

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

On hundred-eighth Legislative Day

Friday, April 30, 2010

1 Prayer by Susie Walz, Clinical Counseling Hypnotherapist, Evergreen.

2

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

4

5 Pledge of Allegiance led by Yolexy Morales, Angel Garcia, Ashley  
6 Gomez, Jefferson High School, Edgewater.

7

8 The roll was called with the following result:

9

10 Present--46.

11 Excused--Representative(s) Curry, Ferrandino, Fischer,  
12 Gardner B., Hullinghorst, Judd, Kefalas, Kerr J., Lambert,  
13 Liston, McKinley, Merrifield, Pace, Pommer, Riesberg,  
14 Sonnenberg, Todd, Vaad, Waller--19.

15 Present after roll call--Representative(s) Curry,  
16 Ferrandino, Fischer, Gardner B., Hullinghorst, Judd, Kefalas,  
17 Kerr J., Lambert, Liston, Merrifield, Pace, Pommer, Riesberg,  
18 Sonnenberg, Vaad, Waller.

19

20 The Speaker declared a quorum present.

21

22

23 On motion of Representative Murray, the reading of the journal of  
24 April 29, 2010, was declared dispensed with and approved as corrected  
25 by the Chief Clerk.

26

27 House in recess. House reconvened.

28

29

30

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

32

33 **APPROPRIATIONS**

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

36

37 **HB10-1366** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:

40

41 Amend printed bill, page 3, after line 9 insert:

42 "SECTION 3. Exception to the requirements of section  
43 2-2-703, Colorado Revised Statutes. The general assembly hereby finds

1 that the amendments to sections 17-2-201 and 18-1.3-204, Colorado  
2 Revised Statutes, enacted in sections 1 and 2 of this act, will result in the  
3 minor fiscal impact of one additional offender being convicted and  
4 sentenced to the department of corrections every two years during the five  
5 years following passage of this act. Because of the relative insignificance  
6 of this degree of fiscal impact, these amendments are an exception to the  
7 five-year appropriation requirements specified in section 2-2-703,  
8 Colorado Revised Statutes.".

9  
10 Renumber succeeding section accordingly.

11  
12  
13  
14 **HB10-1403** be amended as follows, and as so amended, be referred to  
15 the Committee of the Whole with favorable  
16 recommendation:

17  
18 Amend printed bill, page 16, after line 18 insert:

19  
20 **"SECTION 32. Appropriation.** In addition to any other  
21 appropriation, there is hereby appropriated, out of any moneys in the  
22 department of state cash fund created in section 24-21-104 (3) (b),  
23 Colorado Revised Statutes, not otherwise appropriated, to the department  
24 of state, for the fiscal year beginning July 1, 2010, the sum of one  
25 hundred five thousand two hundred dollars (\$105,200) cash funds, or so  
26 much thereof as may be necessary, for the implementation of this act.".

27  
28 Renumber succeeding section accordingly.

29  
30 Page 1, line 102 strike "STATE." and substitute "STATE, AND MAKING AN  
31 APPROPRIATION THEREFOR."

32  
33  
34  
35 **HB10-1407** be amended as follows, and as so amended, be referred to  
36 the Committee of the Whole with favorable  
37 recommendation:

38  
39 Amend the Agriculture, Livestock, and Natural Resources Committee  
40 Report, dated April 27, 2010, page 1, after line 5 insert:

41  
42 "Page 3 of the printed bill, line 6, strike "THE" and substitute "IF THREE  
43 THOUSAND EIGHT HUNDRED SEVENTY-TWO DOLLARS IS RECEIVED  
44 THROUGH GIFTS, GRANTS, AND DONATIONS TO PAY FOR THE COSTS  
45 ASSOCIATED WITH THE ADVISORY COUNCIL ON OR BEFORE AUGUST 1,  
46 2010, THE"."

47  
48 Page 1 of the report, line 10, strike "WORKERS." and substitute  
49 "WORKERS. IF ENOUGH MONEYS ARE NOT RECEIVED, THE RANGE WORKER  
50 ADVISORY COUNCIL SHALL BE DISSOLVED AND RELIEVED OF ITS DUTIES  
51 PURSUANT TO THIS SECTION. IF THE ADVISORY COUNCIL DETERMINES  
52 THAT ENOUGH GIFTS, GRANTS, AND DONATIONS ARE RECEIVED, THE  
53 ADVISORY COMMITTEE MAY CONTRACT WITH A PRIVATE ENTITY TO  
54 FACILITATE THE MEETINGS.".

55  
56 Page 1 of the report, after line 10, insert:

1 "Page 4 of the bill, line 2, strike "ANNUALLY" and substitute  
2 "CONTINUOUSLY".".

3  
4 Page 1 of the report, after line 14, insert:

5  
6 "Page 4 of the bill, after line 8 insert:

7  
8 **"SECTION 2. Appropriation.** In addition to any other  
9 appropriation, there is hereby appropriated, out of any moneys in the  
10 range worker advisory council cash fund created in section 8-3.7-101 (5),  
11 Colorado Revised Statutes, not otherwise appropriated, to the department  
12 of labor and employment, for the fiscal year beginning July 1, 2010, the  
13 sum of three thousand eight hundred seventy-two dollars (\$3,872) cash  
14 funds, or so much thereof as may be necessary, for the implementation of  
15 this act.".

16  
17 Renumber succeeding section accordingly.

18  
19 Page 1, line 102, strike "COUNCIL." and substitute "COUNCIL, AND  
20 MAKING AN APPROPRIATION THEREFOR.".".

21  
22  
23  
24 **HB10-1409** be amended as follows, and as so amended, be referred to  
25 the Committee of the Whole with favorable  
26 recommendation:

27  
28 Amend printed bill, page 4, line 1, strike "THE FOLLOWING".

29  
30 Page 4, line 2, strike "NEW PARAGRAPHS," and substitute "A NEW  
31 PARAGRAPH,".

32  
33 Page 6, strike lines 11 through 21.

34  
35  
36  
37 **HB10-1410** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:

40  
41 Amend the Finance Committee Report, dated April 27, 2010, page 1,  
42 before line 1 insert:

43  
44 "Page 2 of the printed bill, line 14, strike "10-\_\_\_\_" and substitute "10-  
45 1410".".

46  
47 Page 1 of the report, after line 3 insert:

48  
49 "Page 3 of the printed bill, line 26, strike "2010-11," and substitute  
50 "2009-10,".".

51  
52 Page 1 of the report, after line 5 insert:

53  
54 "Page 4 of the bill, line 8, after ""FUND"." add "IN NO INSTANCE SHALL  
55 THE TRANSFER REQUIRED BY THIS PARAGRAPH (e) EXCEED THE AMOUNT  
56 OF THE GENERAL FUND SURPLUS THAT REMAINS AFTER THE REQUIRED

1 RESERVES SPECIFIED IN SECTION 24-75-201.1 (1) (d)."

2

3 Page 5 of the bill, strike lines 18 and 19 and substitute "TO PAY ITS  
4 EMPLOYEES FOR WORK PERFORMED DURING THE MONTH OF JUNE ON THE  
5 SAME SCHEDULE THAT THE DEPARTMENT, OFFICE, OR AGENCY TYPICALLY  
6 FOLLOWS FOR MONTHS OTHER THAN JUNE."."

7

8 Page 1 of the report, line 7, strike "2010-11," and substitute "2009-10,".

9

10

11

12 **HB10-1411** be amended as follows, and as so amended, be referred to  
13 the Committee of the Whole with favorable  
14 recommendation:

15

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

17

18 **"SECTION 2. Appropriation.** In addition to any other  
19 appropriation, there is hereby appropriated out of any moneys in the  
20 general fund, not otherwise appropriated, to the department of public  
21 safety, colorado bureau of investigation, state point of contact - national  
22 instant criminal background check program, for personal services and  
23 operating expenses, for the fiscal year beginning July 1, 2010, the sum of  
24 fifty-one thousand five hundred fifty-one dollars (\$51,551) and 1.3 FTE,  
25 or so much thereof as may be necessary, for the implementation of this  
26 act."

27

28 Page 1, strike lines 101 and 102 and substitute "**CONCERNING THE  
29 PROCESS FOR RESOLVING A DENIAL OF A TRANSFER OF A FIREARM  
30 WHEN THE DENIAL IS BASED ON A PROSPECTIVE TRANSFEREE'S  
31 CRIMINAL RECORD, WHICH CRIMINAL RECORD INCLUDES A CASE FOR  
32 WHICH THERE APPEARS TO BE NO FINAL DISPOSITION, AND MAKING AN  
33 APPROPRIATION THEREFOR.**"

34

35

36

37 **HB10-1413** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:

40

41 Amend the Judiciary Committee Report, dated April 26, 2010, page 10,  
42 after line 18 insert:

43

44 **"SECTION 6. Appropriation - adjustments to the 2010 long  
45 bill - legislative intent.** (1) In addition to any other appropriation, there  
46 is hereby appropriated, out of any moneys in the general fund not  
47 otherwise appropriated, to the department of human services, for  
48 allocation to the division of youth corrections, for the purchase of contract  
49 placements , for the fiscal year beginning July 1, 2010, the sum of three  
50 hundred seventy-one thousand eight hundred eighty dollars (\$371,880),  
51 or so much thereof as may be necessary, for the implementation of this  
52 act.

53

54 (2) In addition to any other appropriation, there is hereby  
55 appropriated, out of any moneys in the general fund not otherwise  
56 appropriated, to the department of corrections, institutions, for the

1 youthful offender system subprogram, for the fiscal year beginning July  
2 1, 2010, the sum of one hundred thirty-five thousand six hundred seventy-  
3 eight dollars (\$135,678), or so much thereof as may be necessary, for the  
4 implementation of this act.

5  
6 (3) For the implementation of this act, the general fund  
7 appropriation made in the annual general appropriation act for the fiscal  
8 year beginning July 1, 2010, to the department of corrections,  
9 management, external capacity subprogram, for payments to house state  
10 prisoners, is decreased by two hundred sixty-six thousand eight hundred  
11 three dollars (\$266,803).

12  
13 (4) It is the intent of the general assembly that the general fund  
14 appropriation for the implementation of this act shall be derived from  
15 savings generated from the implementation of the provisions of House  
16 Bill 10-1360, as enacted during the second regular session of the  
17 sixty-seventh general assembly."

18  
19 Renumber succeeding section accordingly.

20  
21 Page 10, line 20, strike "This" and substitute "Except as otherwise  
22 provided in subsection (2) of this section, this".

23  
24 Page 10, after line 28 insert:

25  
26 "(2) This act shall only take effect if:

27  
28 (a) The final fiscal estimate for House Bill 10-1360, as determined  
29 from the appropriations enacted in said bill, shows a net reduction in the  
30 amount of general fund revenues appropriated for state fiscal year  
31 2010-11, that is equal to or greater than amount of the general fund  
32 appropriation made for the implementation of this act for state fiscal year  
33 2010-11, as reflected in section 6 of this act; and

34  
35 (b) House Bill 10-1360 is enacted at the second regular session of  
36 the sixty-seventh general assembly and becomes law; and

37  
38 (c) The staff director of the joint budget committee files written  
39 notice with the revisor of statutes no later than July 15, 2010, that the  
40 requirement set forth in paragraph (a) of this subsection (2) has been  
41 met."

42  
43 Page 10, line 29, strike "(2)" and substitute "(3)".

44  
45 Page 10, line 30, strike "(2)," and substitute "(3),".

46  
47 Page 10 of the report, after line 34 insert:

48  
49 "Page 1 of the bill, line 101, strike "ADULTS." and substitute "ADULTS,  
50 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

51  
52  
53  
54 **HB10-1416** be postponed indefinitely.

55  
56

1 **HCR10-1003** be postponed indefinitely.

2

3

4 **HCR10-1008** be amended as follows, and as so amended, be referred to  
5 the Committee of the Whole with favorable  
6 recommendation:

7

8 Amend printed bill, page 2, line 9, strike "ALL" and substitute  
9 "NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL".

10

11 Page 2, line 11, before "MONEYS" insert "PUBLIC".

12

13

14

15

16 **HEALTH & HUMAN SERVICES**

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

19

20 **HB10-1426** be amended as follows, and as so amended, be referred to  
21 the Committee on Appropriations with favorable  
22 recommendation:

23

24 Amend printed bill, page 3, after line 20 insert :

25

26 "(IV) IN ENACTING THIS SUBSECTION (1.5), IT IS THE INTENT OF THE  
27 GENERAL ASSEMBLY NOT TO CHANGE THE ELIGIBILITY OF OR THE PROCESS  
28 FOR THE TRINIDAD STATE NURSING HOME FOR CAPITAL CONSTRUCTION OR  
29 CONTROLLED MAINTENANCE MONEYS."

30

31

32

33

34 **JUDICIARY**

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

37

38 **HB10-1152** be amended as follows, and as so amended, be rereferred  
39 to the Committee on Appropriations with favorable  
40 recommendation:

41

42 Strike the House Judiciary Committee Report dated February 18, 2010,  
43 and substitute:

44

45 "Amend printed bill, strike everything below the enacting clause and  
46 substitute:

47

48 "SECTION 1. 18-13-107 (3) and (4), Colorado Revised Statutes,  
49 are amended, and the said 18-13-107 is further amended BY THE  
50 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

51

52 **18-13-107. Interference with persons with disabilities.** (3) ~~No~~  
53 A person shall NOT beat, harass, intimidate, entice, distract, or otherwise  
54 interfere with ~~any dog~~ AN ANIMAL on a blaze orange leash or  
55 accompanying a person carrying a white or white tipped with red or  
56 metallic colored cane or walking stick or any assistance ~~dog~~ ANIMAL, as

1 defined in section 24-34-803 (7), C.R.S. ~~accompanying a person when~~  
2 ~~that dog is being controlled by or wearing a harness normally used for~~  
3 ~~dogs accompanying or leading persons with disabilities.~~  
4

5 (4) ~~Violation of the provisions of subsection (1) of this section is~~  
6 ~~a class 1 petty offense. Violation of the provisions of subsection (3) of~~  
7 ~~this section is a class 3 misdemeanor~~ A PERSON SHALL NOT DENY A  
8 PERSON WITH A DISABILITY FULL AND EQUAL ACCESS TO ANY PLACE OF  
9 PUBLIC ACCOMMODATION AS DEFINED IN SECTION 24-34-301, C.R.S., OR  
10 OTHERWISE VIOLATE THE PROVISIONS OF PARTS 5 TO 8 AND PART 10 OF  
11 ARTICLE 34 OF TITLE 24, C.R.S., WITH RESPECT TO A PERSON BECAUSE OF  
12 DISABILITY.  
13

14 (5) A PERSON SHALL NOT DENY A PERSON WITH A DISABILITY WHO  
15 IS USING AN ASSISTANCE ANIMAL OR A PERSON WHO IS TRAINING AN  
16 ASSISTANCE ANIMAL, AS DEFINED IN SECTION 24-34-803 (7), C.R.S., THE  
17 ABILITY TO ACCESS A GOVERNMENT BUILDING, A PLACE OF PUBLIC  
18 ACCOMMODATION, HOUSING, OR PUBLIC TRANSPORTATION.  
19

20 (6) VIOLATION OF THE PROVISIONS OF SUBSECTION (1) OF THIS  
21 SECTION IS A CLASS 1 PETTY OFFENSE. VIOLATION OF ANY OF THE  
22 PROVISIONS OF SUBSECTIONS (3) TO (5) OF THIS SECTION IS A CLASS 3  
23 MISDEMEANOR.  
24

25 **SECTION 2.** The introductory portion to 24-34-301 and  
26 24-34-301 (2.5), (5), and (6), Colorado Revised Statutes, are amended,  
27 and the said 24-34-301 is further amended BY THE ADDITION OF THE  
28 FOLLOWING NEW SUBSECTIONS, to read:  
29

30 **24-34-301. Definitions.** As used in THIS PART 3 AND parts 3 to 7  
31 4 TO 8 AND PART 10 of this article, unless the context otherwise requires:  
32

33 (1.3) "AGENCY" OR "STATE AGENCY" SHALL HAVE THE SAME  
34 MEANING AS SET FORTH IN SECTION 24-4-102 (3).  
35

36 (2.5) (a) "Disability" ~~means a physical impairment which~~  
37 ~~substantially limits one or more of a person's major life activities and~~  
38 ~~includes a record of such an impairment and being regarded as having~~  
39 ~~such an impairment~~ SHALL HAVE THE SAME MEANING AS SET FORTH IN THE  
40 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
41 12101 ET SEQ.  
42

43 (b) (I) ~~On and after July 1, 1990, as to part 5 of this article,~~  
44 ~~"disability" shall also include such a person who has a mental impairment,~~  
45 ~~but such term does not include any person currently involved in the illegal~~  
46 ~~use of or addiction to a controlled substance.~~  
47

48 (II) ~~On and after July 1, 1992, as to parts 4, 6, and 7 of this article,~~  
49 ~~"disability" shall also include such a person who has a mental impairment.~~  
50

51 (III) ~~The term "mental impairment" as used in subparagraphs (I)~~  
52 ~~and (II) of this paragraph (b) shall mean any mental or psychological~~  
53 ~~disorder such as developmental disability, organic brain syndrome, mental~~  
54 ~~illness, or specific learning disabilities.~~  
55

56 (5) "Person" means one or more individuals, limited liability

1 companies, partnerships, associations, corporations, legal representatives,  
2 trustees, OR receivers. ~~or the state of Colorado, and all political~~  
3 ~~subdivisions and agencies thereof.~~  
4

5 (5.3) "PLACE OF PUBLIC ACCOMMODATION" SHALL HAVE THE SAME  
6 MEANING AS SET FORTH IN TITLE III OF THE FEDERAL "AMERICANS WITH  
7 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12181 (7), AND MEANS ANY OF  
8 THE FOLLOWING PRIVATE ENTITIES IF THE OPERATIONS OF THE ENTITY  
9 AFFECT COMMERCE:  
10

11 (a) AN INN, HOTEL, MOTEL, OR OTHER PLACE OF LODGING, EXCEPT  
12 FOR AN ESTABLISHMENT LOCATED WITHIN A BUILDING THAT CONTAINS  
13 NOT MORE THAN FIVE ROOMS FOR RENT OR HIRE AND THAT IS ACTUALLY  
14 OCCUPIED BY THE PROPRIETOR OF THE ESTABLISHMENT AS HIS OR HER  
15 RESIDENCE;  
16

17 (b) A RESTAURANT, BAR, OR OTHER ESTABLISHMENT SERVING  
18 FOOD OR DRINK;  
19

20 (c) A MOTION PICTURE HOUSE, THEATER, CONCERT HALL,  
21 STADIUM, OR OTHER PLACE OF EXHIBITION OR ENTERTAINMENT;  
22

23 (d) AN AUDITORIUM, CONVENTION CENTER, LECTURE HALL, OR  
24 OTHER PLACE OF PUBLIC GATHERING;  
25

26 (e) A BAKERY, GROCERY STORE, CLOTHING STORE, HARDWARE  
27 STORE, SHOPPING CENTER, OR OTHER SALES OR RETAIL ESTABLISHMENT;  
28

29 (f) A LAUNDROMAT, DRY CLEANER, BANK, BARBER SHOP, BEAUTY  
30 SHOP, TRAVEL SERVICE, SHOE REPAIR SERVICE, FUNERAL PARLOR, GAS  
31 STATION, OFFICE OF AN ACCOUNTANT OR LAWYER, PHARMACY, INSURANCE  
32 OFFICE, PROFESSIONAL OFFICE OF A HEALTH CARE PROVIDER, HOSPITAL, OR  
33 OTHER SERVICE ESTABLISHMENT;  
34

35 (g) A TERMINAL, DEPOT, OR OTHER STATION USED FOR SPECIFIED  
36 PUBLIC TRANSPORTATION;  
37

38 (h) A MUSEUM, LIBRARY, GALLERY, OR OTHER PLACE OF PUBLIC  
39 DISPLAY OR COLLECTION;  
40

41 (i) A PARK, ZOO, AMUSEMENT PARK, OR OTHER PLACE OF  
42 RECREATION;  
43

44 (j) A NURSERY, ELEMENTARY, SECONDARY, UNDERGRADUATE, OR  
45 POSTGRADUATE PRIVATE SCHOOL, OR OTHER PLACE OF EDUCATION;  
46

47 (k) A DAY CARE CENTER, SENIOR CITIZEN CENTER, HOMELESS  
48 SHELTER, FOOD BANK, ADOPTION AGENCY, OR OTHER SOCIAL SERVICE  
49 CENTER ESTABLISHMENT; OR  
50

51 (l) A GYMNASIUM, HEALTH SPA, BOWLING ALLEY, GOLF COURSE,  
52 OR OTHER PLACE OF EXERCISE OR RECREATION.  
53

54 (5.5) "PUBLIC ENTITY" MEANS:  
55

56 (a) THE STATE OF COLORADO, A POLITICAL SUBDIVISION OF THE



1 STATE, OR A LOCAL GOVERNMENT;

2

3 (b) A DEPARTMENT, AGENCY, SPECIAL DISTRICT, SPECIAL PURPOSE  
4 AUTHORITY, OR OTHER INSTRUMENTALITY OF THE STATE OR A LOCAL  
5 GOVERNMENT.

6

7 (5.7) "QUALIFIED PERSON WITH A DISABILITY" MEANS A PERSON  
8 WITH A DISABILITY WHO MEETS THE ESSENTIAL ELIGIBILITY  
9 REQUIREMENTS OF A PUBLIC ENTITY TO RECEIVE ITS SERVICES OR  
10 PARTICIPATE IN ITS PROGRAMS OR ACTIVITIES, WITH OR WITHOUT  
11 REASONABLE MODIFICATIONS TO RULES, POLICIES, OR PRACTICES;  
12 REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR TRANSPORTATION  
13 BARRIERS; OR PROVISION OF AUXILIARY AIDS AND SERVICES.

14

15 (6) "Respondent" means any person, agency, organization, or  
16 other entity against whom a charge is filed pursuant to any of the  
17 provisions of parts 3 to 7 8 AND PART 10 of this article.

18

19 **SECTION 3.** The introductory portion to 24-34-401, Colorado  
20 Revised Statutes, is amended to read:

21

22 **24-34-401. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS  
23 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART  
24 4. IN ADDITION, as used in this part 4, unless the context otherwise  
25 requires:

26

27 **SECTION 4.** The introductory portion to 24-34-501, Colorado  
28 Revised Statutes, is amended to read:

29

30 **24-34-501. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS  
31 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART  
32 5. IN ADDITION, as used in this part 5, unless the context otherwise  
33 requires:

34

35 **SECTION 5.** 24-34-502.2, Colorado Revised Statutes, is  
36 amended BY THE ADDITION OF A NEW SUBSECTION to read:

37

38 **24-34-502.2. Unfair or discriminatory housing practices**  
39 **against persons with disabilities prohibited - penalty.** (3.5) A PERSON  
40 WHO DENIES THE RIGHTS OF A PERSON WITH A DISABILITY PROTECTED BY  
41 THIS PART 5 COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE SENTENCED  
42 IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

43

44 **SECTION 6.** 24-34-601 (1), Colorado Revised Statutes, is  
45 amended, and the said 24-34-601 is further amended BY THE  
46 ADDITION OF A NEW SUBSECTION, to read:

47

48 **24-34-601. Discrimination in places of public accommodation.**  
49 ~~(1) As used in this part 6 "place of public accommodation" means any~~  
50 ~~place of business engaged in any sales to the public and any place~~  
51 ~~offering services, facilities, privileges, advantages, or accommodations~~  
52 ~~to the public, including but not limited to any business offering wholesale~~  
53 ~~or retail sales to the public; any place to eat, drink, sleep, or rest, or any~~  
54 ~~combination thereof; any sporting or recreational area and facility; any~~  
55 ~~public transportation facility; a barber shop, bathhouse, swimming pool,~~  
56 ~~bath, steam or massage parlor, gymnasium, or other establishment~~

1 ~~conducted to serve the health, appearance, or physical condition of a~~  
 2 ~~person; a campsite or trailer camp; a dispensary, clinic, hospital,~~  
 3 ~~convalescent home, or other institution for the sick, ailing, aged, or~~  
 4 ~~infirm; a mortuary, undertaking parlor, or cemetery; an educational~~  
 5 ~~institution; or any public building, park, arena, theater, hall, auditorium,~~  
 6 ~~museum, library, exhibit, or public facility of any kind whether indoor or~~  
 7 ~~outdoor. "Place of public accommodation" shall not include a church,~~  
 8 ~~synagogue, mosque, or other place that is principally used for religious~~  
 9 ~~purposes~~ THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301  
 10 SHALL APPLY TO SAID TERMS AS USED IN THIS PART 6.

11

12 (4) WITH RESPECT TO DISABILITY DISCRIMINATION, NOTHING IN  
 13 THIS PART 6 SHALL BE CONSTRUED TO IMPOSE BROADER DESIGN AND  
 14 CONSTRUCTION AND BARRIER-REMOVAL REQUIREMENTS THAN PROVIDED  
 15 FOR IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42  
 16 U.S.C. SEC. 12101 ET SEQ.

17

18 **SECTION 7.** 24-34-602 (1) and (2), Colorado Revised Statutes,  
 19 are amended, and the said 24-34-602 is further amended BY THE  
 20 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

21

22 **24-34-602. Penalties and civil liability.** (1) Any person who  
 23 violates section 24-34-601 ~~shall be fined not less than fifty dollars nor~~  
 24 ~~more than five hundred dollars~~ SHALL PAY ACTUAL DAMAGES OR  
 25 STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS  
 26 GREATER, TO THE PERSON AGGRIEVED for each violation. A person  
 27 aggrieved by the violation of section 24-34-601 shall bring an action in  
 28 any court of competent jurisdiction in the county where the violation  
 29 occurred. Upon finding a violation, the court shall order the defendant to  
 30 pay ~~the fine~~ DAMAGES to the aggrieved party. THE COURT SHALL ORDER  
 31 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS  
 32 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

33

34 (2) ~~For each violation of section 24-34-601, the person is guilty~~  
 35 ~~of a misdemeanor and, upon conviction thereof, shall be punished by a~~  
 36 ~~fine of not less than ten dollars nor more than three hundred dollars, or by~~  
 37 ~~imprisonment in the county jail for not more than one year, or by both~~  
 38 ~~such fine and imprisonment~~ A PERSON WHO DENIES THE RIGHTS OF A  
 39 PERSON WITH A DISABILITY PROTECTED BY THIS PART 6 COMMITS A CLASS  
 40 3 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH  
 41 SECTION 18-1.3-501 (1) (a), C.R.S.

42

43 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER  
 44 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND  
 45 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE  
 46 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
 47 12101 ET SEQ.

48

49 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND  
 50 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A  
 51 RESPONDENT WHO HAS BEEN FOUND IN VIOLATION OF THE PROVISIONS OF  
 52 SECTION 24-34-601 TO PAY TO THE GENERAL FUND ACCORDING TO THE  
 53 FOLLOWING SCHEDULE:

54

55 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

56

1 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND  
2 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED  
3 ANY OTHER VIOLATION OF SECTION 24-34-601 DURING THE FIVE-YEAR  
4 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

5  
6 **SECTION 8.** 24-34-703, Colorado Revised Statutes, is amended  
7 to read:

8  
9 **24-34-703. Definitions.** ~~A place of public accommodation, resort,~~  
10 ~~or amusement, within the meaning of this part 7, shall be deemed to~~  
11 ~~include any inn, tavern, or hotel, whether conducted for the entertainment,~~  
12 ~~housing, or lodging of transient guests or for the benefit, use, or~~  
13 ~~accommodation of those seeking health, recreation, or rest, and any~~  
14 ~~restaurant, eating house, public conveyance on land or water, bathhouse,~~  
15 ~~barber shop, theater, and music hall~~ THE DEFINITIONS PROVIDED FOR  
16 TERMS IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN  
17 THIS PART 7.

18  
19 **SECTION 9.** 24-34-705, Colorado Revised Statutes, is amended  
20 to read:

21  
22 **24-34-705. Penalties.** (1) ~~Any~~ A person who violates any of the  
23 provisions of this part 7 or who aids in, incites, causes, or brings about in  
24 whole or in part the violation of any of such provisions, for each and  
25 every violation thereof, is guilty of a CLASS 3 misdemeanor and, upon  
26 conviction thereof, shall be ~~punished by a fine of not less than one~~  
27 ~~hundred dollars nor more than five hundred dollars, or by imprisonment~~  
28 ~~in the county jail for not less than thirty days nor more than ninety days,~~  
29 ~~or by both such fine and imprisonment~~ SENTENCED IN ACCORDANCE WITH  
30 SECTION 18-1.3-501 (1) (a), C.R.S. The penalty provided by this section  
31 shall be an alternative to the relief authorized by section 24-34-306 (9),  
32 and a person who seeks redress under this section shall not be permitted  
33 to seek relief from the commission.

34  
35 (2) A PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON,  
36 FIRM, OR CORPORATION THAT VIOLATES THE PROVISIONS OF THIS PART 7  
37 SHALL PAY ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR  
38 THOUSAND DOLLARS, WHICHEVER IS GREATER, TO THE PERSON  
39 AGGRIEVED. THE COURT SHALL ORDER INJUNCTIVE RELIEF AND ANY  
40 OTHER RELIEF THE COURT DEEMS APPROPRIATE AND NECESSARY TO  
41 PREVENT FUTURE VIOLATIONS.

42  
43 (3) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER  
44 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND  
45 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE  
46 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
47 12101 ET SEQ.

48  
49 (4) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND  
50 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A  
51 RESPONDENT WHO HAS BEEN FOUND IN VIOLATION OF THE PROVISIONS OF  
52 THIS PART 7 TO PAY TO THE GENERAL FUND ACCORDING TO THE  
53 FOLLOWING SCHEDULE:

54  
55 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR  
56

1 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND  
2 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED  
3 ANY OTHER VIOLATION OF THIS PART 7 DURING THE FIVE-YEAR PERIOD  
4 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

5  
6 **SECTION 10.** 24-34-801 (1), Colorado Revised Statutes, is  
7 amended to read:

8  
9 **24-34-801. Legislative declaration.** (1) The general assembly  
10 hereby declares that it is the policy of the state:

11  
12 (a) To encourage and enable ~~the blind, the visually impaired, the~~  
13 ~~deaf, the partially deaf, and the otherwise physically disabled~~ PERSONS  
14 WITH DISABILITIES to participate fully in the social and economic life of  
15 the state and to engage in remunerative employment;

16  
17 (b) That ~~the blind, the visually impaired, the deaf, the partially~~  
18 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES  
19 shall be employed in the state service, the service of the political  
20 subdivisions of the state, the public schools, and in all other employment  
21 supported in whole or in part by public funds on the same terms and  
22 conditions as the able-bodied unless it is shown that the particular  
23 disability prevents the performance of the work involved;

24  
25 (c) That ~~the blind, the visually impaired, the deaf, the partially~~  
26 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES  
27 have the same rights as the able-bodied to the full and free use of the  
28 streets, highways, sidewalks, walkways, public buildings, public facilities,  
29 and other public places;

30  
31 (d) That ~~the blind, the visually impaired, the deaf, the partially~~  
32 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES  
33 are entitled to full and equal housing and full and equal accommodations,  
34 advantages, facilities, and privileges of all common carriers, airplanes,  
35 motor vehicles, railroad trains, motor buses, streetcars, boats, or any other  
36 public conveyances or modes of transportation, hotels, motels, lodging  
37 places, places of public accommodation, amusement, or resort, and other  
38 places to which the general public is invited, including restaurants and  
39 grocery stores; and that ~~the blind, the visually impaired, the deaf, the~~  
40 ~~partially deaf, or the otherwise physically disabled person~~ assume THE  
41 PERSON WITH A DISABILITY ASSUMES the liability for any injury that he or  
42 she might sustain which is attributable solely to causes originating with  
43 the nature of the particular disability involved and otherwise subject only  
44 to the conditions and limitations established by law and applicable alike  
45 to all persons.

46  
47 (e) and (f) Repealed.

48  
49 **SECTION 11.** 24-34-802, Colorado Revised Statutes, is amended  
50 to read:

51  
52 **24-34-802. Violations - penalties.** (1) ~~Any~~ A person, firm, or  
53 corporation or the agent of ~~any~~ A person, firm, or corporation that denies  
54 or interferes with the rights and the admittance to or enjoyment of the  
55 public facilities enumerated in ~~section 24-34-801 (1) (b) to (1) (d)~~ is  
56 ~~guilty of a misdemeanor and, upon conviction thereof, shall be punished~~

1 ~~by a fine of not more than one hundred dollars, or by imprisonment in the~~  
2 ~~county jail for not more than sixty days, or by both such fine and~~  
3 ~~imprisonment~~ THIS PART 8 COMMITS A CLASS 3 MISDEMEANOR AND SHALL  
4 BE SENTENCED IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

5

6 (2) IT SHALL BE UNLAWFUL FOR A PERSON, FIRM, OR CORPORATION  
7 OR THE AGENT OF A PERSON, FIRM, OR CORPORATION TO DISCRIMINATE  
8 AGAINST AN INDIVIDUAL BECAUSE THE INDIVIDUAL HAS:

9

10 (a) OPOSED ANY DISCRIMINATORY PRACTICE SET FORTH IN THIS  
11 PART 8; OR

12

13 (b) MADE A COMPLAINT, TESTIFIED, ASSISTED, OR PARTICIPATED  
14 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING  
15 CONDUCTED PURSUANT TO THIS PART 8.

16

17 (3) A PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON,  
18 FIRM, OR CORPORATION THAT VIOLATES THE PROVISIONS OF THIS SECTION  
19 OR ANY OTHER PROVISION OF THIS PART 8 SHALL PAY ACTUAL DAMAGES  
20 OR STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS  
21 GREATER, TO THE PERSON AGGRIEVED. THE COURT SHALL ORDER  
22 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS  
23 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

24

25 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER  
26 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND  
27 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE  
28 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
29 12101 ET SEQ.

30

31 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND  
32 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A  
33 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN VIOLATION  
34 OF THE PROVISIONS OF SECTION 24-34-801 TO PAY TO THE GENERAL FUND  
35 ACCORDING TO THE FOLLOWING SCHEDULE:

36

37 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

38

39 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND  
40 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED  
41 ANY OTHER VIOLATION OF SECTION 24-34-801 DURING THE FIVE-YEAR  
42 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

43

44 **SECTION 12.** 24-34-803, Colorado Revised Statutes, is amended  
45 to read:

46

47 **24-34-803. Rights of persons with assistance animals -**  
48 **definitions.** (1) A person with a disability ~~including but not limited to~~  
49 ~~a blind, visually impaired, deaf, hard of hearing, or otherwise physically~~  
50 ~~disabled person,~~ has the right to be accompanied by an assistance dog  
51 ANIMAL specially trained for that person without being required to pay an  
52 extra charge for the assistance dog ~~in or on the following places and~~  
53 ~~subject to the conditions and limitations established by law and applicable~~  
54 ~~alike to all persons:~~ ANIMAL IN OR ON THE PROPERTY OF ANY PLACE OF  
55 EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION, PUBLIC ENTITY, OR  
56 PUBLIC TRANSPORTATION SERVICES.

- 1           ~~(a) Public streets, highways, walkways, public buildings, public~~  
2 ~~facilities and services, and other public places;~~  
3
- 4           ~~(b) Any place of public accommodation or on public~~  
5 ~~transportation services; and~~  
6
- 7           ~~(c) Any housing accommodation offered for rent, lease, or other~~  
8 ~~compensation in the state.~~  
9
- 10           (2) A trainer of an assistance ~~dog~~ ANIMAL has the right to be  
11 accompanied by ~~an~~ THE assistance ~~dog~~ ANIMAL that the trainer is in the  
12 process of training without being required to pay an extra charge for the  
13 assistance ~~dog in or on the following places:~~ ANIMAL IN OR ON THE  
14 PROPERTY OF ANY PLACE OF EMPLOYMENT, HOUSING, PUBLIC  
15 ACCOMMODATION, PUBLIC ENTITY, OR PUBLIC TRANSPORTATION SERVICES.  
16
- 17           ~~(a) Public streets, highways, walkways, public buildings, public~~  
18 ~~facilities and services, and other public places; and~~  
19
- 20           ~~(b) Any place of public accommodation or on public~~  
21 ~~transportation services.~~  
22
- 23           (3) (a) An employer shall ~~not refuse to~~ permit an employee with  
24 a disability who is accompanied by an assistance ~~dog~~ ANIMAL to keep the  
25 employee's assistance ~~dog~~ ANIMAL with ~~the employee~~ HIM OR HER at all  
26 times in the place of employment. An employer shall not fail or refuse to  
27 hire or discharge any person with a disability, or otherwise discriminate  
28 against any person with a disability, with respect to compensation, terms,  
29 conditions, or privileges of employment because ~~that person with a~~  
30 ~~disability~~ HE OR SHE is accompanied by an assistance ~~dog~~ ANIMAL  
31 specially trained for ~~that person~~ TO ASSIST THE PERSON WITH HIS OR HER  
32 DISABILITY.  
33
- 34           (b) An employer shall make reasonable accommodation to make  
35 the workplace accessible for an otherwise qualified person with a  
36 disability who is an applicant or employee and who is accompanied by an  
37 assistance ~~dog~~ ANIMAL specially trained for that person unless the  
38 employer can show that the accommodation would impose an undue  
39 hardship on the employer's business. For purposes of this paragraph (b),  
40 "undue hardship" means an action requiring significant difficulty or  
41 expense.  
42
- 43           (4) (a) The owner or ~~the~~ person having control or custody of an  
44 assistance ~~dog~~ ANIMAL or an assistance ~~dog~~ ANIMAL in training is liable  
45 for any damage to persons, premises, or facilities, including places of  
46 housing accommodation and places of employment, NEGLIGENTLY caused  
47 by that person's assistance ~~dog~~ ANIMAL or assistance ~~dog~~ ANIMAL in  
48 training. The OWNER OR person having control or custody of an  
49 assistance ~~dog~~ ANIMAL or an assistance ~~dog~~ ANIMAL in training shall be  
50 subject to the provisions of section 18-9-204.5, C.R.S.  
51
- 52           (b) A PERSON WHO NEGLIGENTLY HARMS AN ASSISTANCE ANIMAL  
53 OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE LIABLE TO THE OWNER  
54 OF THE ASSISTANCE ANIMAL OR ASSISTANCE ANIMAL IN TRAINING FOR  
55 TREBLE THE AMOUNT OF ACTUAL DAMAGES.  
56

1 (c) THE OWNER OF AN ANIMAL THAT NEGLIGENTLY HARMS AN  
2 ASSISTANCE ANIMAL OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE  
3 LIABLE TO THE OWNER OF THE ASSISTANCE ANIMAL OR ASSISTANCE  
4 ANIMAL IN TRAINING FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

5  
6 (5) A person with a disability is exempt from any state or local  
7 licensing fees or charges that might otherwise apply in connection with  
8 owning an assistance ~~dog~~ ANIMAL.

9  
10 (6) The mere presence of an assistance ~~dog~~ ANIMAL in a place of  
11 public accommodation shall not be grounds for any violation of a sanitary  
12 standard, rule, or regulation promulgated pursuant to section 25-4-1604,  
13 C.R.S.

14  
15 (7) THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301  
16 SHALL APPLY TO SAID TERMS AS USED IN THIS SUBSECTION (7). IN  
17 ADDITION, as used in this section, unless the context otherwise requires:

18  
19 (a) (I) "Assistance ~~dog~~ ANIMAL" means ~~a dog~~ AN ANIMAL that has  
20 been or is being trained as ~~a guide dog, hearing dog, or service dog. Such~~  
21 ~~terms are further defined as follows:~~ TO PERFORM ONE OR MORE SPECIFIC  
22 FUNCTIONS FOR A PERSON WITH A DISABILITY. THIS PARAGRAPH (a) SHALL  
23 NOT BE CONSTRUED TO PROVIDE ANY BROADER PROTECTIONS THAN  
24 REQUIRED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF  
25 1990".

26  
27 (II) AN ASSISTANCE ANIMAL SHALL NOT INCLUDE AN ANIMAL THAT  
28 POSES A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHERS. FOR THE  
29 PURPOSES OF THIS SECTION, "DIRECT THREAT" MEANS A SIGNIFICANT RISK  
30 TO THE HEALTH OR SAFETY OF OTHERS THAT CANNOT BE ELIMINATED BY  
31 A MODIFICATION OF POLICIES, PRACTICES, OR PROCEDURES, OR BY THE  
32 PROVISION OF AUXILIARY AIDS OR SERVICES.

33  
34 (I) ~~"Guide dog" means a dog that has been or is being specially~~  
35 ~~trained to aid a particular blind or visually impaired person.~~

36  
37 (II) ~~"Hearing dog" means a dog that has been or is being specially~~  
38 ~~trained to aid a particular deaf or hearing impaired person.~~

39  
40 (III) ~~"Service dog" means a dog that has been or is being specially~~  
41 ~~trained to aid a particular physically disabled person with a physical~~  
42 ~~disability other than sight or hearing impairment.~~

43  
44 (b) ~~"Disability" has the same meaning as set forth in the federal~~  
45 ~~"Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12102 (2), as~~  
46 ~~amended.~~

47  
48 (c) "Employer" has the same meaning as set forth in the federal  
49 "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12111 (5), as  
50 amended, OR IN SECTION 24-34-401 (3), WHICHEVER DEFINITION PROVIDES  
51 GREATER PROTECTION FOR THE PERSON WITH THE DISABILITY.

52  
53 (d) "Housing accommodations" means any real property or portion  
54 thereof that is used or occupied, or intended, arranged, or designed to be  
55 used or occupied, as the home, residence, or sleeping place of one or  
56 more persons but does not include any single family residence, the

1 occupants of which rent, lease, or furnish for compensation not more than  
2 one room in that residence.

3

4 (e) ~~"Places of public accommodation" means the following~~  
5 ~~categories of private entities:~~

6

7 (I) ~~Inns, hotels, motels, or other places of lodging, except~~  
8 ~~establishments located within buildings actually occupied by the~~  
9 ~~proprietor as the proprietor's residence containing five or fewer rooms for~~  
10 ~~rent or hire;~~

11

12 (II) ~~Restaurants, bars, cafeterias, lunchrooms, lunch counters, soda~~  
13 ~~fountains, casinos, or other establishments serving food or drink,~~  
14 ~~including any such facility located on the premises of any retail~~  
15 ~~establishment;~~

16

17 (III) ~~Gasoline stations or garages;~~

18

19 (IV) ~~Motion picture theaters, theaters, billiard or pool halls,~~  
20 ~~concert halls, stadiums, sports arenas, amusement or recreation parks, or~~  
21 ~~other places of exhibition or entertainment;~~

22

23 (V) ~~Auditoriums, convention centers, lecture halls, or other places~~  
24 ~~of public gathering;~~

25

26 (VI) ~~Bakeries, grocery stores, clothing stores, hardware stores,~~  
27 ~~shopping centers, or other sales or retail establishments;~~

28

29 (VII) ~~Laundromats, dry cleaners, banks, barber shops, beauty~~  
30 ~~shops, travel services, shoe repair services, funeral parlors, offices of~~  
31 ~~accountants or attorneys-at-law, pharmacies, insurance offices,~~  
32 ~~professional offices of health care providers, hospitals, or other service~~  
33 ~~establishments;~~

34

35 (VIII) ~~Terminals, depots, or other stations used for specified~~  
36 ~~purposes;~~

37

38 (IX) ~~Museums, libraries, galleries, or other places of public~~  
39 ~~display or collection;~~

40

41 (X) ~~Parks, zoos, or other places of recreation;~~

42

43 (XI) ~~Nursery, elementary, secondary, undergraduate, or graduate~~  
44 ~~schools or other places of education;~~

45

46 (XII) ~~Day care centers, senior citizen centers, homeless shelters,~~  
47 ~~food banks, adoption agencies, or other social service center~~  
48 ~~establishments;~~

49

50 (XIII) ~~Gymnasiums, health spas, bowling alleys, golf courses, or~~  
51 ~~other places of exercise or recreation;~~

52

53 (XIV) ~~Any other establishment or place to which the public is~~  
54 ~~invited; or~~

55

56 (XV) ~~Any establishment physically containing or contained within~~



1 ~~any of the establishments described in this paragraph (e) that holds itself~~  
 2 ~~out as serving patrons of the described establishment.~~

3  
 4 (f) "Public transportation services" means common carriers of  
 5 passengers or any other means of public conveyance or modes of  
 6 transportation, including but not limited to airplanes, motor vehicles,  
 7 railroad trains, motor buses, streetcars, boats, or taxis.

8  
 9 (g) "Trainer of an assistance ~~dog~~ ANIMAL" means a person who is  
 10 qualified to train ~~dogs~~ AN ANIMAL to serve as AN assistance ~~dogs~~ ANIMAL.

11  
 12 **SECTION 13.** 24-34-804, Colorado Revised Statutes, is amended  
 13 to read:

14  
 15 **24-34-804. Violations - penalties.** (1) It is unlawful for any  
 16 person, firm, corporation, or agent of any person, firm, or corporation to:

17  
 18 (a) Withhold, deny, deprive, or attempt to withhold, deny, or  
 19 deprive any person with a disability or trainer OF AN ASSISTANCE ANIMAL  
 20 of any of the rights or privileges secured in section 24-34-803;

21  
 22 (b) Threaten to interfere with any of the rights ~~of persons with~~  
 23 ~~disabilities or trainers secured in section 24-34-803~~ SECURED IN SECTION  
 24 24-34-803 FOR A PERSON WITH A DISABILITY OR A TRAINER OF AN  
 25 ASSISTANCE ANIMAL;

26  
 27 (c) Punish or attempt to punish any person with a disability or  
 28 trainer OF AN ASSISTANCE ANIMAL for exercising or attempting to exercise  
 29 any right or privilege secured by section 24-34-803; ~~or~~

30  
 31 (d) Interfere with, injure, or harm, or cause another dog to  
 32 interfere with, injure, or harm, an assistance ~~dog~~ ANIMAL; OR

33  
 34 (e) DISCRIMINATE AGAINST AN INDIVIDUAL BECAUSE THAT  
 35 INDIVIDUAL HAS OPPOSED A PRACTICE MADE A DISCRIMINATORY PRACTICE  
 36 BY THIS PART 8 OR BECAUSE THE INDIVIDUAL HAS MADE A CHARGE,  
 37 TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN  
 38 INVESTIGATION, PROCEEDING, OR HEARING CONDUCTED PURSUANT TO THIS  
 39 PART 8.

40  
 41 (2) Any person who violates any provision of ~~subsection (1) of~~  
 42 ~~this section~~ THIS PART 8 commits a class 3 misdemeanor and shall be  
 43 punished as provided in section 18-1.3-501, C.R.S.

44  
 45 (3) (a) Any person who violates any provision of subsection (1)  
 46 of this section shall be liable to the person with a disability or trainer OF  
 47 THE ASSISTANCE ANIMAL whose rights were affected for actual damages  
 48 for economic loss OR STATUTORY DAMAGES OF FOUR THOUSAND  
 49 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION to be recovered  
 50 in a civil action in a court in the county where the infringement of rights  
 51 occurred or where the defendant resides. THE COURT SHALL ORDER  
 52 INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT DEEMS  
 53 APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.

54  
 55 (b) In any action commenced pursuant to this subsection (3), a  
 56 court may award costs and reasonable attorney fees.

1 (3.5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION  
2 AND SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION  
3 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN  
4 VIOLATION OF THE PROVISIONS OF SECTION 24-34-803 TO PAY TO THE  
5 GENERAL FUND ACCORDING TO THE FOLLOWING SCHEDULE:

6

7 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

8

9 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND  
10 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED  
11 ANY OTHER VIOLATION OF SECTION 24-34-803 DURING THE FIVE-YEAR  
12 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

13

14 (4) Nothing in this section is intended to interfere with remedies  
15 or relief that any person might be entitled to pursuant to parts 3 to 7 8 AND  
16 PART 10 of this article.

17

18 **SECTION 14.** Article 34 of title 24, Colorado Revised Statutes,  
19 is amended BY THE ADDITION OF A NEW PART to read:

20

21 **PART 10**  
22 **DISCRIMINATION BY PUBLIC ENTITIES**  
23 **AND STATE AGENCIES**

24

25 **24-34-1001. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS  
26 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART  
27 10.

28

29 **24-34-1002. Prohibition against discrimination by public**  
30 **entities.** (1) A QUALIFIED PERSON WITH A DISABILITY SHALL NOT BE  
31 EXCLUDED FROM PARTICIPATION IN OR DENIED THE BENEFITS OF THE  
32 SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE  
33 SUBJECTED TO DISCRIMINATION BY A PUBLIC ENTITY, BY REASON OF THE  
34 PERSON'S DISABILITY.

35

36 (2) DISCRIMINATION BY REASON OF DISABILITY INCLUDES ANY  
37 ACTION THAT WOULD CONSTITUTE A VIOLATION OF TITLE II OF THE  
38 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
39 12131 ET SEQ., AND ITS IMPLEMENTING REGULATIONS.

40

41 (3) IT SHALL BE UNLAWFUL FOR A PUBLIC ENTITY TO DISCRIMINATE  
42 AGAINST A PERSON BECAUSE THE PERSON HAS OPPOSED A PRACTICE THAT  
43 IS MADE A DISCRIMINATORY PRACTICE BY THIS PART 10 OR BECAUSE THE  
44 PERSON HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED IN  
45 ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING  
46 CONDUCTED PURSUANT TO THIS PART 10.

47

48 (4) WITH RESPECT TO DISABILITY DISCRIMINATION, NOTHING IN  
49 THIS PART 10 SHALL BE CONSTRUED TO IMPOSE BROADER DESIGN AND  
50 CONSTRUCTION REQUIREMENTS THAN PROVIDED FOR IN THE FEDERAL  
51 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET  
52 SEQ."

53

54 **24-34-1003. Discrimination by public entities - remedies -**  
55 **penalties.** (1) A PERSON WHO HAS BEEN SUBJECTED TO A  
56 DISCRIMINATORY ACT PROHIBITED BY SECTION 24-34-1002 MAY BRING A

1 CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND MAY OBTAIN A  
2 COURT ORDER FOR COMPLIANCE WITH THIS PART 10. A PERSON WHO  
3 BRINGS SUIT PURSUANT TO THIS SECTION IS ENTITLED TO THE RECOVERY  
4 OF ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR THOUSAND  
5 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION. A PERSON WHO  
6 IS THE PREVAILING PARTY IN A LAWSUIT UNDER THIS SECTION IS ENTITLED  
7 TO RECOVER REASONABLE ATTORNEY FEES AND COSTS PURSUANT TO THE  
8 "PREVAILING PARTY" STANDARDS UNDER THE FEDERAL "AMERICANS WITH  
9 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ. THE COURT  
10 SHALL ORDER INJUNCTIVE RELIEF AND ANY OTHER RELIEF THE COURT  
11 DEEMS APPROPRIATE AND NECESSARY TO PREVENT FUTURE VIOLATIONS.  
12

13 (2) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND  
14 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A  
15 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN VIOLATION  
16 OF THE PROVISIONS OF THIS PART 10 TO PAY TO THE GENERAL FUND  
17 ACCORDING TO THE FOLLOWING SCHEDULE:  
18

19 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR  
20

21 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND  
22 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED  
23 ANY OTHER VIOLATION OF THIS PART 10 DURING THE FIVE-YEAR PERIOD  
24 PRECEDING THE DATE OF THE FILING OF THE CHARGE.  
25

26 **24-34-1004. Discrimination by state agencies - requirements**  
27 **for compliance.** (1) A STATE AGENCY IS REQUIRED TO COMPLY WITH ALL  
28 APPLICABLE DISCRIMINATION POLICIES, INCLUDING BUT NOT LIMITED TO  
29 FEDERAL AND STATE LAWS AND ANY RULES PROMULGATED BY THE  
30 AGENCY.  
31

32 (2) A PERSON WHO IS AGGRIEVED BY A VIOLATION OF THIS SECTION  
33 HAS A PRIVATE RIGHT OF ACTION TO BRING A CIVIL LAWSUIT IN A COURT  
34 OF COMPETENT JURISDICTION AGAINST THE VIOLATING STATE AGENCY.  
35

36 (3) REMEDIES UNDER THIS SECTION INCLUDE, BUT ARE NOT  
37 LIMITED TO:  
38

39 (a) INJUNCTIVE RELIEF IN THE FORM OF A COURT ORDER REQUIRING  
40 COMPLIANCE WITH THIS SECTION AND SPECIFYING THE FORM OF  
41 COMPLIANCE;  
42

43 (b) ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR  
44 THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION OF  
45 THIS SECTION; AND  
46

47 (c) RECOVERY OF REASONABLE ATTORNEY FEES AND COSTS TO THE  
48 PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY" STANDARDS  
49 UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42  
50 U.S.C. SEC. 12101 ET SEQ.  
51

52 (4) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN  
53 AGENCY TO DISCRIMINATE AGAINST A PERSON BECAUSE THAT PERSON HAS  
54 OPPOSED A PRACTICE THAT IS MADE A DISCRIMINATORY PRACTICE BY THIS  
55 PART 10 OR BECAUSE THAT PERSON HAS MADE A CHARGE, TESTIFIED,  
56 ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION,

1 PROCEEDING, OR HEARING CONDUCTED PURSUANT TO THIS PART 10.

2

3 **SECTION 15.** 25.5-4-107, Colorado Revised Statutes, is  
4 amended BY THE ADDITION OF A NEW SUBSECTION to read:

5

6 **25.5-4-107. Retaliation definition - penalties.** (3) (a) A PERSON  
7 OR ENTITY WHO VIOLATES THIS SECTION SHALL BE HELD LIABLE TO THE  
8 PERSON AGGRIEVED IN A COURT OF COMPETENT JURISDICTION FOR  
9 INJUNCTIVE RELIEF AND FOR ACTUAL DAMAGES OR STATUTORY DAMAGES  
10 OF FOUR THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH  
11 VIOLATION. THE COURT MAY AWARD REASONABLE ATTORNEY FEES AND  
12 COSTS TO THE PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY"  
13 STANDARDS UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF  
14 1990", 42 U.S.C. SEC. 12101 ET SEQ.

15

16 (b) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND  
17 SECTION 24-34-306 (9), C.R.S., THE COLORADO CIVIL RIGHTS COMMISSION  
18 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND IN  
19 VIOLATION OF THE PROVISIONS OF THIS SECTION TO PAY TO THE GENERAL  
20 FUND ACCORDING TO THE FOLLOWING SCHEDULE:

21

22 (I) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

23

24 (II) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND  
25 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED  
26 ANY OTHER VIOLATION OF THIS SECTION DURING THE FIVE-YEAR PERIOD  
27 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

28

29 **SECTION 16.** 24-34-302 (2), Colorado Revised Statutes, is  
30 amended to read:

31

32 **24-34-302. Civil rights division - director - powers and duties.**

33 (2) The director shall appoint ~~such~~ investigators and other personnel as  
34 ~~may be~~ necessary to carry out the functions and duties of the division.  
35 The director and the staff of the division shall receive, investigate, and  
36 make determinations on charges alleging unfair or discriminatory  
37 practices in violation of parts 4 to 7 8 AND PART 10 of this article.

38

39 **SECTION 17.** 24-34-305 (1) (a), (1) (c), (1) (e), (1) (i), (1) (i.5),  
40 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

41

42 **24-34-305. Powers and duties of commission.** (1) The  
43 commission has the following powers and duties:

44

45 (a) To adopt, publish, amend, and rescind rules ~~and regulations,~~  
46 in accordance with the provisions of section 24-4-103, ~~which~~ THAT are  
47 consistent with and for the implementation of THIS PART 3 AND parts 3 to  
48 7 4 TO 8 AND PART 10 of this article. All such rules adopted or amended  
49 on or after July 1, 1979, shall be subject to sections 24-4-103 (8) (c) and  
50 (8) (d) and 24-34-104 (9) (b) (II).

51

52 (c) To investigate and study the existence, character, causes, and  
53 extent of unfair or discriminatory practices as defined in parts 4 to 7 8  
54 AND PART 10 of this article and to formulate plans for the elimination  
55 thereof by educational or other means;

56

1 (e) To issue such publications and reports of investigations and  
2 research as in its judgment will tend to promote goodwill among the  
3 various racial, religious, age, and ethnic groups of the state and which  
4 will tend to minimize or eliminate discriminatory or unfair practices as  
5 specified by THIS PART 3 AND parts ~~3 to 7~~ 4 TO 8 AND PART 10 of this  
6 article. Publications of the commission circulated in quantity outside the  
7 executive branch shall be issued in accordance with the provisions of  
8 section 24-1-136.

9  
10 (i) To cooperate, within the limits of any appropriations made for  
11 its operation, with other agencies or organizations, both public and  
12 private, whose purposes are consistent with those of THIS PART 3 AND  
13 parts ~~3 to 7~~ 4 to 8 AND PART 10 of this article, in the planning and  
14 conducting of educational programs designed to eliminate racial,  
15 religious, cultural, age, and intergroup tensions;

16  
17 (i.5) To intervene in racial, religious, cultural, age, and intergroup  
18 tensions or conflicts for the purpose of informal mediation using  
19 alternative dispute resolution techniques. Such intervention may be made  
20 in cooperation with other agencies or organizations, both public and  
21 private, whose purposes are consistent with those of THIS PART 3 AND  
22 parts ~~3 to 7~~ 4 to 8 AND PART 10 of this article.

23  
24 (2) Any provision of this article to the contrary notwithstanding,  
25 ~~no~~ A person shall NOT be required to alter, modify, or purchase any  
26 building, structure, or equipment or incur any additional expense ~~which~~  
27 THAT would not otherwise be incurred in order to comply with THIS PART  
28 3 AND parts ~~3, 4, 6, and 7~~ 4, 6 TO 8, AND 10 of this article.

29  
30 (3) In exercising the powers and performing the duties and  
31 functions under THIS PART 3 AND parts ~~3 to 7~~ 4 TO 8 AND PART 10 of this  
32 article, the commission, the division, and the director shall presume that  
33 the conduct of ~~any~~ A respondent is not unfair or discriminatory until  
34 proven otherwise.

35  
36 (4) Whether by rule ~~regulation~~, or other action or whether as a  
37 remedy for violation of any provision of THIS PART 3 OR parts ~~3 to 7~~ 4 TO  
38 8 AND PART 10 of this article or otherwise, the commission shall not  
39 prescribe or require the implementation of a quota system.

40  
41 **SECTION 18.** 24-34-306 (1) (a), (2) (a), (9), (11), (13), and (14),  
42 Colorado Revised Statutes, are amended to read:

43  
44 **24-34-306. Charge - complaint - hearing - procedure -**  
45 **exhaustion of administrative remedies.** (1) (a) Any person claiming  
46 to be aggrieved by a discriminatory or unfair practice as defined by parts  
47 4 to ~~7~~ 8 AND PART 10 of this article may, by himself or herself or through  
48 his or her attorney-at-law, make, sign, and file with the division a verified  
49 written charge stating the name and address of the respondent alleged to  
50 have committed the discriminatory or unfair practice, setting forth the  
51 particulars of the alleged discriminatory or unfair practice, and containing  
52 any other information required by the division.

53  
54 (2) (a) After the filing of a charge alleging a discriminatory or  
55 unfair practice as defined by parts 4 to ~~7~~ 8 AND PART 10 of this article, the  
56 director, with the assistance of the division's staff, shall make a prompt

1 investigation of the charge. The director may subpoena witnesses and  
2 compel the testimony of witnesses and the production of books, papers,  
3 and records if the testimony, books, papers, and records sought are  
4 limited to matters directly related to the charge. Any subpoena issued  
5 pursuant to this paragraph (a) shall be enforceable in the district court for  
6 the district in which the alleged discriminatory or unfair practice occurred  
7 and shall be issued only if the person or entity to be subpoenaed has  
8 refused or failed, after a proper request from the director, to provide  
9 voluntarily to the director the information sought by the subpoena.

10

11 (9) If, upon all the evidence at a hearing, there is a statement of  
12 findings and conclusions in accordance with section 24-4-105, together  
13 with a statement of reasons for such conclusions, showing that a  
14 respondent has engaged in or is engaging in any discriminatory or unfair  
15 practice as defined in parts 4 to 7 8 AND PART 10 of this article, the  
16 commission shall issue and cause to be served upon the respondent an  
17 order requiring such respondent to cease and desist from such  
18 discriminatory or unfair practice and to take such action as it may order  
19 in accordance with the provisions of THIS PART 3 AND parts 4 to 7 8 AND  
20 PART 10 of this article.

21

22 (11) If written notice that a formal hearing will be held is not  
23 served within two hundred seventy days after the filing of the charge, if  
24 the complainant has requested and received a notice of right to sue  
25 pursuant to subsection (15) of this section, or if the hearing is not  
26 commenced within the one-hundred-twenty-day period prescribed by  
27 subsection (4) of this section, the jurisdiction of the commission over the  
28 complaint shall cease, and the complainant may seek the relief authorized  
29 under this part 3 and parts 4 to 7 8 AND PART 10 of this article against the  
30 respondent by filing a civil action in the district court for the district in  
31 which the alleged discriminatory or unfair practice occurred. ~~SUCH~~ THE  
32 action must be filed within ninety days of the date upon which the  
33 jurisdiction of the commission ceased, and if not so filed, it shall be  
34 barred and the district court shall have no jurisdiction to hear ~~such~~ THE  
35 action. If any party requests the extension of any time period prescribed  
36 by this subsection (11), ~~such~~ THE extension may be granted for good  
37 cause by the commission, a commissioner, or the administrative law  
38 judge, as the case may be, but the total period of all such extensions to  
39 either the respondent or the complainant shall not exceed ninety days  
40 each, and, in the case of multiple parties, the total period of all extensions  
41 shall not exceed one hundred eighty days.

42

43 (13) Any member of the commission and any person participating  
44 in good faith in the making of a complaint or a report or in any  
45 investigative or administrative proceeding authorized by THIS PART 3 AND  
46 parts 3 to 7 4 TO 8 AND PART 10 of this article shall be immune from  
47 liability in any civil action brought against him OR HER for acts occurring  
48 while acting in his OR HER capacity as a commission member or  
49 participant, respectively, if ~~such~~ THE individual was acting in good faith  
50 within the scope of his OR HER respective capacity, made a reasonable  
51 effort to obtain the facts of the matter as to which he OR SHE acted, and  
52 acted in the reasonable belief that ~~the~~ HIS OR HER action ~~taken by him~~ was  
53 warranted by the facts.

54

55 (14) ~~No~~ A person may NOT file a civil action in a district court in  
56 this state based on an alleged discriminatory or unfair practice prohibited

1 by parts 4 to 7 8 AND PART 10 of this article without first exhausting the  
2 proceedings and remedies available to him OR HER under this part 3  
3 unless he OR SHE shows, in an action filed in the appropriate district court,  
4 by clear and convincing evidence, THAT his OR HER ill health ~~which~~ is of  
5 such a nature that pursuing administrative remedies would not provide  
6 timely and reasonable relief and would cause irreparable harm.  
7

8 **SECTION 19.** 24-34-308, Colorado Revised Statutes, is amended  
9 to read:

10  
11 **24-34-308. Enforcement of federal law prohibited.** Nothing in  
12 THIS PART 3 AND parts 3 4 to 8 AND PART 10 of this article shall be  
13 construed to authorize the commission, the director, or the division to  
14 enforce any provision of federal law. Nothing in this section shall  
15 prevent the commission from accepting federal grants for the enforcement  
16 of THIS PART 3 AND parts 3 to 7 4 to 8 AND PART 10 OF THIS ARTICLE.  
17

18 **SECTION 20.** 18-6.5-102 (3) (f), Colorado Revised Statutes, is  
19 amended to read:

20  
21 **18-6.5-102. Definitions.** As used in this article, unless the context  
22 otherwise requires:

23  
24 (3) A "person with a disability" means any person who:

25  
26 (f) Is mentally impaired as the term is defined in section  
27 24-34-301 (2.5), ~~(b) (ff)~~, C.R.S.;

28  
29 **SECTION 21.** 40-9-109, Colorado Revised Statutes, is amended  
30 to read:

31  
32 **40-9-109. Transportation of assistance animals.** When a ~~totally~~  
33 ~~or partially blind, totally or partially deaf, or physically disabled~~ person  
34 WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S., is  
35 accompanied by ~~a dog which serves as an assistance dog~~ ANIMAL or  
36 ~~which~~ AN ANIMAL THAT is being trained by a qualified trainer as an  
37 assistance ~~dog~~ ANIMAL, as defined in section 24-34-803 (7), C.R.S., ~~for~~  
38 ~~such disabled person,~~ neither the ~~disabled~~ person WITH A DISABILITY nor  
39 the ~~dog~~ ANIMAL shall be denied the facilities of any common carrier, nor  
40 shall ~~such disabled~~ THE person WITH A DISABILITY be denied the  
41 immediate custody of the ~~dog~~ ANIMAL while riding upon a common  
42 carrier. The provisions of this section shall also apply to any qualified  
43 trainer who is training a ~~dog for use by a totally or partially blind, totally~~  
44 ~~or partially deaf, or physically disabled person~~ AN ASSISTANCE ANIMAL,  
45 unless the ~~dog~~ ANIMAL presents an imminent danger to the public health  
46 or safety. ~~Such disabled~~ THE person WITH A DISABILITY or ~~any~~ A  
47 qualified trainer who is training a ~~dog for use by a disabled person~~ AN  
48 ASSISTANCE ANIMAL shall be liable for any damage done to the premises  
49 or facilities of the common carrier by ~~such dog.~~ ~~Any dog~~ THE ANIMAL.  
50 AN ANIMAL being trained ~~for the purpose of aiding a disabled person~~ AS  
51 AN ASSISTANCE ANIMAL shall be visibly and prominently identified as an  
52 assistance ~~dog~~ ANIMAL in training.  
53

54 **SECTION 22.** 42-4-808 (1), Colorado Revised Statutes, is  
55 amended to read:  
56

1           **42-4-808. Drivers and pedestrians, other than persons in**  
2 **wheelchairs, to yield to persons with disabilities.** (1) Any pedestrian,  
3 other than a person in a wheelchair, or any driver of a vehicle who  
4 approaches a person who has an obviously apparent disability of  
5 blindness, deafness, or mobility impairment shall immediately come to a  
6 full stop and take such precautions before proceeding as are necessary to  
7 avoid an accident or injury to said person. A disability shall be deemed to  
8 be obviously apparent if, by way of example and without limitation, the  
9 person is using a cane or crutches, is assisted by an assistance ~~dog~~  
10 ANIMAL, as defined in section 24-34-803 (7), C.R.S., is being assisted by  
11 another person, is in a wheelchair, or is walking with an obvious physical  
12 impairment. Any person who violates any provision of this section  
13 commits a class A traffic offense.

14  
15           **SECTION 23. No appropriation.** The general assembly has  
16 determined that this act can be implemented within existing  
17 appropriations, and therefore no separate appropriation of state moneys  
18 is necessary to carry out the purposes of this act.

19  
20           **SECTION 24. Act subject to petition - effective date -**  
21 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
22 following the expiration of the ninety-day period after final adjournment  
23 of the general assembly (August 11, 2010, if adjournment sine die is on  
24 May 12, 2010); except that, if a referendum petition is filed pursuant to  
25 section 1 (3) of article V of the state constitution against this act or an  
26 item, section, or part of this act within such period, then the act, item,  
27 section, or part shall not take effect unless approved by the people at the  
28 general election to be held in November 2010 and shall take effect on the  
29 date of the official declaration of the vote thereon by the governor.

30  
31           (2) The provisions of this act shall apply to offenses committed on  
32 or after the applicable effective date of this act."."

33  
34  
35  
36           **HB10-1421** be amended as follows, and as so amended, be referred to  
37 the Committee of the Whole with favorable  
38 recommendation:

39  
40 Amend printed bill, page 2, line 20, strike "THE PRIVATE PRISON PER DIEM  
41 RATE" and substitute "THE LINE ITEM OF THE ANNUAL GENERAL  
42 APPROPRIATION BILL FOR THE COMMUNITY RE-ENTRY SUBPROGRAM IN THE  
43 COMMUNITY SERVICES PROGRAM IN THE DEPARTMENT OF CORRECTIONS".

44  
45 Page 2, line 21, strike "RECIDIVISM." and substitute "RECIDIVISM AND AT  
46 LEAST THIRTY PERCENT TO VOCATIONAL, ACADEMIC, AND TREATMENT  
47 PROGRAMS FOR INMATES AND TO IMPROVE STATE CORRECTIONAL FACILITY  
48 STAFFING RATIOS AT STATE-OPERATED CORRECTIONAL FACILITIES".

49  
50  
51  
52           **HB10-1422** be amended as follows, and as so amended, be referred to  
53 the Committee of the Whole with favorable  
54 recommendation:

55  
56 Amend printed bill, page 64, line 3, strike "DIRECTOR" and substitute



1 "DIRECTOR, OR THE CHIEF MEDICAL OFFICER,".

2

3 Page 64, line 8, strike "DIRECTOR" and substitute "DIRECTOR, OR THE  
4 CHIEF MEDICAL OFFICER,".

5

6

7

8 **SB10-076** be amended as follows, and as so amended, be referred to  
9 the Committee of the Whole with favorable  
10 recommendation:

11

12 Amend reengrossed bill, page 2, line 2, strike "(1) (h)," and substitute  
13 "(1),".

14

15 Page 2, line 3, strike "SUBPARAGRAPH," and substitute  
16 "PARAGRAPH,".

17

18 Page 2, strike lines 8 through 20.

19

20 Page 3, strike lines 1 through 3 and substitute:

21

22 "(hh) UNFAIR COMPENSATION PRACTICES: BASING THE  
23 COMPENSATION OF CLAIMS EMPLOYEES OR CONTRACTED CLAIMS  
24 PERSONNEL, INCLUDING COMPENSATION IN THE FORM OF PERFORMANCE  
25 BONUSES OR INCENTIVES, ON ANY OF THE FOLLOWING:

26

27 (I) THE NUMBER OF POLICIES CANCELED;

28

29 (II) THE NUMBER OF TIMES COVERAGE IS DENIED;

30

31 (III) THE USE OF A QUOTA LIMITING OR RESTRICTING THE NUMBER  
32 OR VOLUME OF CLAIMS; OR

33

34 (IV) THE USE OF AN ARBITRARY QUOTA OR CAP LIMITING OR  
35 RESTRICTING THE AMOUNT OF CLAIMS PAYMENTS WITHOUT DUE  
36 CONSIDERATION OF THE MERITS OF THE CLAIM."

37

38

39

40

---

### PRINTING REPORT

41

42 The Chief Clerk reports the following bill has been correctly printed:  
43 **HB10-1430.**

44

45

46

47

### SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

48

49 The Speaker has signed: SB10-020, 070, 073, 100 and 182; SJR10-026,  
50 027, 032, 034, 036, 037, 038 and 046.

51

52

53

54

55

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

**MESSAGE(S) FROM THE GOVERNOR**

I certify I received the following on the 29th day of April, 2010, at 4:50 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,  
Chief Clerk of the House

April 28, 2010

To the Honorable House of Representatives  
Sixty-seventh General Assembly  
Second Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

**HB10-1076** CONCERNING THE CLASSIFICATION OF A PARTICIPANT IN A PROPERTY TAX WORK-OFF PROGRAM FOR PURPOSES OF EMPLOYMENT BENEFITS.

Approved April 28, 2010 at 1:47 p.m.

**HB10-1168** CONCERNING A LIMITATION ON THE ABILITY OF AN INSURER TO OBTAIN REPAYMENT OF BENEFITS FROM AN INJURED PARTY WHO RECOVERS DAMAGES FROM THE PARTY RESPONSIBLE FOR THE INJURY IN SITUATIONS WHEN THE INJURED PARTY WOULD NOT BE FULLY COMPENSATED IF THE BENEFITS ARE REPAID TO THE INSURER.

Approved April 28, 2010 at 2:05 p.m.

**HB10-1232** CONCERNING THE DEFINITION OF SCHOOL VEHICLES.

Approved April 28, 2010 at 1:59 p.m.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor

\_\_\_\_\_

April 29, 2010

To the Honorable House of Representatives  
Sixty-seventh General Assembly  
Second Regular Session  
State Capitol  
Denver, CO 80203

1 Ladies and Gentlemen:  
2

3 I have the honor to inform you that I have approved and filed with the  
4 Secretary of State the following Acts:  
5

6 **HB10-1109** CONCERNING THE AVAILABILITY OF WORKERS'  
7 COMPENSATION TO JAIL INMATES WHO ARE WORKING  
8 FOR A PROGRAM THAT HAS BEEN CERTIFIED BY THE  
9 FEDERAL PRISON INDUSTRY ENHANCEMENT  
10 CERTIFICATION PROGRAM.

11  
12 Approved April 29, 2010 at 8:53 a.m.  
13

14 **HB10-1128** CONCERNING MEASURES TO INCREASE THE EFFICIENCY  
15 OF THE ACTIVITIES OF ENTITIES IN THE DIVISION OF  
16 REGISTRATIONS RELATING TO THE SUPERVISION OF  
17 REGULATED PROFESSIONALS, AND, IN CONNECTION  
18 THEREWITH, MAKING THE "COLORADO LICENSING OF  
19 CONTROLLED SUBSTANCES ACT" AND THE SUNSET LAW  
20 CONSISTENT WITH PROVISIONS ENACTED IN 2009 TO  
21 CONTINUE THE REGULATION OF ADMINISTRATION OF  
22 MEDICATION BY UNLICENSED PERSONS, CLARIFYING  
23 THAT MONEYS COLLECTED ON BEHALF OF  
24 ADMINISTERING ENTITIES OF PROFESSIONAL PEER  
25 REVIEW PROGRAMS DO NOT CONSTITUTE STATE FISCAL  
26 YEAR SPENDING FOR PURPOSES OF SECTION 20 OF  
27 ARTICLE X OF THE STATE CONSTITUTION, CLARIFYING  
28 EXEMPTIONS FROM THE "DENTAL PRACTICE LAW OF  
29 COLORADO", AUTHORIZING THE DIRECTOR OF THE  
30 DIVISION OF REGISTRATIONS TO TAKE DISCIPLINARY  
31 ACTION UNDER THE "MASSAGE THERAPY PRACTICE ACT"  
32 AGAINST PERSONS CONVICTED OF UNLAWFUL SEXUAL  
33 BEHAVIOR OR PROSTITUTION-RELATED OFFENSES,  
34 REPEALING DUPLICATIVE REGULATORY REQUIREMENTS  
35 FOR MEDICAL DOCTORS, REPLACING LIMITED  
36 TEMPORARY LICENSE REQUIREMENTS FOR MEDICAL  
37 DOCTORS AND CHIROPRACTORS, AND REPEALING  
38 REGULATORY FUNCTIONS OF THE DIVISION OF  
39 REGISTRATIONS WITH RESPECT TO ATHLETE AGENTS,  
40 AND MAKING AN APPROPRIATION THEREFOR.

41  
42 Approved April 29, 2010 at 8:53 a.m.  
43

44 **HB10-1178** CONCERNING INCREASING THE TRANSPARENCY IN THE  
45 USE OF GIFTS, GRANTS, AND DONATIONS TO FUND  
46 PROGRAMS BY STATE AGENCIES.

47  
48 Approved April 29, 2010 at 8:55 a.m.  
49

50 **HB10-1183** CONCERNING AUTHORIZATION OF A PILOT PROGRAM TO  
51 COLLECT DATA CONCERNING ALTERNATIVE SCHOOL  
52 FINANCE FUNDING MODELS.

53  
54 Approved April 29, 2010 at 8:55 a.m.  
55

1 **HB10-1197** CONCERNING A DECREASE IN THE MAXIMUM AMOUNT  
 2 OF A STATE INCOME TAX CREDIT THAT MAY BE CLAIMED  
 3 FOR THE DONATION OF A CONSERVATION EASEMENT IN  
 4 GROSS, AND MAKING AN APPROPRIATION THEREFOR.

5  
 6 Approved April 29, 2010 at 8:56 a.m.

7  
 8 **HB10-1201** CONCERNING DUTIES RELATED TO PEACH OFFICER  
 9 CONTACTS.

10  
 11 Approved April 29, 2010 at 8:57 a.m.

12  
 13 **HB10-1218** CONCERNING INFORMATION IN THE CENTRAL REGISTRY  
 14 OF PROTECTION ORDERS.

15  
 16 Approved April 29, 2010 at 8:58 a.m.

17  
 18 **HB10-1249** CONCERNING EXPEDITED RESIDENTIAL FORECLOSURE  
 19 SALES.

20  
 21 Approved April 29, 2010 at 2:16 p.m.

22  
 23 **HB10-1265** CONCERNING A COURT'S AUTHORITY TO WAIVE CERTAIN  
 24 CHARGES LEVIED AGAINST INDIGENT DEFENDANTS.

25  
 26 Approved April 29, 2010 at 8:58 a.m.

27  
 28 **HB10-1288** CONCERNING THE ABILITY OF A COMMERCIAL REAL  
 29 ESTATE BROKER TO SECURE PAYMENT OF COMMISSIONS  
 30 EARNED, AND, IN CONNECTION THEREWITH, ENACTING  
 31 THE "COMMERCIAL REAL ESTATE BROKERS COMMISSION  
 32 SECURITY ACT".

33  
 34 Approved April 29, 2010 at 8:59 a.m.

35  
 36 Sincerely,  
 37 (signed)  
 38 Bill Ritter, Jr.  
 39 Governor

40  
 41 \_\_\_\_\_  
 42 April 29, 2010

43  
 44 The Honorable Colorado House of Representatives  
 45 Sixty-Seventh General Assembly  
 46 Second Regular Session  
 47 State Capitol Building  
 48 Denver, CO 80203

49  
 50 Ladies and Gentlemen:

51  
 52 I have the honor to inform you that I have approved and filed with the Secretary  
 53 of State the following Act:

54  
 55 HOUSE BILL 10-1376 CONCERNING THE PROVISION FOR PAYMENT OF  
 56 THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL

1 DEPARTMENTS OF THE STATE OF COLORADO, AND OF ITS  
 2 AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR  
 3 BEGINNING JULY 1, 2010, EXCEPT AS OTHERWISE NOTED.

4  
 5 Approved on April 29, 2010, at 12:18 p.m.

6  
 7 It is my constitutional obligation to review the general appropriations bill and  
 8 exercise the line item veto when necessary. This year I have not exercised the  
 9 line item veto; therefore, I have approved House Bill 10-1376 (the "FY 2010-11  
 10 Long Bill") as a whole. However, in this letter, I am providing additional  
 11 directions for five footnotes.

12  
 13 I would like to thank the General Assembly for working with me to balance  
 14 Colorado's critical priorities during these difficult budgetary times. Due to  
 15 projections of insufficient revenue, this budget reflects minimal increases to  
 16 support caseload increases and meet statutory and constitutional requirements.  
 17 It also implements significant General Fund spending reductions in many areas.

18  
 19 I have approved House Bill 10-1376 based on the assumption that Senate Bill  
 20 10-190, Suspension of the Senior Property Tax Exemption (White/Riesberg),  
 21 will be passed. If this piece of legislation is not passed by the General  
 22 Assembly, I will take necessary actions to maintain a balanced budget in FY  
 23 2010-11.

24  
 25 **FOOTNOTES**

26  
 27  
 28 **1. Footnote 4c, page 27: Department of Corrections, Institutions,**  
 29 **Mental Health Subprogram --** It is the intent of the General Assembly  
 30 that the Department of Corrections submit a plan to the House Judiciary  
 31 Committee and the Senate Judiciary Committee before offenders with  
 32 mental illness (OMIs) are placed in the beds at Colorado State  
 33 Penitentiary (CSP) being converted for use by OMIs. Without limiting  
 34 the scope of the report, the report shall include, at a minimum, plans in  
 35 the following areas: (1) the basic purpose of the OMI beds at CSP in  
 36 terms of the role those beds serve relative to the offender's mental  
 37 health status; (2) the criteria the DOC will use to place offenders in the  
 38 beds; (3) the services that will be provided to the offenders; (4) the  
 39 classification levels that will be used and an explanation of the  
 40 characteristics of those levels; (5) whether and, if so, how offenders will  
 41 transition from CSP to the general population; and (6) a description of  
 42 the conditions of confinement, such as the amount of time offenders  
 43 will be out of their cells, the amount of time in solitary confinement, the  
 44 availability of recreational, visitation, educational, therapeutic and other  
 45 programming opportunities and conditions for participating in those  
 46 opportunities.

47  
 48 **I am not vetoing this footnote; however, I am directing the Department to**  
 49 **comply only to the extent feasible.** Requesting that the Department submit a  
 50 plan to various legislative committees before the placement of mentally ill  
 51 offenders at the Colorado State Penitentiary is administratively burdensome.  
 52 This footnote goes beyond simply expressing legislative intent and violates the  
 53 separation of powers in Article III of the Colorado Constitution by attempting  
 54 to administer the appropriation and runs afoul of House Bill 08-1321. However,  
 55 I am directing the Department to comply only to the extent feasible by  
 56 providing an annual report to include the information requested in the footnote.

1  
2 **2. Footnote 7a, page 49: Department of Governor - Lieutenant**  
3 **Governor - State Planning and Budgeting, Office of State Planning**  
4 **and Budgeting, Operating Expenses** – It is the intent of the General  
5 Assembly that the Office of State Planning and Budgeting study the  
6 effectiveness of consolidating executive branch human resources within  
7 a single executive branch agency and provide a report of the findings to  
8 the Joint Budget Committee and the House and Senate Committees on  
9 State, Veteran’s and Military Affairs no later than December 1, 2010.

10  
11 **I not vetoing this footnote;** however, I am directing the Office of State  
12 Planning and Budgeting to work with the executive departments to determine  
13 a further course of action and whether and to what extent compliance with the  
14 intent set forth in the footnote is in the best interest of the efficient management  
15 of executive branch agencies.

16  
17 **3 Footnote 18, page 103: Department of Human Services, Office of**  
18 **Information Technology Services, Child Care Automated Tracking**  
19 **System; and Division of Child Care** -- It is the intent of the General  
20 Assembly that this project: 1) have a steering committee that includes  
21 a county commissioner, a county human services director, and a user of  
22 the system; 2) that the Department pilot the program before rolling it  
23 out; 3) that the steering committee, including the county representatives,  
24 should decide whether the system is "go" or "no go" at the roll out  
25 stages; and 4) that ongoing costs for maintenance and administration of  
26 this system be covered through savings in or reductions to the Colorado  
27 Child Care Assistance Program and remaining Child Care Development  
28 Fund reserves. The new system will not drive additional costs to the  
29 state General Fund.

30  
31 **I am not vetoing this footnote, but am directing the Department to comply**  
32 **only to the extent feasible.** By detailing the intended membership of the  
33 steering committee, requesting a pilot program be conducted, vesting the “go”  
34 or “no go” decision in the steering committee, and specifying the manner in  
35 which maintenance and administration costs be covered, this footnote goes well  
36 beyond simply expressing legislative intent and violates the separation of  
37 powers in Article III of the Colorado Constitution by attempting to administer  
38 the appropriation and runs afoul of House Bill 08-1321 by requesting that  
39 certain administrative action be taken in connection with an appropriation. I,  
40 however, am not vetoing this footnote because the direction provided is framed  
41 as the intent of the General Assembly; I will, therefore direct the Department  
42 to consider the General Assembly’s suggestions during the implementation of  
43 this project.

44  
45  
46 **4 Footnote 24, page 105: Department of Human Services, Services for**  
47 **People with Disabilities, Community Services for People with**  
48 **Developmental Disabilities, Program Costs** – It is the intent of the  
49 General Assembly that all adults with developmental disabilities  
50 receiving Medicaid or State funding shall be offered all available day  
51 services, including supported employment, facility and community  
52 based activities, and pre-vocational services. Medicaid waivers for  
53 services for people with developmental disabilities shall be amended as  
54 soon as possible to include pre-vocational services as a program option.  
55 The waiver amendments shall indicate that the progress towards  
56 community employment of individuals receiving pre-vocational services

1 will be reviewed every five years. If the review indicates, and the  
2 consumer and guardian agree, that a move to community employment  
3 is appropriate, then that change may be made. This does not preclude  
4 the individual continuing in pre-vocational services until a community  
5 job can be secured. Medicaid guidelines do not require, nor shall the  
6 waiver amendment include, a limit on the time an individual may  
7 receive pre-vocational services. Further, the Department shall provide  
8 non-integrated work services for consumers who are currently enrolled,  
9 or who choose to enroll, in programs offering facility-based work until  
10 the waivers for the provision of pre-vocational services are approved.  
11 The Department shall report back to the Joint Budget Committee and  
12 the Health and Human Services of the House and Senate by September  
13 2010 on the status of the waiver amendments to include pre-vocational  
14 services, the pre-vocational rate, and any transition issues.  
15

16 **I am not vetoing this footnote, but am directing the Department to comply**  
17 **only to the extent feasible.** By detailing the content of amendments to the  
18 Medicaid waivers for persons with developmental disabilities, how/when  
19 individuals receiving pre-vocational services are reviewed, continued provision  
20 of pre-vocational services post review, continued provision of non-integrated  
21 work services for currently enrolled individuals, and the provision of a report  
22 to the Joint Budget Committee and the Health and Human Services of the  
23 House and Senate, this footnote goes well beyond simply expressing legislative  
24 intent and violates the separation of powers in Article III of the Colorado  
25 Constitution by attempting to administer the appropriation and runs afoul of  
26 House Bill 08-1321 by requesting that certain administrative action be taken in  
27 connection with an appropriation. I, however, am not vetoing this footnote  
28 because the direction provided is framed as the intent of the General Assembly;  
29 I will, therefore direct the Department and the Department of Health Care  
30 Policy and Financing to consider the General Assembly's suggestions.  
31

32 **5. Footnote 45a, page 223: Department of Revenue, Enforcement**  
33 **Business Group, Limited Gaming Division** -- It is the intent of the  
34 General Assembly that the Department of Revenue shall not spend more  
35 than 5.0 percent of Amendment 50 revenues for administrative expenses  
36 of the Limited Gaming Division.  
37

38 **I am not vetoing this footnote; however, I am directing the Department not**  
39 **to comply.** Intending that the Department not spend more than 5.0 percent of  
40 Amendment 50 revenues on administrative expenses of the Limited Gaming  
41 Division, constitutes extensive oversight of the appropriation which is in  
42 violation of Article XVIII, Section 9, Paragraph 5(b)(I), which states in part,  
43 payments of on-going expenses of the Commission "shall not be conditioned  
44 on any appropriation by the general assembly." I, however, am not vetoing this  
45 footnote because the direction provided is framed as the intent of the General  
46 Assembly.  
47

48 Sincerely,  
49 (signed)  
50 Bill Ritter, Jr.  
51 Governor  
52  
53  
54  
55  
56

---

1       **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL(S)**

2  
3       **HB10-1125** by Representative(s) Hullinghorst; also Senator(s)  
4       Schwartz--Concerning the authority of the department of  
5       public health and environment to regulate certain activities  
6       with respect to waste grease derived from food preparation,  
7       and making an appropriation therefor.

8  
9       (Amended as printed in Senate Journal, April 27, page 1040.)

10  
11       Representative Hullinghorst moved that the House **not concur** in Senate  
12       amendments and that a Conference Committee be appointed with  
13       permission to go beyond the scope of the differences between the House  
14       and the Senate. The motion was declared **passed** by the following roll  
15       call vote:

	YES	63	NO	0	EXCUSED	2	ABSENT	0
17	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
18	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
19	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
20	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
21	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
22	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
23	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
24	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
25	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
26	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
27	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
28	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
29	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
30	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
31	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
32	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
33							Speaker	Y

34       The Speaker appointed Representatives Hullinghorst, Chairman,  
35       McFadyen and Looper as House conferees to the bill.

36  
37       **HB10-1330** by Representative(s) Kefalas and Kagan, Apuan, Court,  
38       Fischer, Gagliardi, Levy, Miklosi, Pace, Primavera, Rice,  
39       Riesberg, Solano, Tyler, Vigil; also Senator(s) Morse--  
40       Concerning the creation of an advisory committee to make  
41       recommendations regarding the creation of a Colorado all-  
42       payer health claims database for the purpose of transparent  
43       public reporting of health care information.

44  
45       (Amended as printed in Senate Journal, April 27, page 1041.)

46  
47       Representative Kefalas moved that the House **not concur** in Senate  
48       amendments and that a Conference Committee be appointed. The motion  
49       was declared **passed** by the following roll call vote:

	YES	63	NO	0	EXCUSED	2	ABSENT	0
51	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
52	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
53	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
54	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
55	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
56	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y



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

12 The Speaker appointed Representatives Kefalas, Chairman, Kagan and  
13 Roberts as House conferees to the bill.

### 17 THIRD READING OF BILL(S)--FINAL PASSAGE

19 The following bill(s) was(were) considered on Third Reading. The  
20 title(s) was(were) publicly read. Reading of the bill at length was  
21 dispensed with by unanimous consent.

23 **HB10-1113** by Representative(s) McFadyen, Sonnenberg, Vaad; also  
24 Senator(s) Hodge, Kester--Concerning the modification of  
25 agencies that perform oversight of the commercial vehicle  
26 industry through a transfer of the motor carrier safety  
27 assistance program of the ports of entry section in the  
28 department of revenue to the Colorado state patrol in the  
29 department of public safety, and making an appropriation  
30 in connection therewith.

32 As shown by the following roll call vote, a majority of all members  
33 elected to the House voted in the affirmative, and Representative Pommer  
34 was given permission to offer a Third Reading amendment:

36	YES	63	NO	0	EXCUSED	2	ABSENT	0
37	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
38	Apuan	Y	Hullinghorst	Y	McKinley	E	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	E
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  
55

1 **Third Reading amendment No. 1**, by Representative Pommer.

2  
3 Amend engrossed bill, page 3, line 22, strike "NO LATER THAN JULY 1,  
4 2010, THE" and substitute "THE".

5  
6 The amendment was declared **passed** by the following roll call vote:

	YES	62	NO	1	EXCUSED	2	ABSENT	0
9	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
10	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
11	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
12	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
13	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
14	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
15	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
16	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
17	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
18	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
19	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
20	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
21	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
22	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
23	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
24	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
25							Speaker	Y

26  
27 The question being, "Shall the bill, as amended, 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  
30 bill, as amended, was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
33	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
34	Apuan	Y	Hullinghorst	Y	McKinley	E	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	E
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) Bradford, Casso, Hullinghorst, King S.,  
51 Looper, Pace, Pommer, Priola, Rice, Swalm, Vigil, Speaker.

52  
53  
54 **HB10-1425** by Representative(s) Miklosi; also Senator(s) Foster--  
55 Concerning the exemption from the postretirement  
56 employment limit for certain employees of the Denver

1 public school district who are retirees of the public  
 2 employees' retirement association.  
 3

4 The question being "Shall the bill pass?".  
 5 A roll call vote was taken. As shown by the following recorded vote, a  
 6 majority of those elected to the House voted in the affirmative and the bill  
 7 was declared **passed**.  
 8

	YES	52	NO	11	EXCUSED	2	ABSENT	0
10	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
11	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
12	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
13	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
14	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
15	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
16	Casso	Y	Kerr J.	N	Murray	Y	Stephens	N
17	Court	Y	King S.	Y	Nikkel	N	Summers	Y
18	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
19	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	N
20	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
21	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
22	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
23	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
24	Gardner B.	Y	May	N	Riesberg	Y	Waller	Y
25	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
26							Speaker	Y

27 Co-sponsor(s) added: Representative(s) Court, Frangas, Kagan, Labuda,  
 28 Pommer, Speaker.  
 29

30 **HB10-1401** by Representative(s) Ferrandino; also Senator(s) Carroll--  
 31 Concerning the management of information technology in  
 32 state agencies.  
 33

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

	YES	61	NO	2	EXCUSED	2	ABSENT	0
39	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
40	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
41	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
42	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
43	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
44	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
45	Casso	Y	Kerr J.	N	Murray	Y	Stephens	Y
46	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
47	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
48	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
49	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
50	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
51	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
52	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
53	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
54	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Murray.

1 **HB10-1408** by Representative(s) Weissmann; also Senator(s) Morse--  
 2 Concerning statutory directions concerning congressional  
 3 districts.  
 4

5 The question being "Shall the bill pass?".  
 6 A roll call vote was taken. As shown by the following recorded vote, a  
 7 majority of those elected to the House voted in the affirmative and the bill  
 8 was declared **passed**.  
 9

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

28 Co-sponsor(s) added: Representative(s) Court, Hullinghorst, Labuda, Pommer,  
 29 Ryden.  
 30  
 31  
 32

### 33 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

34  
 35 **HB10-1133** by Representative(s) Massey; also Senator(s) Tochtrop--  
 36 Concerning amendments to the "Colorado Foreclosure  
 37 Protection Act".  
 38

39 (Amended as printed in Senate Journal, April 20.)  
 40

41 Representative Massey moved that the House **concur** in Senate  
 42 amendments. The motion was declared **passed** by the following roll call  
 43 vote:  
 44

	YES	62	NO	1	EXCUSED	2	ABSENT	0
46	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
47	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
48	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
49	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
50	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
51	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
52	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
53	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
54	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
55	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
56	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E

1	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
2	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
3	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
4	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
5	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
6							Speaker	Y

7  
8 The question being, "Shall the bill, as amended, pass?".  
9 A roll call vote was taken. As shown by the following recorded vote, a  
10 majority of those elected to the House voted in the affirmative, and the  
11 bill, as amended, was declared **repassed**.

13	YES	63	NO	0	EXCUSED	2	ABSENT	0
14	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
15	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
16	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
17	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
18	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
19	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
20	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
21	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
22	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
23	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
24	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
25	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
26	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
27	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
28	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
29	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
30							Speaker	Y

31 Co-sponsor(s) added: Representative(s) Curry, Gagliardi.

32  
33 **HB10-1060** by Representative(s) Kagan; also Senator(s) Steadman--  
34 Concerning the creation of a penalty for the failure to  
35 comply with severance tax withholding requirements.

36  
37 (Amended as printed in Senate Journal, April 26, page 1020.)

38  
39 Representative Kagan moved that the House **concur** in Senate  
40 amendments. The motion was declared **passed** by the following roll call  
41 vote:

43	YES	52	NO	11	EXCUSED	2	ABSENT	0
44	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
45	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
46	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
47	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
48	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
49	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
50	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	N
51	Court	Y	King S.	Y	Nikkel	N	Summers	Y
52	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
53	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	N
54	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
55	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
56	Frangas	N	Looper	Y	Priola	Y	Vaad	Y

1	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
2	Gardner B.	N	May	Y	Riesberg	Y	Waller	N
3	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
4							Speaker	Y

5  
6 The question being, "Shall the bill, as amended, pass?".  
7 A roll call vote was taken. As shown by the following recorded vote, a  
8 majority of those elected to the House voted in the affirmative, and the  
9 bill, as amended, was declared **repassed**.

10	YES	36	NO	27	EXCUSED	2	ABSENT	0
12	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
14	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
15	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
16	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
17	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
18	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
19	Court	Y	King S.	N	Nikkel	N	Summers	N
20	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
21	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
22	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
23	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
24	Frangas	Y	Looper	N	Priola	N	Vaad	N
25	Gagliardi	Y	Massey	N	Rice	Y	Vigil	Y
26	Gardner B.	N	May	N	Riesberg	Y	Waller	N
27	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Court, Hullinghorst.

30  
31 **HB10-1221** by Representative(s) Curry; also Senator(s) Schwartz--  
32 Concerning the continuation of the licensing of river  
33 outfitters by the board of parks and outdoor recreation, and,  
34 in connection therewith, implementing the sunset review  
35 recommendations of the department of regulatory agencies.

36  
37 (Amended as printed in Senate Journal, April 26, page 1018.)

38  
39 Representative Curry moved that the House **concur** in Senate  
40 amendments. The motion was declared **passed** by the following roll call  
41 vote:

42	YES	63	NO	0	EXCUSED	2	ABSENT	0
44	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
45	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
46	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
47	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
48	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
49	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
50	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
51	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
52	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
53	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
54	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
55	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
56	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y

1	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
2	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
3	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
4							Speaker	Y

5  
6 The question being, "Shall the bill, as amended, pass?".  
7 A roll call vote was taken. As shown by the following recorded vote, a  
8 majority of those elected to the House voted in the affirmative, and the  
9 bill, as amended, was declared **repassed**.

10	YES	61	NO	2	EXCUSED	2	ABSENT	0
12	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
14	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
15	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
16	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
17	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
18	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
19	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
20	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
21	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
22	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
23	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
24	Frangas	Y	Looper	N	Priola	Y	Vaad	Y
25	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	N
26	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
27	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Frangas, Pommer, Stephens.

30  
31 **HB10-1342** by Representative(s) **Levy**, Benefield, Court, Ferrandino,  
32 Fischer, Gagliardi, Hullinghorst, Kagan, Merrifield,  
33 Peniston, Pommer, Primavera, Solano, Tyler; also  
34 Senator(s) Williams, Newell--Concerning measures to  
35 encourage additional investment in solar energy generation  
36 facilities, and, in connection therewith, authorizing the  
37 creation of community solar gardens.

38  
39 (Amended as printed in Senate Journal, April 26, page 1017.)

40  
41 Representative Levy moved that the House **concur** in Senate amend-  
42 ments. The motion was declared **passed** by the following roll call vote:

44	YES	63	NO	0	EXCUSED	2	ABSENT	0
45	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
46	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
47	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
48	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
49	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
50	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
51	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
52	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
53	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
54	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
55	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
56	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y

1	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
2	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
3	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
4	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
5							Speaker	Y

6  
7 The question being, "Shall the bill, as amended, pass?".  
8 A roll call vote was taken. As shown by the following recorded vote, a  
9 majority of those elected to the House voted in the affirmative, and the  
10 bill, as amended, was declared **repassed**.

11	YES	48	NO	15	EXCUSED	2	ABSENT	0
12	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
14	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
15	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
16	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
17	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
18	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
19	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
20	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
21	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	N
22	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
23	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
24	Frangas	Y	Looper	N	Priola	Y	Vaad	N
25	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
26	Gardner B.	N	May	N	Riesberg	Y	Waller	N
27	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
28							Speaker	Y

29  
30 Co-sponsor(s) added: Representative(s) Schafer S., Soper.

31  
32  
33  
34 On motion of Representative Weissmann, **HB10-1413, 1366, 1417, 1414,**  
35 **1412, 1345, 1407, 1411, 1391, 1403, 1421, 1422, 1410, 1409,**  
36 **HCR10-1008** were made Special Orders on Friday, April 30, 2009, at  
37 10:20 a.m.

38  
39  
40 The hour of 10:20 a.m., having arrived, on motion of Representative  
41 Kefalas, the House resolved itself into Committee of the Whole for  
42 consideration of Special Orders and he was called to the Chair to act as  
43 Chairman.

#### 44 45 46 47 **SPECIAL ORDERS--SECOND READING OF BILLS**

48  
49 The Committee of the Whole having risen, the Chairman reported the  
50 titles of the following bills had been read (reading at length had been  
51 dispensed with by unanimous consent), the bills considered and action  
52 taken thereon as follows:

53  
54 (Amendments to the committee amendment are to the printed committee  
55 report which was printed and placed in the members' bill file.)  
56



1 **HB10-1366** by Representative(s) Apuan, Casso, Court, Hullinghorst,  
2 Labuda, McCann, Middleton, Miklosi, Murray, Scanlan,  
3 Todd--Concerning the prohibition of a person who is  
4 serving a sentence under community supervision as a result  
5 of conviction for certain offenses from acting as a petition  
6 circulator.

7  
8 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
9 April 6, 2010, and placed in member's bill file; Report also printed in  
10 House Journal, April 7, pages 1130-1131.

11  
12 Amendment No. 2, Finance Report, dated April 21, 2010, and placed in  
13 member's bill file; Report also printed in House Journal, April 22,  
14 pages 1130-1131.

15  
16 Amendment No. 1, Appropriations Report, dated April 30, 2010, and  
17 placed in member's bill file; Report also printed in House Journal,  
18 April 30, page 1511-1512.

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

22  
23 **HB10-1417** by Representative(s) Peniston, Casso, Court, Frangas,  
24 Gagliardi, Kefalas, Kerr A., Levy, Merrifield, Middleton,  
25 Pace, Primavera, Ryden, Schafer S., Todd; also Senator(s)  
26 Williams, Bacon, Boyd, Carroll M., Foster, Heath, Hudak,  
27 Keller, Morse, Newell, Romer, Sandoval, Steadman, Tapia,  
28 Tochtrop--Concerning the creation of the pay equity  
29 commission within the department of labor and  
30 employment.

31  
32 Amendment No. 1, Business Affairs & Labor Report, dated  
33 April 28, 2010, and placed in member's bill file; Report also printed in  
34 House Journal, April 29, pages 1496-1497.

35  
36 Laid over until later in the day.

37  
38 A motion by Representative Weissmann that the Committee rise, report  
39 progress and beg leave to sit again later in the day, was adopted by  
40 unanimous consent. (Special Orders continued on page 1552.)

41  
42  
43 \_\_\_\_\_  
44 House reconvened.

45 The Committee of the Whole reported it had risen, reported progress and  
46 would sit again until later in the day.

47  
48  
49 \_\_\_\_\_  
50 **MESSAGE(S) FROM THE SENATE**

51  
52 The Senate has adopted and transmits herewith: SJR10-048.

53  
54  
55  
56

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2

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

5

6 **SJR10-048** by Senator(s) Shaffer B.; also Representative(s) Primavera-  
7 -Concerning recognition of military personnel from  
8 Colorado who served in the Vietnam war and honoring  
9 those who were injured or who died while serving their  
10 country.

11

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

13

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

16

17 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Apuan,  
18 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,  
19 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou,  
20 Hullinghorst, Judd, Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert,  
21 Levy, Liston, Looper, Massey, May, McCann, McFadyen, McNulty, Merrifield,  
22 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Priola, Rice,  
23 Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper,  
24 Stephens, Summers, Swalm, Tipton, Tyler, Vaad, Vigil, Waller, Weissmann,  
25 Speaker.

26

27

28 House in recess. House reconvened.

29

30

31 On motion of Representative Kefalas, the House resolved itself into  
32 Committee of the Whole for continuation of consideration of Special  
33 Orders, and he returned to the Chair to act as Chairman.

34

35

36 **SPECIAL ORDERS--SECOND READING OF BILLS**

37 (Continued from page 1551)

38

39 **HB10-1417** (continued)

40

41 Amendment No. 2, by Representative(s) Peniston.

42

43 Amend printed bill, page 6, line 24, after "THE" insert "COLORADO" and  
44 strike "EDUCATION AND OUTREACH".

45

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

48

49 **HB10-1413** by Representative(s) Levy and May, Carroll T.; also  
50 Senator(s) Newell and Lundberg--Concerning juveniles  
51 who are tried as adults.

52

53 Amendment No. 1, Judiciary Report, dated April 26, 2010, and placed in  
54 member's bill file; Report also printed in House Journal, April 27,  
55 pages 1441-1448.

56

1 Amendment No. 2, Appropriations Report, dated April 30, 2010, and  
2 placed in member's bill file; Report also printed in House Journal,  
3 April 30, pages 1514-1515.

4  
5 As amended, ordered engrossed and placed on the Calendar for Third  
6 Reading and Final Passage.

7  
8 **HB10-1414** by Representative(s) Benefield; also Senator(s) Foster--  
9 Concerning the requirement that a health care facility  
10 report information identifying any individual responsible  
11 for the diversion of injectable drugs that were intended for  
12 use by patients of the facility.

13  
14 Amendment No. 1, Health & Human Services Report, dated  
15 April 29, 2010, and placed in member's bill file; Report also printed in  
16 House Journal, April 29, pages 1505.

17  
18 As amended, ordered engrossed and placed on the Calendar for Third  
19 Reading and Final Passage.

20  
21 **HB10-1412** by Representative(s) Carroll T.; also Senator Johnston--  
22 Concerning the creation of the charter school and charter  
23 authorizer standards review committee.

24  
25 Amendment No. 1, Education Report, dated April 29, 2010, and placed  
26 in member's bill file; Report also printed in House Journal, April 29,  
27 page 1505.

28  
29 Amendment No. 2, by Representative(s) Merrifield.

30  
31 Amend the Education Committee Report, dated April 29, 2010, page 1,  
32 strike lines 1 through 8 and substitute:

33  
34 "Amend printed bill, page 5, line 8, strike "AND".

35  
36 Page 5, line 11, strike "GOVERNANCE." and substitute "GOVERNANCE;  
37 AND"

38  
39 (g) NONDISCRIMINATION, INCLUDING APPLICABLE STANDARDS AND  
40 ACCOUNTABILITY RELATING TO FEDERAL AND STATE  
41 ANTI-DISCRIMINATION LAWS, INCLUDING THE AUTHORIZER'S ROLE IN  
42 MONITORING, OVERSEEING, AND COMPLIANCE THEREWITH AND THE  
43 CHARTER SCHOOL'S DEMONSTRATION OF COMPLIANCE."

44  
45 Amendment No. 3, by Representative(s) Massey.

46  
47 Amend printed bill, page 3, line 1, strike "FINANCE; AND" and substitute  
48 "FINANCE."

49  
50 Page 3, strike lines 2 through 4.

51  
52 Page 3, strike lines 9 through 11.

53  
54 Reletter succeeding sub-subparagraphs accordingly.

55  
56 Page 3, line 19, strike "DISTRICT;" and substitute "DISTRICT, AND ONE

1 MEMBER WHO IS A PARENT OF A CHILD ENROLLED IN A CHARTER SCHOOL  
2 OR IN AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5  
3 OF THIS ARTICLE;"

4  
5 Page 3, line 23, strike "INSTITUTE;" and substitute "INSTITUTE, AND ONE  
6 MEMBER WHO IS A SCHOOL DISTRICT ADMINISTRATOR WITH EXPERTISE IN  
7 FINANCIAL POLICIES AND PROCEDURES FROM A SCHOOL DISTRICT THAT  
8 HAS AUTHORIZED A CHARTER SCHOOL;"

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

12  
13 **HB10-1345** by Representative(s) Carroll T.; also Senator Steadman--  
14 Concerning the granting of emergency powers during  
15 emergency situations at charter schools.

16  
17 Amendment No. 1, Education Report, dated April 29, 2010, and placed  
18 in member's bill file; Report also printed in House Journal, April 29,  
19 pages 1498-1505.

20  
21 Amendment No. 2, by Representative(s) Carroll T.

22  
23 Amend the Education Committee Report, dated April 29, 2010, page 5,  
24 line 10, strike "PUBLIC".

25  
26 Page 5, strike line 11 and substitute:

27  
28 "INFORMATION FROM THE CHARTER RESPONDANT THAT MAY BE  
29 NECESSARY TO CONDUCT AN INVESTIGATION PURSUANT TO THIS  
30 SECTION,"

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

34  
35 **HB10-1407** by Representative(s) Kagan, Gagliardi, Hullinghorst,  
36 Looper, Solano, Vigil; also Senator(s) Steadman--  
37 Concerning the creation of the range worker advisory  
38 council.

39  
40 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
41 dated April 27, 2010, and placed in member's bill file; Report also printed  
42 in House Journal, April 27, pages 1436-1437.

43  
44 Amendment No. 2, Appropriations Report, dated April 30, 2010, and  
45 placed in member's bill file; Report also printed in House Journal,  
46 April 30, pages 1512-1513.

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

50  
51 **HB10-1411** by Representative(s) Waller, Liston, Pace--Concerning the  
52 national instant criminal background check system.

53  
54 Amendment No. 1, Judiciary Report, dated April 26, 2010, and placed in  
55 member's bill file; Report also printed in House Journal, April 27,  
56 page 1441.

1 Amendment No. 2, Appropriations Report, dated April 30, 2010, and  
2 placed in member's bill file; Report also printed in House Journal,  
3 April 30, page 1514.

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

6  
7 Amend printed bill, page 2, strike line 18 and substitute:

8  
9 **"SECTION 2. Specified effective date.** This act shall take effect  
10 upon signature of the governor; except that, this act shall not take effect  
11 if House Bill 10-1391 is not enacted at the Second Regular Session of the  
12 Sixty-seventh General Assembly and does not become law.

13  
14 **SECTION 3. Safety clause.** The general assembly hereby  
15 finds,".

16  
17 As amended, ordered engrossed and placed on the Calendar for Third  
18 Reading and Final Passage.

19  
20 **HB10-1391** by Representative(s) Rice, Court, Levy, McCann, Ryden;  
21 also Senator(s) Boyd, Hudak, Newell, Steadman--  
22 Concerning the elimination of the repeal of certain  
23 provisions requiring that the Colorado bureau of  
24 investigation deny the transfer of a firearm to a person if  
25 the bureau receives certain information about the person's  
26 criminal history in response to a search of a criminal  
27 history records database.

28  
29 Ordered engrossed and placed on the Calendar for Third Reading and  
30 Final Passage.

31  
32 **HB10-1403** by Representative(s) Kerr A.; also Senator Whitehead--  
33 Concerning commercial notifications with regard to the  
34 secretary of state.

35  
36 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
37 April 22, 2010, and placed in member's bill file; Report also printed in  
38 House Journal, April 23, page 1408.

39  
40 Amendment No. 2, Appropriations Report, dated April 30, 2010, and  
41 placed in member's bill file; Report also printed in House Journal,  
42 April 30, page 1512.

43  
44 Amendment No. 3, by Representative(s) Gardner B.

45  
46 Amend printed bill, page 8, line 9, after the semicolon add "EXCEPT THAT,  
47 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY OF  
48 STATE SHALL NOT ELIMINATE A REPORTING ENTITY'S ABILITY TO ELECT TO  
49 CONTINUE TO RECEIVE NOTICE OF THE DUE DATE OF A PERIODIC REPORT BY  
50 MAIL;"

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

54  
55 **HB10-1421** by Representative(s) May and Weissmann, Ferrandino,  
56 Pommer, Lambert, Gardner B., Waller; also Senator(s)

1 King K. And Tochtrop--Concerning the decommission of  
2 a correctional facility operated by the department of  
3 corrections.  
4

5 Amendment No. 1, Judiciary Report, dated April 30, 2010, and placed in  
6 member's bill file; Report also printed in House Journal, April 30,  
7 page 1534.  
8

9 Amendment No. 2, by Representative(s) McFadyen, May.  
10 Amend printed bill, page 2, line 16, after the period add "WHEN THE  
11 DEPARTMENT TRANSFERS INMATES FROM THE DECOMMISSIONED FACILITY,  
12 THOSE INMATES SHALL BE FIRST TRANSFERRED TO ALL AVAILABLE  
13 STATE-OPERATED CORRECTIONAL FACILITY BEDS THAT ARE APPROPRIATE  
14 FOR THAT INMATE'S CUSTODY LEVEL BEFORE AN INMATE IS TRANSFERRED  
15 TO A PRIVATE CONTRACT PRISON."  
16

17 Page 2, before line 22 insert:  
18

19 "(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF  
20 THIS SUBSECTION (6) TO THE CONTRARY, IF THE DEPARTMENT DETERMINES  
21 THAT IT IS NOT BE ABLE TO COMPLY WITH THE NOVEMBER 1, 2010,  
22 DEADLINE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE  
23 DEPARTMENT MAY REQUEST APPROVAL OF AN EXTENSION OF UP TO NINETY  
24 DAYS OF THE NOVEMBER 1, 2010, DEADLINE FROM THE CAPITAL  
25 DEVELOPMENT COMMITTEE.  
26

27 (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
28 SUBSECTION (6) TO THE CONTRARY, IF THE DEPARTMENT DETERMINES  
29 PARAGRAPH (a) OF THIS SUBSECTION (6) WOULD CREATE AN  
30 IMPLEMENTATION ISSUE, THE DEPARTMENT MAY REQUEST THAT THE  
31 EXECUTIVE COMMITTEE OF LEGISLATIVE COUNCIL CREATED IN SECTION  
32 2-3-301, C.R.S., APPROVE A SUSPENSION OF THE DEPARTMENT'S  
33 REQUIREMENT TO DECOMMISSION A PRISON AS REQUIRED BY PARAGRAPH  
34 (a) OF THIS SUBSECTION (6)."  
35

36 As amended, ordered engrossed and placed on the Calendar for Third  
37 Reading and Final Passage.  
38

39 **HB10-1422** by Representative(s) Gardner B., Kagan, Labuda, Levy,  
40 Roberts; also Senator(s) Brophy, Carroll M., Mitchell,  
41 Morse, Schwartz--Concerning the revision of statutes in the  
42 Colorado Revised Statutes, as amended, and, in connection  
43 therewith, amending or repealing obsolete, inconsistent,  
44 and conflicting provisions of law and clarifying the  
45 language to reflect the legislative intent of the laws.  
46

47 Amendment No. 1, Report, dated Judiciary, April 30, 2010, and placed  
48 in member's bill file; Report also printed in House Journal, April 30,  
49 pages 1534-1535.  
50

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

54 **HB10-1410** by Representative(s) Rice; also Senator(s) Steadman--  
55 Concerning a requirement that the state treasurer transmit  
56 moneys appropriated to departments of state government

1 that are unexpended and unencumbered at the end of a  
2 fiscal year to the state employee payday shift fund so that  
3 the moneys may be used to pay salaries in June for work  
4 performed by state employees during the month of June.  
5

6 Amendment No. 1, Finance Report, dated April 27, 2010, and placed in  
7 member's bill file; Report also printed in House Journal, April 28,  
8 pages 1475-1476.  
9

10 Amendment No. 2, Appropriations Report, dated April 30, 2010, and  
11 placed in member's bill file; Report also printed in House Journal,  
12 April 30, pages 1513-1514.  
13

14 As amended, ordered engrossed and placed on the Calendar for Third  
15 Reading and Final Passage.  
16

17 **HB10-1409** by Representative(s) Pommer, Ferrandino, Lambert; also  
18 Senator(s) Tapia, Keller, White--Concerning the process by  
19 which annual salary increases may be awarded to  
20 employees in the state personnel system based on  
21 performance, job core competencies, and years of service.  
22

23 Laid over until May 3, retaining place on Calendar.  
24

25 **HCR10-1008** by Representative(s) Lambert, Baumgardner,  
26 Bradford, DelGrosso, Gardner B., Gardner C., King  
27 S., Liston, Priola, Sonnenberg, Waller; also  
28 Senator(s) Schultheis, Brophy, Harvey, King K.,  
29 Lundberg, Mitchell, Renfroe, Scheffel--Submitting  
30 to the registered electors of the state of Colorado an  
31 amendment to section 33 of article V of the  
32 constitution of the state of Colorado, concerning a  
33 requirement that all expenditures by the state be  
34 subject to appropriation by the general assembly.  
35

36 Referred to the Committee on Finance.  
37  
38  
39

#### 40 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

41  
42 Representative Stephens moved to amend the Report of the Committee  
43 of the Whole to reverse the action taken by the Committee in not adopting  
44 the following Stephens amendment, to HB10-1417, to show that said  
45 amendment passed, and that **HB10-1417**, as amended, passed.  
46

47 Amend printed bill, page 4, after line 14 insert:  
48

49 "(f) NO PERSON WHO MEETS THE QUALIFICATIONS FOR  
50 APPOINTMENT TO THE COMMISSION SHALL BE APPOINTED TO OR SERVE ON  
51 THE COMMISSION IF THE ORGANIZATION THE PERSON REPRESENTS ON THE  
52 COMMISSION HAS MADE A GIFT, GRANT, OR DONATION PURSUANT TO  
53 SUBSECTION (2) OF THIS SECTION FOR THE BENEFIT OF THE COMMISSION."  
54

55 The amendment was declared **lost** by the following roll call vote:  
56

	YES	27	NO	31	EXCUSED	7	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
3	Apuan	N	Hullinghorst	N	McKinley	E	Scanlan	N
4	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
5	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
6	Benefield	N	Kefalas	N	Middleton	E	Sonnenberg	Y
7	Bradford	E	Kerr A.	N	Miklosi	E	Soper	N
8	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	N	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	N	Labuda	N	Pace	N	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	E
12	Ferrandino	Y	Levy	N	Pommer	Y	Todd	E
13	Fischer	N	Liston	E	Primavera	N	Tyler	N
14	Frangas	N	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	N	Massey	Y	Rice	N	Vigil	N
16	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
18							Speaker	N

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

23 Passed Second Reading: **HB10-1366 amended, 1417 amended, 1413**  
 24 **amended, 1414 amended, 1412 amended, 1345 amended, 1407**  
 25 **amended, 1411 amended, 1391, 1403 amended, 1421 amended, 1422**  
 26 **amended, 1410 amended.**

28 Laid over until date indicated retaining place on Calendar: **HB10-1409--**  
 29 **May 3, 2010.**

31 Referred to Committee indicated: **HCR10-1008--Finance.**

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

	YES	58	NO	0	EXCUSED	7	ABSENT	0
39	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
40	Apuan	Y	Hullinghorst	Y	McKinley	E	Scanlan	Y
41	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
42	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
43	Benefield	Y	Kefalas	Y	Middleton	E	Sonnenberg	Y
44	Bradford	E	Kerr A.	Y	Miklosi	E	Soper	Y
45	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
46	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
47	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
48	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	E
49	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	E
50	Fischer	Y	Liston	E	Primavera	Y	Tyler	Y
51	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
52	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
53	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
54	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
55							Speaker	Y



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

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

**SB10-087** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the State, Veterans, & Military Affairs Committee Report, dated March 25, 2010, page 1, strike lines 13 through 15 and substitute:

"Page 9 of reengrossed bill, strike lines 17 and 18 and substitute **"declaration.** (1) Any professional lobbyist, before engaging in lobbying,".

Page 10 of the bill, strike lines 14 and 15 and substitute "by this part 3, AND FOR INCLUDING IN THE ON-LINE LOBBYIST DIRECTORY MAINTAINED BY THE SECRETARY PURSUANT TO SECTION 24-6-304 (2) INFORMATION CONCERNING VOLUNTEER LOBBYISTS WHO HAVE REGISTERED WITH THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND WHOSE REGISTRATION INFORMATION HAS BEEN TRANSMITTED BY THE CHIEF CLERK TO THE SECRETARY IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION. The".".

Page 2 of the report, strike lines 9 through 17 and substitute:

""(7) COMMENCING JULY 10, 2010, AND BY THE TENTH DAY OF EACH MONTH THEREAFTER, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, OR HIS OR HER DESIGNEE, SHALL TRANSMIT TO THE SECRETARY OF STATE THE NAME, BUSINESS ADDRESS AND TELEPHONE NUMBER, HOME ADDRESS AND TELEPHONE NUMBER, AND LOBBYIST GROUP OR OTHER AFFILIATION, AS APPLICABLE, OF ANY VOLUNTEER LOBBYIST WHO HAS REGISTERED WITH THE CHIEF CLERK DURING THE PREVIOUS MONTH IN ACCORDANCE WITH THE PROVISIONS OF RULE 40 (a) OF THE RULES OF THE HOUSE OF REPRESENTATIVES OR RULE 36 (c) (2) OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE SECRETARY OF STATE SHALL THEREUPON INCLUDE THE NAME AND ACCOMPANYING INFORMATION OF ANY SUCH REGISTERED VOLUNTEER LOBBYIST, ALONG WITH AN APPROPRIATE NOTATION IDENTIFYING THE PERSON AS A VOLUNTEER LOBBYIST, IN THE ON-LINE LOBBYIST DIRECTORY MAINTAINED BY THE SECRETARY PURSUANT TO SECTION 24-6-304 (2) AND PREVIOUSLY LIMITED, PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (7), TO REGISTERED PROFESSIONAL LOBBYISTS."."

Page 2 of the report, after line 21 insert:

"Page 15 of the bill, line 16, strike "PERSON" and substitute "PRINCIPAL".

Page 15 of the bill, line 23, strike "PERSON" and substitute "PRINCIPAL".

Page 19 of the bill, line 17, strike "forty-seven".

Page 19 of the bill, strike line 18 and substitute:

"thirty-two thousand five hundred sixty dollars (\$32,560) cash funds, or so much".".

**DELIVERY OF BILLS TO GOVERNOR**1  
2  
3  
4  
5  
6  
7  
8  
9

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB10-1017, 1029, 1042, 1114, 1116, 1117, 1164, 1182, 1208, 1213, 1220, 1222, 1225, 1229, 1240, 1242, 1244, 1259, 1275, 1276, 1340, 1372, 1377, 1378, 1379, 1380, 1381, 1382, 1384, 1385, 1387, 1389** at 12:43 p.m. on April 30, 2010.

10  
11  
12  
13

---

**LAY OVER OF CALENDAR ITEM(S)**14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until May 3, retaining place on Calendar:

Consideration of Third Reading---**SB10-006, 061, 103, 106, 108, 120, 169, 171, 183, 181, HCR10-1004, SB10-156, HB10-1217.**

Consideration of General Orders--**SB10-028, 178, 126, 189, 186, HCR10-1002, SB10-114, HB10-1390, SB10-139.**

Consideration of Conference Committee Report(s)---**HB10-1021, SB10-109, HB10-1383, 1388.**

Consideration of Resolution(s)---**HJR10-1020, SJR10-025, HJR10-1023, 1019, 1024, 1025, 1026, 1027, 1028, 1032, 1022, 1033, 1034.**

Consideration of Senate Amendment(s)--**HB10-1035, 1053, 1106, 1224, 1260, 1333, 1335, 1362.**

Consideration of Adherence--**HB10-1098.**

30  
31

On motion of Representative Weissmann, the House adjourned until 10:00 a.m., May 3, 2010.

34  
35  
36  
37  
38  
39  
40

---

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk