

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

Twenty-fourth Legislative Day

Friday, February 5, 2010

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

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

5
6 Pledge of Allegiance led by Kourtney Grunlien, Brianna Dague,
7 Maddie Heiken, Micheala Onyenwere, Troop 3068, Aurora Quest School.

8
9 The roll was called with the following result:

10
11 Present--61.
12 Excused--Representative(s) Bradford, Ferrandino, Labuda,
13 Pommer--4.
14 Present after roll call--Representative(s) Ferrandino, Pommer.

15
16 The Speaker declared a quorum present.

17 _____
18
19 On motion of Representative Baumgardner, the reading of the journal of
20 February 4, 2010, was declared dispensed with and approved as corrected
21 by the Chief Clerk. _____

22
23
24 On motion of Representative McCann, the House resolved itself into
25 Committee of the Whole for consideration of General Orders, and she
26 was called to the Chair to act as Chairman.

27 _____
28
29 **GENERAL ORDERS--SECOND READING OF BILLS**

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

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

38
39 **HB10-1043** by Representative(s) Apuan--Concerning outdated
40 references to the federal aid to families with dependent
41 children.

42
43 Laid over until February 8, retaining place on Calendar.

1 **HB10-1112** by Representative(s) Miklosi; also Senator Newell--
2 Concerning the "Correctional Education Program Act of
3 1990".
4

5 Amendment No. 1, Judiciary Report, dated February 1, 2010, and placed
6 in member's bill file; Report also printed in House Journal, February 2,
7 page 165.
8

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

12 **HB10-1159** by Representative(s) Pace, Curry, Fischer, Hullinghorst,
13 King S., McFadyen, Scanlan, Vigil; also Senator(s) Gibbs,
14 Schwartz, White--Concerning the water court's authority
15 to consider conditions in decrees to address the effects of
16 a water export across water division boundaries.
17

18 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
19 dated February 3, 2010, and placed in member's bill file; Report also
20 printed in House Journal, February 4, pages 196-197.
21

22 As amended, declared **lost** on Second Reading.
23

24 **HB10-1107** by Representative(s) Fischer, Ferrandino, Hullinghorst,
25 Pommer; also Senator(s) Carroll M., Tochtrop--
26 Concerning limitations on the inclusion of agricultural
27 lands within urban renewal areas.
28

29 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
30 dated February 3, 2010, and placed in member's bill file; Report also
31 printed in House Journal, February 3, page 175.
32

33 Amendment No. 2, by Representative(s) McNulty.
34

35 Amend printed bill, page 11, strike lines 9 through 14 and substitute:
36 **"SECTION 6. Act subject to petition - effective date -**
37 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
38 following the expiration of the ninety-day period after final adjournment
39 of the general assembly (August 11, 2010, if adjournment sine die is on
40 May 12, 2010); except that, if a referendum petition is filed pursuant to
41 section 1 (3) of article V of the state constitution against this act or an
42 item, section, or part of this act within such period, then the act, item,
43 section, or part shall not take effect unless approved by the people at the
44 general election to be held in November 2010 and shall take effect on the
45 date of the official declaration of the vote thereon by the governor.
46

47 (2) The provisions of this act shall apply to urban renewal plans
48 approved or substantially modified on or after the applicable effective
49 date of this act."
50

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

54 **HB10-1202** by Representative(s) Primavera and McNulty, Pace,
55 Gerou, Summers, Benefield, Casso, Court, Ferrandino,
56 Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas,

1 Levy, Looper, Merrifield, Miklosi, Peniston, Pommer,
 2 Solano, Soper, Todd, Tyler, Vigil, Weissmann; also
 3 Senator(s) Tochtrop, Penry, Heath, Hudak, Newell--
 4 Concerning health benefit coverage for chemotherapy
 5 treatment.

6
 7 Amendment No. 1, Business Affairs & Labor Report, dated
 8 February 3, 2010, and placed in member's bill file; Report also printed
 9 in House Journal, February 4, pages 198-199.

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

13
 14 On motion of Representative Weissmann, the remainder of the General
 15 Orders Calendar (**HB10-1170, 1203, 1076, 1137, 1185**) was laid over
 16 until February 8, retaining place on Calendar.

17
 18
 19
 20 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

21
 22 Representative Pace moved to amend the Report of the Committee of the
 23 Whole to reverse the action taken by the Committee in not adopting
 24 HB10-1159, to show that **HB10-1159**, as amended, passed.

25
 26 The amendment was declared **lost** by the following roll call vote:

27

28	YES	21	NO	40	EXCUSED	4	ABSENT	0
29	Acree	N	Gerou	N	McFadyen	Y	Ryden	N
30	Apuan	N	Hullinghorst	Y	McKinley	Y	Scanlan	Y
31	Balmer	N	Judd	N	McNulty	N	Schafer S.	N
32	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	Y
33	Benefield	N	Kefalas	Y	Middleton	N	Sonnenberg	N
34	Bradford	E	Kerr A.	E	Miklosi	Y	Soper	N
35	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
36	Court	N	King S.	Y	Nikkel	N	Summers	N
37	Curry	Y	Labuda	E	Pace	Y	Swalm	N
38	DelGrosso	N	Lambert	N	Peniston	N	Tipton	Y
39	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	N
40	Fischer	Y	Liston	N	Primavera	N	Tyler	N
41	Frangas	Y	Looper	N	Priola	N	Vaad	N
42	Gagliardi	N	Massey	E	Rice	N	Vigil	Y
43	Gardner B.	N	May	N	Riesberg	N	Waller	N
44	Gardner C.	N	McCann	N	Roberts	Y	Weissmann	Y
45							Speaker	N

46
 47
 48 Representatives Ferrandino and Fischer moved to amend the Report of
 49 the Committee of the Whole to reverse the action taken by the Committee
 50 in adopting Amendment No. 2, by Representative McNulty (printed in
 51 House Journal page 204, lines 33-49), to HB10-1107, to show that said
 52 amendment lost, and that **HB10-1107**, as amended, passed.

53
 54 The amendment was declared **lost** by the following roll call vote:

55

	YES	32	NO	29	EXCUSED	4	ABSENT	0
1								
2	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
7	Bradford	E	Kerr A.	E	Miklosi	Y	Soper	N
8	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
9	Court	Y	King S.	N	Nikkel	N	Summers	N
10	Curry	N	Labuda	E	Pace	Y	Swalm	N
11	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	N
13	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	N	Priola	N	Vaad	N
15	Gagliardi	Y	Massey	E	Rice	N	Vigil	Y
16	Gardner B.	N	May	N	Riesberg	Y	Waller	N
17	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
18							Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

24 Passed Second Reading: **HB10-1112 amended, 1107 amended, 1202 amended.**

27 Lost on Second Reading: **HB10-1159 amended.**

29 Laid over until date indicated retaining place on Calendar: **HB10-1043, 1170, 1203, 1076, 1137, 1185** --February 8, 2010.

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

	YES	61	NO	0	EXCUSED	4	ABSENT	0
38	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
39	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
40	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
41	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
42	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
43	Bradford	E	Kerr A.	E	Miklosi	Y	Soper	Y
44	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
45	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
46	Curry	Y	Labuda	E	Pace	Y	Swalm	Y
47	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
48	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
49	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
50	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
51	Gagliardi	Y	Massey	E	Rice	Y	Vigil	Y
52	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
53	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
54							Speaker	Y

1 House in recess. House reconvened.
2
3

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

5
6 **APPROPRIATIONS**

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

10 **HB10-1002** be referred to the Committee of the Whole with favorable
11 recommendation.
12

13
14 **HB10-1030** be referred to the Committee of the Whole with favorable
15 recommendation.
16

17
18 **HB10-1058** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:
21

22 Amend printed bill, page 3, after line 3, insert:
23

24 **"SECTION 2. Appropriation.** In addition to any other
25 appropriation, there is hereby appropriated, out of any moneys in the
26 tobacco tax enforcement cash fund created in section 39-28-107 (1) (b),
27 Colorado Revised Statutes, not otherwise appropriated, to the department
28 of revenue, for allocation to the central department operations division,
29 for the fiscal year beginning July 1, 2010, the sum of one thousand four
30 hundred dollars (\$1,400) cash funds, or so much thereof as may be
31 necessary, for the implementation of this act."
32

33 Renumber succeeding sections accordingly.
34

35 Page 1, line 102, strike "CIGARETTES." and substitute "**cigarettes, and**
36 **making an appropriation therefor.**"
37

38
39
40 **HB10-1197** be referred to the Committee of the Whole with favorable
41 recommendation.
42

43
44
45
46 **EDUCATION**

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

50 **HB10-1013** be referred favorably to the Committee on Appropriations.
51

52
53 **HB10-1044** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:
56

- 1 Amend printed bill, page 2, line 3, strike "THE FOLLOWING NEW
2 SUBSECTIONS" and substitute "A NEW SUBSECTION".
3
- 4 Page 3, strike lines 2 and 3.
5
- 6 Page 3, line 5, after "THAT" insert "IS DESIGNED TO SERVE YOUTH AS
7 YOUNG AS SIX YEARS OF AGE AND AS OLD AS EIGHTEEN YEARS OF AGE
8 AND THAT".
9
- 10 Page 3, line 7, strike "AGE-APPROPRIATE" and substitute
11 "AGE-APPROPRIATE, AND CHARACTER-BUILDING".
12
- 13 Page 3, strike lines 11 and 12.
14
- 15 Page 3, line 14, after "CONSENT" insert "TO BECOME A YOUTH MEMBER OF
16 THE NEIGHBORHOOD YOUTH ORGANIZATION AND".
17
- 18 Page 3, line 18, after "OPERATED" insert "BY".
19
- 20 Page 3, line 19, strike "DEPARTMENTS." and substitute "DEPARTMENTS OR
21 FACILITIES THAT ARE CURRENTLY LICENSED AS CHILD CARE CENTERS AS
22 DEFINED IN SUBSECTION (1.5) OF THIS SECTION."
23
- 24 Page 3, strike lines 20 through 22.
25
- 26 Page 3, after line 22 insert:
27
- 28 "(13) "YOUTH MEMBER" MEANS A YOUTH WHO IS SIX YEARS OF
29 AGE THROUGH 18 YEARS OF AGE WHOSE PARENT OR LEGAL GUARDIAN
30 HAS PROVIDED WRITTEN CONSENT FOR THE YOUTH TO PARTICIPATE IN THE
31 ACTIVITIES OF A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO PAYS
32 THE REQUIRED DUES OF THE NEIGHBORHOOD YOUTH ORGANIZATION."
33
- 34 Page 3, line 27, strike "**responsibilities.**" and substitute "**responsibilities**
35 **- definitions.**".
36
- 37 Page 4, line 11, after "LICENSE." add "THE RULES SHALL NOT CONCERN
38 STAFF-TO-YOUTH RATIOS."
39
- 40 Page 4, line 27, after "YOUTH" insert "MEMBER".
41
- 42 Page 5, line 1, strike "YOUTH'S" and substitute "YOUTH MEMBER'S".
43
- 44 Page 5, line 2, after "YOUTH" insert "MEMBER".
45
- 46 Page 5, line 12, after "YOUTH" insert "MEMBER".
47
- 48 Page 5, line 15, strike "YOUTH'S" and substitute "YOUTH MEMBER'S".
49
- 50 Page 5, line 16, strike "YOUTH'S" and substitute "YOUTH MEMBER'S".
51
- 52 Page 5, line 18, strike "YOUTH;" and substitute "YOUTH MEMBER;".
53
- 54 Page 5, line 20, strike "YOUTH;" and substitute "YOUTH MEMBER;".
55
- 56 Page 5, line 22, after "YOUTH" insert "MEMBER".

- 1 Page 5, line 23, strike "YOUTH'S" and substitute "YOUTH MEMBER'S".
2
- 3 Page 5, line 25, after "TRANSPORTATION" insert "PRIOR" and strike the
4 first "AND" and substitute "OR".
5
- 6 Page 6, line 2, strike "EMPLOYEE, VOLUNTEER, OR APPLICANT FOR AN"
7 and substitute "EMPLOYEE AND VOLUNTEER".
8
- 9 Page 6, line 3, strike "EMPLOYEE OR VOLUNTEER POSITION".
10
- 11 Page 6, line 4, after "YOUTH" insert "MEMBERS".
12
- 13 Page 6, strike lines 6 and 7 and substitute "EMPLOYEES AND VOLUNTEERS
14 WHO WORK DIRECTLY WITH OR WILL WORK DIRECTLY WITH YOUTH
15 MEMBERS FIVE".
16
- 17 Page 6, strike lines 13 through 19 and substitute "INVESTIGATED HAS
18 BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
19 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
20 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
21 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
22 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
23 OF SUCH A CRIMINAL HISTORY."
24
- 25 Page 6, strike lines 26 and 27 and substitute "HAS BEEN CONVICTED OF
26 FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR A
27 FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED
28 IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD YOUTH
29 ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR APPROVE
30 A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A CRIMINAL
31 HISTORY."
32
- 33 Page 7, strike lines 1 through 5.
34
- 35 Page 7, strike lines 12 through 19 and substitute "APPROPRIATE TO
36 DETERMINE WHETHER THE EMPLOYEE OR VOLUNTEER HAS BEEN
37 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
38 C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR
39 AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD
40 YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR
41 APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A
42 CRIMINAL HISTORY."
43
- 44 Page 7, line 20, after "CHECK" insert "BY A PRIVATE ENTITY REGULATED
45 AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C. SEC. 1681
46 ET SEQ."
47
- 48 Page 7, line 22, strike "TRACE AND" and substitute "TRACE,".
49
- 50 Page 7, line 23, strike "CHECK." and substitute "CHECK, AND A STATE OR
51 COUNTY CRIMINAL FILE SEARCH."
52
- 53 Page 7, strike lines 24 through 27 and substitute "THE PERSON BEING
54 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
55 SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING
56 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),

1 C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A
 2 PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER
 3 CONFIRMATION OF SUCH A CRIMINAL HISTORY."

4

5 Strike page 8.

6

7 Page 9, strike lines 1 through 3.

8

9 Renumber succeeding subsections accordingly.

10

11 Page 9, line 16, after "YOUTH" insert "MEMBERS".

12

13 Page 9, after line 16 insert:

14

15 "(8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
 16 REQUIRES:

17

18 (a) "EMPLOYEE" MEANS A PAID EMPLOYEE OF A NEIGHBORHOOD
 19 YOUTH ORGANIZATION WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

20

21 (b) "VOLUNTEER MEANS A PERSON WHO VOLUNTEERS HIS OR HER
 22 ASSISTANCE TO A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO IS
 23 EIGHTEEN YEARS OF AGE OR OLDER."

24

25

26

27

28 HEALTH & HUMAN SERVICES

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

31

32 **HB10-1005** be referred favorably to the Committee on Appropriations.

33

34

35 **HB10-1008** be amended as follows, and as so amended, be referred to
 36 the Committee of the Whole with favorable
 37 recommendation:

38

39 Amend printed bill, page 2, strike lines 7 and 8 and substitute "individual
 40 ~~sickness, accident, or health insurance policy, contract, certificate, or~~
 41 ~~other evidence of coverage~~ POLICY ISSUED AS A HEALTH COVERAGE PLAN,
 42 A HEALTH BENEFIT PLAN, OR A POLICY OF SICKNESS AND ACCIDENT
 43 INSURANCE issued or delivered to any".

44

45 Page 3, strike lines 2 and 3 and substitute "AN INDIVIDUAL POLICY ISSUED
 46 AS A HEALTH COVERAGE PLAN, A HEALTH BENEFIT PLAN, OR A POLICY OF
 47 SICKNESS AND ACCIDENT INSURANCE DUE TO THE".

48

49 Page 3, strike lines 8 through 21 and substitute:

50

51 **"SECTION 2. Act subject to petition - specified effective date**
 52 **- applicability.** (1) This act shall take effect January 1, 2011; except
 53 that, if a referendum petition is filed pursuant to section 1 (3) of article V
 54 of the state constitution against this act or an item, section, or part of this
 55 act within the ninety-day period after final adjournment of the general
 56 assembly, then the act, item, section, or part shall not take effect unless

1 approved by the people at the general election to be held in November
2 2010 and shall take effect on January 1, 2011, or on the date of the
3 official declaration of the vote thereon by the governor, whichever is
4 later.

5

6 (2) The provisions of this act shall apply to rates for individual
7 health coverage plans, health benefit plans, and policies of sickness and
8 accident insurance set on or after the applicable effective date of this
9 act."

10

11

12

13 **HB10-1024** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:

16

17 Amend printed bill, page 2, line 2, strike "(2) and".

18

19 Page 2, line 3, strike "are" and substitute "is".

20

21 Page 2, strike lines 4 through 11 and substitute:

22

23 **"15-18-104. Declaration as to medical treatment.** (3) A
24 declaration executed before two witnesses by any competent".

25

26

27

28 **HB10-1106** be amended as follows, and as so amended, be referred to
29 the Committee on Appropriations with favorable
30 recommendation:

31

32 Amend printed bill, page 2, strike line 3 and substitute "is amended, and
33 the said 26-6-107 (1) (a) (I) is further amended BY THE ADDITION OF
34 A NEW SUB-SUBPARAGRAPH, to read:".

35

36 Page 3, strike lines 3 through 10 and substitute "identified in
37 sub-subparagraph (B) OR (C.5) of this subparagraph (I), to include a
38 fingerprint-based criminal history records check through the Colorado
39 bureau of investigation. ~~except for persons residing in this state less than~~
40 ~~two years, who shall be required to have a federal bureau of investigation~~
41 ~~fingerprint-based criminal history records check through the Colorado~~
42 ~~bureau of investigation.~~ As part of said investigation, the records and
43 reports of".

44

45 Page 3, after line 20 insert:

46

47 "(C.5) FOR PERSONS RESIDING IN THIS STATE LESS THAN TWO
48 YEARS, SPECIALIZED GROUP HOME PARENTS, OR ANY PERSON WORKING IN
49 A TWENTY-FOUR-HOUR CHILD CARE FACILITY, THE RULES PROMULGATED
50 BY THE STATE BOARD PURSUANT TO THIS SUBPARAGRAPH (I) SHALL
51 REQUIRE, IN ADDITION TO THE FINGERPRINT-BASED CRIMINAL HISTORY
52 RECORDS CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION
53 DESCRIBED IN SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (I), A
54 FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL
55 HISTORY RECORDS CHECK THROUGH THE COLORADO BUREAU OF
56 INVESTIGATION."

- 1 Page 4, strike lines 17 through 23 and substitute "~~of the child~~".
2
- 3 Page 5, line 4, after "SHALL" insert "USE GOOD FAITH EFFORTS AND DUE
4 DILIGENCE TO".
5
- 6 Page 6, strike line 14 and substitute:
7
- 8 **"SECTION 3.** The introductory portion to 19-5-104 (1) and
9 19-5-104 (1) (d), Colorado Revised Statutes, are".
10
- 11 Page 6, line 18, strike "court, after taking into account the racial,
12 cultural,".
13
- 14 Page 6, line 19, strike "and religious background of the child," and
15 substitute "court ~~after taking into account the racial, cultural, and~~
16 ~~religious background of the child~~".
17
18
19
- 20 **HB10-1115** be referred to the Committee of the Whole with favorable
21 recommendation.
22
23
24
25
- 26 **JUDICIARY**
27 After consideration on the merits, the Committee recommends the
28 following:
29
- 30 **HB10-1009** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:
33
- 34 Amend printed bill, page 2, strike lines 7 through 9 and substitute "ONE
35 OF THE ELEVEN MEMBERS SHALL BE A PHYSICIAN. The REMAINING TEN
36 members of the".
37
- 38 Page 2, line 17, strike "EMPLOYEES." and substitute EMPLOYEES AT THE
39 TIME OF APPOINTMENT."
40
- 41 Page 3, strike lines 9 and 10 and substitute:
42
- 43 "(3) "Members".
44
45
46
- 47 **HB10-1084** be postponed indefinitely.
48
49
- 50 **HB10-1097** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:
53
54
- 55 Amend printed bill, page 3, line 9, strike "19-1-117," and substitute
56 "19-1-117 OR IN PROCEEDINGS INITIATED BY A DELEGATE CHILD SUPPORT

1 ENFORCEMENT UNIT, AS DEFINED IN SECTION 26-13-102.5 (1), PURSUANT
2 TO ARTICLE 13 OR 13.5 OF TITLE 26, C.R.S., OR ARTICLE 5 OF TITLE 14,
3 C.R.S.,".

4

5

6

7 **SB10-109** be amended as follows, and as so amended, be referred to
8 the Committee on Appropriations with favorable
9 recommendation:

10

11 Amend reengrossed bill, page 4, line 22, strike "card;" and substitute
12 "card OR FOR RENEWAL OF A REGISTRY IDENTIFICATION CARD;".

13

14 Page 5, line 1, strike "issuance," and substitute "issuance AND RENEWAL,".

15

16 Page 5, line 22, strike "SHALL" and substitute "MAY".

17

18 Page 6, line 9, after "FROM" insert "OR TO".

19

20 Page 6, strike lines 22 through 27.

21

22 Page 7, strike lines 1 through 5.

23

24 Renumber succeeding subsections accordingly.

25

26 Page 8, strike lines 2 through 17.

27

28 Page 8, strike line 25 and substitute "RECOMMENDATION FROM A
29 PHYSICIAN WITH WHOM THE PATIENT HAS A BONA FIDE PHYSICIAN-PATIENT
30 RELATIONSHIP.".

31

32 Page 9, line 12, strike "EXECUTIVE DIRECTOR." and substitute "STATE
33 HEALTH AGENCY.".

34

35 Page 10, line 6, strike "COVER" and substitute "PAY".

36

37

38

39

40 **STATE, VETERANS, & MILITARY AFFAIRS**

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

43

44 **HB10-1007** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47

48 Amend printed bill, page 2, line 3, strike "amended" and substitute
49 "amended, and the said 30-1-103 is further amended BY THE
50 ADDITION OF A NEW SUBSECTION,".

51

52 Page 2, after line 15, insert:

53

54 "(5) THE FEE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
55 SHALL NOT BE COLLECTED ON ANY FILING RECEIVED BY THE COUNTY
56 CLERK AND RECORDER AS AN AUTHORIZED AGENT OF THE EXECUTIVE

1 DIRECTOR OF THE DEPARTMENT OF REVENUE PURSUANT TO SECTION
2 38-29-128 OR 42-6-121, C.R.S."

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4
5
6 **HB10-1154** be postponed indefinitely.

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10
11 **TRANSPORTATION & ENERGY**

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

14
15 **HB10-1212** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18
19 Amend printed bill, page 2, after line 15 insert:

20
21 "(III) VEHICLES FOR WHICH TEMPORARY REGISTRATION NUMBER
22 PLATES, TAGS, OR CERTIFICATES HAVE BEEN ISSUED;"

23
24 Renumber succeeding subparagraphs accordingly.

25
26 Page 2, line 16 and 17 and substitute: "(III) MEDICAL HARDSHIPS;"

27
28 Page 2, strike line 17.

29
30 Page 3, after line 2 insert:

31
32 "(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL ALSO
33 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,
34 THAT ALLOW THE DEPARTMENT OR AN AUTHORIZED AGENT TO REDUCE OR
35 WAIVE THE LATE FEE THAT WOULD OTHERWISE BE DUE UPON THE
36 REGISTRATION OF A TRAILER THAT IS A COMMERCIAL VEHICLE IF THE
37 OWNER CAN ESTABLISH, IN ACCORDANCE WITH CRITERIA SPECIFIED IN THE
38 RULES, THAT THE TRAILER WAS PARKED AND REMOVED FROM SERVICE
39 DURING THE PERIOD FOR WHICH IT WAS NOT REGISTERED AS REQUIRED.
40 THE OWNER SHALL PROVIDE TO THE DEPARTMENT OR AUTHORIZED AGENT
41 A SWORN AFFIDAVIT THAT STATES THAT THE TRAILER HAS NOT BEEN
42 OPERATED ON THE PUBLIC HIGHWAYS DURING THE PERIOD FOR WHICH IT
43 WAS NOT REGISTERED AS REQUIRED AND DESCRIBES THE NATURE OF THE
44 BUSINESS CONDITIONS THAT RESULTED IN THE REMOVAL OF THE TRAILER
45 FROM SERVICE."

46
47 Reletter succeeding paragraph accordingly.

48
49
50
51 **PRINTING REPORT**

52
53 The Chief Clerk reports the following bills have been correctly printed:
54 **HB10-1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267.**

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The Speaker has signed: SJR10-006, 008 and 009.

**INTRODUCTION OF BILL
First Reading**

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

HB10-1268 by Representative(s) King S.--Concerning establishment of a two-year registration for vehicles.

Committee on State, Veterans, & Military Affairs

HB10-1269 by Representative(s) Levy, Casso, Court, Ferrandino, Hullinghorst, Judd, McFadyen, Middleton, Miklosi, Pommer, Solano, Tyler, Weissmann, Carroll T., Frangas, Kagan, Labuda, Pace, Schafer S.; also Senator(s) Carroll M., Bacon, Boyd, Hodge, Hudak, Morse, Romer, Steadman, Tapia--Concerning the creation of remedies available in employment discrimination cases.

Committee on Judiciary

HB10-1270 by Representative(s) Murray, Acree, Balmer, Baumgardner, Bradford, Curry, DelGrosso, Gardner B., Gardner C., Gerou, Kerr J., King S., Lambert, Liston, Looper, Massey, May, McNulty, Nikkel, Priola, Sonnenberg, Stephens, Summers, Swalm, Tipton, Vaad, Waller; also Senator(s) Spence--Concerning the codification of the department of revenue's special regulation related to the sales or use tax attributable to sales of computer software into statute.

Committee on Finance

HB10-1271 by Representative(s) Curry--Concerning the registration date for eligibility of a person seeking to be placed in nomination as a candidate for a partisan office.

Committee on Judiciary

HB10-1272 by Representative(s) McCann; also Senator(s) Steadman--Concerning the establishment of contribution limits under the "Fair Campaign Practices Act" for candidates for certain elected director positions, and, in connection therewith, establishing contribution limits for candidates for boards of education and the board of the regional transportation district and specifying requirements affecting the disclosure of such contributions.

Committee on State, Veterans, & Military Affairs

HB10-1273 by Representative(s) Merrifield, Rice, Ryden, Apuan, Benefield, Carroll T., Casso, Gagliardi, Gerou, Kerr A., May, McKinley, Middleton, Nikkel, Peniston, Primavera, Roberts, Scanlan, Schafer S., Solano, Todd, Tyler; also Senator(s) Spence and Steadman, Newell, Hudak, Bacon,

- 1 Boyd, Foster, Gibbs, Heath, Johnston, Romer, Tapia,
2 Williams--Concerning improved workforce development
3 through increased participation in arts education in public
4 schools.
5 Committee on Education
6
- 7 **HB10-1274** by Representative(s) Schafer S., Massey, Benefield,
8 Merrifield, Middleton, Miklosi, Murray, Peniston, Priola,
9 Solano, Stephens, Tipton, Todd; also Senator(s) Johnston,
10 Carroll M., Keller, King K., Newell, Penry, Spence,
11 Steadman--Concerning successful transitions back to the
12 public school system for juveniles in out-of-home
13 placement who have demonstrated behavior that is
14 detrimental to the safety or welfare of themselves or others
15 during the previous twelve months.
16 Committee on Education
17
- 18 **HB10-1275** by Representative(s) Baumgardner; also Senator(s)
19 Newell--Concerning a requirement that the location of a
20 private burial be recorded.
21 Committee on Local Government
22
- 23 **HB10-1276** by Representative(s) Levy; also Senator(s) Mitchell--
24 Concerning the sale by a railroad company of its right-of-
25 way for the operation of a public passenger rail service.
26 Committee on Judiciary
27
- 28 **HB10-1277** by Representative(s) DelGrosso, Waller; also Senator(s)
29 Steadman--Concerning an extension of the prohibition
30 against sexual conduct in correctional institutions, and
31 making an appropriation therefor.
32 Committee on Judiciary
33
- 34 **HB10-1278** by Representative(s) Ryden; also Senator(s) Carroll M.--
35 Concerning the creation of an ombudsman for matters
36 arising under the "Colorado Common Interest Ownership
37 Act".
38 Committee on Business Affairs and Labor
39
- 40 **HB10-1279** by Representative(s) McFadyen, Balmer, Casso, Pommer;
41 also Senator(s) Williams--Concerning the ownership of a
42 license to sell alcohol beverages at retail, and, in
43 connection therewith, allowing a grocery store to apply to
44 transfer ownership and change location of a retail liquor
45 store license and to convert the retail liquor store license
46 to a liquor-licensed drugstore license.
47 Committee on Business Affairs and Labor
48
- 49 **HB10-1280** by Representative(s) Summers; also Senator(s) Romer--
50 Concerning an incentive to create Colorado nonprofit jobs
51 by establishing an income tax credit.
52 Committee on Finance
53 Committee on Appropriations
54
55

- 1 **HB10-1281** by Representative(s) Casso; also Senator(s) Spence--
2 Concerning the deregulation of telecommunications
3 service in areas where sufficient market competition
4 exists.
5 Committee on Transportation & Energy
6
- 7 **HB10-1282** by Representative(s) King S.; also Senator(s) Penry--
8 Concerning the imposition of a moratorium on the closure
9 of coal-solar power plants.
10 Committee on Transportation & Energy
11
- 12 **HB10-1283** by Representative(s) Riesberg, Balmer, Curry, Frangas,
13 Kefalas, Massey, McNulty, Priola, Rice, Roberts, Schafer
14 S., Soper, Todd, Vaad; also Senator(s) Sandoval, Hodge,
15 Keller, Penry, Spence, White, Williams--Concerning
16 increasing patient safety outside of the litigation process,
17 and, in connection therewith, requiring physicians to
18 engage in ongoing professional development, facilitating
19 information sharing about health care workers, and
20 requiring demonstration project data about redress for
21 adverse health care outcomes.
22 Committee on Health and Human Services
23 Committee on Judiciary
24
- 25 **HB10-1284** by Representative(s) Massey and Summers, McCann,
26 Rice; also Senator(s) Romer and Spence--Concerning
27 regulation of medical marijuana.
28 Committee on Judiciary
29
- 30 **HB10-1285** by Representative(s) Priola, Casso, Kefalas, Looper,
31 McFadyen, Rice, Acree, Apuan, Bradford, Frangas, Kerr
32 A., Kerr J., Lambert, Liston, Massey, Middleton, Nikkel,
33 Schafer S., Stephens, Summers, Vaad, Waller; also
34 Senator(s) Tapia, Hudak, Hodge--Concerning an increase
35 in fines to fund tax incentives for commercial vehicles.
36 Committee on Transportation & Energy
37 Committee on Finance
38
- 39 **HB10-1286** by Representative(s) McNulty; also Senator(s) Scheffel--
40 Concerning the transfer of corrections-related divisions of
41 state government to the department of public safety.
42 Committee on Judiciary
43 Committee on Appropriations
44
- 45 **HB10-1287** by Representative(s) Lambert, Acree, Baumgardner,
46 Bradford, DelGrosso, Ferrandino, Gardner C., Gerou, Kerr
47 J., Looper, May, McNulty, Murray, Nikkel, Pommer,
48 Priola, Sonnenberg, Stephens, Summers, Tipton; also
49 Senator(s) Cadman, Renfro, Harvey, Mitchell, Keller,
50 King K., Kopp, Lundberg, Schultheis, Spence, Tapia,
51 White--Concerning the use of a state-owned motor vehicle
52 for commuting purposes.
53 Committee on State, Veterans, & Military Affairs
54 Committee on Appropriations
55

- 1 **HB10-1288** by Representative(s) Nikkel, Rice, Ferrandino, Kerr J.,
2 Lambert, Liston, McNulty, Merrifield, Peniston,
3 Primavera, Priola, Scanlan, Waller; also Senator(s)
4 Williams, Kopp, Penry, Tochtrop--Concerning the ability
5 of a commercial real estate broker to secure payment of
6 commissions earned, and, in connection therewith,
7 enacting the "Commercial Real Estate Brokers
8 Commission Security Act".
9 Committee on Judiciary
- 10
11 **HB10-1289** by Representative(s) Liston, Baumgardner, Bradford,
12 Casso, Kerr J., Massey, Murray, Nikkel, Priola, Rice,
13 Scanlan, Schafer S., Stephens, Tipton; also Senator(s)
14 Scheffel--Concerning an exemption for machinery used to
15 provide telecommunications service from the state sales
16 and use tax.
17 Committee on Finance
18 Committee on Appropriations
- 19
20 **HB10-1290** by Representative(s) Stephens--Concerning procedures for
21 small planned communities to elect to exempt themselves
22 from certain provisions of the "Colorado Common Interest
23 Ownership Act".
24 Committee on Local Government
- 25
26 **HB10-1291** by Representative(s) Priola, Acree, Apuan, Balmer,
27 Bradford, Kerr J., King S., Labuda, Levy, Liston, Looper,
28 Massey, McCann, McFadyen, McNulty, Middleton,
29 Murray, Nikkel, Sonnenberg, Stephens, Swalm, Waller;
30 also Senator(s) Newell, Hodge, Mitchell--Concerning the
31 elimination of certain witness fees.
32 Committee on Judiciary
- 33
34 **HB10-1292** by Representative(s) Murray, Schafer S.; also Senator(s)
35 Harvey--Concerning a clarification of the conditions on
36 land-use approvals that may be imposed by local
37 governments under statutory provisions governing the
38 regulatory impairment of property rights.
39 Committee on Local Government
- 40
41 **HB10-1293** by Representative(s) Massey--Concerning the creation of
42 a task force to study property tax assessment issues related
43 to the use of land for agricultural purposes.
44 Committee on State, Veterans, & Military Affairs
45 Committee on Appropriations
- 46
47 **HB10-1294** by Representative(s) Looper, Balmer, Baumgardner,
48 Casso, DelGrosso, Gardner C., Kerr J., Lambert, Liston,
49 McKinley, Murray, Priola, Stephens, Summers, Swalm,
50 Tipton, Vaad; also Senator(s) King K.--Concerning a
51 prohibition on the transfer of detainees from the
52 Guantanamo bay detention facility to a correctional facility
53 in the state of Colorado.
54 Committee on Judiciary
55

1 **HB10-1295** by Representative(s) Lambert, Acree, Baumgardner,
2 Bradford, DelGrosso, Gardner C., Gerou, Kerr J., Looper,
3 McNulty, Murray, Nikkel, Priola, Sonnenberg, Stephens,
4 Summers, Tipton; also Senator(s) Lundberg, King K.,
5 Brophy, Harvey, Kopp, Renfroe, Schultheis, Spence--
6 Concerning the creation of income tax credits for
7 nonpublic education.

8 Committee on Finance
9

10 **HB10-1296** by Representative(s) Swalm; also Senator(s) Penry--
11 Concerning an incentive for enrollment of qualified
12 children in private schools.

13 Committee on Finance
14

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16
17 **INTRODUCTION OF RESOLUTIONS**
18

19 The following resolution was read by title and referred to the committee
20 indicated:

21
22 **HJR10-1009** by Representative(s) Acree, Kerr J., Swalm, DelGrosso,
23 Gardner B., Gerou, King S., Lambert, Looper, Massey,
24 May, Murray, Nikkel, Priola, Roberts, Stephens, Vaad;
25 also Senator(s) Mitchell, Lundberg--Concerning the State
26 of Colorado's sovereignty under the Tenth Amendment to
27 the Constitution of the United States over all powers not
28 granted to the federal government and not prohibited to the
29 states.

30 Committee on Judiciary

31 Committee on State, Veterans, & Military Affairs
32

33
34 The following resolution was read by title and laid over one day under the
35 rules:

36
37 **HJR10-1010** by Representative(s) Massey and Benefield; also
38 Senator(s) Johnston, Hudak--Concerning civility in the
39 Colorado General Assembly.
40

41
42
43 **NOTICE OF CALENDARED ITEM(S)**
44

45
46 On motion of Representative Weissmann, the following bill(s) will be
47 calendared for Second Reading on February 10, 2010: **HB10-1002, 1030,**
48 **1058, 1197, 1044, 1008, 1024, 1115, 1009, 1097, 1007, 1212.**
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LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until February 8, retaining place on Calendar:

Consideration of Third Reading--**HB10-1064, 1059, 1023, 1065, 1090, 1117, 1116, 1004.**

On motion of Representative Weissmann, the House adjourned until 10:00 a.m., February 8, 2010.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk