

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

Thirtieth Legislative Day

Thursday, February 11, 2010

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 Pledge of Allegiance led by Lee Jergensen, Colorado State University,  
6 Fort Collins.  
7  
8 The roll was called with the following result:  
9  
10 Present--63.  
11 Excused--Representative(s) Kagan, McFadyen--2.  
12  
13 The Speaker declared a quorum present.  
14  
15  
16 On motion of Representative Bradford, the reading of the journal of  
17 February 10, 2010, was declared dispensed with and approved as  
18 corrected by the Chief Clerk.  
19  
20  
21  
22

**CONSIDERATION OF RESOLUTION(S)**

23  
24  
25 On motion of Representative Weissmann, the rules (House Rules 26 and  
26 26A) were suspended for consideration of HJR10-1012.  
27  
28 **HJR10-1012** by Representative(s) Fischer and Nikkel, Kefalas; also  
29 Senator(s) Lundberg and Tapia, Bacon--Concerning  
30 recognition of and appreciation for 140 years of  
31 education, research, and service by the Colorado State  
32 University system.  
33  
34 (Printed and placed in members' file.)  
35  
36 On motion of Representative Nikkel, the resolution was read at length  
37 and **adopted** by **viva voce** vote.  
38  
39 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,  
40 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,  
41 Ferrandino, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Hullinghorst,  
42 Judd, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper,  
43 Massey, May, McCann, McKinley, McNulty, Merrifield, Middleton, Miklosi,

1 Murray, Pace, Peniston, Pommer, Primavera, Priola, Rice, Riesberg, Roberts,  
2 Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers,  
3 Swalm, Tipton, Todd, Tyler, Vaad, Vigil, Waller, Weissmann, Speaker  
4  
5

6  
7  
8 On motion of Representative Gagliardi, the House resolved itself into  
9 Committee of the Whole for consideration of General Orders, and she  
10 was called to the Chair to act as Chairman.  
11

12  
13 **GENERAL ORDERS--SECOND READING OF BILL(S)**  
14

15 The Committee of the Whole having risen, the Chairman reported the  
16 title(s) of the following bill(s) had been read (reading at length had been  
17 dispensed with by unanimous consent), the bill(s) considered and action  
18 taken thereon as follows:  
19

20 (Amendments to the committee amendment are to the printed committee  
21 report which was printed and placed in the members' bill file.)  
22

23 **HB10-1001** by Representative(s) Tyler; also Senator(s) Schwartz and  
24 Whitehead--Concerning incentives for the installation of  
25 new distributed renewable energy generation facilities in  
26 Colorado, and, in connection therewith, increasing the  
27 target percentages under the electric utility portfolio  
28 standard to encourage Colorado utilities to generate five  
29 percent of their retail electricity sales from distributed  
30 renewable sources by the year 2020, and adopting  
31 standards for the installation of distributed solar electric  
32 generation equipment.  
33

34 Amendment No. 1, Transportation & Energy Report, dated  
35 February 5, 2010, and placed in member's bill file; Report also printed in  
36 House Journal, February 8, pages 240-250.  
37

38 Amendment No. 2, Appropriations Report, dated February 9, 2010, and  
39 placed in member's bill file; Report also printed in House Journal,  
40 February 9, pages 262-263.  
41

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

45  
46  
47 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**  
48

49 Representative DelGrosso moved to amend the Report of the Committee  
50 of the Whole to reverse the action taken by the Committee in not adopting  
51 the following McNulty amendment, to HB10-1001, to show that said  
52 amendment passed, and that **HB10-1001**, as amended, passed.  
53

54 Amend the Transportation and Energy Committee report, dated February  
55 5, 2010, page 6, strike lines 24 through 26 and substitute:  
56

1 "Colorado Revised Statutes, are amended, and the said 40-2-124 (1) (f)  
2 and (1) (g) are further amended BY THE ADDITION OF THE  
3 FOLLOWING NEW SUBPARAGRAPHS, to read:".

4  
5 Page 8 of the report, after line 31, insert:

6  
7 "(V) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
8 CONTRARY, THE COMMISSION SHALL NOT GRANT ANY RATE INCREASE  
9 REQUESTED BY A QUALIFYING RETAIL UTILITY AS A RESULT OF  
10 REQUIREMENTS IMPOSED UPON IT UNDER HOUSE BILL 10-1001."

11  
12 The amendment was declared **lost** by the following roll call vote:

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

32  
33 Representatives Priola, Looper, and Vaad moved to amend the Report of  
34 the Committee of the Whole to reverse the action taken by the Committee  
35 in not adopting the following Priola amendment, to HB10-1001, to show  
36 that said amendment passed, and that **HB10-1001**, as amended, passed.

37  
38 Amend the Transportation and Energy Committee Report, dated February  
39 5, 2010, page 5, after line 10, insert:

40  
41 "(IX) ALL INSTALLATIONS OF ELIGIBLE ENERGY GENERATION  
42 FACILITIES, REGARDLESS OF SIZE, SHALL BE SUBJECT TO HABITAT  
43 STEWARDSHIP REQUIREMENTS SUBSTANTIALLY SIMILAR TO THOSE OF  
44 SECTION 34-60-128, C.R.S."

45  
46 The amendment was declared **lost** by the following roll call vote:

	YES	26	NO	36	EXCUSED	3	ABSENT	0
49	Acree	Y	Gerou	Y	McFadyen	E	Ryden	N
50	Apuan	N	Hullinghorst	N	McKinley	N	Scanlan	N
51	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
52	Baumgardner	Y	Kagan	E	Merrifield	N	Solano	N
53	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
54	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
55	Casso	N	Kerr J.	Y	Murray	Y	Stephens	E
56	Court	N	King S.	Y	Nikkel	Y	Summers	Y

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

10

11 Representatives Looper, Vaad, McNulty, and Gardner C. moved to amend  
 12 the Report of the Committee of the Whole to reverse the action taken by  
 13 the Committee in not adopting the following Looper amendment, to  
 14 HB10-1001, to show that said amendment passed, and that **HB10-1001**,  
 15 as amended, passed.

16

17 Amend the Transportation and Energy Committee Report, dated  
 18 February 5, 2010, page 9, strike lines 8 through 38.

19

20 Strike pages 10 and 11.

21

22 Page 12, strike lines 1 through 26.

23

24 Renumber succeeding sections accordingly.

25

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

27

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

46

47 Representative McNulty moved to amend the Report of the Committee of  
 48 the Whole to reverse the action taken by the Committee in not adopting  
 49 the following McNulty amendment, to HB 10-1001, to show that said  
 50 amendment passed, and that HB 10-1001, as amended, passed.

51

52 Amend the Transportation and Energy Committee report, dated February  
 53 5, 2010, page 9, after line 7 insert:

54

55 **"SECTION 4.** 40-2-124, Colorado Revised Statutes, is amended  
 56 **BY THE ADDITION OF A NEW SUBSECTION** to read:

1           **40-2-124. Renewable energy standard - definitions - net**  
 2 **metering.** (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
 3 THE CONTRARY:

4  
 5           (a) COMMENCING NO LATER THAN JULY 1, 2010, THE STATE  
 6 AUDITOR SHALL UNDERTAKE A STUDY TO DETERMINE WHETHER THE  
 7 PASSAGE OF THIS SECTION HAS RESULTED IN ANY MEASURABLE REDUCTION  
 8 OF EMISSIONS OF SULFUR DIOXIDE, NITROUS OXIDE, OR CARBON DIOXIDE  
 9 IN COLORADO. THE STATE AUDITOR SHALL REPORT THE RESULTS OF SUCH  
 10 STUDY TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2011.

11  
 12           (b) IF THE STATE AUDITOR REPORTS, PURSUANT TO PARAGRAPH (a)  
 13 OF THIS SUBSECTION (8), THAT THERE HAS NOT BEEN A MEASURABLE  
 14 REDUCTION OF EMISSIONS OF SULFUR DIOXIDE, NITROUS OXIDE, OR  
 15 CARBON DIOXIDE IN COLORADO SINCE THE EFFECTIVE DATE OF THIS  
 16 SECTION, THE IMPLEMENTATION OF THIS SECTION SHALL BE SUSPENDED  
 17 PENDING FURTHER LEGISLATIVE ANALYSIS AND DELIBERATION."

18  
 19 Renumber succeeding sections accordingly.

20  
 21 The amendment was declared **lost** by the following roll call vote:

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

41  
 42 Representative(s) Gardner C. moved to amend the Report of the  
 43 Committee of the Whole to reverse the action taken by the Committee in  
 44 not adopting the following Gardner C. amendment, to HB10-1001, to  
 45 show that said amendment passed, and that **HB10-1001**, as amended,  
 46 passed.

47  
 48 Amend the Transportation and Energy Committee report, dated February  
 49 5, 2010, page 12, after line 26 insert:

50  
 51           **"40-2-130. Renewable energy standard - transfer of credits -**  
 52 **rules - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
 53 OTHERWISE REQUIRES:

54  
 55           (a) "BIOMASS THERMAL SYSTEM" MEANS A SYSTEM PRODUCING  
 56 THERMAL ENERGY USING ANY RAW OR PROCESSED PLANT-DERIVED

1 ORGANIC MATTER AVAILABLE ON A RENEWABLE BASIS, INCLUDING, BUT  
 2 NOT LIMITED TO, DEDICATED ENERGY CROPS AND TREES; AGRICULTURAL  
 3 FOOD AND FEED CROPS; AGRICULTURAL CROP WASTES AND RESIDUES;  
 4 WOOD WASTES AND RESIDUES, INCLUDING LANDSCAPE WASTE,  
 5 RIGHT-OF-WAY TREE TRIMMINGS, OR SMALL-DIAMETER FOREST THINNINGS  
 6 THAT ARE TWELVE INCHES IN DIAMETER OR LESS; DEAD AND DOWNED  
 7 FOREST PRODUCTS; AQUATIC PLANTS; NONNATIVE PHREATOPHYTES;  
 8 ANIMAL WASTES; OTHER VEGETATIVE WASTE MATERIALS; NONHAZARDOUS  
 9 PLANT MATTER WASTE MATERIAL THAT IS SEGREGATED FROM OTHER  
 10 WASTE; FOREST-RELATED RESOURCES, SUCH AS HARVESTING AND MILL  
 11 RESIDUE, PRE-COMMERCIAL THINNINGS, SLASH, AND BRUSH;  
 12 MISCELLANEOUS WASTE, SUCH AS WASTE PALLETS, CRATES, AND  
 13 DUNNAGE; AND RECYCLED PAPER FIBERS THAT ARE NO LONGER SUITABLE  
 14 FOR RECYCLED PAPER PRODUCTION, BUT NOT INCLUDING PAINTED,  
 15 TREATED, OR PRESSURIZED WOOD, WOOD CONTAMINATED WITH PLASTICS  
 16 OR METALS, TIRES, OR RECYCLABLE POST-CONSUMER WASTE PAPER. SUCH  
 17 SYSTEMS SHALL COMPLY WITH ENVIRONMENTAL PROTECTION AGENCY  
 18 CERTIFICATION PROGRAMS OR SHALL BE PERMITTED BY STATE, COUNTY,  
 19 OR LOCAL AIR QUALITY AUTHORITIES.

20  
 21 (b) "BTU" MEANS BRITISH THERMAL UNIT.

22  
 23 (c) "BTU RENEWABLE ENERGY CREDIT" MEANS A TRANSFERRABLE  
 24 CREDIT THAT IS CREATED FOR EACH THREE THOUSAND FOUR HUNDRED  
 25 FIFTEEN BTUS OF HEAT PRODUCED BY A BIOMASS THERMAL SYSTEM OR  
 26 GEOTHERMAL SPACE HEATING AND PROCESS HEATING SYSTEM.

27  
 28 (d) "GEOTHERMAL SPACE HEATING AND PROCESS HEATING  
 29 SYSTEM" MEANS A SYSTEM THAT USES HEAT FROM WITHIN THE EARTH'S  
 30 SURFACE FOR SPACE HEATING OR FOR PROCESS HEATING.

31  
 32 (2) THE COMMISSION SHALL ESTABLISH A BTU RENEWABLE  
 33 ENERGY CREDIT PROGRAM TO ALLOW CUSTOMERS WHO USE RENEWABLE  
 34 ENERGY IN FORMS THAT INCLUDE, BUT ARE NOT LIMITED TO, A BIOMASS  
 35 THERMAL SYSTEM OR A GEOTHERMAL SPACE HEATING AND PROCESS  
 36 HEATING SYSTEM, TO CALCULATE THE BTU PRODUCTION AND CONVERT  
 37 THE BTU PRODUCTION TO A BTU RENEWABLE ENERGY CREDIT.

38  
 39 (3) EACH BTU RENEWABLE ENERGY CREDIT SHALL COUNT AS ONE  
 40 AND ONE-HALF KILOWATT-HOURS OF RENEWABLE ENERGY, AS SET FORTH  
 41 IN SECTION 40-2-124 (1) (c) AND (1) (d).

42  
 43 (4) A CUSTOMER WHO OBTAINS A BTU RENEWABLE ENERGY  
 44 CREDIT MAY TRANSFER THE CREDIT TO A QUALIFYING RETAIL UTILITY,  
 45 WHO MAY USE THE CREDIT TOWARD THE RENEWABLE ENERGY  
 46 REQUIREMENTS OF SECTION 40-2-124 (1) (c) AND (1) (d).

47  
 48 (5) THE COMMISSION SHALL PROMULGATE REASONABLE RULES AS  
 49 NECESSARY TO IMPLEMENT THIS SECTION."

50  
 51 The amendment was declared **lost** by the following roll call vote:

52  
 53

	YES	29	NO	33	EXCUSED	3	ABSENT	0
54	Acree	Y	Gerou	Y	McFadyen	E	Ryden	N
55	Apuan	N	Hullinghorst	N	McKinley	Y	Scanlan	N
56	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N

1	Baumgardner	Y	Kagan	E	Merrifield	N	Solano	N
2	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
3	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
4	Casso	N	Kerr J.	Y	Murray	Y	Stephens	E
5	Court	N	King S.	Y	Nikkel	Y	Summers	Y
6	Curry	Y	Labuda	N	Pace	N	Swalm	Y
7	DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y
8	Ferrandino	N	Levy	N	Pommer	N	Todd	N
9	Fischer	N	Liston	Y	Primavera	N	Tyler	N
10	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
11	Gagliardi	N	Massey	Y	Rice	N	Vigil	N
12	Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
13	Gardner C.	Y	McCann	N	Roberts	Y	Weissmann	N
14							Speaker	N

---

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

18  
19  
20 Passed Second Reading: **HB10-1001 amended.**

21  
22 The Chairman moved the adoption of the Committee of the Whole  
23 Report. As shown by the following roll call vote, a majority of those  
24 elected to the House voted in the affirmative, and the Report was  
25 **adopted.**

	YES	40	NO	22	EXCUSED	3	ABSENT	0
28	Acree	N	Gerou	Y	McFadyen	E	Ryden	Y
29	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
30	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
31	Baumgardner	N	Kagan	E	Merrifield	Y	Solano	Y
32	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
33	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
34	Casso	Y	Kerr J.	N	Murray	N	Stephens	E
35	Court	Y	King S.	N	Nikkel	N	Summers	N
36	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
37	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
38	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
39	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
40	Frangas	Y	Looper	N	Priola	N	Vaad	N
41	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
42	Gardner B.	N	May	N	Riesberg	Y	Waller	Y
43	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
44							Speaker	Y

---

45  
46  
47  
48  
49  
50 House in recess. House reconvened.

---

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

2  
3           **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

6  
7           **HB1223**           be referred to the Committee of the Whole with favorable  
8           recommendation.

9  
10  
11          **SJR10-004**       be referred out for final action.

12  
13  
14  
15  
16          **BUSINESS AFFAIRS & LABOR**

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

19  
20          **HB10-1108**       be amended as follows, and as so amended, be referred to  
21          the Committee of the Whole with favorable  
22          recommendation:

23  
24  
25          Amend printed bill, page 5, after line 9 insert:

26  
27                "(III) A WRITTEN AGREEMENT BETWEEN A NONPROFIT YOUTH  
28                SPORTS ORGANIZATION AND A COACH IN ACCORDANCE WITH THIS  
29                PARAGRAPH (e) SHALL NOT BE CONCLUSIVE EVIDENCE OF AN  
30                INDEPENDENT CONTRACTOR RELATIONSHIP FOR PURPOSES OF ANY CIVIL  
31                ACTION INSTITUTED BY A THIRD PARTY. "

32  
33          Renumber succeeding subparagraph accordingly.

34  
35          Page 6, after line 18 insert:

36  
37                "(III) A WRITTEN AGREEMENT BETWEEN A NONPROFIT YOUTH  
38                SPORTS ORGANIZATION AND A COACH IN ACCORDANCE WITH THIS  
39                PARAGRAPH (e) SHALL NOT BE CONCLUSIVE EVIDENCE OF AN  
40                INDEPENDENT CONTRACTOR RELATIONSHIP FOR PURPOSES OF ANY CIVIL  
41                ACTION INSTITUTED BY A THIRD PARTY. "

42  
43          Renumber succeeding subparagraph accordingly.

44  
45  
46  
47          **HB10-1148**       be referred favorably to the Committee on Appropriations.

48  
49  
50          **HB10-1151**       be postponed indefinitely.

51  
52  
53          **HB10-1186**       be amended as follows, and as so amended, be referred to  
54          the Committee on Finance with favorable  
55          recommendation:

56



1 Amend printed bill, page 5, line 13, change the period to a comma and  
2 add "BEGINNING AT 8 A.M. UNTIL 12 MIDNIGHT EACH DAY EXCEPT  
3 CHRISTMAS DAY."

4

5 Page 5, after line 27 insert:

6

7 "(IV) NOTWITHSTANDING SECTION 12-46-106 OR ANY OTHER  
8 PROVISION OF LAW TO THE CONTRARY, NO PERSON EMPLOYED BY A MALT  
9 LIQUOR STORE LICENSED UNDER THIS PARAGRAPH (e) SHALL MAKE  
10 DELIVERIES OF ANY ALCOHOL BEVERAGE BEYOND THE CUSTOMARY  
11 PARKING AREA FOR THE CUSTOMERS OF THE STORE."

12

13

14

15 **HB10-1204** be amended as follows, and as so amended, be referred to  
16 the Committee of the Whole with favorable  
17 recommendation:

18

19 Amend printed bill, page 2, strike lines 11 through 16 and substitute:

20

21 "(4.5) (a) "CONSERVATION" MEANS EFFICIENCY MEASURES, AS  
22 ADOPTED BY THE BOARD, THAT MEET NATIONAL GUIDELINES AND  
23 STANDARDS AND ARE TESTED AND APPROVED BY A NATIONALLY  
24 RECOGNIZED TESTING LABORATORY, INCLUDING:

25

26 (I) WATER-EFFICIENT DEVICES AND FIXTURES; AND

27

28 (II) THE USE OF LOCALLY PRODUCED MATERIALS, WHEN  
29 PRACTICABLE, TO REDUCE TRANSPORTATION IMPACTS.

30

31 (b) WHEN CONSERVATION CONFLICTS WITH SAFETY, THE BOARD  
32 SHALL GIVE PRIMARY CONSIDERATION TO SAFETY."

33

34 Page 2, line 17, strike "**date.**" and substitute "**date - applicability. (1)**".

35

36 Page 2, after line 26 insert:

37

38 "(2) The provisions of this act shall apply to a rule modifying the  
39 Colorado plumbing code that occurs pursuant to the regular schedule of  
40 the examining board of plumbers that is promulgated on or after the  
41 applicable effective date of this act."

42

43

44

45 **SB10-021** be referred to the Committee of the Whole with favorable  
46 recommendation.

47

48

49 **SB10-022** be referred to the Committee of the Whole with favorable  
50 recommendation.

51

52

53 **SB10-023** be referred to the Committee of the Whole with favorable  
54 recommendation.

55

1 **SB10-024** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB10-031** be referred favorably to the Committee on State, Veterans,  
6 & Military Affairs.  
7

8  
9  
10  
11 **FINANCE**

12 After consideration on the merits, the Committee recommends the  
13 following:  
14

15 **HB10-1042** be amended as follows, and as so amended, be referred to  
16 the Committee of the Whole with favorable  
17 recommendation:  
18

19 Amend printed bill, page 5, line 2, strike "not" and substitute "~~not~~".  
20

21 Page 5, line 3, strike "more than one THOUSAND" and substitute "~~more~~  
22 ~~than one~~ UP TO".  
23

24 Page 5, line 4, after "occurs." add "FOR A SECOND VIOLATION, THE CIVIL  
25 PENALTY SHALL BE UP TO ONE THOUSAND DOLLARS PER DAY FOR EACH  
26 DAY DURING WHICH SUCH A VIOLATION OCCURS. FOR A THIRD OR  
27 SUBSEQUENT VIOLATION, THE CIVIL PENALTY SHALL BE UP TO ONE  
28 THOUSAND FIVE HUNDRED DOLLARS PER DAY FOR EACH DAY DURING  
29 WHICH SUCH A VIOLATION OCCURS."  
30

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32  
33 **HB10-1087** be postponed indefinitely.  
34

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36 **SB10-001** be referred favorably to the Committee on Appropriations.  
37

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39  
40 **PRINTING REPORT**

41  
42 The Chief Clerk reports the following bills have been correctly printed:  
43 **HB10-1335, 1336, 1337, 1338.**  
44

45  
46  
47 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**  
48

49 The Speaker has signed: **HR10-1005.**  
50

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52  
53 **MESSAGE(S) FROM THE SENATE**  
54

55 The Senate has passed on Third Reading and returns herewith:  
56 **HB10-1196**

1 The Senate has passed on Third Reading and transmitted to the Revisor  
2 of Statutes:  
3 HB10-1189 amended as printed in Senate Journal, February 5, 2010,  
4 page 176.  
5 HB10-1191 amended as printed in Senate Journal, February 5, 2010,  
6 page 176, and in Senate Journal, February 10, 2010,  
7 page 204.  
8 HB10-1194 amended as printed in Senate Journal, February 8, 2010,  
9 page 180.  
10 HB10-1195 amended as printed in Senate Journal, February 8, 2010,  
11 page 183.  
12 HB10-1199 amended as printed in Senate Journal, February 8, 2010,  
13 page 183.  
14 HB10-1192 amended as printed in Senate Journal, February 8, 2010,  
15 pages 184 and 189-190 and in Senate Journal,  
16 February 10, 2010, pages 207-208.  
17 HB10-1190 amended as printed in Senate Journal, February 8, 2010,  
18 pages 184-186.  
19 HB10-1193 amended as printed in Senate Journal, February 8, 2010,  
20 pages 171-172, 175 and 181-182 and in Senate Journal,  
21 February 10, 2010, pages 209-211.  
22  
23

24 The Senate has passed on Third Reading and transmitted to the Revisor  
25 of Statutes:  
26  
27 SB10-019 amended as printed in Senate Journal, February 3, 2010, pages  
28 149-151 and in Senate Journal, February 11, 2010.  
29

30 The Senate has adopted and returns herewith: HJR10-1010 and  
31 HJR10-1012.  
32

### 33 MESSAGE(S) FROM THE REVISOR

34  
35 We herewith transmit:  
36 Without comment, as amended, HB10-1189, 1191, 1194, 1195, 1199,  
37 1192, 1190, and 1193.  
38

39 We herewith transmit:  
40 Without comment, as amended, SB10-019.  
41  
42

### 43 NOTICE OF CALENDARED ITEM(S)

44  
45 On motion of Representative Weissmann, the following bill(s) will be  
46 calendared for Second Reading on February 17, 2010: **HB10-1223, 1108,**  
47 **1204, SB10-021, 022, 023, 024, HB10-1042.**  
48

49 On motion of Representative Weissmann, the following bill(s) calendared  
50 for Second Reading, February 12, will be laid over until  
51 February 17, 2010: **HB10-1235.**  
52

53 On motion of Representative Weissmann, the following bill(s) calendared  
54 for Second Reading, February 12, will be laid over until February 19,  
55 2010: **HB10-1061, 1165.**  
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**LAY OVER OF CALENDAR ITEM(S)**

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On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until February 12, retaining place on Calendar:

Consideration of Third Reading--**HB10-1043, 1011, 1002, 1030, 1058, 1197.**

Consideration of General Orders--**HB10-1188, 1008, 1024, 1115, 1009, 1007, 1212, 1025, 1041, 1138.**

Consideration of Resolution(s)--**SJR10-011.**

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On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 12, 2010.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk