

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

Seventeenth Legislative Day

Friday, January 29, 2010

1 Prayer by Father Eustace Sequeira, St. Ignatius Loyola Catholic Church,
2 Denver.

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

5
6 Pledge of Allegiance led by Jed McPherson and Yuri Yi, The
7 Academy/Miller Reynolds, Westminster.

8
9 The roll was called with the following result:

10
11 Present--48.
12 Excused--Representative(s) Acree, Benefield, Casso, DelGrosso,
13 Ferrandino, Frangas, Gerou, Judd, Kagan, Kefalas, Labuda,
14 Middleton, Pommer, Roberts, Summers, Swalm, Tyler--17.
15 Present after roll call--Representative(s) Benefield, Casso,
16 DelGrosso, Ferrandino, Frangas, Gerou, Judd, Kagan, Kefalas,
17 Labuda, Middleton, Pommer, Roberts, Summers, Swalm, Tyler.

18
19 The Speaker declared a quorum present.

20 _____
21
22 On motion of Representative Apuan, the reading of the journal of
23 January 28, 2010, was declared dispensed with and approved as corrected
24 by the Chief Clerk.

25
26
27 _____
28

29
30 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

31
32 **EDUCATION**

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

35
36 **HB10-1064** be referred to the Committee of the Whole with favorable
37 recommendation.

38
39
40
41
42

1 **FINANCE**

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

4
5 **HB10-1189** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 6, strike "(a)".

10
11 Page 2, strike lines 18 through 25.

12
13 Page 3, strike lines 1 through 7 and substitute:

14
15 "SECTION 2. Part 1 of article 21 of title 39, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18
19 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
20 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
21 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1189,
22 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
23 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
24 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
25 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

26
27 Renumber succeeding section accordingly.

28
29
30
31 **HB10-1190** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34
35 Amend printed bill, page 2, line 6, strike "(a)".

36
37 Page 2, line 17, strike "SUCH" and substitute "STATE SALES".

38
39 Page 2, strike lines 20 through 23.

40
41 Page 3, strike lines 1 through 11.

42
43 Page 3, line 16, strike "(I)".

44
45 Page 3, line 21, strike "SUCH" and substitute "STATE USE".

46
47 Page 3, strike lines 23 through 27.

48
49 Page 4, strike lines 1 through 10 and substitute:

50
51 "SECTION 3. Part 1 of article 21 of title 39, Colorado Revised
52 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
53 read:

54
55 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
56 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL

1 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1190,
2 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
3 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
4 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
5 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

6
7 Renumber succeeding section accordingly.

8
9
10

11 **HB10-1191** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:

14
15 Amend printed bill, page 4, line 6, after "THERETO." add "IF THE LOCAL
16 GOVERNMENT OR POLITICAL SUBDIVISION EXPRESSLY SUBJECTS SUCH
17 SALES OR STORAGE, USE, OR CONSUMPTION TO ITS SALES OR USE TAX, THE
18 EFFECTIVE DATE SHALL BE EITHER JANUARY 1 OR JULY 1, AND THE LOCAL
19 GOVERNMENT OR POLITICAL SUBDIVISION SHALL PROVIDE NOTICE TO THE
20 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE AT LEAST
21 FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF THE SALES OR USE
22 TAX."

23

24 Page 6, line 5, after "THERETO." add "IF THE LOCAL GOVERNMENT OR
25 POLITICAL SUBDIVISION EXPRESSLY SUBJECTS SUCH SALES OR STORAGE,
26 USE, OR CONSUMPTION TO ITS SALES OR USE TAX, THE EFFECTIVE DATE
27 SHALL BE EITHER JANUARY 1 OR JULY 1, AND THE LOCAL GOVERNMENT OR
28 POLITICAL SUBDIVISION SHALL PROVIDE NOTICE TO THE EXECUTIVE
29 DIRECTOR OF THE DEPARTMENT OF REVENUE AT LEAST FORTY-FIVE DAYS
30 PRIOR TO THE EFFECTIVE DATE OF THE SALES OR USE TAX."

31

32 Page 6, after line 5 insert:

33

34 "SECTION 3. Part 1 of article 21 of title 39, Colorado Revised
35 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
36 read:

37

38 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
39 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
40 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1191,
41 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
42 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
43 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
44 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

45

46 Renumber succeeding section accordingly.

47

48

49

50 **HB10-1192** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53

54 Amend printed bill, page 4, after line 6 insert:

55

56 "SECTION 3. Part 1 of article 21 of title 39, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3
4 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
5 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
6 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1192,
7 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
8 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
9 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
10 STATE RESULTING FROM THE ENACTMENT OF SAID BILL.

11
12 **SECTION 4.** Part 1 of article 26 of title 39, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15
16 **39-26-102.3. Inclusion of standardized software in state sales**
17 **tax base - use revenues generated for education.** NOTWITHSTANDING
18 ANY OTHER PROVISION OF LAW, THE GENERAL ASSEMBLY SHALL
19 APPROPRIATE AT LEAST FORTY PERCENT OF THE AMOUNT OF ANY
20 INCREASE IN NET STATE SALES TAX REVENUES RESULTING FROM THE
21 AMENDMENT OF THE DEFINITION OF TANGIBLE PERSONAL PROPERTY SET
22 FORTH IN SECTION 39-26-102 (15) BY HOUSE BILL 10-1192, ENACTED IN
23 2010, TO INCLUDE STANDARDIZED SOFTWARE FOR THE PURPOSE OF
24 FUNDING PRESCHOOL THROUGH TWELFTH GRADE PUBLIC EDUCATION.
25 SUCH FUNDING SHALL SUPPLEMENT AND NOT SUPPLANT ANY OTHER
26 MONEYS USED FOR SAID PURPOSE."

27
28 Renumber succeeding sections accordingly.

29
30
31
32 **HB10-1193** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35
36 Amend printed bill, page 3, line 23, after "MAY" insert "PUBLICLY, NOT
37 INCLUDING ELECTRONICALLY,".

38
39 Page 3, line 24, strike "A PUBLIC FORUM" and substitute "THEIR PHYSICAL
40 PRESENCE".

41
42 Page 4, after line 23 insert:

43
44 **"SECTION 3.** Part 1 of article 21 of title 39, Colorado Revised
45 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
46 read:

47
48 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
49 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
50 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1193,
51 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
52 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
53 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
54 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

55
56 Renumber succeeding section accordingly.

1 **HB10-1194** 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, line 3, strike "amended, and the said
6 39-26-707 is".
7

8 Page 2, strike line 4 and substitute "amended to".
9

10 Page 2, line 18, strike "SUCH" and substitute "STATE SALES".
11

12 Page 3, line 10, strike "SUCH" and substitute "STATE SALES".
13

14 Page 3, line 24, strike "SUCH" and substitute "STATE USE".
15

16 Page 4, line 10, strike "SUCH" and substitute "STATE USE".
17

18 Page 4, strike lines 11 through 26 and substitute:
19

20 "SECTION 2. Part 1 of article 21 of title 39, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
22 read:
23

24 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
25 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
26 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1194,
27 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
28 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
29 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
30 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."
31

32 Renumber succeeding section accordingly.
33
34
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36

37 **HEALTH & HUMAN SERVICES**

38 After consideration on the merits, the Committee recommends the
39 following:
40

41 **HB10-1042** be referred favorably to the Committee on Finance.
42
43
44
45

46 **JUDICIARY**

47 After consideration on the merits, the Committee recommends the
48 following:
49

50 **HB10-1023** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:
53

54 Amend printed bill, page 3, line 18, strike "CONVICTION." and substitute
55 "CONVICTION; OR".
56

1 Page 3, after line 18 insert:

2

3 "(IV) THE EMPLOYEE OR FORMER EMPLOYEE RECEIVED A
4 DEFERRED JUDGMENT AT SENTENCE AND THE DEFERRED JUDGMENT WAS
5 NOT REVOKED."

6

7

8

9 **HB10-1065** be referred to the Committee of the Whole with favorable
10 recommendation.

11

12

13 **HB10-1086** be postponed indefinitely.

14

15

16 **HB10-1089** be amended as follows, and as so amended, be referred to
17 the Committee on Appropriations with favorable
18 recommendation:

19

20 Amend printed bill, page 2, strike lines 2 through 5 and substitute:

21

22 "SECTION 1. The introductory portion to 17-2-103 (11) (b) (II),
23 Colorado Revised Statutes, is amended, and the said 17-2-103 (11) (b)
24 is further amended BY THE ADDITION OF A NEW
25 SUBPARAGRAPH, to read:

26

27 **17-2-103. Arrest of parolee - revocation proceedings.**

28 (11) (b) (II) If the board determines that the parolee has violated any
29 condition of parole other than commission of a crime and is not subject
30 to the provisions of subparagraph (III), ~~or~~ subparagraph (IV), OR
31 SUBPARAGRAPH (VI) of this paragraph (b), the board may:

32

33 (VI) IF THE BOARD DETERMINES THAT A PAROLEE WHO HAS BEEN".

34

35

36

37 **HB10-1090** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41 **HB10-1179** be referred favorably to the Committee on Health &
42 Human Services.

43

44

45

46

47 **LOCAL GOVERNMENT**

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

50

51 **HB10-1117** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54

55 Amend printed bill, page 4, line 4, strike "ASSESSOR" and substitute
56 "TREASURER".

1 Page 4, strike lines 6 through 8 and substitute:

2

3 "SECTION 3. 39-10-103 (1) (a), Colorado Revised Statutes, is
4 amended, and the said 39-10-103 is further amended BY THE
5 ADDITION OF A NEW SUBSECTION, to read:

6

7 **39-10-103. Tax statement.** (1) (a) As soon as practicable after
8 January 1, the treasurer shall, AT THE TREASURER'S DISCRETION, mail OR
9 SEND ELECTRONIC NOTIFICATION to each person whose name appears on
10 the tax list and warrant a statement OR TRUE AND ACTUAL NOTICE OF
11 ELECTRONIC STATEMENT AVAILABILITY, AS APPLICABLE, showing the total
12 amount of taxes payable by such person, which statement shall separately
13 list the amount of taxes levied on real and personal property and shall
14 recite the actual value of the property and the amount of valuation for
15 assessment upon which such taxes were levied. If any of the personal
16 property upon which taxes are to be levied is a mobile home, the tax
17 statement shall contain the following notice: "This property may not be
18 moved without a valid permit or prorated tax receipt and a transportable
19 manufactured home permit from the county treasurer's office. Violators
20 shall be prosecuted." Failure of any person to receive such statement OR
21 TRUE AND ACTUAL NOTICE OF AN ELECTRONIC STATEMENT, AS
22 APPLICABLE, shall not preclude collection by the treasurer of the amount
23 of taxes due from and payable by such person. Such statement shall
24 include a notice that, if such person desires a receipt for payment of taxes,
25 the person shall request such receipt. The statement may also state what
26 each mill levy would have been for each taxing district for the prior tax
27 year based upon the current year's valuation for assessment.

28

29 (4) NOTWITHSTANDING ANY OTHER".

30

31 Page 4, after line 22 insert:

32

33 "SECTION 4. 39-10-104.5 (3) (a), Colorado Revised Statutes, is
34 amended to read:

35

36 **39-10-104.5. Payment dates - optional payment dates - failure**
37 **to pay - delinquency.** (3) (a) If the first installment is not paid on or
38 before the last day of February, then delinquent interest on the first
39 installment shall accrue at the rate of one percent per month from the first
40 day of March until the date of payment; except that, if payment of the first
41 installment is made after the last day of February but not later than thirty
42 days after the mailing by the treasurer of the tax statement, OR TRUE AND
43 ACTUAL NOTIFICATION OF AN ELECTRONIC STATEMENT, pursuant to section
44 39-10-103 (1) (a), no such delinquent interest shall accrue. If the second
45 installment is not paid by the fifteenth day of June, delinquent interest on
46 the second installment shall accrue at the rate of one percent per month
47 from the sixteenth day of June until the date of payment. Interest on the
48 first installment shall continue to accrue at the same time that interest is
49 accruing on the unpaid portion of the second installment. The taxpayer
50 shall continue to have the option of paying delinquent property taxes in
51 two equal installments until one day prior to the sale of the tax lien on
52 such property pursuant to article 11 of this title."

53

54 Renumber succeeding section accordingly.

55

56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB10-1059** be referred to the Committee of the Whole with favorable
6 recommendation.

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9

10 **PRINTING REPORT**

11
12 The Chief Clerk reports the following bills have been correctly printed:
13 **HB10-1211, 1212.**

14
15
16

17 **MESSAGE(S) FROM THE SENATE**

18
19

20 The Senate has adopted and transmits herewith: SJR10-009 amended as
21 printed in Senate Journal, January 29, 2010.

22
23

24 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

25
26

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

29

30 **SJR10-009** by Senator(s) Heath; also Representative(s) Primavera and
31 Merrifield--Concerning recognition of the University of
32 Colorado Anschutz Medical Campus as a leader in health
33 education, research, and clinical care, and, in connection
34 therewith, honoring the University of Colorado School of
35 Medicine, the University of Colorado Cancer Center, and
36 the University of Colorado Hospital for contributions to
37 cancer research, prevention, and care, and their impact on
38 Colorado's economy.

39
40

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

42

43 On motion of Representative Primavera, the resolution was read at length
44 and **adopted** by **viva voce** vote.

45

46 Current Roll Call added as Co-sponsor(s): Representative(s) Apuan, Balmer,
47 Baumgardner, Bradford, Casso, Court, Curry, Fischer, Gagliardi, Gardner B.,
48 Gardner C., Hullinghorst, Kerr A., Kerr J., King S., Lambert, Levy, Liston,
49 Looper, Massey, May, McCann, McFadyen, McKinley, McNulty, Middleton,
50 Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Priola, Rice, Riesberg,
51 Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Tipton,
52 Todd, Tyler, Vaad, Vigil, Waller, Weissmann, Speaker

53
54

55 House in recess. House reconvened.

56

THIRD READING OF BILLS--FINAL PASSAGE

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

HB10-1034 by Representative(s) Massey, Middleton, Scanlan; also Senator(s) King K., Johnston, Spence--Concerning the credentialing of school speech-language pathology assistants.

The question being "Shall the bill pass?".

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

| | YES | 64 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|-------------|-----|--------------|----|------------|---------|------------|--------|---|
| Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y | |
| Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y | |
| Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y | |
| Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y | |
| Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y | |
| Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y | |
| Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y | |
| Court | Y | King S. | Y | Nikkel | Y | Summers | Y | |
| Curry | Y | Labuda | Y | Pace | Y | Swalm | Y | |
| DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y | |
| Ferrandino | Y | Levy | Y | Pommer | Y | Todd | Y | |
| Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y | |
| Frangas | Y | Looper | Y | Priola | Y | Vaad | Y | |
| Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y | |
| Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y | |
| Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | Y | |
| | | | | | | Speaker | Y | |

Co-sponsor(s) added: Representative(s) Apuan, Casso, Ferrandino, Fischer, Kerr J., Labuda, Merrifield, Murray, Pace, Peniston, Solano, Stephens, Todd, Tyler, Vigil

HB10-1036 by Representative(s) Scanlan and Massey, Merrifield, Middleton, Stephens; also Senator(s) Romer, Johnston, King K., Spence, Steadman--Concerning on-line public access to public school financial information.

The question being "Shall the bill pass?".

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

| | YES | 63 | NO | 1 | EXCUSED | 1 | ABSENT | 0 |
|-------------|-----|--------------|----|------------|---------|------------|--------|---|
| Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y | |
| Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y | |
| Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y | |
| Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y | |
| Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y | |
| Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y | |
| Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y | |

| | | | | | | | | |
|----|------------|---|---------|---|-----------|---|-----------|---|
| 1 | Court | Y | King S. | Y | Nikkel | Y | Summers | Y |
| 2 | Curry | Y | Labuda | Y | Pace | Y | Swalm | Y |
| 3 | DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y |
| 4 | Ferrandino | Y | Levy | Y | Pommer | N | Todd | Y |
| 5 | Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y |
| 6 | Frangas | Y | Looper | Y | Priola | Y | Vaad | Y |
| 7 | Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y |
| 8 | Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y |
| 9 | Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | Y |
| 10 | | | | | | | Speaker | Y |

11 Co-sponsor(s) added: Representative(s) Apuan, Casso, Court, Kerr A., Labuda,
 12 Nikkel, Peniston, Priola, Schafer S., Solano, Summers, Todd, Vigil

13
 14 **HB10-1037** by Representative(s) Massey, Merrifield, Middleton,
 15 Scanlan, Stephens; also Senator(s) Spence, Johnston, King
 16 K., Steadman--Concerning the continuation of funding for
 17 supplemental on-line education services.

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

| 23 | YES | 64 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 24 | Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y |
| 25 | Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y |
| 26 | Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y |
| 27 | Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y |
| 28 | Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y |
| 29 | Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y |
| 30 | Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y |
| 31 | Court | Y | King S. | Y | Nikkel | Y | Summers | Y |
| 32 | Curry | Y | Labuda | Y | Pace | Y | Swalm | Y |
| 33 | DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y |
| 34 | Ferrandino | Y | Levy | Y | Pommer | Y | Todd | Y |
| 35 | Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y |
| 36 | Frangas | Y | Looper | Y | Priola | Y | Vaad | Y |
| 37 | Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y |
| 38 | Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y |
| 39 | Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | Y |
| 40 | | | | | | | Speaker | Y |

41
 42 Co-sponsor(s) added: Representative(s) Apuan, Casso, Court, King S., Labuda,
 43 Schafer S., Solano, Summers, Vigil

44
 45 **HB10-1071** by Representative(s) Labuda; also Senator(s) Heath--
 46 Concerning elimination of the requirement that a person
 47 employed in a technical forestry capacity by the board of
 48 governors of the Colorado state university system possess
 49 at least two years' experience in forest practice.

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

| | YES | 64 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 1 | | | | | | | | |
| 2 | Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y |
| 3 | Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y |
| 4 | Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y |
| 5 | Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y |
| 6 | Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y |
| 7 | Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y |
| 8 | Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y |
| 9 | Court | Y | King S. | Y | Nikkel | Y | Summers | Y |
| 10 | Curry | Y | Labuda | Y | Pace | Y | Swalm | Y |
| 11 | DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y |
| 12 | Ferrandino | Y | Levy | Y | Pommer | Y | Todd | Y |
| 13 | Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y |
| 14 | Frangas | Y | Looper | Y | Priola | Y | Vaad | Y |
| 15 | Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y |
| 16 | Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y |
| 17 | Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | Y |
| 18 | | | | | | | Speaker | Y |

19 Co-sponsor(s) added: Representative(s) Merrifield, Scanlan, Schafer S., Todd

20

21 **HB10-1039** by Representative(s) Gardner B., Kagan, Labuda, Levy,
 22 Roberts; also Senator(s) Brophy, Carroll M., Mitchell,
 23 Morse, Schwartz--Concerning the enactment of Colorado
 24 Revised Statutes 2009 as the positive and statutory law of
 25 the state of Colorado.

26

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

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

31

| | YES | 64 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 33 | Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y |
| 34 | Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y |
| 35 | Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y |
| 36 | Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y |
| 37 | Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y |
| 38 | Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y |
| 39 | Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y |
| 40 | Court | Y | King S. | Y | Nikkel | Y | Summers | Y |
| 41 | Curry | Y | Labuda | Y | Pace | Y | Swalm | Y |
| 42 | DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y |
| 43 | Ferrandino | Y | Levy | Y | Pommer | Y | Todd | Y |
| 44 | Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y |
| 45 | Frangas | Y | Looper | Y | Priola | Y | Vaad | Y |
| 46 | Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y |
| 47 | Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y |
| 48 | Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | Y |
| 49 | | | | | | | Speaker | Y |

50 Co-sponsor(s) added: Representative(s) Baumgardner, Kerr J., King S., Nikkel,
 51 Tyler, Vaad, Waller, Speaker

52

53 **HB10-1062** by Representative(s) Schafer S.; also Senator(s) Hodge--
 54 Concerning the ability to allow a county to purchase crime
 55 insurance coverage in lieu of surety bonds.

56

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

| | YES | 63 | NO | 1 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 7 | Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y |
| 8 | Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y |
| 9 | Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y |
| 10 | Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y |
| 11 | Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y |
| 12 | Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y |
| 13 | Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y |
| 14 | Court | Y | King S. | Y | Nikkel | Y | Summers | Y |
| 15 | Curry | Y | Labuda | Y | Pace | Y | Swalm | Y |
| 16 | DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y |
| 17 | Ferrandino | Y | Levy | Y | Pommer | Y | Todd | Y |
| 18 | Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y |
| 19 | Frangas | Y | Looper | Y | Priola | Y | Vaad | Y |
| 20 | Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y |
| 21 | Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y |
| 22 | Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | N |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsor(s) added: Representative(s) Labuda, Vigil

25
 26 **HB10-1010** by Representative(s) Ferrandino, Court, Gerou; also
 27 Senator(s) Morse, Brophy, Heath--Concerning
 28 authorization for agencies of the state to enter into public-
 29 private initiative agreements with nonprofit entities.

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

| | YES | 64 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 37 | Acree | E | Gerou | Y | McFadyen | Y | Ryden | Y |
| 38 | Apuan | Y | Hullinghorst | Y | McKinley | Y | Scanlan | Y |
| 39 | Balmer | Y | Judd | Y | McNulty | Y | Schafer S. | Y |
| 40 | Baumgardner | Y | Kagan | Y | Merrifield | Y | Solano | Y |
| 41 | Benefield | Y | Kefalas | Y | Middleton | Y | Sonnenberg | Y |
| 42 | Bradford | Y | Kerr A. | Y | Miklosi | Y | Soper | Y |
| 43 | Casso | Y | Kerr J. | Y | Murray | Y | Stephens | Y |
| 44 | Court | Y | King S. | Y | Nikkel | Y | Summers | Y |
| 45 | Curry | Y | Labuda | Y | Pace | Y | Swalm | Y |
| 46 | DelGrosso | Y | Lambert | Y | Peniston | Y | Tipton | Y |
| 47 | Ferrandino | Y | Levy | Y | Pommer | Y | Todd | Y |
| 48 | Fischer | Y | Liston | Y | Primavera | Y | Tyler | Y |
| 49 | Frangas | Y | Looper | Y | Priola | Y | Vaad | Y |
| 50 | Gagliardi | Y | Massey | Y | Rice | Y | Vigil | Y |
| 51 | Gardner B. | Y | May | Y | Riesberg | Y | Waller | Y |
| 52 | Gardner C. | Y | McCann | Y | Roberts | Y | Weissmann | Y |
| 53 | | | | | | | Speaker | Y |

54 Co-sponsor(s) added: Representative(s) Apuan, Benefield, Kerr J., Labuda,
 55 Miklosi, Schafer S., Todd, Tyler

56

CONSIDERATION OF RESOLUTION(S)

1
2
3 **SJR10-003** by Senator(s) Sandoval; also Representative(s) Judd--
4 Concerning the certification by the general assembly of its
5 estimate of state general fund revenues and allowable state
6 general fund appropriations for the 2010-11 fiscal year.

7
8 (Printed and placed in members' file)

9
10 On motion of Representative Judd, the resolution was **adopted** by **viva**
11 **voce** vote.

12
13 Co-sponsor(s) added: Representative(s) Curry, Fischer, Kerr J., Labuda,
14 Miklosi, Scanlan _____

REPORT(S) OF COMMITTEE(S) OF REFERENCE**FINANCE**

18
19
20 After consideration on the merits, the Committee recommends the
21 following:

22
23 **HB10-1195** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26
27 Amend printed bill, page 3, strike lines 13 through 27 and substitute:

28
29 "(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL
30 SALES AND PURCHASES OF THE ITEMS DESCRIBED IN PARAGRAPH (d) OR (e)
31 OF SUBSECTION (2) OR PARAGRAPH (d) OR (e) OF SUBSECTION (3) OF THIS
32 SECTION SHALL NOT BE EXEMPT FROM STATE SALES AND USE TAXATION
33 UNDER THE PROVISIONS OF THIS ARTICLE FOR THE PERIOD COMMENCING
34 MARCH 1, 2010, AND ENDING JUNE 30, 2013."

35
36 Page 4, strike lines 1 through 4 and substitute:

37
38 "**SECTION 2.** Part 1 of article 21 of title 39, Colorado Revised
39 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
40 read:

41
42 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
43 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
44 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1195,
45 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
46 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
47 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
48 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

49
50 Renumber succeeding section accordingly.

51
52
53
54 **HB10-1196** 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, page 3, after line 11 insert:

2

3 "SECTION 3. Part 1 of article 21 of title 39, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6

7 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
8 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
9 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1196,
10 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
11 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
12 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
13 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

14

15 Renumber succeeding section accordingly.

16

17 **HB10-1197** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20

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

23

24 "SECTION 1. 39-1-102 (1.6) (a) (III), Colorado Revised Statutes,
25 is amended to read:

26

27 **39-1-102. Definitions.** As used in articles 1 to 13 of this title,
28 unless the context otherwise requires:

29

30 (1.6) (a) "Agricultural land", whether used by the owner of the
31 land or a lessee, means one of the following:

32

33 (III) A parcel of land that consists of at least eighty acres, or of
34 less than eighty acres if such parcel does not contain any residential
35 improvements, and that is subject to a perpetual conservation easement,
36 if such land was classified by the assessor as agricultural land under
37 subparagraph (I) or (II) of this paragraph (a) at the time such easement
38 was granted, if the grant of the easement was to a qualified organization,
39 if the easement was granted exclusively for conservation purposes, and
40 if all current and contemplated future uses of the land are described in the
41 conservation easement. "Agricultural land" under this subparagraph (III)
42 does not include any portion of such land that is actually used for
43 nonagricultural commercial or NONAGRICULTURAL residential purposes.

44

45 **SECTION 2.** 39-1-103 (5) (a), Colorado Revised Statutes, is
46 amended to read:

47

48 **39-1-103. Actual value determined - when.** (5) (a) All real and
49 personal property shall be appraised and the actual value thereof for
50 property tax purposes determined by the assessor of the county wherein
51 such property is located. The actual value of such property, other than
52 agricultural lands exclusive of building improvements thereon and other
53 than residential real property and other than producing mines and lands
54 or leaseholds producing oil or gas, shall be that value determined by
55 appropriate consideration of the cost approach, the market approach, and
56 the income approach to appraisal. The assessor shall consider and

1 document all elements of such approaches that are applicable prior to a
2 determination of actual value. Despite any orders of the state board of
3 equalization, no assessor shall arbitrarily increase the valuations for
4 assessment of all parcels represented within the abstract of a county or
5 within a class or subclass of parcels on that abstract by a common
6 multiple in response to the order of said board. If an assessor is required,
7 pursuant to the order of said board, to increase or decrease valuations for
8 assessment, such changes shall be made only upon individual valuations
9 for assessment of each and every parcel, using each of the approaches to
10 appraisal specified in this paragraph (a), if applicable. The actual value
11 of agricultural lands, exclusive of building improvements thereon, shall
12 be determined by consideration of the earning or productive capacity of
13 such lands during a reasonable period of time, capitalized at a rate of
14 thirteen percent. Land that is valued as agricultural and that becomes
15 subject to a perpetual conservation easement shall continue to be valued
16 as agricultural notwithstanding its dedication for conservation purposes;
17 except that, if any portion of such land is actually used for nonagricultural
18 commercial or NONAGRICULTURAL residential purposes, that portion shall
19 be valued according to such use. NOTHING IN THIS SUBSECTION (5) SHALL
20 BE CONSTRUED TO REQUIRE OR PERMIT THE RECLASSIFICATION OF
21 AGRICULTURAL LAND OR IMPROVEMENTS, INCLUDING RESIDENTIAL
22 PROPERTY, DUE SOLELY TO SUBJECTING THE LAND TO A PERPETUAL
23 CONSERVATION EASEMENT. The actual value of residential real property
24 shall be determined solely by consideration of the market approach to
25 appraisal. A gross rent multiplier may be considered as a unit of
26 comparison within the market approach to appraisal. The valuation for
27 assessment of producing mines and of lands or leaseholds producing oil
28 or gas shall be determined pursuant to articles 6 and 7 of this title.
29

30 **SECTION 3.** 39-22-522, Colorado Revised Statutes, is amended
31 BY THE ADDITION OF A NEW SUBSECTION to read:
32

33 **39-22-522. Credit against tax - conservation easements.**

34 (2.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR
35 INCOME TAX YEARS COMMENCING DURING THE 2011, 2012, AND 2013
36 CALENDAR YEARS, A TAXPAYER CONVEYING A CONSERVATION EASEMENT
37 IN 2011, 2012, OR 2013 AND CLAIMING A CREDIT PURSUANT TO THIS
38 SECTION SHALL, IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS
39 SECTION, SUBMIT A CLAIM FOR THE CREDIT TO THE DIVISION OF REAL
40 ESTATE IN THE DEPARTMENT OF REGULATORY AGENCIES. THE DIVISION
41 SHALL ISSUE A CERTIFICATE FOR THE CLAIMS RECEIVED IN THE ORDER
42 SUBMITTED. AFTER CERTIFICATES HAVE BEEN ISSUED FOR CREDITS THAT
43 EXCEED AN AGGREGATE OF TWENTY-SIX MILLION DOLLARS FOR ALL
44 TAXPAYERS FOR INCOME TAX YEARS COMMENCING IN EACH OF THE 2011,
45 2012, AND 2013 CALENDAR YEARS, ANY CLAIMS THAT EXCEED THE
46 AMOUNT ALLOWED FOR A SPECIFIED CALENDAR YEAR SHALL BE PLACED
47 ON A WAIT LIST IN THE ORDER SUBMITTED AND A CERTIFICATE SHALL BE
48 ISSUED FOR USE OF THE CREDIT IN 2012 OR 2013. THE DIVISION SHALL NOT
49 ISSUE CREDIT CERTIFICATES THAT EXCEED TWENTY-SIX MILLION DOLLARS
50 FOR EACH INCOME TAX YEAR COMMENCING IN THE 2011, 2012, AND 2013
51 CALENDAR YEARS. NO CLAIM FOR A CREDIT SHALL BE ALLOWED FOR ANY
52 INCOME TAX YEAR COMMENCING DURING THE 2011, 2012, OR 2013
53 CALENDAR YEARS UNLESS A CERTIFICATE HAS BEEN ISSUED BY THE
54 DIVISION. THE RIGHT TO CLAIM THE CREDIT SHALL BE VESTED IN THE
55 TAXPAYER AT THE TIME A CREDIT CERTIFICATE IS ISSUED. THE DIVISION
56 MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,

1 C.R.S., FOR THE ISSUANCE OF CERTIFICATES IN ACCORDANCE WITH THIS
2 SUBSECTION (2.5).

3
4 **SECTION 4. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2010 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor."

14
15
16
17 **HB10-1198** be postponed indefinitely.

18
19
20 **HB10-1199** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:

23
24 Amend printed bill, page 2, after line 1 insert:

25
26 "SECTION 1. Article 21 of title 39, Colorado Revised Statutes,
27 is amended BY THE ADDITION OF A NEW SECTION to read:

28
29 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
30 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
31 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1199,
32 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
33 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
34 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
35 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

36
37 Renumber succeeding sections accordingly.

38
39 Page 2, line 10, strike "A NET OPERATING LOSS" and substitute "ALL NET
40 OPERATING LOSSES".

41
42 Page 2, strike lines 13 and 14 and substitute: "SUBTRACTING A PORTION
43 OF SUCH NET OPERATING LOSSES FROM THE CORPORATION'S FEDERAL
44 TAXABLE INCOME."

45
46 Page 2, after line 14 insert:

47 "(c) AN AMOUNT EQUAL TO THE AMOUNT OF ALL NET OPERATING
48 LOSSES THAT A CORPORATION IS PROHIBITED PURSUANT TO PARAGRAPH (a)
49 OF THIS SUBSECTION (6) FROM SUBTRACTING FROM FEDERAL TAXABLE
50 INCOME MULTIPLIED BY INTEREST AT THE STATUTORY RATE SET FORTH IN
51 SECTION 5-12-101, C.R.S., FOR THE PERIOD DURING WHICH SUCH NET
52 OPERATING LOSS WAS PROHIBITED SHALL BE ADDED TO THE ALLOWABLE
53 NET OPERATING LOSS THAT IS CARRIED FORWARD BY THE CORPORATION,
54 AND, FOR THE PURPOSE OF SECTION 39-22-304 (3) (g), SHALL BE
55 CONSIDERED NET OPERATING LOSS."

56

1 On motion of Representative Weissmann, **HB10-1189, 1191, 1192, 1193,**
2 **1194, 1195, 1196, 1197, 1199, 1190, 1052, 1110, 1049, 1080, 1095** were
3 made Special Orders on Friday, January 29, 2009, at 2:12 p.m.
4

5
6
7 The hour of 2:12 p.m., having arrived, on motion of Representative Pace,
8 the House resolved itself into Committee of the Whole for consideration
9 of Special Orders and he was called to the Chair to act as Chairman.
10

11
12 **SPECIAL ORDERS--SECOND READING OF BILLS**
13

14 The Committee of the Whole having risen, the Chairman reported the
15 titles of the following bills had been read (reading at length had been
16 dispensed with by unanimous consent), the bills considered and action
17 taken thereon as follows:
18

19 (Amendments to the committee amendment are to the printed committee
20 report which was printed and placed in the members' bill file.)
21

22 **HB10-1189** by Representative(s) Pommer; also Senator(s) Heath--
23 Concerning the elimination of the state sales and use tax
24 exemption for direct mail advertising materials.
25

26 Amendment No. 1, Finance Report, dated January 27, 2010, and placed
27 in member's bill file; Report also printed in House Journal, January 29,
28 page 116.
29

30 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
31 placed in member's bill file; Report also printed in House Journal,
32 January 27, page 96.
33

34 Amendment No. 3, by Representative(s) May.
35

36 Amend the Appropriations Committee Report, dated January 27, 2010,
37 page 1, strike line 1 and insert:
38

39 "Page 2 of the printed bill, line 18, after "(b)" insert "(I)".
40

41 Page 3 of the printed bill, after line 7, insert:
42

43 "(II) NO FUNDING RECEIVED FROM REVENUES RECEIVED AS A
44 RESULT OF THE PASSAGE OF HOUSE BILL 10-1189, ENACTED IN 2010,
45 SHALL BE USED TO FUND ADDITIONAL FULL TIME EQUIVALENT STATE
46 EMPLOYEES."
47

48 Page 1 of the appropriations committee report, line 2, strike
49 ""SECTION" and substitute "SECTION".
50

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

54 **HB10-1191** by Representative(s) Pommer; also Senator(s) Heath--
55 Concerning the narrowing of the existing exemption from
56 the state sales and use taxes for food, and, in connection

1 therewith, subjecting candy and soft drinks to the state
2 sales and use taxes.

3
4 Amendment No. 1, Finance Report, dated January 27, 2010, and placed
5 in member's bill file; Report also printed in House Journal, January 29,
6 page 117.

7
8 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
9 placed in member's bill file; Report also printed in House Journal,
10 January 27, pages 96-97.

11
12 Amendment No. 3, by Representative(s) May.

13
14 Amend the Appropriations Committee Report, dated January 27, 2010,
15 page 1, after line 1 insert:

16
17 **"SECTION 3.** Part 1 of article 75 of title 24, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
19 read:

20
21 **24-75-113. 2010 bills to increase state revenue - prohibition on**
22 **hiring of new state employees.** NO MONEYS DERIVED FROM THE
23 INCREASE IN STATE REVENUES RESULTING FROM THE PASSAGE OF HOUSE
24 BILL 10-1191, ENACTED IN 2010, SHALL BE APPROPRIATED FOR THE
25 PURPOSE OF FUNDING ADDITIONAL FULL TIME EQUIVALENT STATE
26 EMPLOYEES."

27
28 Page 1 of the committee report, line 2, strike **"SECTION 3."** and
29 substitute **"SECTION 4."**

30
31 Amendment No. 4, by Representative(s) Pommer.

32
33 Amend printed bill, page 4, line 21, after "TAXATION." add "ABSENT AN
34 EXPRESS PROVISION IN THE CONTRACT TO THE CONTRARY, ANY VENDING
35 MACHINE CONTRACT THAT REFERENCES THE PRICE AT WHICH PRODUCTS
36 SHALL BE SOLD FROM A VENDING MACHINE SHALL BE INTERPRETED TO
37 INCLUDE ANY APPLICABLE SALES TAX AS AN ADDITION TO THE
38 REFERENCED PRICE."

39
40 Amendment No. 5, by Representative(s) Pommer.

41 Amend printed bill, page 4, line 11, after "DRINKS." add: "FOR ANY
42 RETURN MADE PRIOR TO AUGUST 1, 2010, A PERSON WHO SELLS CANDY OR
43 SOFT DRINKS AT RETAIL SHALL NOT BE LIABLE FOR ANY INTEREST OR
44 OTHER PENALTY IMPOSED AS A RESULT OF AN ERROR MADE IN
45 CONNECTION WITH THE ELIMINATION OF THE EXEMPTION FROM STATE
46 SALES TAX FOR SALES OF CANDY AND SOFT DRINKS, AS DEFINED IN
47 PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION, BY HOUSE BILL
48 10-1191, ENACTED IN 2010."

49
50 Page 5, line 19, after "DRINKS." add: "FOR ANY RETURN MADE PRIOR TO
51 AUGUST 1, 2010, A PERSON WHO SELLS CANDY OR SOFT DRINKS AT RETAIL
52 SHALL NOT BE LIABLE FOR ANY INTEREST OR OTHER PENALTY IMPOSED AS
53 A RESULT OF AN ERROR MADE IN CONNECTION WITH THE ELIMINATION OF
54 THE EXEMPTION FROM STATE SALES TAX FOR SALES OF CANDY AND SOFT
55 DRINKS, AS DEFINED IN SUBSECTION (4) OF THIS SECTION, BY HOUSE BILL
56 10-1191, ENACTED IN 2010."

1 Amendment No. 6, by Representative(s) Pommer.

2

3 Amend printed bill, page 2, line 10, strike "MARCH" and substitute
4 "MAY".

5

6 Page 3, line 8, strike "MARCH" and substitute "MAY".

7

8 Page 4, line 1, strike "MARCH" and substitute "MAY".

9

10 Page 4, line 19, strike "MARCH" and substitute "MAY".

11

12 Page 4, line 25, strike "MARCH" and substitute "MAY".

13

14 Page 5, line 26, strike "MARCH" and substitute "MAY".

15

16

17

Committee in recess. Committee reconvened.
18

19

20

21 (HB10-1191 Continued)

22

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

25

26 **HB10-1192** by Representative(s) Pommer; also Senator(s) Heath--
27 Concerning the state sales and use tax of standardized
28 software.

29

30 Amendment No. 1, Finance Report, dated January 27, 2010, and placed
31 in member's bill file; Report also printed in House Journal, January 29,
32 pages 117-118.

33

34 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
35 placed in member's bill file; Report also printed in House Journal,
36 January 27, page 97.

37

38 Amendment No. 3, by Representative(s) May.

39

40 Amend the Appropriations Committee Report, dated January 27, 2010,
41 page 1, after line 1 insert:

42

43 **"SECTION 3.** Part 1 of article 75 of title 24, Colorado Revised
44 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
45 read:

46

47 **24-75-113. 2010 bills to increase state revenue - prohibition on**
48 **hiring of new state employees.** NO MONEYS DERIVED FROM THE
49 INCREASE IN STATE REVENUES RESULTING FROM THE PASSAGE OF HOUSE
50 BILL 10-1192, ENACTED IN 2010, SHALL BE APPROPRIATED FOR THE
51 PURPOSE OF FUNDING ADDITIONAL FULL TIME EQUIVALENT STATE
52 EMPLOYEES."

53

54 Page 1 of the committee report, line 2, strike ""SECTION 3." and
55 substitute "SECTION 4."

1 Amendment No. 4, by Representative(s) Pommer.

2

3 Amend printed bill, page 3, line 4, strike "PURCHASER." and substitute
4 "PURCHASER, UNLESS SUCH STANDARDIZED SOFTWARE IS A DE MINIMIS
5 COMPONENT OF SUCH SOFTWARE."

6

7 Amendment No. 5, by Representative(s) Pommer.

8

9 Amend the printed bill, page 4, strike lines 7 and 8 and substitute:

10

11 **"SECTION 3. Specified effective date - applicability.** This act
12 shall take effect March 1, 2010, and shall apply to sales of standardized
13 software made on or after said date."

14

15 Amendment No. 6, by Representative(s) Gardner B.

16

17 Amend printed bill, page 3, after line 12 insert:

18

19 "(IV) "STANDARDIZED SOFTWARE" EXCLUDES MAINTENANCE
20 AGREEMENTS FOR THE MAINTENANCE OF STANDARDIZED SOFTWARE."

21

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

24

25 **HB10-1193** by Representative(s) Pommer; also Senator(s) Heath--
26 Concerning the collection of sales and use taxes on sales
27 made by out-of-state retailers.

28

29 Amendment No. 1, Finance Report, dated January 27, 2010, and placed
30 in member's bill file; Report also printed in House Journal, January 29,
31 page 118.

32

33 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
34 placed in member's bill file; Report also printed in House Journal,
35 January 27, pages 97.

36

37 Amendment No. 3, by Representative(s) May.

38

39 Amend the Appropriations Committee Report, dated January 27, 2010,
40 page 1, after line 1 insert:

41

42 **"SECTION 3.** Part 1 of article 75 of title 24, Colorado Revised
43 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
44 read:

45

46 **24-75-113. 2010 bills to increase state revenue - prohibition on**
47 **hiring of new state employees.** NO MONEYS DERIVED FROM THE
48 INCREASE IN STATE REVENUES RESULTING FROM THE PASSAGE OF HOUSE
49 BILL 10-1193, ENACTED IN 2010, SHALL BE APPROPRIATED FOR THE
50 PURPOSE OF FUNDING ADDITIONAL FULL TIME EQUIVALENT STATE
51 EMPLOYEES."

52

53 Page 1 of the committee report, line 2, strike ""SECTION 3." and
54 substitute "SECTION 4."

55

1 Amendment No. 4, by Representative(s) Pommer.

2

3 Amend printed bill, page 4, line 16, strike "FOR" and substitute "TO
4 ENFORCE SUCH SUBPOENA BY ANY APPROPRIATE ORDER, INCLUDING, IF
5 APPROPRIATE,".

6

7 Page 4, strike lines 17 and 18 and substitute "RETAILER AS FOR
8 CONTEMPT, AND UPON HEARING, SAID JUDGE HAS, FOR THE PURPOSE OF".

9

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

12

13 **HB10-1194** by Representative(s) Ferrandino; also Senator(s) Heath--
14 Concerning the narrowing of the existing exemptions from
15 the state sales and use taxes for articles sold to sellers of
16 items intended for human consumption that are furnished
17 by the sellers to their customers with such items without
18 the addition of a separate charge.

19

20 Amendment No. 1, Finance Report, dated January 27, 2010, and placed
21 in member's bill file; Report also printed in House Journal, January 29,
22 page 119.

23

24 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
25 placed in member's bill file; Report also printed in House Journal,
26 January 27, pages 98.

27

28 Amendment No. 3, by Representative(s) May.

29

30 Amend the Appropriations Committee Report, dated January 27, 2010,
31 page 1, after line 1 insert:

32 "SECTION 2. Part 1 of article 75 of title 24, Colorado Revised
33 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
34 read:

35

36 **24-75-113. 2010 bills to increase state revenue - prohibition on**
37 **hiring of new state employees.** NO MONEYS DERIVED FROM THE
38 INCREASE IN STATE REVENUES RESULTING FROM THE PASSAGE OF HOUSE
39 BILL 10-1194, ENACTED IN 2010, SHALL BE APPROPRIATED FOR THE
40 PURPOSE OF FUNDING ADDITIONAL FULL TIME EQUIVALENT STATE
41 EMPLOYEES."

42

43 Page 1 of the committee report, line 2, strike ""SECTION 2." and
44 substitute "SECTION 3."

45

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

48

49 **HB10-1195** by Representative(s) Ferrandino; also Senator(s) Heath--
50 Concerning the suspension of the exemption from the state
51 sales and use taxes for certain items used in agricultural
52 production.

53

54 Amendment No. 1, Finance Report, dated January 29, 2010, and placed
55 in member's bill file; Report also printed in House Journal, January 29,
56 page 127.

1 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
2 placed in member's bill file; Report also printed in House Journal,
3 January 27, pages 98.

4
5 Amendment No. 3, by Representative(s) May.

6
7 Amend the Appropriations Committee Report, dated January 27, 2010,
8 page 1, after line 1 insert:

9
10 "SECTION 2. Part 1 of article 75 of title 24, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
12 read:

13
14 **24-75-113. 2010 bills to increase state revenue - prohibition on**
15 **hiring of new state employees.** NO MONEYS DERIVED FROM THE
16 INCREASE IN STATE REVENUES RESULTING FROM THE PASSAGE OF HOUSE
17 BILL 10-1195, ENACTED IN 2010, SHALL BE APPROPRIATED FOR THE
18 PURPOSE OF FUNDING ADDITIONAL FULL TIME EQUIVALENT STATE
19 EMPLOYEES."

20
21 Page 1 of the committee report, line 2, strike ""SECTION 2." and
22 substitute "SECTION 3."

23
24 As amended, ordered engrossed and placed on the Calendar for Third
25 Reading and Final Passage.

26
27 **HB10-1196** by Representative(s) Ferrandino; also Senator(s) Heath--
28 Concerning the disqualification of category 7 motor
29 vehicles from the state income tax credit for the purchase
30 of vehicles using alternative fuels.

31
32 Amendment No. 1, Finance Report, dated January 29, 2010, and placed
33 in member's bill file; Report also printed in House Journal, January 29,
34 pages 127-128.

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

38
39 **HB10-1197** by Representative(s) Ferrandino; also Senator(s) Heath--
40 Concerning a decrease in the maximum amount of a state
41 income tax credit that may be claimed for the donation of
42 a conservation easement in gross.

43
44 Amendment No. 1, Finance Report, dated January 29, 2010, and placed
45 in member's bill file; Report also printed in House Journal, January 29,
46 page 128-130.

47
48 Amendment No. 2, by Representative(s) Benefield.

49
50 Amend the Finance Committee Report, dated January 29, 2010, page 2,
51 after line 39 insert:

52
53 "SECTION 3. Part 1 of article 21 of title 39, Colorado Revised
54 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
55 read:

56

1 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
2 **by department.** THE DEPARTMENT OF REVENUE SHALL ACCOUNT FOR ALL
3 REVENUE ATTRIBUTABLE TO THE ENACTMENT OF HOUSE BILL 10-1197,
4 ENACTED IN 2010, AND SHALL, TO THE EXTENT SUCH INFORMATION IS
5 AVAILABLE, MAKE QUARTERLY REPORTS TO THE GENERAL ASSEMBLY
6 REGARDING THE QUARTERLY AND CUMULATIVE NET REVENUE GAIN TO THE
7 STATE RESULTING FROM THE ENACTMENT OF SAID BILL."

8
9 Renumber succeeding sections accordingly.

10
11 Amendment No. 3, by Representative(s) Ferrandino.

12
13 Amend the Finance Committee Report, dated January 29, 2010, page 3,
14 after line 28 insert:

15 "SECTION 3. Part 7 of article 61 of title 12, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
17 read:

18
19 **12-61-722. Conservation easement tax credit certificates.**

20 (1) THE DIVISION SHALL RECEIVE CLAIMS FROM AND ISSUE CERTIFICATES
21 TO CERTIFIED CONSERVATION EASEMENT HOLDERS FOR INCOME TAX
22 CREDITS FOR CONSERVATION EASEMENTS DONATED DURING THE 2011,
23 2012, AND 2013 CALENDAR YEARS IN ACCORDANCE WITH THE PROVISIONS
24 OF SECTION 39-22-522 (2.5), C.R.S. NOTHING IN THIS SECTION SHALL BE
25 CONSTRUED TO RESTRICT OR LIMIT THE AUTHORITY OF THE DIVISION TO
26 ENFORCE THE PROVISIONS OF THIS PART 7. THE DIVISION MAY
27 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
28 FOR THE ISSUANCE OF THE CERTIFICATES. IN PROMULGATING ANY SUCH
29 RULES, THE DIVISION MAY INCLUDE BUT SHALL NOT BE LIMITED TO
30 PROVISIONS GOVERNING THE FOLLOWING:

31
32 (a) THE REVIEW OF THE TAX CREDIT CERTIFICATE;

33
34 (b) THE ADMINISTRATION AND FINANCING OF THE CERTIFICATION
35 PROCESS;

36
37 (c) THE NOTIFICATION TO THE PUBLIC REGARDING THE AGGREGATE
38 AMOUNT OF CERTIFICATES THAT HAVE BEEN ISSUED AND THAT ARE ON THE
39 WAIT LIST;

40
41 (d) THE NOTIFICATION TO THE TAXPAYER, THE ENTITY TO WHICH
42 THE EASEMENT WAS GRANTED, AND THE DEPARTMENT OF REVENUE
43 REGARDING THE CERTIFICATES ISSUED; AND

44
45 (e) ANY OTHER MATTERS RELATED TO ADMINISTERING THE
46 PROVISIONS OF SECTION 39-22-522 (2.5), C.R.S."

47
48 As amended, rereferred to the Committee on Appropriations.

49
50 HB10-1199 by Representative(s) Ferrandino; also Senator(s) Heath--
51 Concerning a temporary limit on the state income tax
52 deduction for a net operating loss.

53
54 Amendment No. 1, Finance Report, dated January 29, 2010, and placed
55 in member's bill file; Report also printed in House Journal, January 29,
56 page 130.

1 Amendment No. 2, by Representative(s) Ferrandino.

2
3 Amend the Finance Committee Report, dated January 29, 2010, page 2,
4 line 1, after "(c)" insert "(I)".

5
6 Page 2 of the report, line 4, strike "INTEREST AT THE STATUTORY RATE SET
7 FORTH IN".

8
9 Page 2 of the report, line 5, strike "SECTION 5-12-101, C.R.S.," and
10 substitute "THE RATE OF INTEREST SET FORTH IN SUBPARAGRAPH (II) OF
11 THIS PARAGRAPH (c)".

12
13 Page 2 of the report, line 6, strike "LOSS WAS" and substitute "LOSSES
14 ARE".

15
16 Page 2 of the report, line 9, strike "LOSS." and substitute "LOSS".

17
18 (II) THE RATE OF INTEREST TO BE APPLIED PURSUANT TO
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE THE PRIME RATE, AS
20 REPORTED BY THE "WALL STREET JOURNAL", PLUS ONE POINT, ROUNDED
21 TO THE NEAREST FULL PERCENT. IN THE EVENT THAT MORE THAN ONE
22 RATE IS SO REPORTED, THE HIGHEST RATE SHALL BE UTILIZED.".

23
24 As amended, ordered engrossed and placed on the Calendar for Third
25 Reading and Final Passage.

26
27 **HB10-1052** by Representative(s) Solano; also Senator(s) Newell--
28 Concerning the recycling resources economic opportunity
29 fund, and, in connection therewith, extending the life of
30 the fund.

31
32 Amendment No. 1, Transportation & Energy Report, dated
33 January 21, 2010, and placed in member's bill file; Report also printed in
34 House Journal, January 22, pages 75.

35
36 Amendment No. 2, by Representative(s) Solano.

37
38 Amend the Transportation and Energy Committee Report, dated January
39 21, 2010, page 1, line 3, strike "9" and substitute "18".

40
41 Page 1 of the report, line 8, strike "2017." and substitute "2017".

42
43 Page 1 of the report, after line 8 add:

44
45 "SECTION 3. 25-16.5-106.5 (1), (2), and (5), Colorado Revised
46 Statutes, are amended to read:

47
48 **25-16.5-106.5. Recycling resources economic opportunity fund**
49 **- creation - repeal.** (1) The recycling resources economic opportunity
50 fund is hereby created in the state treasury, referred to in this section as
51 the "fund". The fund shall consist of moneys collected for the fund
52 pursuant to sections 25-16-104.5 (3.9) (b) and, PRIOR TO JULY 1, 2011,
53 25-17-202 (1) (a) (IV) and credited to the fund in accordance with the
54 provisions of section 25-16-104.5 (3.9) (b), any moneys appropriated to
55 the fund by the general assembly, and all other moneys that may be
56 available to the fund, including moneys made available from gifts, grants,

1 or bequests. All interest derived from the deposit of moneys in the fund
2 shall be credited to the fund. At the end of any fiscal year, all
3 unexpended and unencumbered moneys in the fund shall remain therein
4 and shall not be credited or transferred to the general fund or any other
5 fund.

6
7 (2) Any moneys generated from the imposition of solid waste user
8 fees pursuant to sections 25-16-104.5 (3.9) and, PRIOR TO JULY 1, 2011,
9 25-17-202 (1) (a) (IV) shall be annually appropriated to the department
10 for allocation to the advisory board for the purpose of funding the
11 recycling resources economic opportunity activities authorized by section
12 25-16.5-106.7, as well as any administrative costs associated therewith,
13 including without limitation the grants authorized to be made under
14 section 25-16.5-106.7 (3) and grant program oversight authorized by
15 section 25-16.5-105.5 (3).

16
17 (5) This section is repealed, effective ~~July 1, 2010~~ JULY 1, 2017.

18
19 **SECTION 4.** 25-16.5-106.7 (8), Colorado Revised Statutes, is
20 amended to read:

21
22 **25-16.5-106.7. Recycling resources economic opportunity**
23 **program - grants - loans - definitions.** (8) This section is repealed,
24 effective ~~July 1, 2010~~ JULY 1, 2017.

25
26 **SECTION 5.** The introductory portion to 25-17-202 (1) (a) (IV),
27 Colorado Revised Statutes, is amended to read:

28
29 **25-17-202. Waste tire recycling development fee - cash fund**
30 **created - definition - repeal.** (1) (a) (IV) On and after August 5, 2009,
31 an additional fee of fifty cents shall be collected on the sale of any new
32 tire for any passenger vehicle, including any truck, weighing less than
33 fifteen thousand pounds. In addition, the fee imposed by this
34 subparagraph (IV) shall also be collected on the sale of any new tire for
35 any truck, including any truck tractor, trailer, or semitrailer, weighing
36 more than fifteen thousand pounds; except that no fee shall be collected
37 for tires that are recapped or otherwise reprocessed for use. PRIOR TO
38 JULY 1, 2011, from the moneys collected by the ~~new~~ fee imposed by this
39 subparagraph (IV), fifty percent shall be credited to the recycling
40 resources economic opportunity fund created in section 25-16.5-106.5.
41 ON AND AFTER JULY 1, 2011, FROM THE MONEYS COLLECTED BY THE FEE
42 IMPOSED BY THIS SUBPARAGRAPH (IV), FIFTY PERCENT SHALL BE
43 CREDITED TO THE PROCESSORS AND END USERS OF WASTE TIRES CASH
44 FUND CREATED IN SECTION 25-17-202.5 (1). The remaining fifty percent
45 shall be credited to the waste tire cleanup fund created in section
46 24-32-114 (1), C.R.S., and shall be distributed as follows:

47
48 **SECTION 6.** The introductory portion to 25-17-202.5 (1),
49 Colorado Revised Statutes, is amended to read:

50
51 **25-17-202.5. Processors and end users of waste tires cash fund**
52 **created - repeal.** (1) There is hereby created, in the state treasury, the
53 processors and end users of waste tires cash fund. Such fund shall consist
54 of the fee revenue collected pursuant to ~~section 25-17-202 (1) (a) (III)~~
55 SECTION 25-17-202 (1) (a) (III) AND (1) (a) (IV). Any moneys in the fund
56 not expended or encumbered from any appropriation at the end of any

1 fiscal year shall remain available, without further appropriation, for
2 expenditure in the next fiscal year by the department of local affairs for
3 allocation to the division of local government to be used in the following
4 amounts for the following purposes:".

5

6 Renumber succeeding sections accordingly.

7

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

10

11 **HB10-1080** by Representative(s) Lambert; also Senator(s) Sandoval--
12 Concerning the expansion of duties of the legislative
13 emergency epidemic response committee to include
14 preparation for disaster emergencies, and, in connection
15 therewith, changing the name of the committee and
16 allowing the committee to recommend legislation
17 pertaining to the preparedness, response, and recovery by
18 the general assembly in the event of an emergency
19 epidemic or disaster.

20

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

23

24 **HB10-1049** by Representative(s) Rice and Looper, Balmer, Court,
25 Hullinghorst, King S., May, McNulty, Nikkel, Scanlan,
26 Sonnenberg, Stephens, Summers, Primavera; also
27 Senator(s) Romer and Mitchell, Foster, Hodge, Lundberg,
28 Penry, Shaffer B.--Concerning the franchise rights of
29 motor vehicle dealers.

30

31 Amendment No. 1, Business Affairs & Labor Report, dated
32 January 27, 2010, and placed in member's bill file; Report also printed in
33 House Journal, January 27, pages 93-94..

34

35 Amendment No. 2, by Representative(s) Rice.

36

37 Amend printed bill, page 7, strike lines 9 through 11 and substitute "OF
38 THE MANUFACTURER OR DISTRIBUTOR VOLUNTARILY CREATING A
39 SECURITY INTEREST BEFORE PAYING EXISTING DEBTS OR LIABILITIES OF
40 THE MANUFACTURER OR DISTRIBUTOR."

41

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

44

45 **HB10-1190** by Representative(s) Pommer; also Senator(s) Heath--
46 Concerning the suspension of the exemption from the state
47 sales and use taxes for fuels used for industrial purposes.

48

49 Amendment No. 1, Finance Report, dated January 27, 2010, and placed
50 in member's bill file; Report also printed in House Journal, January 29,
51 pages 116-117.

52

53 Amendment No. 2, Appropriations Report, dated January 27, 2010, and
54 placed in member's bill file; Report also printed in House Journal,
55 January 27, page 96.

56

1 Amendment No. 3, by Representative(s) May.

2

3 Amend the Appropriations Committee Report, dated January 27, 2010,
4 page 1, after line 1 insert:

5

6 "SECTION 3. Part 1 of article 75 of title 24, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
8 read:

9

10 **24-75-113. 2010 bills to increase state revenue - prohibition on**
11 **hiring of new state employees.** NO MONEYS DERIVED FROM THE
12 INCREASE IN STATE REVENUES RESULTING FROM THE PASSAGE OF HOUSE
13 BILL 10-1190, ENACTED IN 2010, SHALL BE APPROPRIATED FOR THE
14 PURPOSE OF FUNDING ADDITIONAL FULL TIME EQUIVALENT STATE
15 EMPLOYEES."

16

17 Page 1 of the committee report, line 2, strike ""SECTION 3." and
18 substitute "SECTION 4."

19

20 Amendment No. 4, by Representative(s) Pommer.

21

22 Amend printed bill, page 2, line 16, strike "AND RAILROAD".

23

24 Page 4, line 3, strike "AND RAILROAD".

25

26 Amendment No. 5, by Representative(s) Pommer.

27

28 Amend printed bill, page 2, line 17, after "BE" insert "DEEMED TO BE
29 WHOLESALE SALES AND SHALL NOT BE".

30

31 Page 3, line 21, after "BE" insert "DEEMED TO BE WHOLESALE SALES AND
32 SHALL NOT BE".

33

34 Amendment No. 6, by Representative(s) Sonnenberg.

35

36 Amend printed bill, page 2, line 14, after "FUEL," insert "NOT INCLUDING
37 FARM FUEL,".

38

39 Page 3, line 27, after "FUEL," insert "NOT INCLUDING FARM FUEL,".

40

41 As amended, laid over until February 1, retaining place on Calendar.

42

43 On motion of Representative Weissmann, the remainder of the Special
44 Orders Calendar (**HB10-1110, 1095**) was laid over until February 1,
45 retaining place on Calendar.

46

47

48

49 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

50

51 Passed Second Reading: **HB10-1189 amended, 1191 amended,**
52 **1192 amended, 1193 amended, 1194 amended, 1195 amended,**
53 **1196 amended, 1199 amended, 1052 amended, 1080, 1049 amended.**

54

55 Laid over until date indicated retaining place on Calendar: **HB10- 1190**
56 **amended, 1110, 1095**--February 1, 2010.

1 Referred to Committee indicated: **HB10-1197 amended**--Appropriations.
 2
 3 The Chairman moved the adoption of the Committee of the Whole
 4 Report. As shown by the following roll call vote, a majority of those
 5 elected to the House voted in the affirmative, and the Report was
 6 **adopted**.

| | YES | 42 | NO | 21 | EXCUSED | 2 | ABSENT | 0 |
|----------------|-----|----|--------------|----|------------|---|------------|---|
| 9 Acree | E | | Gerou | Y | McFadyen | Y | Ryden | Y |
| 10 Apuan | Y | | Hullinghorst | Y | McKinley | Y | Scanlan | Y |
| 11 Balmer | N | | Judd | Y | McNulty | N | Schafer S. | Y |
| 12 Baumgardner | N | | Kagan | Y | Merrifield | Y | Solano | Y |
| 13 Benefield | Y | | Kefalas | Y | Middleton | Y | Sonnenberg | N |
| 14 Bradford | N | | Kerr A. | Y | Miklosi | Y | Soper | Y |
| 15 Casso | Y | | Kerr J. | N | Murray | N | Stephens | N |
| 16 Court | Y | | King S. | N | Nikkel | N | Summers | N |
| 17 Curry | Y | | Labuda | Y | Pace | Y | Swalm | N |
| 18 DelGrosso | N | | Lambert | N | Peniston | Y | Tipton | N |
| 19 Ferrandino | Y | | Levy | Y | Pommer | Y | Todd | Y |
| 20 Fischer | Y | | Liston | N | Primavera | Y | Tyler | Y |
| 21 Frangas | Y | | Looper | N | Priola | N | Vaad | N |
| 22 Gagliardi | Y | | Massey | Y | Rice | Y | Vigil | Y |
| 23 Gardner B. | Y | | May | Y | Riesberg | Y | Waller | N |
| 24 Gardner C. | N | | McCann | Y | Roberts | E | Weissmann | Y |
| 25 | | | | | | | Speaker | Y |

REPORT(S) OF COMMITTEE(S) OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

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

36 **HB10-1020** be referred favorably to the Committee on Appropriations.

39 **HB10-1045** be amended as follows, and as so amended, be referred to
 40 the Committee on Appropriations with favorable
 41 recommendation:

43 Amend printed bill, page 2, line 5, after "(8)" insert "(a)".

45 Page 2, strike line 10 and substitute "LICENSE OR IDENTIFICATION CARD
 46 PURPOSES."

48 (b) NO SOONER THAN NOVEMBER 1, 2011, AND NO LATER THAN
 49 JANUARY 1, 2012, THE SECRETARY OF STATE SHALL MAKE AVAILABLE ON
 50 THE SECRETARY OF STATE'S OFFICIAL WEB SITE A LINK TO THE
 51 DEPARTMENT OF REVENUE'S OFFICIAL WEB SITE, WHEREBY AN ELECTOR
 52 MAY CHANGE HIS OR HER ADDRESS INFORMATION FOR STATE INCOME TAX
 53 PURPOSES."

1 **HB10-1116** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5
6 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
7

8 The Speaker has signed: **SJR10-003**.
9

10
11
12 **MESSAGE(S) FROM THE SENATE**
13

14 The Senate has passed on Third Reading and transmitted to the Revisor
15 of Statutes: SB10-024, SB10-023, SB10-022.

16
17 The Senate has passed on Third Reading and transmitted to the Revisor
18 of Statutes:

19
20 SB10-021 amended as printed in the Senate Journal, January 28, 2010,
21 page 107.
22

23
24
25 **MESSAGE(S) FROM THE REVISOR**
26

27 We herewith transmit:
28 Without comment, SB10-024, 023, and 022.
29 With comment, SB10-021.
30

31
32
33 **LAY OVER OF CALENDAR ITEM(S)**
34

35 On motion of Representative Weissmann, the following item(s) on the
36 Calendar were(was) laid over until Febraury 1, retaining place on
37 Calendar:

38
39 Consideration of General Orders--**HB10-1047**.
40

41
42
43 On motion of Representative Weissmann, the House adjourned until
44 10:00 a.m., February 1, 2010.
45

46 Approved:
47 TERRANCE D. CARROLL,
48 Speaker

49 Attest:
50 MARILYN EDDINS,
51 Chief Clerk

