS WEB SITE THAT A PRIMARY ELECTION IS TO BE CONDUCTED BY MAIL
38 BALLOT.

39

40 **SECTION 6.** 1-7.5-107 (2.5) (a), (3) (a), and (3) (c), Colorado
41 Revised Statutes, are amended, and the said 1-7.5-107 is further amended
42 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,
43 to read:

44

45 **1-7.5-107. Procedures for conducting mail ballot election -**
46 **primary elections - first-time voters casting a mail ballot after having**
47 **registered by mail to vote.** (2.3) (a) NOT LESS THAN THIRTY DAYS NOR
48 MORE THAN FORTY-FIVE DAYS BEFORE A PRIMARY ELECTION THAT IS
49 CONDUCTED AS A MAIL BALLOT ELECTION PURSUANT TO THIS ARTICLE, THE
50 COUNTY CLERK AND RECORDER SHALL MAIL A POST CARD NOTICE BY
51 FORWARDABLE MAIL TO EACH UNAFFILIATED ACTIVE REGISTERED
52 ELIGIBLE ELECTOR AND TO EACH UNAFFILIATED REGISTERED ELIGIBLE
53 ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED AS "INACTIVE
54 - FAILED TO VOTE".

55

56 (b) THE POST CARD NOTICE SHALL INDICATE THAT THE

1 UNAFFILIATED ELECTOR HAS THE ABILITY TO AND MUST AFFILIATE WITH
2 A POLITICAL PARTY IN ORDER TO VOTE IN THE PRIMARY ELECTION.

3
4 (c) THE POST CARD NOTICE SHALL HAVE A RETURNABLE PORTION
5 THAT ALLOWS THE ELECTOR TO REQUEST AFFILIATION WITH A POLITICAL
6 PARTY.

7
8 (d) THE POST CARD NOTICE MAY BE INCLUDED WITH ANY OTHER
9 COMMUNICATION BY MAIL FROM THE COUNTY CLERK AND RECORDER TO
10 ELECTORS WITHIN THE COUNTY.

11
12 (2.5) (a) (I) No later than twenty days before an election, the
13 designated election official, or the coordinated election official if so
14 provided by an intergovernmental agreement, shall provide notice by
15 publication of a mail ballot election conducted pursuant to the provisions
16 of this article, which notice shall state, as applicable for the particular
17 election for which the notice is provided, the items set forth in section
18 1-5-205 (1) (a) to (1) (d).

19
20 (II) IF A PRIMARY ELECTION IS CONDUCTED AS A MAIL BALLOT
21 ELECTION PURSUANT TO THIS ARTICLE, IN ADDITION TO THE ITEMS
22 DESCRIBED IN THE NOTICE REQUIRED BY SUBPARAGRAPH (I) OF THIS
23 PARAGRAPH (a), SUCH NOTICE SHALL ADVISE ELIGIBLE ELECTORS WHO ARE
24 NOT AFFILIATED WITH A POLITICAL PARTY OF THE ABILITY TO DECLARE AN
25 AFFILIATION WITH A POLITICAL PARTY AND VOTE IN THE PRIMARY
26 ELECTION.

27
28 (3) (a) (I) Not sooner than ~~twenty-five~~ TWENTY-THREE days before
29 an election, and no later than ~~fifteen~~ EIGHTEEN days before an election,
30 EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), the
31 designated election official shall mail to each active registered elector, at
32 the last mailing address appearing in the registration records and in
33 accordance with United States postal service regulations, a mail ballot
34 packet, which shall be marked "DO NOT FORWARD. ADDRESS
35 CORRECTION REQUESTED", or any other similar statement that is in
36 accordance with United States postal service regulations; except that with
37 prior approval from the secretary of state, the packets shall be sent no
38 later than ten days before election day. NOTHING IN THIS SUBSECTION (3)
39 SHALL AFFECT ANY PROVISION OF THIS CODE GOVERNING THE DELIVERY
40 OF MAIL BALLOTS TO AN ABSENT UNIFORMED SERVICES ELECTOR,
41 NONRESIDENT OVERSEAS ELECTOR, OR RESIDENT OVERSEAS ELECTOR
42 COVERED BY THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS
43 ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ.

44
45 (II) (A) IF A PRIMARY ELECTION IS CONDUCTED AS A MAIL BALLOT
46 ELECTION PURSUANT TO THIS ARTICLE, IN ADDITION TO ACTIVE
47 REGISTERED ELECTORS WHO ARE AFFILIATED WITH A POLITICAL PARTY,
48 THE MAIL BALLOT PACKET SHALL BE MAILED TO EACH REGISTERED
49 ELECTOR WHO IS AFFILIATED WITH A POLITICAL PARTY AND WHOSE
50 REGISTRATION RECORD HAS BEEN MARKED AS "INACTIVE - FAILED TO
51 VOTE".

52
53 (B) IF A PRIMARY ELECTION IS CONDUCTED AS A MAIL BALLOT
54 ELECTION FOR A MINOR POLITICAL PARTY CANDIDATE, THE MAIL BALLOT
55 PACKET SHALL BE MAILED ONLY TO THOSE REGISTERED ELECTORS
56 DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) WHO

1 ARE AFFILIATED WITH THE MINOR POLITICAL PARTY OF SUCH CANDIDATE.

2

3 (c) No sooner than ~~twenty-five~~ TWENTY-THREE days prior to
4 election day, nor later than 7 p.m. on election day, mail ballots shall be
5 made available at the designated election official's office, or the office
6 designated in the mail ballot plan filed with the secretary of state, for
7 eligible electors who are not listed or who are listed as "Inactive" on the
8 county voter registration records or, for special district mail ballot
9 elections, on the list of property owners or the registration list but who are
10 authorized to vote pursuant to section 32-1-806, C.R.S., or other
11 applicable law.

12

13 (4.3) (a) IF A PRIMARY ELECTION IS CONDUCTED AS A MAIL BALLOT
14 ELECTION PURSUANT TO THIS ARTICLE, THERE SHALL BE A MINIMUM
15 NUMBER OF MAIL BALLOT DROP-OFF LOCATIONS WHERE MAIL BALLOTS
16 MAY BE DEPOSITED EQUAL TO AT LEAST ONE DROP-OFF LOCATION FOR
17 EACH THIRTY THOUSAND AFFILIATED ACTIVE REGISTERED ELECTORS IN
18 THE COUNTY. THE DROP-OFF LOCATIONS SHALL BE ARRAYED
19 THROUGHOUT THE COUNTY IN A MANNER THAT PROVIDES THE GREATEST
20 CONVENIENCE TO ELECTORS. THE NUMBER AND LOCATION OF THE
21 DROP-OFF LOCATIONS SHALL BE APPROVED BY THE SECRETARY OF STATE
22 AS PART OF THE MAIL BALLOT ELECTION PLAN REQUIRED PURSUANT TO
23 SECTION 1-7.5-105.

24

25 (b) THE MINIMUM NUMBER OF DROP-OFF LOCATIONS DESCRIBED IN
26 PARAGRAPH (a) OF THIS SUBSECTION (4.3) SHALL ACCEPT MAIL BALLOTS
27 DELIVERED BY ELECTORS DURING THE FOURTEEN DAYS PRIOR TO AND
28 INCLUDING THE DAY OF THE PRIMARY ELECTION; EXCEPT THAT MAIL
29 BALLOTS SHALL NOT BE REQUIRED TO BE ACCEPTED ON SUNDAYS OR THE
30 FIRST SATURDAY OF SUCH PERIOD. MAIL BALLOTS SHALL BE ACCEPTED
31 FROM ELECTORS AT DROP-OFF LOCATIONS DURING, AT A MINIMUM,
32 REASONABLE BUSINESS HOURS.

33

34 (4.5) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
35 PARAGRAPH (a), IF A PRIMARY ELECTION IS CONDUCTED AS A MAIL BALLOT
36 ELECTION PURSUANT TO THIS ARTICLE, THE COUNTY CLERK AND
37 RECORDER SHALL DESIGNATE SERVICE CENTERS EQUAL TO THE NUMBER
38 OF COUNTY MOTOR VEHICLE OFFICES IN THE COUNTY; EXCEPT THAT EACH
39 COUNTY SHALL HAVE NO FEWER THAN ONE SERVICE CENTER FOR EVERY
40 SIXTY THOUSAND AFFILIATED ACTIVE REGISTERED ELECTORS.

41

42 (II) ANY COUNTY HAVING THIRTY THOUSAND OR FEWER
43 AFFILIATED ACTIVE REGISTERED ELECTORS SHALL HAVE A MINIMUM OF
44 ONE SERVICE CENTER, REGARDLESS OF THE NUMBER OF MOTOR VEHICLE
45 OFFICES IN SUCH COUNTY.

46

47 (b) EACH SERVICE CENTER SHALL PROVIDE THE FOLLOWING FOR
48 ELECTORS:

49

50 (I) THE ABILITY FOR UNAFFILIATED REGISTERED ELECTORS TO
51 AFFILIATE WITH A POLITICAL PARTY AND CAST BALLOTS;

52

53 (II) SECURE COMPUTER ACCESS;

54

55 (III) FACILITIES AND EQUIPMENT THAT ARE COMPLIANT WITH THE
56 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.

1 12101 ET SEQ., AS AMENDED;
2

3 (IV) DIRECT RECORD ELECTRONIC VOTING MACHINES OR OTHER
4 VOTING SYSTEMS ACCESSIBLE TO ELECTORS WITH DISABILITIES AS
5 PROVIDED IN PART 7 OF ARTICLE 5 OF THIS TITLE;
6

7 (V) VOTING BOOTHS;
8

9 (VI) ORIGINAL AND REPLACEMENT BALLOTS FOR DISTRIBUTION;
10

11 (VII) THE ABILITY TO ACCEPT MAIL BALLOTS THAT ARE DEPOSITED
12 BY ELECTORS;
13

14 (VIII) EMERGENCY VOTER REGISTRATION; AND
15

16 (IX) THE ABILITY TO CAST PROVISIONAL BALLOTS.
17

18 (c) SERVICE CENTERS SHALL BE OPEN DURING THE EIGHT DAYS
19 PRIOR TO AND INCLUDING THE DAY OF THE PRIMARY ELECTION; EXCEPT
20 THAT SERVICE CENTERS SHALL NOT BE REQUIRED TO BE OPEN ON
21 SUNDAYS.
22

23 **SECTION 7. Act subject to petition - effective date.** This act
24 shall take effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly that is
26 allowed for submitting a referendum petition pursuant to article V,
27 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
28 sine die is on May 6, 2009); except that, if a referendum petition is filed
29 against this act or an item, section, or part of this act within such period,
30 then the act, item, section, or part, if approved by the people, shall take
31 effect on the date of the official declaration of the vote thereon by
32 proclamation of the governor."
33

34
35
36 **SB09-088** be referred favorably to the Committee on Appropriations.
37
38
39

40 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

41
42 The Speaker has signed: **HB09-1002, 1004, 1025, 1088, 1109, 1141,**
43 **1159, 1257.**
44

45 INTRODUCTION OF BILLS

46 First Reading

47
48
49 The following bills were read by title and referred to the committees
50 indicated:
51

52 **HB09-1306** by Representative(s) Nikkel, Carroll T.; also Senator(s)
53 Renfroe--Concerning the protection of youth in juvenile
54 facilities in the department of human services.
55 Committee on Health and Human Services
56

1 **HB09-1307** by Representative(s) Benefield and Massey, Court, Vaad,
 2 Gagliardi, Marostica, McNulty, Merrifield, Middleton,
 3 Miklosi, Primavera, Scanlan, Solano; also Senator(s)
 4 Shaffer B. and Penry--Concerning the televising of
 5 proceedings of state government, and, in connection
 6 therewith, creating the Colorado channel authority.
 7 Committee on State, Veterans, & Military Affairs

8
 9 **HB09-1308** by Representative(s) Curry; also Senator(s) Isgar--
 10 Concerning the addition of the division of water resources
 11 in the department of natural resources to the list of entities
 12 eligible to receive first tier funding from the operational
 13 account of the severance tax trust fund, and, in connection
 14 therewith, modifying appropriations made to the division
 15 of water resources in the general appropriation acts for the
 16 2008-09 and 2009-10 fiscal years.
 17 Committee on Agriculture, Livestock, & Natural Resources

18
 19 **HB09-1309** by Representative(s) Pace; also Senator(s) Tochtrop--
 20 Concerning inspection of boilers.
 21 Committee on Business Affairs and Labor

22
 23 **HB09-1310** by Representative(s) Levy, Apuan, Court, McCann, Pace,
 24 Ryden; also Senator(s) Heath--Concerning the
 25 misclassification of employees as independent contractors
 26 for purposes of the "Colorado Employment Security Act".
 27 Committee on Business Affairs and Labor

28
 29 **SB09-231** by Senator(s) Penry; also Representative(s) Solano and
 30 Bradford, King S., Tipton--Concerning the continuation of
 31 the state methamphetamine task force.
 32 Committee on Judiciary

NOTICE OF CALENDARED ITEMS

33
 34
 35
 36 On motion of Representative Weissmann, the following bill(s) will be
 37 calendared for second reading on March 13, 2009: HB09-1176, 1015.

38
 39 On motion of Representative Weissmann, the following bill(s) calendared
 40 for second reading on Thursday, March 12, will be laid over until
 41 March 16, 2009: HB09-1086.

42
 43
 44
 45
 46 On motion of Representative Weissmann, the House adjourned until
 47 9:00 a.m., March 12, 2009.

48
 49
 50 Approved:
 51 TERRANCE D. CARROLL,
 52 Speaker

53 Attest:
 54 MARILYN EDDINS,
 55 Chief Clerk