

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

Thirty-eighth Legislative Day

Friday, February 19, 2010

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

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

5
6 Pledge of Allegiance led by Angie Neslin, George Washington High,
7 Denver.

8
9 The roll was called with the following result:

10
11 Present--60.
12 Excused--Representative(s) Levy, McFadyen, Stephens, Todd,
13 Waller--5.
14 Present after roll call--Representative(s) McFadyen, Stephens,
15 Todd.

16
17 The Speaker declared a quorum present.

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

23
24
25
26
27 **THIRD READING OF BILL(S)--FINAL PASSAGE**

28
29 The following bill(s) (was)were considered on Third Reading. The
30 title(s) (was)were publicly read. Reading of the bill at length was
31 dispensed with by unanimous consent.

32
33 **HB10-1183** by Representative(s) Middleton; also Senator(s) Johnston-
34 -Concerning authorization of a pilot program to collect
35 data concerning alternative school finance funding
36 models.

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

42

	YES	61	NO	1	EXCUSED	3	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	E	Pommer	Y	Todd	E
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Hullinghorst, Labuda, Looper,
20 Priola, Ryden, Scanlan, Schafer S., Solano, Stephens, Vigil, Speaker.

21
22 **HB10-1132** by Representative(s) Gardner B., McNulty, Nikkel,
23 Waller; also Senator(s) Hodge--Concerning the production
24 of records by a business in a criminal matter.

25
26 The question being "Shall the bill pass?".
27 A roll call vote was taken. As shown by the following recorded vote, a
28 majority of those elected to the House voted in the affirmative and the bill
29 was declared **passed**.

	YES	58	NO	4	EXCUSED	3	ABSENT	0
31								
32	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
33	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
34	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
35	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
36	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
37	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
38	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
39	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
40	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
41	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
42	Ferrandino	N	Levy	E	Pommer	N	Todd	E
43	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
44	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
45	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
46	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
47	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
48							Speaker	N

49 Co-sponsor(s) added: Representative(s) Kerr J., Labuda, Looper, Priola,
50 Stephens.

51
52
53 **HB10-1233** by Representative(s) Ryden; also Senator(s) Newell--
54 Concerning the relocation of the crime of stalking in the
55 Colorado Revised Statutes.

56

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

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

24 Co-sponsor(s) added: Representative(s) Priola, Roberts, Scanlan, Schafer S.,
 25 Vigil.

26
 27 **HB10-1231** by Representative(s) Sonnenberg; also Senator(s)
 28 Tochtrop--Concerning the regulation of conveyances.

29
 30 The question being "Shall the bill pass?".
 31 A roll call vote was taken. As shown by the following recorded vote, a
 32 majority of those elected to the House voted in the affirmative and the bill
 33 was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
36	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
37	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
38	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
39	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
40	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
41	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
42	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
43	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
44	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
45	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
46	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
47	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
48	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
49	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
50	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
51	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Acree, Gardner C., Gerou, Kerr J.,
 54 Priola, Stephens.

55

1 **HB10-1247** by Representative(s) Gagliardi, Bradford, Soper; also
 2 Senator(s) Carroll M.--Concerning the continuation of the
 3 workers' compensation classification appeals board.
 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	63	NO	0	EXCUSED	2	ABSENT	0
11	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
12	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
13	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
14	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
15	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
16	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
17	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
18	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
19	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
20	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
21	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
22	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
23	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
24	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
25	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
26	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Apuan, Vigil.
 29

30 **HB10-1118** by Representative(s) Kerr J.; also Senator(s) Hudak--
 31 Concerning the regulation of distressed real property by a
 32 board of county commissioners.
 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	59	NO	4	EXCUSED	2	ABSENT	0
39	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
40	Apuan	Y	Hullinghorst	Y	McKinley	N	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.	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	Y
49	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
50	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
51	Frangas	Y	Looper	Y	Priola	N	Vaad	Y
52	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	N
53	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
54	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Schafer S., Summers.

1 **HB10-1143** by Representative(s) McNulty; also Senator(s) Johnston--
 2 Concerning the authority of the regional transportation
 3 district to enter into agreements permitting specified uses
 4 at its transfer facilities.

5
 6 The question being "Shall the bill 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 bill
 9 was declared **passed**.

	YES	56	NO	7	EXCUSED	2	ABSENT	0
12	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
13	Apuan	Y	Hullinghorst	N	McKinley	N	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	N
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	N	Pace	Y	Swalm	Y
21	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
22	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
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	Y
26	Gardner B.	Y	May	N	Riesberg	Y	Waller	E
27	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Apuan, Peniston, Priola, Rice,
 30 Schafer S., Tyler.

31
 32
 33 **SB10-053** by Senator(s) Foster; also Representative(s) Acree--
 34 Concerning the exception of weighted votes from voting
 35 requirements governing the board of directors of a
 36 metropolitan sewage disposal district.

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

	YES	62	NO	1	EXCUSED	2	ABSENT	0
44	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
45	Apuan	Y	Hullinghorst	Y	McKinley	Y	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	E	Pommer	Y	Todd	Y
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	N	Riesberg	Y	Waller	E
3	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
4							Speaker	Y

5 Co-sponsor(s) added: Representative(s) Schafer S.

6
7 **HB10-1208** by Representative(s) Todd and Murray, Massey,
8 Baumgardner, Benefield, Carroll T., Casso, Frangas,
9 Gardner C., Looper, May, McFadyen, McKinley,
10 McNulty, Merrifield, Middleton, Peniston, Priola, Ryden,
11 Scanlan, Schafer S., Solano, Sonnenberg, Summers,
12 Tipton; also Senator(s) Shaffer B. And King K., Cadman,
13 Carroll M., Foster, Hodge, Johnston, Keller, Kester, Kopp,
14 Lundberg, Newell, Penry, Renfroe, Romer, Scheffel,
15 Schultheis, Spence, Steadman, White, Whitehead,
16 Williams--Concerning requiring statewide agreements for
17 the transfer of two-year degrees among all state
18 institutions of higher education in Colorado.

19
20 The question being "Shall the bill pass?".

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

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

43 Co-sponsor(s) added: Representative(s) Acree, Apuan, Bradford, Court, Curry,
44 DelGrosso, Ferrandino, Fischer, Gardner B., Gerou, Kagan, Kerr A., Kerr J.,
45 King S., Labuda, Lambert, Liston, Miklosi, Nikkel, Pace, Primavera, Rice,
46 Riesberg, Roberts, Stephens, Vaad, Vigil.

47
48 **HB10-1057** by Representative(s) Ryden; also Senator(s) Spence--
49 Concerning fees charged by county sheriffs relating to the
50 service of process.

51
52 The question being "Shall the bill pass?".

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

56

	YES	50	NO	13	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	N	Murray	Y	Stephens	N
9	Court	Y	King S.	Y	Nikkel	Y	Summers	N
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	N
12	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	N	Priola	N	Vaad	N
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	N
16	Gardner B.	Y	May	N	Riesberg	Y	Waller	E
17	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Court, Pace, Schafer S., Todd.

20
 21 **HB10-1135** by Representative(s) Ryden, Benefield, Court, Gagliardi,
 22 Hullinghorst, Labuda, Looper, McCann, Middleton,
 23 Peniston, Primavera, Schafer S., Solano, Todd; also
 24 Senator(s) Hudak and Newell, Boyd, Spence, Williams--
 25 Concerning the definition of domestic violence when
 26 determining the best interests of a child.

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

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

	YES	62	NO	1	EXCUSED	2	ABSENT	0
34	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
35	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
36	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
37	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
38	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
39	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
40	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
41	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
42	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
43	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
44	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
45	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
46	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
47	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
48	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
49	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Bradford, Frangas, Kerr A., King S.,
 52 May, Merrifield, Nikkel, Pace, Priola, Scanlan, Stephens, Summers, Tyler,
 53 Vigil.

54
 55

1 **HB10-1326** by Representative(s) Pommer, Ferrandino, Lambert; also
 2 Senator(s) Tapia, Keller, White--Concerning an increase
 3 in the amount of authorized appropriations from the
 4 operational account of the severance tax trust fund to the
 5 division of parks and outdoor recreation, and, in
 6 connection therewith, adjusting the 2009 long bill.

7
 8 The question being "Shall the bill 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 was declared **passed**.

	YES	62	NO	1	EXCUSED	2	ABSENT	0
14	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
15	Apuan	Y	Hullinghorst	Y	McKinley	N	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	E	Pommer	Y	Todd	Y
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	E
29	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
30							Speaker	Y

31 Co-sponsor(s) added: Representative(s) Fischer.

32
 33 **HB10-1327** by Representative(s) Pommer, Ferrandino, Lambert; also
 34 Senator(s) White, Keller, Tapia--Concerning the
 35 augmentation of the general fund through transfers of
 36 certain moneys.

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

	YES	33	NO	30	EXCUSED	2	ABSENT	0
44	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
45	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
46	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
47	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
48	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
49	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
50	Casso	N	Kerr J.	N	Murray	N	Stephens	N
51	Court	Y	King S.	N	Nikkel	N	Summers	N
52	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
53	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
54	Ferrandino	N	Levy	E	Pommer	Y	Todd	Y
55	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
56	Frangas	Y	Looper	N	Priola	N	Vaad	N

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

5
6 **HB10-1339** by Representative(s) Pommer, Ferrandino, Lambert; also
7 Senator(s) White, Keller, Tapia--Concerning the
8 distribution of limited gaming fund moneys for the 2009-
9 10 state fiscal year, and making an appropriation in
10 connection therewith.

11
12 Laid over until later in the day, retaining place on Calendar.
13
14
15

16 On motion of Representative Schafer, the House resolved itself into
17 Committee of the Whole for consideration of General Orders, and she
18 was called to the Chair to act as Chairman.
19
20

21 **GENERAL ORDERS--SECOND READING OF BILLS**

22
23 The Committee of the Whole having risen, the Chairman reported the
24 titles of the following bills had been read (reading at length had been
25 dispensed with by unanimous consent), the bills considered and action
26 taken thereon as follows:
27

28 (Amendments to the committee amendment are to the printed committee
29 report which was printed and placed in the members' bill file.)
30

31 **HB10-1212** by Representative(s) Rice; also Senator(s) Schwartz--
32 Concerning a requirement that the executive director of the
33 department of revenue promulgate rules that establish
34 circumstances in which a vehicle owner shall be exempted
35 from paying the late fee for late registration of a vehicle.
36

37 Laid over until February 22, retaining place on Calendar.
38

39 **HB10-1029** by Representative(s) Acree, Looper, Primavera, Todd; also
40 Senator(s) Keller, Steadman--Concerning agreements for
41 the purchase of medical goods.
42

43 Amendment No. 1, Health & Human Services Report, dated
44 February 11, 2010, and placed in member's bill file; Report also printed
45 in House Journal, February 12, pages 313-314.
46

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

50
51 **HB10-1050** by Representative(s) Tyler, Riesberg, Soper; also
52 Senator(s) Tochtrop, Williams--Concerning a central on-
53 line registry of medical orders for scope of treatment
54 forms.
55

1 Amendment No. 1, Health & Human Services Report, dated
2 February 11, 2010, and placed in member's bill file; Report also printed
3 in House Journal, February 12, pages 314-315.

4

5 Amendment No. 2, by Representative(s) Tyler.

6

7 Amend the Health and Human Services Committee Report, dated
8 February 11, 2010, page 1, line 9, strike "CONSUMERS, EMPLOYERS," and
9 substitute "EMERGENCY MEDICAL TECHNICIANS,".

10

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

13

14

15 **HB10-1038** by Representative(s) Miklosi, Pace, Ryden; also Senator(s)
16 Carroll M., Hodge, Tochtrop--Concerning a brochure to
17 describe the process for workers' compensation claims.

18

19 Amendment No. 1, Business Affairs & Labor Report, dated
20 February 3, 2010, and placed in member's bill file; Report also printed in
21 House Journal, February 4, pages 197-198.

22

23 Amendment No. 2, Appropriations Report, dated February 12, 2010, and
24 placed in member's bill file; Report also printed in House Journal,
25 February 12, page 324.

26

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

29

30

31 **HB10-1045** by Representative(s) Miklosi; also Senator(s) Romer--
32 Concerning the address of a person on file with specified
33 state agencies.

34

35 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
36 January 28, 2010, and placed in member's bill file; Report also printed in
37 House Journal, January 29, pages 324-325.

38

39 Amendment No. 2, Appropriations Report, dated February 12, 2010, and
40 placed in member's bill file; Report also printed in House Journal,
41 February 12, pages 324-325.

42

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

45

46

47 **HB10-1106** by Representative(s) Casso; also Senator(s) Sandoval--
48 Concerning bringing certain statutory provisions
49 concerning child welfare into compliance with federal law.

50

51 Amendment No. 1, Health & Human Services Report, dated
52 February 4, 2010, and placed in member's bill file; Report also printed in
53 House Journal, February 5, pages 211-212.

54

55

1 Amendment No. , Appropriations Report, dated February 12, 2010, and
2 placed in member's bill file; Report also printed in House Journal,
3 February 12, page 325.

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

7
8 **HB10-1244** by Representative(s) Labuda, Apuan, Casso, Curry,
9 Frangas, Gagliardi, Murray, Riesberg, Scanlan, Schafer S.,
10 Soper; also Senator(s) Mitchell--Concerning allowing an
11 heir of a deceased physician shareholder of a professional
12 service corporation to become a shareholder of the
13 corporation.

14
15 Amendment No. 1, Judiciary Report, dated February 12, 2010, and placed
16 in member's bill file; Report also printed in House Journal, February 15,
17 pages 330-331.

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

21
22 **HB10-1021** by Representative(s) Frangas and McCann; also Senator(s)
23 Foster, Boyd--Concerning required coverages for
24 reproductive services for health insurance policies.

25
26 Laid over until February 22, retaining place on Calendar.

27
28 **HB10-1061** by Representative(s) Merrifield; also Senator(s) Tochtrop--
29 Concerning the creation of the Colorado medical donation
30 program to be administered by the state board of health.

31
32 Laid over until June 9. Bill deemed lost.

33
34 **HB10-1165** by Representative(s) Merrifield; also Senator(s) Tapia--
35 Concerning the authority of the state board of land
36 commissioners regarding state land.

37
38 Amendment No. 1, Local Government Report, dated February 9, 2010,
39 and placed in member's bill file; Report also printed in House Journal,
40 February 10, pages 290-291.

41
42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.

44
45 **HB10-1122** by Representative(s) Roberts and Merrifield, Gagliardi,
46 Kefalas, Tyler; also Senator(s) Williams, Morse--
47 Concerning medical orders determining the scope of
48 treatment an adult wishes to receive under certain
49 circumstances.

50
51 Laid over until February 22, retaining place on Calendar.

52
53 **HB10-1042** by Representative(s) Peniston; also Senator(s) Hodge--
54 Concerning administration of the stationary sources air
55 quality permitting program.

56

1 Amendment No. 1, Finance Report, dated February 10, 2010, and placed
2 in member's bill file; Report also printed in House Journal, February 11,
3 page 304.

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

7
8 **HB10-1225** by Representative(s) Soper; also Senator(s) Tochtrop--
9 Concerning continuation of the regulation of electrical
10 work by the state electrical board.

11
12 Amendment No. 1, Business Affairs & Labor Report, dated
13 February 16, 2010, and placed in member's bill file; Report also printed
14 in House Journal, February 17, pages 371-379.

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

18
19 **HB10-1245** by Representative(s) Liston, Balmer; also Senator(s)
20 Johnston--Concerning the continuation of the regulation of
21 boxing by the boxing commission.

22
23 Amendment No. 1, Business Affairs & Labor Report, dated
24 February 16, 2010, and placed in member's bill file; Report also printed
25 in House Journal, February 17, pages 379-482.

26
27 As amended, ordered engrossed and placed on the Calendar for Third
28 Reading and Final Passage.

29
30 **SB10-049** by Senator(s) Sandoval, Bacon, Hudak, Steadman,
31 Tochtrop; also Representative(s) Benefield, Frangas,
32 Hullinghorst--Concerning the liability limits applicable to
33 the life and health insurance protection association, and, in
34 connection therewith, increasing the liability limits for
35 annuity benefits, structured settlement annuities, and long-
36 term care benefits.

37
38 Ordered revised and placed on the Calendar for Third Reading and Final
39 Passage.

40
41 **HB10-1178** by Representative(s) Stephens; also Senator(s) Scheffel--
42 Concerning increasing the transparency in the use of gifts,
43 grants, and donations to fund programs by state agencies.

44
45 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
46 February 16, 2010, and placed in member's bill file; Report also printed
47 in House Journal, February 17, pages 397-399.

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

51
52
53 **HB10-1054** by Representative(s) King S.; also Senator(s) Carroll M.--
54 Concerning presenting school safety information at
55 institutions of higher education.

56

1 Amendment No. 1, Education Report, dated February 8, 2010, and placed
2 in member's bill file; Report also printed in House Journal, February 9,
3 pages 263-264.

4
5 Amendment No. 2, by Representative(s) King.

6
7 Amend the Education Committee Report, dated February 8, 2010, page
8 2, line 26, after "DISSEMINATE" insert "ANNUALLY".

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

12
13 On motion of Representative Weissmann, the remainder of the General
14 Orders Calendar (**HB10-1089**) was laid over until February 22, retaining
15 place on Calendar.

16
17
18
19 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

20
21 Passed Second Reading: **HB10-1029 amended, 1050 amended, 1038**
22 **amended, 1045 amended, 1106 amended, 1244 amended, 1165**
23 **amended, 1042 amended, 1225 amended, 1245 amended, SB10-049,**
24 **HB10-1178 amended, 1054 amended.**

25
26 Laid over until date indicated retaining place on Calendar:
27 **HB10-1212, 1021, 1122, 1089**--February 22, 2010.
28 **HB10-1061**--June 9, 2010. Bill deemed lost.

29
30 The Chairman moved the adoption of the Committee of the Whole
31 Report. As shown by the following roll call vote, a majority of those
32 elected to the House voted in the affirmative, and the Report was
33 **adopted.**

34
35

	YES	62	NO	0	EXCUSED	3	ABSENT	0
36	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
37	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
38	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
39	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
40	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
41	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
42	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
43	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
44	Curry	Y	Labuda	Y	Pace	Y	Swalm	E
45	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
46	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
47	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
48	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
49	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
50	Gardner B.	Y	May	Y	Riesberg	Y	Waller	E
51	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
52							Speaker	Y

53
54
55
56

1 **THIRD READING OF BILL(S)--FINAL PASSAGE**

2
3 The following bill(s) (was)were considered on Third Reading. The
4 title(s) (was)were publicly read. Reading of the bill at length was
5 dispensed with by unanimous consent.

6
7 **HB10-1339** by Representative(s) Pommer, Ferrandino, Lambert; also
8 Senator(s) White, Keller, Tapia--Concerning the
9 distribution of limited gaming fund moneys for the 2009-
10 10 state fiscal year, and making an appropriation in
11 connection therewith.

12
13 The question being "Shall the bill pass?".

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

	YES	44	NO	19	EXCUSED	2	ABSENT	0
19	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
20	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
21	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	Y
22	Baumgardner	Y	Kagan	N	Merrifield	Y	Solano	N
23	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
24	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	N
25	Casso	Y	Kerr J.	Y	Murray	N	Stephens	N
26	Court	Y	King S.	Y	Nikkel	N	Summers	Y
27	Curry	Y	Labuda	N	Pace	Y	Swalm	N
28	DelGrosso	Y	Lambert	N	Peniston	Y	Tipton	Y
29	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
30	Fischer	Y	Liston	Y	Primavera	Y	Tyler	N
31	Frangas	Y	Looper	N	Priola	Y	Vaad	N
32	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
33	Gardner B.	Y	May	N	Riesberg	Y	Waller	E
34	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	N
35							Speaker	Y

36 Co-sponsor(s) added: Representative(s) Curry, Frangas, Gardner B., Kerr J.,
37 Liston, Massey, Priola, Riesberg, Ryden, Schafer S.

38
39
40
41 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

42
43 **APPROPRIATIONS**

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

46
47 **HB10-1026** be referred to the Committee of the Whole with favorable
48 recommendation.

49
50
51 **HB10-1114** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend the Business Affairs and Labor Committee Report, dated
56 February 9, 2010, page 4, after line 5 insert:

1 **"SECTION 3. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the
3 division of banking cash fund created in section 11-102-403, Colorado
4 Revised Statutes, not otherwise appropriated, to the department of
5 regulatory agencies, for allocation to the division of banking, for the
6 fiscal year beginning July 1, 2010, the sum of twenty-three thousand one
7 hundred twenty-four dollars (\$23,124) cash funds and 0.5 FTE, or so
8 much thereof as may be necessary, for the implementation of this act."

9
10 Renumber succeeding sections accordingly.

11
12 Page 4 of the report, after line 11 insert:

13
14 "Page 1 of the printed bill, line 102, strike "MONEY." and substitute
15 "MONEY, AND MAKING AN APPROPRIATION THEREFOR."."

16
17
18
19 **HB10-1124** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:

22
23 Amend printed bill, page 5, line 11, before "animal." insert "ANIMAL AND
24 WHETHER THERE WAS PROBABLE CAUSE FOR IMPOUNDMENT OF THE".

25
26 Page 5, line 17, after "MATTER" insert "IN ACCORDANCE WITH SUBSECTION
27 (3) OF THIS SECTION AND".

28
29 Page 6, strike lines 5 through 14 and substitute "UNLESS THE COURT FINDS
30 THAT THERE WAS NOT PROBABLE CAUSE FOR THE IMPOUNDMENT OF THE
31 ANIMAL.".

32
33 Page 6, line 25, strike "~~remaining~~ ENTIRE" and substitute "remaining".

34
35 Page 6, strike lines 26 and 27 and substitute "proceeds, if any, shall be
36 paid over to the owner of the animal. IF THE COURT FINDS THAT THERE
37 WAS NOT PROBABLE CAUSE FOR THE IMPOUNDMENT OF THE ANIMAL
38 PURSUANT TO A HEARING REQUESTED UNDER PARAGRAPH (a) OF THIS
39 SUBSECTION (1), THE ENTIRE PROCEEDS OF THE ANIMAL SHALL BE PAID
40 OVER TO THE OWNER OF THE ANIMAL.".

41
42 Page 15, after line 14 insert:

43
44 **"SECTION 13. Appropriation.** In addition to any other
45 appropriation, there is hereby appropriated, out of any moneys in the
46 dangerous dog microchip licensure cash fund created in section 35-42-
47 115 (3), Colorado Revised Statutes, not otherwise appropriated, to the
48 department of agriculture, for allocation to the agricultural services
49 division, for the fiscal year beginning July 1, 2010, the sum of nine
50 thousand two hundred fifty dollars (\$9,250) cash funds, or so much
51 thereof as may be necessary, for the implementation of this act."

52
53 Renumber succeeding section accordingly.

54
55 Page 1, line 101, strike "WELFARE." and substitute "WELFARE, AND
56 MAKING AN APPROPRIATION THEREFOR.".

1 **HB10-1148** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 3, after line 5 insert:
6

7 **"SECTION 2. Appropriations in 2010 long bill to be adjusted.**
8 For the implementation of this act, appropriations made in the annual
9 general appropriation act for the fiscal year beginning July 1, 2010, shall
10 be adjusted as follows:
11

12 (1) The appropriation to the department of regulatory agencies,
13 division of registrations, is decreased by eleven thousand three hundred
14 seven dollars (\$11,307) cash funds. Said sum shall be from the division
15 of registrations cash fund created in section 24-34-105 (2) (b) (I),
16 Colorado Revised Statutes.
17

18 (2) The appropriation to the department of law is decreased by
19 eleven thousand three hundred seven dollars (\$11,307). Said sum shall
20 be from reappropriated funds received from the department of regulatory
21 agencies out of the appropriation made in subsection (1) of this section."
22

23 Renumber succeeding section accordingly.
24

25 Page 1, line 104, strike "ARCHITECTURE." and substitute
26 "ARCHITECTURE, AND MAKING AN APPROPRIATION THEREFOR."
27

28
29

30 **HB10-1211** be referred to the Committee of the Whole with favorable
31 recommendation.
32

33
34 **HB10-1337** be postponed indefinitely.
35
36
37
38

39 **HEALTH & HUMAN SERVICES**

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

43 **HB10-1032** be amended as follows, and as so amended, be referred to
44 the Committee on Appropriations with favorable
45 recommendation:
46

47 Amend printed bill, strike everything below the enacting clause and
48 substitute:
49

50 **"SECTION 1.** Part 2 of article 1 of title 27, Colorado Revised
51 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
52 read:
53

54 **27-1-210. Mental health crisis response system - legislative**
55 **declaration - report by department.** (1) (a) THE GENERAL ASSEMBLY
56 HEREBY FINDS AND DECLARES THAT:

1 (I) THERE ARE PEOPLE IN COLORADO COMMUNITIES WHO ARE
2 EXPERIENCING MENTAL HEALTH OR SUBSTANCE ABUSE CRISES AND NEED
3 PROFESSIONAL CRISIS CARE OR URGENT PSYCHIATRIC CARE FROM SKILLED
4 MENTAL HEALTH CLINICIANS AND MEDICAL PROFESSIONALS WHO EXCEL AT
5 PROVIDING COMPASSIONATE CRISIS INTERVENTION AND STABILIZATION;
6

7 (II) MENTAL HEALTH OR SUBSTANCE ABUSE CRISIS CAN HAPPEN
8 ANY HOUR OF THE DAY AND ANY DAY OF THE WEEK;
9

10 (III) PERSONS IN CRISIS FREQUENTLY COME IN CONTACT WITH
11 COMMUNITY FIRST RESPONDERS WHO ARE OFTEN UNABLE TO PROVIDE
12 NECESSARY MENTAL HEALTH INTERVENTIONS OR WHO MUST TRANSPORT
13 THESE PERSONS IN CRISIS TO EMERGENCY ROOMS FOR SERVICES, OR, IN
14 CASES WHERE A CRIME IS ALLEGED, TO JAIL;
15

16 (IV) COLORADO RANKS FIFTIETH IN THE NATION IN THE NUMBER
17 OF INPATIENT PSYCHIATRIC BEDS;
18

19 (V) FEWER THAN ONE-HALF OF THE PERSONS WHO ARE IN CRISIS
20 AND ARE TAKEN TO AN EMERGENCY ROOM ARE ADMITTED FOR INPATIENT
21 HOSPITALIZATION, MEANING THAT THOUSANDS OF PEOPLE EACH YEAR
22 RETURN TO COMMUNITY STREETS WITH LITTLE, IF ANY, MENTAL HEALTH
23 OR SUBSTANCE ABUSE CRISIS INTERVENTION OR TREATMENT; AND
24

25 (VI) SIGNIFICANT TIME AND RESOURCES ARE REQUIRED OF
26 COMMUNITY FIRST RESPONDERS IN ADDRESSING PERSONS IN MENTAL
27 HEALTH OR SUBSTANCE ABUSE CRISIS AND, IN MANY CASES, THIS
28 COMMUNITY RESPONSE IS NEITHER TIMELY NOR SAFE FOR THE PERSON IN
29 CRISIS NOR COST-EFFICIENT FOR THE STATE.
30

31 (b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT:
32

33 (I) A COORDINATED CRISIS RESPONSE SYSTEM PROVIDES FOR
34 EARLY INTERVENTION AND EFFECTIVE TREATMENT OF PERSONS IN MENTAL
35 HEALTH OR SUBSTANCE ABUSE CRISIS;
36

37 (II) A COORDINATED CRISIS RESPONSE SYSTEM SHOULD INVOLVE
38 FIRST RESPONDERS AND INCLUDE INFORMATION TECHNOLOGY SYSTEMS TO
39 INTEGRATE AVAILABLE CRISIS RESPONSES;
40

41 (III) A COORDINATED CRISIS RESPONSE SYSTEM SHOULD BE
42 AVAILABLE IN ALL COMMUNITIES STATEWIDE; AND
43

44 (IV) A COORDINATED CRISIS RESPONSE SYSTEM MAY INCLUDE
45 COMMUNITY-BASED CRISIS CENTERS WHERE PERSONS IN MENTAL HEALTH
46 OR SUBSTANCE ABUSE CRISIS MAY BE STABILIZED AND RECEIVE
47 SHORT-TERM TREATMENT.
48

49 (2) (a) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT
50 BEHAVIORAL HEALTH CRISIS RESPONSE IN COLORADO AND SHALL
51 FORMULATE A PLAN TO ADDRESS THE LACK OF COORDINATED CRISIS
52 RESPONSE IN THE STATE. THE PLAN SHALL INCLUDE AN ANALYSIS OF THE
53 BEST USE OF EXISTING RESOURCES, INCLUDING BUT NOT LIMITED TO
54 MANAGED SERVICE ORGANIZATIONS, BEHAVIORAL HEALTH
55 ORGANIZATIONS, MENTAL HEALTH CENTERS, CRISIS INTERVENTION
56 TRAINED OFFICERS, METRO CRISIS SERVICES, HOSPITALS, AND OTHER

1 ENTITIES IMPACTING BEHAVIORAL HEALTH CRISIS RESPONSE.

2

3 (b) ON OR BEFORE JANUARY 30, 2011, THE STATE DEPARTMENT
4 SHALL PRESENT TO A JOINT MEETING OF THE HEALTH AND HUMAN
5 SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
6 SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING
7 COORDINATED BEHAVIORAL HEALTH CRISIS RESPONSE IN COLORADO. THE
8 REPORT, AT A MINIMUM, SHALL INCLUDE THE PLAN PREPARED PURSUANT
9 TO PARAGRAPH (a) OF THIS SUBSECTION (2).

10

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety."

14

15

16

17 **HB10-1179** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:

20

21 Amend printed bill, page 3, strike lines 11 through 20 and substitute:

22

23 "(b) Encourages private businesses and foundations to make
24 donations and loans to assist primary care practice in rural and
25 underserved areas of the state."

26

27 Page 5, line 6, strike "**strategic plan to**" and substitute "**report on**
28 **increasing**".

29

30 Page 5, line 7, strike "**increase**".

31

32 Page 5, strike lines 8 through 16 and substitute:

33

34 "SUBMIT A REPORT TO THE GENERAL ASSEMBLY BY DECEMBER 31, 2011,
35 REGARDING WAYS TO INCREASE PROVIDER REIMBURSEMENT RATES
36 STATEWIDE AND REMOVE ANY DIFFERENTIATED REIMBURSEMENTS RATES
37 BASED ON LOCATION OF DELIVERY FOR PRIMARY CARE PROVIDERS WHO
38 PROVIDE PRIMARY CARE SERVICES TO RECIPIENTS IN ACCORDANCE WITH
39 THIS ARTICLE AND ARTICLES 5 AND 6 OF THIS TITLE."

40

41

42

43 **HB10-1213** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46

47 Amend printed bill, page 4, line 12, strike "THE" and substitute "EACH".

48

49 Page 4, strike lines 13 through 15 and substitute: "COMMUNITY CENTERED
50 BOARD SHALL PROVIDE INFORMATION AND REFERRAL SERVICES TO EACH
51 PERSON ON THE WAITING LIST FOR ENROLLMENT IN A PROGRAM, AT THE
52 TIME OF HIS OR HER ELIGIBILITY AND ANNUALLY THEREAFTER, REGARDING
53 SERVICES AND SUPPORTS THAT ARE COMMONLY USED BY PERSONS WITH
54 DEVELOPMENTAL DISABILITIES."

55

56

1 **HB10-1229** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 5, after "**hospital**" insert "**policies or**".
6

7 Page 2, line 7, strike "THE" and substitute "A".
8

9 Page 2, line 10, strike "POLICIES." and substitute "POLICIES OR BYLAWS."
10 and after "POLICIES" insert "OR BYLAWS".
11

12 Page 2, line 16, strike "POLICY." and substitute "POLICIES OR MEDICAL
13 STAFF BYLAWS."
14

15
16

17 **HB10-1255** be referred to the Committee of the Whole with favorable
18 recommendation.
19

20

21 **HB10-1258** be postponed indefinitely.
22

23
24

25

26 **JUDICIARY**

27 After consideration on the merits, the Committee recommends the
28 following:
29

30 **HB10-1081** be amended as follows, and as so amended, be referred to
31 the Committee on Appropriations with favorable
32 recommendation:
33

34 Amend printed bill, page 2, line 5, strike "**penalty.**" and substitute
35 "**penalty - definitions.**".
36

37 Page 2, strike lines 7 through 24 and substitute:
38

39 "(a) CONDUCTS OR ATTEMPTS TO CONDUCT A FINANCIAL
40 TRANSACTION THAT INVOLVES MONEY OR ANY OTHER THING OF VALUE
41 THAT HE OR SHE KNOWS OR BELIEVES TO BE THE PROCEEDS, IN ANY FORM,
42 OF A CRIMINAL OFFENSE:
43

44 (I) WITH THE INTENT TO PROMOTE THE COMMISSION OF A
45 CRIMINAL OFFENSE; OR
46

47 (II) WITH KNOWLEDGE OR A BELIEF THAT THE TRANSACTION IS
48 DESIGNED IN WHOLE OR IN PART TO:
49

50 (A) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,
51 OWNERSHIP, OR CONTROL OF THE PROCEEDS OF A CRIMINAL OFFENSE; OR
52

53 (B) AVOID A TRANSACTION REPORTING REQUIREMENT UNDER
54 FEDERAL LAW;
55

56 (b) TRANSPORTS, TRANSMITS, OR TRANSFERS A MONETARY

1 INSTRUMENT OR MONEYS:

2

3 (I) WITH THE INTENT TO PROMOTE THE COMMISSION OF A
4 CRIMINAL OFFENSE; OR

5

6 (II) WITH KNOWLEDGE OR A BELIEF THAT THE MONETARY
7 INSTRUMENT OR MONEYS REPRESENT THE PROCEEDS OF A CRIMINAL
8 OFFENSE AND THAT THE TRANSPORTATION, TRANSMISSION, OR TRANSFER
9 IS DESIGNED, IN WHOLE OR IN PART, TO:

10

11 (A) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,
12 OWNERSHIP, OR CONTROL OF THE PROCEEDS OF A CRIMINAL OFFENSE; OR

13

14 (B) AVOID A TRANSACTION REPORTING REQUIREMENT UNDER
15 FEDERAL LAW; OR

16

17 (c) INTENTIONALLY CONDUCTS A FINANCIAL TRANSACTION
18 INVOLVING PROPERTY THAT IS REPRESENTED TO BE THE PROCEEDS OF A
19 CRIMINAL OFFENSE, OR INVOLVING PROPERTY THAT THE PERSON KNOWS
20 OR BELIEVES TO HAVE BEEN USED TO CONDUCT OR FACILITATE A CRIMINAL
21 OFFENSE, TO:

22

23 (I) PROMOTE THE COMMISSION OF A CRIMINAL OFFENSE;

24

25 (II) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,
26 OWNERSHIP, OR CONTROL OF PROPERTY THAT THE PERSON BELIEVES TO BE
27 THE PROCEEDS OF A CRIMINAL OFFENSE; OR

28

29 (III) AVOID A TRANSACTION REPORTING REQUIREMENT UNDER
30 FEDERAL LAW."

31

32 Page 2, after line 25 insert:

33

34 "(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
35 REQUIRES:

36

37 (a) "CONDUCTS OR ATTEMPTS TO CONDUCT A FINANCIAL
38 TRANSACTION" INCLUDES, BUT IS NOT LIMITED TO, INITIATING,
39 CONCLUDING, OR PARTICIPATING IN THE INITIATION OR CONCLUSION OF A
40 TRANSACTION.

41

42 (b) "FINANCIAL TRANSACTION" MEANS A TRANSACTION
43 INVOLVING:

44

45 (I) THE MOVEMENT OF MONEYS BY WIRE OR OTHER MEANS;

46

47 (II) ONE OR MORE MONETARY INSTRUMENTS;

48

49 (III) THE TRANSFER OF TITLE TO ANY REAL PROPERTY, VEHICLE,
50 VESSEL, OR AIRCRAFT; OR

51

52 (IV) THE USE OF A FINANCIAL INSTITUTION.

53

54 (c) "MONETARY INSTRUMENT" MEANS:

55

56 (I) COIN OR CURRENCY OF THE UNITED STATES OR ANY OTHER

1 COUNTRY; A TRAVELER'S CHECK; A PERSONAL CHECK; A BANK CHECK; A
2 CASHIER'S CHECK; A MONEY ORDER; A BANK DRAFT OF ANY COUNTRY; OR
3 GOLD, SILVER, OR PLATINUM BULLION OR COINS;

4
5 (II) AN INVESTMENT SECURITY OR NEGOTIABLE INSTRUMENT IN
6 BEARER FORM OR IN OTHER FORM SUCH THAT TITLE PASSES UPON
7 DELIVERY; OR

8
9 (III) A GIFT CARD OR OTHER DEVICE THAT IS THE EQUIVALENT OF
10 MONEY AND CAN BE USED TO OBTAIN CASH, PROPERTY, OR SERVICES.

11
12 (d) "REPRESENT" INCLUDES, BUT IS NOT LIMITED TO, THE MAKING
13 OF A REPRESENTATION BY A PEACE OFFICER, A FEDERAL OFFICER, OR
14 ANOTHER PERSON ACTING AT THE DIRECTION OF, OR WITH THE APPROVAL
15 OF, A PEACE OFFICER OR FEDERAL OFFICER.

16
17 (e) "TRANSACTION" INCLUDES A PURCHASE, SALE, LOAN, PLEDGE,
18 GIFT, TRANSFER, DELIVERY, OR OTHER DISPOSITION AND, WITH RESPECT TO
19 A FINANCIAL INSTITUTIONS, INCLUDES A DEPOSIT; A WITHDRAWAL; A
20 TRANSFER BETWEEN ACCOUNTS; AN EXCHANGE OF CURRENCY; A LOAN; AN
21 EXTENSION OF CREDIT; A PURCHASE OR SALE OF ANY STOCK, BOND,
22 CERTIFICATE OF DEPOSIT, OR OTHER MONETARY INSTRUMENT; THE USE OF
23 A SAFE DEPOSIT BOX; OR ANY OTHER PAYMENT, TRANSFER, OR DELIVERY
24 BY, THROUGH, OR TO A FINANCIAL INSTITUTION BY WHATEVER MEANS."

25
26
27
28 **HB10-1105** be referred to the Committee of the Whole with favorable
29 recommendation.

30
31
32 **HB10-1109** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35
36 Amend printed bill, page 2, line 10, after "A" insert "DEPARTMENT OF
37 CORRECTIONS FACILITY OR A".

38
39 Page 3, line 6, after "THE" insert "STATE," and strike "OWNS OR" and
40 substitute "OWNS,".

41
42 Page 3, line 7, strike "OPERATES" and substitute "OPERATES, OR
43 CONTRACTS FOR THE OPERATION OF" and before "JAIL" insert "FACILITY
44 OR".

45
46 Page 3, line 20, after "A" insert "DEPARTMENT OF CORRECTIONS FACILITY
47 OR A".

48
49
50
51 **HB10-1152** be amended as follows, and as so amended, be referred to
52 the Committee on Appropriations with favorable
53 recommendation:

54
55 Amend printed bill, strike everything below the enacting clause and
56 substitute:

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

5 **18-13-107. Interference with persons with disabilities.** (3) No
6 A person shall NOT beat, harass, intimidate, entice, distract, or otherwise
7 interfere with ~~any dog~~ AN ANIMAL on a blaze orange leash or
8 accompanying a person carrying a white or white tipped with red or
9 metallic colored cane or walking stick or any assistance ~~dog~~ ANIMAL, as
10 defined in section 24-34-803 (7), C.R.S., accompanying a person when
11 that ~~dog~~ ANIMAL is being controlled by or wearing a harness normally
12 used for ~~dogs~~ ANIMALS accompanying or leading persons with
13 disabilities.
14

15 ~~(4) Violation of the provisions of subsection (1) of this section is~~
16 ~~a class 1 petty offense. Violation of the provisions of subsection (3) of~~
17 ~~this section is a class 3 misdemeanor~~ A PERSON SHALL NOT DENY A
18 PERSON WITH A DISABILITY FULL AND EQUAL ACCESS TO ANY PLACE OF
19 PUBLIC ACCOMMODATION AS DEFINED IN SECTION 24-34-301, C.R.S., OR
20 OTHERWISE VIOLATE THE PROVISIONS OF PARTS 5 TO 8 AND PART 10 OF
21 ARTICLE 34 OF TITLE 24, C.R.S., WITH RESPECT TO A PERSON OR GROUP
22 BECAUSE OF DISABILITY.
23

24 (5) A PERSON SHALL NOT DENY A PERSON WITH A DISABILITY WHO
25 IS USING AN ASSISTANCE ANIMAL OR A PERSON WHO IS TRAINING AN
26 ASSISTANCE ANIMAL, AS DEFINED IN SECTION 24-34-803 (7), C.R.S., THE
27 ABILITY TO ACCESS A GOVERNMENT BUILDING, A PLACE OF PUBLIC
28 ACCOMMODATION, HOUSING, OR PUBLIC TRANSPORTATION.
29

30 (6) VIOLATION OF THE PROVISIONS OF SUBSECTION (1) OF THIS
31 SECTION IS A CLASS 1 PETTY OFFENSE. VIOLATION OF ANY OF THE
32 PROVISIONS OF SUBSECTIONS (3) TO (5) OF THIS SECTION IS A CLASS 3
33 MISDEMEANOR.
34

35 **SECTION 2.** The introductory portion to 24-34-301 and
36 24-34-301 (2.5), (5), and (6), Colorado Revised Statutes, are amended,
37 and the said 24-34-301 is further amended BY THE ADDITION OF THE
38 FOLLOWING NEW SUBSECTIONS, to read:
39

40 **24-34-301. Definitions.** As used in THIS PART 3 AND parts ~~3 to 7~~
41 4 TO 8 AND PART 10 of this article, unless the context otherwise requires:
42

43 (1.3) "AGENCY" OR "STATE AGENCY" SHALL HAVE THE SAME
44 MEANING AS SET FORTH IN SECTION 24-4-102 (3).
45

46 (2.5) (a) "Disability" ~~means a physical impairment which~~
47 ~~substantially limits one or more of a person's major life activities and~~
48 ~~includes a record of such an impairment and being regarded as having~~
49 ~~such an impairment~~ SHALL HAVE THE SAME MEANING AS SET FORTH IN THE
50 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
51 12101 ET SEQ.
52

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

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

3
4 ~~(H) The term "mental impairment" as used in subparagraphs (F)~~
5 ~~and (H) of this paragraph (b) shall mean any mental or psychological~~
6 ~~disorder such as developmental disability, organic brain syndrome, mental~~
7 ~~illness, or specific learning disabilities.~~

8
9 (5) "Person" means one or more individuals, limited liability
10 companies, partnerships, associations, corporations, legal representatives,
11 trustees, OR receivers. ~~or the state of Colorado, and all political~~
12 ~~subdivisions and agencies thereof.~~

13
14 (5.3) "PLACE OF PUBLIC ACCOMMODATION" SHALL HAVE THE SAME
15 MEANING AS SET FORTH IN TITLE III OF THE FEDERAL "AMERICANS WITH
16 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12181 (7), AND MEANS ANY OF
17 THE FOLLOWING PRIVATE ENTITIES IF THE OPERATIONS OF THE ENTITY
18 AFFECT COMMERCE:

19
20 (a) AN INN, HOTEL, MOTEL, OR OTHER PLACE OF LODGING, EXCEPT
21 FOR AN ESTABLISHMENT LOCATED WITHIN A BUILDING THAT CONTAINS
22 NOT MORE THAN FIVE ROOMS FOR RENT OR HIRE AND THAT IS ACTUALLY
23 OCCUPIED BY THE PROPRIETOR OF THE ESTABLISHMENT AS HIS OR HER
24 RESIDENCE;

25
26 (b) A RESTAURANT, BAR, OR OTHER ESTABLISHMENT SERVING
27 FOOD OR DRINK;

28
29 (c) A MOTION PICTURE HOUSE, THEATER, CONCERT HALL,
30 STADIUM, OR OTHER PLACE OF EXHIBITION OR ENTERTAINMENT;

31
32 (d) AN AUDITORIUM, CONVENTION CENTER, LECTURE HALL, OR
33 OTHER PLACE OF PUBLIC GATHERING;

34
35 (e) A BAKERY, GROCERY STORE, CLOTHING STORE, HARDWARE
36 STORE, SHOPPING CENTER, OR OTHER SALES OR RETAIL ESTABLISHMENT;

37
38 (f) A LAUNDROMAT, DRY CLEANER, BANK, BARBER SHOP, BEAUTY
39 SHOP, TRAVEL SERVICE, SHOE REPAIR SERVICE, FUNERAL PARLOR, GAS
40 STATION, OFFICE OF AN ACCOUNTANT OR LAWYER, PHARMACY, INSURANCE
41 OFFICE, PROFESSIONAL OFFICE OF A HEALTH CARE PROVIDER, HOSPITAL, OR
42 OTHER SERVICE ESTABLISHMENT;

43
44 (g) A TERMINAL, DEPOT, OR OTHER STATION USED FOR SPECIFIED
45 PUBLIC TRANSPORTATION;

46
47 (h) A MUSEUM, LIBRARY, GALLERY, OR OTHER PLACE OF PUBLIC
48 DISPLAY OR COLLECTION;

49
50 (i) A PARK, ZOO, AMUSEMENT PARK, OR OTHER PLACE OF
51 RECREATION;

52
53 (j) A NURSERY, ELEMENTARY, SECONDARY, UNDERGRADUATE, OR
54 POSTGRADUATE PRIVATE SCHOOL, OR OTHER PLACE OF EDUCATION;

55
56 (k) A DAY CARE CENTER, SENIOR CITIZEN CENTER, HOMELESS

1 SHELTER, FOOD BANK, ADOPTION AGENCY, OR OTHER SOCIAL SERVICE
2 CENTER ESTABLISHMENT; OR

3

4 (1) A GYMNASIUM, HEALTH SPA, BOWLING ALLEY, GOLF COURSE,
5 OR OTHER PLACE OF EXERCISE OR RECREATION.

6

7 (5.5) "PUBLIC ENTITY" MEANS:

8

9 (a) THE STATE OF COLORADO, A POLITICAL SUBDIVISION OF THE
10 STATE, OR A LOCAL GOVERNMENT;

11

12 (b) A DEPARTMENT, AGENCY, SPECIAL DISTRICT, SPECIAL PURPOSE
13 AUTHORITY, OR OTHER INSTRUMENTALITY OF THE STATE OR A LOCAL
14 GOVERNMENT.

15

16 (5.7) "QUALIFIED PERSON WITH A DISABILITY" MEANS A PERSON
17 WITH A DISABILITY WHO MEETS THE ESSENTIAL ELIGIBILITY
18 REQUIREMENTS OF A PUBLIC ENTITY TO RECEIVE ITS SERVICES OR
19 PARTICIPATE IN ITS PROGRAMS OR ACTIVITIES, WITH OR WITHOUT
20 REASONABLE MODIFICATIONS TO RULES, POLICIES, OR PRACTICES;
21 REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR TRANSPORTATION
22 BARRIERS; OR PROVISION OF AUXILIARY AIDS AND SERVICES.

23

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

27

28 **SECTION 3.** Part 3 of article 34 of title 24, Colorado Revised
29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
30 read:

31

32 **24-34-309. Cash fund.** THERE IS HEREBY CREATED IN THE STATE
33 TREASURY THE COLORADO CIVIL RIGHTS COMMISSION CASH FUND,
34 REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST
35 OF SUCH MONEYS AS MAY BE APPROPRIATED TO THE FUND BY THE
36 GENERAL ASSEMBLY AND SUCH MONEYS AS MAY BE CREDITED TO THE
37 FUND PURSUANT TO SECTIONS 24-34-602, 24-34-705, 24-34-802,
38 24-34-804, AND 24-34-1003 AND SECTION 25.5-4-107, C.R.S. MONEYS IN
39 THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION FOR THE
40 ADMINISTRATION OF PARTS 3 TO 8 AND PART 10 OF THIS ARTICLE. ALL
41 INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN
42 THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL
43 YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND
44 SHALL REMAIN IN THE FUND AND SHALL NOT REVERT OR BE CREDITED OR
45 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

46

47 **SECTION 4.** The introductory portion to 24-34-401, Colorado
48 Revised Statutes, is amended to read:

49

50 **24-34-401. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
51 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
52 4. IN ADDITION, as used in this part 4, unless the context otherwise
53 requires:

54

55 **SECTION 5.** The introductory portion to 24-34-501, Colorado
56 Revised Statutes, is amended to read:

1 **24-34-501. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
2 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
3 5. IN ADDITION, as used in this part 5, unless the context otherwise
4 requires:

5
6 **SECTION 6.** 24-34-502.2, Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW SUBSECTION to read:

8
9 **24-34-502.2. Unfair or discriminatory housing practices**
10 **against persons with disabilities prohibited - penalty.** (3.5) A PERSON
11 WHO DENIES THE RIGHTS OF A PERSON WITH A DISABILITY PROTECTED BY
12 THIS PART 5 COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE SENTENCED
13 IN ACCORDANCE WITH SECTION 18-1.3-501 (1) (a), C.R.S.

14
15 **SECTION 7. Repeal.** 24-34-508 (1) (a), Colorado Revised
16 Statutes, is repealed as follows:

17
18 **24-34-508. Relief authorized.** (1) In addition to the relief
19 authorized by section 24-34-306 (9), the commission may order a
20 respondent who has been found to have engaged in an unfair housing
21 practice:

22
23 (a) ~~To rehire, reinstate, and provide back pay to any employee or~~
24 ~~agent discriminated against because of his obedience to this part 5;~~

25
26 **SECTION 8.** 24-34-601 (1), Colorado Revised Statutes, is
27 amended to read:

28
29 **24-34-601. Discrimination in places of public accommodation.**
30 (1) ~~As used in this part 6 "place of public accommodation" means any~~
31 ~~place of business engaged in any sales to the public and any place~~
32 ~~offering services, facilities, privileges, advantages, or accommodations~~
33 ~~to the public, including but not limited to any business offering wholesale~~
34 ~~or retail sales to the public; any place to eat, drink, sleep, or rest, or any~~
35 ~~combination thereof; any sporting or recreational area and facility; any~~
36 ~~public transportation facility; a barber shop, bathhouse, swimming pool,~~
37 ~~bath, steam or massage parlor, gymnasium, or other establishment~~
38 ~~conducted to serve the health, appearance, or physical condition of a~~
39 ~~person; a campsite or trailer camp; a dispensary, clinic, hospital,~~
40 ~~convalescent home, or other institution for the sick, ailing, aged, or~~
41 ~~infirm; a mortuary, undertaking parlor, or cemetery; an educational~~
42 ~~institution; or any public building, park, arena, theater, hall, auditorium,~~
43 ~~museum, library, exhibit, or public facility of any kind whether indoor or~~
44 ~~outdoor. "Place of public accommodation" shall not include a church,~~
45 ~~synagogue, mosque, or other place that is principally used for religious~~
46 ~~purposes~~ THE DEFINITIONS PROVIDED FOR TERMS IN SECTION 24-34-301
47 SHALL APPLY TO SAID TERMS AS USED IN THIS PART 6.

48
49 **SECTION 9.** 24-34-602 (1) and (2), Colorado Revised Statutes,
50 are amended, and the said 24-34-602 is further amended BY THE
51 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

52
53 **24-34-602. Penalties and civil liability.** (1) Any person who
54 violates section 24-34-601 shall ~~be fined not less than fifty dollars nor~~
55 ~~more than five hundred dollars~~ SHALL PAY ACTUAL DAMAGES OR
56 STATUTORY DAMAGES OF FOUR THOUSAND DOLLARS, WHICHEVER IS

1 GREATER, TO THE PERSON AGGRIEVED for each violation. A person
 2 aggrieved by the violation of section 24-34-601 shall bring an action in
 3 any court of competent jurisdiction in the county Where the violation
 4 occurred. Upon finding a violation, the court shall order the defendant to
 5 pay ~~the fine~~ DAMAGES to the aggrieved party.

6
 7 ~~(2) For each violation of section 24-34-601, the person is guilty~~
 8 ~~of a misdemeanor and, upon conviction thereof, shall be punished by a~~
 9 ~~fine of not less than ten dollars nor more than three hundred dollars, or by~~
 10 ~~imprisonment in the county jail for not more than one year, or by both~~
 11 ~~such fine and imprisonment~~ A PERSON WHO DENIES THE RIGHTS OF A
 12 PERSON WITH A DISABILITY PROTECTED BY THIS PART 6 COMMITS A CLASS
 13 3 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH
 14 SECTION 18-1.3-501 (1) (a), C.R.S.

15
 16 (4) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
 17 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
 18 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
 19 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
 20 12101 ET SEQ.

21
 22 (5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
 23 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A
 24 RESPONDENT WHO HAS BEEN FOUND GUILTY OF VIOLATING THE
 25 PROVISIONS OF SECTION 24-34-601 TO PAY TO THE COLORADO CIVIL
 26 RIGHTS COMMISSION CASH FUND, CREATED IN SECTION 24-34-309,
 27 ACCORDING TO THE FOLLOWING SCHEDULE:

28
 29 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

30
 31 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
 32 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
 33 ANY OTHER VIOLATION OF SECTION 24-34-601 DURING THE FIVE-YEAR
 34 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

35
 36 **SECTION 10. Repeal.** 24-34-605, Colorado Revised Statutes,
 37 is repealed as follows:

38
 39 ~~**24-34-605. Relief authorized.** In addition to the relief authorized~~
 40 ~~by section 24-34-306 (9), the commission may order a respondent who~~
 41 ~~has been found to have engaged in a discriminatory practice as defined in~~
 42 ~~this part 6 to rehire, reinstate, and provide back pay to any employee or~~
 43 ~~agent discriminated against because of his obedience to this part 6; to~~
 44 ~~make reports as to the manner of compliance with the order of the~~
 45 ~~commission; and to take affirmative action, including the posting of~~
 46 ~~notices setting forth the substantive rights of the public under this part 6.~~

47
 48 **SECTION 11.** 24-34-703, Colorado Revised Statutes, is amended
 49 to read:

50
 51 ~~**24-34-703. Definitions.** A place of public accommodation, resort,~~
 52 ~~or amusement, within the meaning of this part 7, shall be deemed to~~
 53 ~~include any inn, tavern, or hotel, whether conducted for the entertainment,~~
 54 ~~housing, or lodging of transient guests or for the benefit, use, or~~
 55 ~~accommodation of those seeking health, recreation, or rest, and any~~
 56 ~~restaurant, eating house, public conveyance on land or water, bathhouse,~~

1 ~~barber shop, theater, and music hall~~ THE DEFINITIONS PROVIDED FOR
2 TERMS IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN
3 THIS PART 7.

4
5 **SECTION 12.** 24-34-705, Colorado Revised Statutes, is amended
6 to read:

7
8 **24-34-705. Penalties.** (1) ~~Any~~ A person who violates any of the
9 provisions of this part 7 or who aids in, incites, causes, or brings about in
10 whole or in part the violation of any of such provisions, for each and
11 every violation thereof, is guilty of a CLASS 3 misdemeanor and, upon
12 conviction thereof, shall be ~~punished by a fine of not less than one~~
13 ~~hundred dollars nor more than five hundred dollars, or by imprisonment~~
14 ~~in the county jail for not less than thirty days nor more than ninety days,~~
15 ~~or by both such fine and imprisonment~~ SENTENCED IN ACCORDANCE WITH
16 SECTION 18-1.3-501 (1) (a), C.R.S. The penalty provided by this section
17 shall be an alternative to the relief authorized by section 24-34-306 (9),
18 and a person who seeks redress under this section shall not be permitted
19 to seek relief from the commission.

20
21 (2) A PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON,
22 FIRM, OR CORPORATION THAT VIOLATES THE PROVISIONS OF THIS PART 7
23 SHALL PAY ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR
24 THOUSAND DOLLARS, WHICHEVER IS GREATER, TO THE PERSON
25 AGGRIEVED. THE COURT SHALL ORDER INJUNCTIVE RELIEF AND ANY
26 OTHER RELIEF THE COURT DEEMS APPROPRIATE AND NECESSARY TO
27 PREVENT FUTURE VIOLATIONS.

28
29 (3) A PERSON WHO IS THE PREVAILING PARTY IN A LAWSUIT UNDER
30 THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY FEES AND
31 COSTS PURSUANT TO THE "PREVAILING PARTY" STANDARDS UNDER THE
32 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
33 12101 ET SEQ.

34
35 (4) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
36 SECTION 24-34-306 (9), THE COMMISSION OR A COURT MAY ORDER A
37 RESPONDENT WHO HAS BEEN FOUND GUILTY OF VIOLATING THE
38 PROVISIONS OF THIS PART 7 TO PAY TO THE COLORADO CIVIL RIGHTS
39 COMMISSION CASH FUND, CREATED IN SECTION 24-34-309, ACCORDING TO
40 THE FOLLOWING SCHEDULE:

41
42 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

43
44 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
45 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
46 ANY OTHER VIOLATION OF THIS PART 7 DURING THE FIVE-YEAR PERIOD
47 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

48
49 **SECTION 13. Repeal.** 24-34-707, Colorado Revised Statutes,
50 is repealed as follows:

51
52 **24-34-707. Relief authorized.** ~~In addition to the relief authorized~~
53 ~~by section 24-34-306 (9), the commission may order a respondent who~~
54 ~~has been found to have violated any of the provisions of this part 7 to~~
55 ~~rehire, reinstate, and provide back pay to any employee or agent~~
56 ~~discriminated against because of his obedience to this part 7; to make~~

1 ~~reports as to the manner of compliance with the order of the commission;~~
2 ~~and to take affirmative action, including the posting of notices setting~~
3 ~~forth the substantive rights of the public under this part 7.~~

4
5 **SECTION 14.** 24-34-801 (1), Colorado Revised Statutes, is
6 amended to read:

7
8 **24-34-801. Legislative declaration.** (1) The general assembly
9 hereby declares that it is the policy of the state:

10
11 (a) To encourage and enable ~~the blind, the visually impaired, the~~
12 ~~deaf, the partially deaf, and the otherwise physically disabled~~ PERSONS
13 WITH DISABILITIES to participate fully in the social and economic life of
14 the state and to engage in remunerative employment;

15
16 (b) That ~~the blind, the visually impaired, the deaf, the partially~~
17 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
18 shall be employed in the state service, the service of the political
19 subdivisions of the state, the public schools, and in all other employment
20 supported in whole or in part by public funds on the same terms and
21 conditions as the able-bodied unless it is shown that the particular
22 disability prevents the performance of the work involved;

23
24 (c) That ~~the blind, the visually impaired, the deaf, the partially~~
25 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
26 have the same rights as the able-bodied to the full and free use of the
27 streets, highways, sidewalks, walkways, public buildings, public facilities,
28 and other public places;

29
30 (d) That ~~the blind, the visually impaired, the deaf, the partially~~
31 ~~deaf, and the otherwise physically disabled~~ PERSONS WITH DISABILITIES
32 are entitled to full and equal housing and full and equal accommodations,
33 advantages, facilities, and privileges of all common carriers, airplanes,
34 motor vehicles, railroad trains, motor buses, streetcars, boats, or any other
35 public conveyances or modes of transportation, hotels, motels, lodging
36 places, places of public accommodation, amusement, or resort, and other
37 places to which the general public is invited, including restaurants and
38 grocery stores; and that ~~the blind, the visually impaired, the deaf, the~~
39 ~~partially deaf, or the otherwise physically disabled person assume~~ THE
40 PERSON WITH A DISABILITY ASSUMES the liability for any injury that he or
41 she might sustain which is attributable solely to causes originating with
42 the nature of the particular disability involved and otherwise subject only
43 to the conditions and limitations established by law and applicable alike
44 to all persons.

45
46 (e) and (f) Repealed.

47
48 **SECTION 15.** 24-34-802, Colorado Revised Statutes, is amended
49 to read:

50
51 **24-34-802. Violations - penalties.** (1) ~~Any~~ A person, firm, or
52 corporation or the agent of ~~any~~ A person, firm, or corporation that denies
53 or interferes with the rights and the admittance to or enjoyment of the
54 public facilities enumerated in ~~section 24-34-801 (1) (b) to (1) (d)~~ is
55 ~~guilty of a misdemeanor and, upon conviction thereof, shall be punished~~
56 ~~by a fine of not more than one hundred dollars, or by imprisonment in the~~

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

4
5 (2) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A
6 PERSON, FIRM, OR CORPORATION OR THE AGENT OF A PERSON, FIRM, OR
7 CORPORATION TO DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP
8 BECAUSE THE INDIVIDUAL OR GROUP HAS:

9
10 (a) OPPOSED 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 GUILTY OF
34 VIOLATING THE PROVISIONS OF SECTION 24-34-801 TO PAY TO THE
35 COLORADO CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION
36 24-34-309, ACCORDING TO THE FOLLOWING SCHEDULE:

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

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

44
45 **SECTION 16.** 24-34-803, Colorado Revised Statutes, is amended
46 to read:

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

1 PUBLIC TRANSPORTATION SERVICES.

2

3 ~~(a) Public streets, highways, walkways, public buildings, public~~
4 ~~facilities and services, and other public places;~~

5

6 ~~(b) Any place of public accommodation or on public~~
7 ~~transportation services; and~~

8

9 ~~(c) Any housing accommodation offered for rent, lease, or other~~
10 ~~compensation in the state.~~

11

12 (2) A trainer of an assistance ~~dog~~ ANIMAL has the right to be
13 accompanied by ~~an~~ THE assistance ~~dog~~ ANIMAL that the trainer is in the
14 process of training without being required to pay an extra charge for the
15 assistance ~~dog in or on the following places:~~ ANIMAL IN OR ON THE
16 PROPERTY OF ANY PLACE OF EMPLOYMENT, HOUSING, PUBLIC
17 ACCOMMODATION, PUBLIC ENTITY, OR PUBLIC TRANSPORTATION SERVICES.

18

19 ~~(a) Public streets, highways, walkways, public buildings, public~~
20 ~~facilities and services, and other public places; and~~

21

22 ~~(b) Any place of public accommodation or on public~~
23 ~~transportation services.~~

24

25 (3) (a) An employer shall ~~not refuse to~~ permit an employee with
26 a disability who is accompanied by an assistance ~~dog~~ ANIMAL to keep the
27 employee's assistance ~~dog~~ ANIMAL with ~~the employee~~ HIM OR HER at all
28 times in the place of employment. An employer shall not fail or refuse to
29 hire or discharge any person with a disability, or otherwise discriminate
30 against any person with a disability, with respect to compensation, terms,
31 conditions, or privileges of employment because ~~that person with a~~
32 ~~disability~~ HE OR SHE is accompanied by an assistance ~~dog~~ ANIMAL
33 specially trained for ~~that person~~ TO ASSIST THE PERSON WITH HIS OR HER
34 DISABILITY.

35

36 (b) An employer shall make reasonable accommodation to make
37 the workplace accessible for an otherwise qualified person with a
38 disability who is an applicant or employee and who is accompanied by an
39 assistance ~~dog~~ ANIMAL specially trained for that person unless the
40 employer can show that the accommodation would impose an undue
41 hardship on the employer's business. For purposes of this paragraph (b),
42 "undue hardship" means an action requiring significant difficulty or
43 expense.

44

45 (4) (a) The owner or ~~the~~ person having control or custody of an
46 assistance ~~dog~~ ANIMAL or an assistance ~~dog~~ ANIMAL in training is liable
47 for any damage to persons, premises, or facilities, including places of
48 housing accommodation and places of employment, caused by that
49 person's assistance ~~dog~~ ANIMAL or assistance ~~dog~~ ANIMAL in training.
50 The OWNER OR person having control or custody of an assistance ~~dog~~
51 ANIMAL or an assistance ~~dog~~ ANIMAL in training shall be subject to the
52 provisions of section 18-9-204.5, C.R.S.

53

54 (b) A PERSON WHO CAUSES HARM TO AN ASSISTANCE ANIMAL OR
55 AN ASSISTANCE ANIMAL IN TRAINING SHALL BE LIABLE TO THE OWNER OF
56 THE ASSISTANCE ANIMAL OR ASSISTANCE ANIMAL IN TRAINING FOR TREBLE

1 THE AMOUNT OF ACTUAL DAMAGES.

2

3 (c) THE OWNER OF AN ANIMAL THAT CAUSES HARM TO AN
4 ASSISTANCE ANIMAL OR AN ASSISTANCE ANIMAL IN TRAINING SHALL BE
5 LIABLE TO THE OWNER OF THE ASSISTANCE ANIMAL OR ASSISTANCE
6 ANIMAL IN TRAINING FOR TREBLE THE AMOUNT OF ACTUAL DAMAGES.

7

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

11

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

16

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

20

21 (a) "Assistance ~~dog~~ ANIMAL" means ~~a dog~~ AN ANIMAL that has
22 been or is being trained as a ~~guide dog, hearing dog, or service dog~~. Such
23 terms are further defined as follows: TO PERFORM ONE OR MORE SPECIFIC
24 FUNCTIONS FOR A PERSON WITH A DISABILITY.

25

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

28

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

31

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

35

36 (b) "Disability" has the same meaning as set forth in the federal
37 "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12102 (2), as
38 amended.

39

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

44

45 (d) "Housing accommodations" means any real property or portion
46 thereof that is used or occupied, or intended, arranged, or designed to be
47 used or occupied, as the home, residence, or sleeping place of one or
48 more persons but does not include any single family residence, the
49 occupants of which rent, lease, or furnish for compensation not more than
50 one room in that residence.

51

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

54

55 (I) ~~Inns, hotels, motels, or other places of lodging, except~~
56 ~~establishments located within buildings actually occupied by the~~

1 proprietor as the proprietor's residence containing five or fewer rooms for
2 rent or hire;

3

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

8

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

10

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

14

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

17

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

20

21 ~~(VII) Laundromats, dry cleaners, banks, barber shops, beauty
22 shops, travel services, shoe repair services, funeral parlors, offices of
23 accountants or attorneys-at-law, pharmacies, insurance offices,
24 professional offices of health care providers, hospitals, or other service
25 establishments;~~

26

27 ~~(VIII) Terminals, depots, or other stations used for specified
28 purposes;~~

29

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

32

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

34

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

37

38 ~~(XII) Day care centers, senior citizen centers, homeless shelters,
39 food banks, adoption agencies, or other social service center
40 establishments;~~

41

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

44

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

47

48 ~~(XV) Any establishment physically containing or contained within
49 any of the establishments described in this paragraph (c) that holds itself
50 out as serving patrons of the described establishment.~~

51

52 (f) "Public transportation services" means common carriers of
53 passengers or any other means of public conveyance or modes of
54 transportation, including but not limited to airplanes, motor vehicles,
55 railroad trains, motor buses, streetcars, boats, or taxis.

56

1 (g) "Trainer of an assistance ~~dog~~ ANIMAL" means a person who is
 2 qualified to train ~~dogs~~ AN ANIMAL to serve as AN assistance ~~dogs~~ ANIMAL.
 3

4 **SECTION 17.** 24-34-804, Colorado Revised Statutes, is amended
 5 to read:
 6

7 **24-34-804. Violations - penalties.** (1) It is unlawful for any
 8 person, firm, corporation, or agent of any person, firm, or corporation to:
 9

10 (a) Withhold, deny, deprive, or attempt to withhold, deny, or
 11 deprive any person with a disability or trainer OF AN ASSISTANCE ANIMAL
 12 of any of the rights or privileges secured in section 24-34-803;
 13

14 (b) Threaten to interfere with any of the rights ~~of persons with~~
 15 ~~disabilities or trainers secured in section 24-34-803~~ SECURED IN SECTION
 16 24-34-803 FOR A PERSON WITH A DISABILITY OR A TRAINER OF AN
 17 ASSISTANCE ANIMAL;
 18

19 (c) Punish or attempt to punish any person with a disability or
 20 trainer OF AN ASSISTANCE ANIMAL for exercising or attempting to exercise
 21 any right or privilege secured by section 24-34-803; ~~or~~
 22

23 (d) Interfere with, injure, or harm, or cause another dog to
 24 interfere with, injure, or harm, an assistance ~~dog~~ ANIMAL; OR
 25

26 (e) DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP BECAUSE
 27 THAT INDIVIDUAL OR GROUP HAS OPPOSED A PRACTICE MADE A
 28 DISCRIMINATORY PRACTICE BY THIS PART 8 OR BECAUSE THE INDIVIDUAL
 29 OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED
 30 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING
 31 CONDUCTED PURSUANT TO THIS PART 8.
 32

33 (2) Any person who violates any provision of ~~subsection (1) of~~
 34 ~~this section~~ THIS PART 8 commits a class 3 misdemeanor and shall be
 35 punished as provided in section 18-1.3-501, C.R.S.
 36

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

47 (b) In any action commenced pursuant to this subsection (3), a
 48 court may award costs and reasonable attorney fees.
 49

50 (3.5) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION
 51 AND SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION
 52 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
 53 VIOLATING THE PROVISIONS OF SECTION 24-34-803 TO PAY TO THE
 54 COLORADO CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION
 55 24-34-309, ACCORDING TO THE FOLLOWING SCHEDULE:
 56

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

2
3 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
4 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
5 ANY OTHER VIOLATION OF SECTION 24-34-803 DURING THE FIVE-YEAR
6 PERIOD PRECEDING THE DATE OF THE FILING OF THE CHARGE.

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

11
12 **SECTION 18.** Article 34 of title 24, Colorado Revised Statutes,
13 is amended BY THE ADDITION OF A NEW PART to read:

14
15 **PART 10**
16 **DISCRIMINATION BY PUBLIC ENTITIES**
17 **AND STATE AGENCIES**
18

19 **24-34-1001. Definitions.** THE DEFINITIONS PROVIDED FOR TERMS
20 IN SECTION 24-34-301 SHALL APPLY TO SAID TERMS AS USED IN THIS PART
21 10.
22

23 **24-34-1002. Prohibition against discrimination by public**
24 **entities.** (1) A QUALIFIED PERSON WITH A DISABILITY SHALL NOT BE
25 EXCLUDED FROM PARTICIPATION IN OR DENIED THE BENEFITS OF THE
26 SERVICES, PROGRAMS, OR ACTIVITIES OF A PUBLIC ENTITY, OR BE
27 SUBJECTED TO DISCRIMINATION BY A PUBLIC ENTITY, BY REASON OF THE
28 PERSON'S DISABILITY.
29

30 (2) DISCRIMINATION BY REASON OF DISABILITY INCLUDES ANY
31 ACTION THAT WOULD CONSTITUTE A VIOLATION OF TITLE II OF THE
32 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
33 12131 ET SEQ., AND ITS IMPLEMENTING REGULATIONS.
34

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

43 **24-34-1003. Discrimination by public entities - remedies -**
44 **penalties.** (1) A PERSON WHO HAS BEEN SUBJECTED TO A
45 DISCRIMINATORY ACT PROHIBITED BY SECTION 24-34-1002 MAY BRING A
46 CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AND MAY OBTAIN A
47 COURT ORDER FOR COMPLIANCE WITH THIS PART 10. A PERSON WHO
48 BRINGS SUIT PURSUANT TO THIS SECTION IS ENTITLED TO THE RECOVERY
49 OF ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR THOUSAND
50 DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION. A PERSON WHO
51 IS THE PREVAILING PARTY IN A LAWSUIT UNDER THIS SECTION IS ENTITLED
52 TO RECOVER REASONABLE ATTORNEY FEES AND COSTS PURSUANT TO THE
53 "PREVAILING PARTY" STANDARDS UNDER THE FEDERAL "AMERICANS WITH
54 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.
55

56 (2) A PERSON WHO DENIES THE RIGHTS OF A PERSON WITH A

1 DISABILITY PROTECTED BY THIS PART 10 COMMITS A CLASS 3
2 MISDEMEANOR AND SHALL BE SENTENCED IN ACCORDANCE WITH SECTION
3 18-1.3-501 (1) (a), C.R.S.

4
5 (3) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
6 SECTION 24-34-306 (9), THE COLORADO CIVIL RIGHTS COMMISSION OR A
7 COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
8 VIOLATING THE PROVISIONS OF THIS PART 10 TO PAY TO THE COLORADO
9 CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION 24-34-309,
10 ACCORDING TO THE FOLLOWING SCHEDULE:

11
12 (a) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

13
14 (b) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
15 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
16 ANY OTHER VIOLATION OF THIS PART 10 DURING THE FIVE-YEAR PERIOD
17 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

18
19 **24-34-1004. Discrimination by state agencies - requirements**
20 **for compliance.** (1) A STATE AGENCY IS REQUIRED TO COMPLY WITH ALL
21 APPLICABLE DISCRIMINATION POLICIES, INCLUDING BUT NOT LIMITED TO
22 FEDERAL, STATE, AND LOCAL LAWS, AND ANY RULES PROMULGATED BY
23 THE AGENCY.

24
25 (2) A PERSON WHO IS AGGRIEVED BY A VIOLATION OF THIS SECTION
26 HAS A PRIVATE RIGHT OF ACTION TO BRING A CIVIL LAWSUIT IN A COURT
27 OF COMPETENT JURISDICTION AGAINST THE VIOLATING STATE AGENCY.

28
29 (3) REMEDIES UNDER THIS SECTION INCLUDE, BUT ARE NOT
30 LIMITED TO:

31
32 (a) INJUNCTIVE RELIEF IN THE FORM OF A COURT ORDER REQUIRING
33 COMPLIANCE WITH THIS SECTION AND SPECIFYING THE FORM OF
34 COMPLIANCE;

35
36 (b) ACTUAL DAMAGES OR STATUTORY DAMAGES OF FOUR
37 THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH VIOLATION OF
38 THIS SECTION; AND

39
40 (c) RECOVERY OF REASONABLE ATTORNEY FEES AND COSTS TO THE
41 PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY" STANDARDS
42 UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
43 U.S.C. SEC. 12101 ET SEQ.

44
45 (4) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A
46 PERSON OR AGENCY TO DISCRIMINATE AGAINST A PERSON OR GROUP
47 BECAUSE THAT PERSON OR GROUP HAS OPPOSED A PRACTICE THAT IS MADE
48 A DISCRIMINATORY PRACTICE BY THIS PART 10 OR BECAUSE THAT PERSON
49 OR GROUP HAS MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED
50 IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING
51 CONDUCTED PURSUANT TO THIS PART 10.

52
53 **SECTION 19.** 25.5-4-107, Colorado Revised Statutes, is
54 amended BY THE ADDITION OF A NEW SUBSECTION to read:

55
56 **25.5-4-107. Retaliation definition - penalties.** (3) (a) A PERSON

1 OR ENTITY WHO VIOLATES THIS SECTION SHALL BE HELD LIABLE TO THE
 2 PERSON AGGRIEVED IN A COURT OF COMPETENT JURISDICTION FOR
 3 INJUNCTIVE RELIEF AND FOR ACTUAL DAMAGES OR STATUTORY DAMAGES
 4 OF FOUR THOUSAND DOLLARS, WHICHEVER IS GREATER, FOR EACH
 5 VIOLATION. THE COURT MAY AWARD REASONABLE ATTORNEY FEES AND
 6 COSTS TO THE PREVAILING PARTY PURSUANT TO THE "PREVAILING PARTY"
 7 STANDARDS UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
 8 1990", 42 U.S.C. SEC. 12101 ET SEQ.

9
 10 (b) IN ADDITION TO THE RELIEF AUTHORIZED BY THIS SECTION AND
 11 SECTION 24-34-306 (9), C.R.S., THE COLORADO CIVIL RIGHTS COMMISSION
 12 OR A COURT MAY ORDER A RESPONDENT WHO HAS BEEN FOUND GUILTY OF
 13 VIOLATING THE PROVISIONS OF THIS SECTION TO PAY TO THE COLORADO
 14 CIVIL RIGHTS COMMISSION CASH FUND, CREATED IN SECTION 24-34-309,
 15 C.R.S., ACCORDING TO THE FOLLOWING SCHEDULE:

16
 17 (I) AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS; OR

18
 19 (II) AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND
 20 DOLLARS IF THE RESPONDENT HAS BEEN ADJUDGED TO HAVE COMMITTED
 21 ANY OTHER VIOLATION OF THIS SECTION DURING THE FIVE-YEAR PERIOD
 22 PRECEDING THE DATE OF THE FILING OF THE CHARGE.

23
 24 **SECTION 20.** 24-34-302 (2), Colorado Revised Statutes, is
 25 amended to read:

26
 27 **24-34-302. Civil rights division - director - powers and duties.**

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

33
 34 **SECTION 21.** 24-34-305 (1) (a), (1) (c), (1) (e), (1) (i), (1) (i.5),
 35 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

36
 37 **24-34-305. Powers and duties of commission.** (1) The
 38 commission has the following powers and duties:

39
 40 (a) To adopt, publish, amend, and rescind rules ~~and regulations,~~
 41 in accordance with the provisions of section 24-4-103, ~~which~~ THAT are
 42 consistent with and for the implementation of THIS PART 3 AND parts 3 to
 43 7 4 TO 8 AND PART 10 of this article. All such rules adopted or amended
 44 on or after July 1, 1979, shall be subject to sections 24-4-103 (8) (c) and
 45 (8) (d) and 24-34-104 (9) (b) (II).

46
 47 (c) To investigate and study the existence, character, causes, and
 48 extent of unfair or discriminatory practices as defined in parts 4 to 7 8
 49 AND PART 10 of this article and to formulate plans for the elimination
 50 thereof by educational or other means;

51
 52 (e) To issue such publications and reports of investigations and
 53 research as in its judgment will tend to promote goodwill among the
 54 various racial, religious, age, and ethnic groups of the state and which
 55 will tend to minimize or eliminate discriminatory or unfair practices as
 56 specified by THIS PART 3 AND parts 3 to 7 4 TO 8 AND PART 10 of this

1 article. Publications of the commission circulated in quantity outside the
2 executive branch shall be issued in accordance with the provisions of
3 section 24-1-136.

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

11
12 (i.5) To intervene in racial, religious, cultural, age, and intergroup
13 tensions or conflicts for the purpose of informal mediation using
14 alternative dispute resolution techniques. Such intervention may be made
15 in cooperation with other agencies or organizations, both public and
16 private, whose purposes are consistent with those of THIS PART 3 AND
17 parts ~~3 to 7~~ 4 to 8 AND PART 10 of this article.

18
19 (2) Any provision of this article to the contrary notwithstanding,
20 ~~no~~ A person shall NOT be required to alter, modify, or purchase any
21 building, structure, or equipment or incur any additional expense ~~which~~
22 THAT would not otherwise be incurred in order to comply with THIS PART
23 3 AND parts ~~3, 4, 6, and 7~~ 4, 6 TO 8, AND 10 of this article.

24
25 (3) In exercising the powers and performing the duties and
26 functions under THIS PART 3 AND parts ~~3 to 7~~ 4 TO 8 AND PART 10 of this
27 article, the commission, the division, and the director shall presume that
28 the conduct of ~~any~~ A respondent is not unfair or discriminatory until
29 proven otherwise.

30
31 (4) Whether by rule ~~regulation~~, or other action or whether as a
32 remedy for violation of any provision of THIS PART 3 OR parts ~~3 to 7~~ 4 TO
33 8 AND PART 10 of this article or otherwise, the commission shall not
34 prescribe or require the implementation of a quota system.

35
36 **SECTION 22.** 24-34-306 (1) (a), (2) (a), (9), (11), (13), and (14),
37 Colorado Revised Statutes, are amended to read:

38
39 **24-34-306. Charge - complaint - hearing - procedure -**
40 **exhaustion of administrative remedies.** (1) (a) Any person claiming
41 to be aggrieved by a discriminatory or unfair practice as defined by parts
42 4 to ~~7~~ 8 AND PART 10 of this article may, by himself or herself or through
43 his or her attorney-at-law, make, sign, and file with the division a verified
44 written charge stating the name and address of the respondent alleged to
45 have committed the discriminatory or unfair practice, setting forth the
46 particulars of the alleged discriminatory or unfair practice, and containing
47 any other information required by the division.

48
49 (2) (a) After the filing of a charge alleging a discriminatory or
50 unfair practice as defined by parts 4 to ~~7~~ 8 AND PART 10 of this article, the
51 director, with the assistance of the division's staff, shall make a prompt
52 investigation of the charge. The director may subpoena witnesses and
53 compel the testimony of witnesses and the production of books, papers,
54 and records if the testimony, books, papers, and records sought are
55 limited to matters directly related to the charge. Any subpoena issued
56 pursuant to this paragraph (a) shall be enforceable in the district court for

1 the district in which the alleged discriminatory or unfair practice occurred
2 and shall be issued only if the person or entity to be subpoenaed has
3 refused or failed, after a proper request from the director, to provide
4 voluntarily to the director the information sought by the subpoena.
5

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

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

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

50 (14) ~~No~~ A person may NOT file a civil action in a district court in
51 this state based on an alleged discriminatory or unfair practice prohibited
52 by parts 4 to 7 8 AND PART 10 of this article without first exhausting the
53 proceedings and remedies available to him OR HER under this part 3
54 unless he OR SHE shows, in an action filed in the appropriate district court,
55 by clear and convincing evidence, THAT his OR HER ill health ~~which~~ is of
56 such a nature that pursuing administrative remedies would not provide

1 timely and reasonable relief and would cause irreparable harm.

2

3 **SECTION 23.** 24-34-308, Colorado Revised Statutes, is amended
4 to read:

5

6 **24-34-308. Enforcement of federal law prohibited.** Nothing in
7 THIS PART 3 AND parts 3 4 to 8 AND PART 10 of this article shall be
8 construed to authorize the commission, the director, or the division to
9 enforce any provision of federal law. Nothing in this section shall
10 prevent the commission from accepting federal grants for the enforcement
11 of THIS PART 3 AND parts 3 to 7 4 to 8 AND PART 10 OF THIS ARTICLE.

12

13 **SECTION 24.** 18-6.5-102 (3) (f), Colorado Revised Statutes, is
14 amended to read:

15

16 **18-6.5-102. Definitions.** As used in this article, unless the context
17 otherwise requires:

18

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

20

21 (f) Is mentally impaired as the term is defined in section
22 24-34-301 (2.5), ~~(b) (ff)~~, C.R.S.;

23

24 **SECTION 25.** 40-9-109, Colorado Revised Statutes, is amended
25 to read:

26

27 **40-9-109. Transportation of assistance animals.** When a ~~totally~~
28 ~~or partially blind, totally or partially deaf, or physically disabled~~ person
29 WITH A DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S., is
30 accompanied by a ~~dog which serves as an assistance dog~~ ANIMAL or
31 ~~which~~ AN ANIMAL THAT is being trained by a qualified trainer as an
32 assistance ~~dog~~ ANIMAL, as defined in section 24-34-803 (7), C.R.S., ~~for~~
33 ~~such disabled person,~~ neither the disabled person WITH A DISABILITY nor
34 the ~~dog~~ ANIMAL shall be denied the facilities of any common carrier, nor
35 shall ~~such disabled~~ THE person WITH A DISABILITY be denied the
36 immediate custody of the ~~dog~~ ANIMAL while riding upon a common
37 carrier. The provisions of this section shall also apply to any qualified
38 trainer who is training a ~~dog for use by a totally or partially blind, totally~~
39 ~~or partially deaf, or physically disabled person~~ AN ASSISTANCE ANIMAL,
40 unless the ~~dog~~ ANIMAL presents an imminent danger to the public health
41 or safety. ~~Such disabled~~ THE person WITH A DISABILITY or ~~any~~ A
42 qualified trainer who is training a ~~dog for use by a disabled person~~ AN
43 ASSISTANCE ANIMAL shall be liable for any damage done to the premises
44 or facilities of the common carrier by ~~such dog.~~ ~~Any dog~~ THE ANIMAL.
45 AN ANIMAL being trained ~~for the purpose of aiding a disabled person~~ AS
46 AN ASSISTANCE ANIMAL shall be visibly and prominently identified as an
47 assistance ~~dog~~ ANIMAL in training.

48

49 **SECTION 26.** 42-4-808 (1), Colorado Revised Statutes, is
50 amended to read:

51

52 **42-4-808. Drivers and pedestrians, other than persons in**
53 **wheelchairs, to yield to persons with disabilities.** (1) Any pedestrian,
54 other than a person in a wheelchair, or any driver of a vehicle who
55 approaches a person who has an obviously apparent disability of
56 blindness, deafness, or mobility impairment shall immediately come to a

1 full stop and take such precautions before proceeding as are necessary to
2 avoid an accident or injury to said person. A disability shall be deemed to
3 be obviously apparent if, by way of example and without limitation, the
4 person is using a cane or crutches, is assisted by an assistance dog
5 ANIMAL, as defined in section 24-34-803 (7), C.R.S., is being assisted by
6 another person, is in a wheelchair, or is walking with an obvious physical
7 impairment. Any person who violates any provision of this section
8 commits a class A traffic offense.
9

10 **SECTION 27. No appropriation.** The general assembly has
11 determined that this act can be implemented within existing
12 appropriations, and therefore no separate appropriation of state moneys
13 is necessary to carry out the purposes of this act.
14

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

26 (2) The provisions of this act shall apply to offenses committed on
27 or after the applicable effective date of this act."
28
29
30

31 **HB10-1291** be referred favorably to the Committee on Appropriations.
32
33

34 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

35
36 The Speaker has signed: **HB10-1192**.
37
38

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

40
41 The Senate has adopted and transmits herewith: **SJR10-013**.
42
43

44 **INTRODUCTION OF RESOLUTION**

45
46 The following resolution was read by title and laid over one day under the
47 rules:
48

49 **SJR10-013** by Senator(s) Heath, Bacon, Hudak, King K., Newell,
50 Romer, Spence, Steadman, Williams; also
51 Representative(s) Miklosi and Summers, Court, Todd,
52 Benefield, Massey, Merrifield, Middleton, Murray,
53 Peniston, Scanlan, Schafer S., Solano, Tipton--Concerning
54 recognition of career and technical education month.
55
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NOTICE OF CALENDARED ITEM(S)

On motion of Representative Weissmann, the following bill(s) will be calendared for Second Reading on February 22, 2010: **HB10-1211.**

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until February 22, retaining place on Calendar:

Consideration of Resolution(s)--**SJR10-004.**

On motion of Representative Weissmann, the House adjourned until 10:00 a.m., February 22, 2010.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

