

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

Thirty-sixth Legislative Day

Wednesday, February 17, 2010

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

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

5
6 Pledge of Allegiance led by Tyler Ralstin, Lamar.

7
8 The roll was called with the following result:

9
10 Present--62.
11 Excused--Representative(s) Acree, Middleton, Peniston--3.
12 Present after roll call--Representative(s) Acree, Middleton.

13
14 The Speaker declared a quorum present.

15 _____
16
17 On motion of Representative Court, the reading of the journal of
18 February 16, 2010, was declared dispensed with and approved as
19 corrected by the Chief Clerk.

20
21
22 _____
23
24
25 On motion of Representative Levy, the House resolved itself into
26 Committee of the Whole for consideration of General Orders, and she
27 was called to the Chair to act as Chairman.

28 _____
29
30
31 **GENERAL ORDERS--SECOND READING OF BILLS**

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

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

40
41 **HB10-1223** by Representative(s) Baumgardner, Fischer, Hullinghorst,
42 Looper, Pace, Ryden, Vigil; also Senator(s) Whitehead--
43 Concerning the continuation of the forestry advisory

1 board, and, in connection therewith, repealing the forestry
2 advisory board.

3
4 Ordered engrossed and placed on the Calendar for Third Reading and
5 Final Passage.

6
7 **HB10-1108** by Representative(s) McCann; also Senator(s) Johnston--
8 Concerning an exclusion from the employment
9 relationship for purposes of state employment laws for
10 certain coaches who enter into independent contractor
11 relationships with nonprofit youth sports organizations that
12 are evidenced by a written agreement.

13
14 Amendment No. 1, Business Affairs & Labor Report, dated
15 February 10, 2010, and placed in member's bill file; Report also printed
16 in House Journal, February 11, page 302.

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

20
21 **HB10-1204** by Representative(s) Soper; also Senator Tochtrop--
22 Concerning the inclusion of conservation standards in the
23 plumbing code.

24
25 Amendment No. 1, Business Affairs & Labor Report, dated
26 February 10, 2010, and placed in member's bill file; Report also printed
27 in House Journal, February 11, page 303.

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

30
31 Amend the Business Affairs and Labor Committee Report, dated
32 February 10, 2010, page 1, line 2, strike "MEASURES, AS" and substitute
33 "MEASURES".

34
35 Page 1, line 3, strike everything before "THAT".

36
37 Page 1, line 10, strike "SAFETY." and substitute "SAFETY."

38
39 (c) NOTHING IN THIS SUBSECTION (4.5) AFFECTS THE BOARD'S
40 AUTHORITY TO ESTABLISH THE COLORADO PLUMBING CODE AS SPECIFIED
41 IN SECTION 12-58-104.5.".

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

45
46
47 **SB10-021** by Senator(s) Morse, Lundberg, Tochtrop, Williams; also
48 Representative(s) Labuda, Benefield, Gardner B., King S.,
49 Liston, Peniston, Schafer S., Waller--Concerning a
50 volunteer firefighter pension plan.

51
52 Ordered revised and placed on the Calendar for Third Reading and Final
53 Passage.

54
55

1 **SB10-022** by Senator(s) Morse, Lundberg, Tochtrop, Williams; also
 2 Representative(s) Riesberg and King S., Benefield,
 3 Gardner B., Labuda, Liston, Peniston, Schafer S., Waller--
 4 Concerning a member-approved increase in the member
 5 contribution rate to the statewide defined benefit plan
 6 administered by the fire and police pension association.
 7

8 Ordered revised and placed on the Calendar for Third Reading and Final
 9 Passage.
 10

11 **SB10-023** by Senator(s) Williams, Lundberg, Morse, Tochtrop; also
 12 Representative(s) Riesberg and Liston, Benefield,
 13 Gardner B., King S., Labuda, Peniston, Schafer S., Waller--
 14 -Concerning the discretion of the board of directors of the
 15 fire and police pension association to adopt rules regarding
 16 the return to work by a member participating in the
 17 defined benefit system of the association who elects
 18 retirement.
 19

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

23 **SB10-024** by Senator(s) Tochtrop, Lundberg, Morse, Williams; also
 24 Representative(s) Labuda, Benefield, Gardner B., King S.,
 25 Liston, Peniston, Riesberg, Schafer S., Waller--
 26 Concerning the repeal of the authority of the board of
 27 directors of the fire and police pension association to
 28 affiliate with a local money purchase pension plan.
 29

30 Ordered revised and placed on the Calendar for Third Reading and Final
 31 Passage.
 32

33 **HB10-1235** by Representative(s) Levy, Gardner B., Kagan, Labuda,
 34 Roberts; also Senator(s) Brophy, Carroll M., Mitchell,
 35 Morse, Schwartz--Concerning the requirements in the
 36 "State Administrative Procedure Act" for incorporation by
 37 reference of rule-making materials by executive branch
 38 agencies.
 39

40 Amendment No. 1, by Representative(s) Levy.
 41

42 Amend printed bill, page 2, line 25, after "STANDARD," insert
 43 "GUIDELINE,".
 44

45 Page 3, line 1, after "STATE," insert "OR".
 46

47 Page 3, line 2, after the first "OR" insert "ADOPTED OR PUBLISHED".
 48

49 Page 3, line 6, after "STANDARD," insert "GUIDELINE,".
 50

51 Page 3, line 14, after "STANDARD," insert "GUIDELINE,".
 52

53 Page 3, line 16, after "STANDARD," insert "GUIDELINE,".
 54

55 Page 3, line 18, after "STANDARD," insert "GUIDELINE,".
 56

1 Page 3, line 26, after "STANDARD," insert "GUIDELINE,".

2

3 Page 4, line 1, after "STANDARD," insert "GUIDELINE,".

4

5 Page 4, line 6, after "STANDARD," insert "GUIDELINE,".

6

7 Page 4, line 7, after "STANDARD," insert "GUIDELINE,".

8

9 Page 4, line 17, strike "REQUEST." and substitute "REQUEST OR SHALL
10 PROVIDE THE REQUESTOR WITH INFORMATION ON HOW TO OBTAIN A
11 CERTIFIED COPY OF THE MATERIAL INCORPORATED BY REFERENCE FROM
12 THE AGENCY OF THE UNITED STATES, THIS STATE, ANOTHER STATE, OR
13 THE ORGANIZATION OR ASSOCIATION ORIGINALLY ISSUING THE CODE,
14 STANDARD, GUIDELINE, OR RULE.".

15

16 Page 5, strike lines 11 through 14 and substitute "THE COPY AVAILABLE
17 TO THE PUBLIC.".

18

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

21

22

23 **HB10-1025** by Representative(s) Roberts, Riesberg, Soper, Tyler; also
24 Senator(s) Newell, Tochtrop, Williams--Concerning
25 updates to the "Colorado Medical Treatment Decision
26 Act".

27

28 Amendment No. 1, Health & Human Services Report,
29 dated February 5, 2010, and placed in member's bill file; Report also
30 printed in House Journal, February 8, pages 233-237.

31

32 Amendment No. 2, by Representative(s) Roberts.

33

34 Amend the Health and Human Services Committee Report, dated
35 February 5, 2010, page 5, strike line 4 and substitute:

36

37 "PENALTY, OR LICENSING SANCTIONS THEREFOR;

38

39 Page 12, strike line 16 and substitute:

40

41 "LICENSING SANCTIONS THEREFOR; AND

42

43 (d) AN ADVANCED PRACTICE NURSE WHO WITHHOLDS OR
44 WITHDRAWS LIFE-SUSTAINING PROCEDURES IN COMPLIANCE WITH A
45 DECLARATION SHALL NOT BE SUBJECT TO CIVIL LIABILITY, CRIMINAL
46 PENALTY, OR LICENSING SANCTIONS THEREFOR.".

47

48 Page 5 of the committee report, strike line 31 and substitute "WHO
49 REFUSES TO COMPLY WITH THE TERMS OF A DECLARATION VALID ON ITS
50 FACE SHALL TRANSFER THE CARE OF THE DECLARANT TO ANOTHER
51 PHYSICIAN OR ADVANCED PRACTICE NURSE WHO IS WILLING TO COMPLY
52 WITH THE DECLARATION. REFUSAL OF AN ATTENDING PHYSICIAN OR
53 ADVANCED PRACTICE NURSE TO COMPLY WITH A DECLARATION AND
54 FAILURE TO TRANSFER THE CARE OF THE DECLARANT TO ANOTHER
55 PHYSICIAN OR ADVANCED PRACTICE NURSE SHALL CONSTITUTE
56 UNPROFESSIONAL CONDUCT AS DEFINED IN SECTION 12-36-117, C.R.S.,

1 OR GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-38-117, C.R.S.".

2

3 Strike page 6 of the committee report.

4

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

7

8 **HB10-1041** by Representative(s) Acree, Looper, Primavera, Todd; also
9 Senator(s) Mitchell, Keller--Concerning applications for
10 home- and community-based services waivers for children
11 as part of the medicaid eligibility modernization.

12

13 Amendment No. 1, Health & Human Services Report, dated
14 February 5, 2010, and placed in member's bill file; Report also printed in
15 House Journal, February 8, page 237.

16

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

19

20 **HB10-1007** by Representative(s) Judd, Peniston, Roberts, Schafer S.,
21 Vaad; also Senator(s) Brophy, Steadman--Concerning an
22 adjustment of fees charged by a county clerk and recorder
23 for filing a document with the county.

24

25 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
26 February 4, 2010, and placed in member's bill file; Report also printed in
27 House Journal, February 5, pages 213-214.

28

29 Amendment No. 2, by Representative(s) Judd.

30

31 Amend the State, Veterans, and Military Affairs Committee Report, dated
32 February 4, 2010, page 1, line 9, strike "C.R.S." ", and substitute "C.R.S.,
33 IN WHICH CASE THE FEE COLLECTED SHALL BE FIVE DOLLARS PER PAGE." ".
34

34

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

37

38 **HB10-1138** by Representative(s) Gagliardi, Massey, Apuan, Casso,
39 Ferrandino, Fischer, Frangas, Hullinghorst, Kefalas,
40 Labuda, McFadyen, Middleton, Pace, Rice, Scanlan, Todd,
41 Tyler; also Senator(s) Morse, Newell--Concerning the
42 program to repay educational loans of health care
43 professionals.

44

45 Amendment No. 1, Health & Human Services Report, dated
46 February 5, 2010, and placed in member's bill file; Report also printed in
47 House Journal, February 8, pages 238-239.

48

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

51

52

53 **HB10-1171** by Representative(s) Benefield, Scanlan; also Senator(s)
54 Steadman--Concerning education-related data reporting
55 requirements.

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 page 265.

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

7
8 **HB10-1044** by Representative(s) Carroll T., Todd, Benefield, Kefalas,
9 Massey, McNulty, Merrifield, Middleton, Roberts, Schafer
10 S., Stephens; also Senator(s) Steadman--Concerning the
11 licensure of neighborhood youth organizations.

12
13 Amendment No. 1, Education Report, dated February 4, 2010, and placed
14 in member's bill file; Report also printed in House Journal, February 5,
15 pages 207-210.

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

19
20
21
22 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

23
24 Passed Second Reading: **HB10-1223, 1108 amended, 1204 amended,**
25 **SB10-021, 022, 023, 024, HB10-1235 amended, 1025 amended, 1041**
26 **amended, 1007 amended, 1138 amended, 1171 amended, 1044**
27 **amended.**

28
29 Laid over until date indicated retaining place on Calendar:
30 **HB10-1042**--February 19, 2010.
31 **HB10-1009**--February 26, 2010.

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

37
38

	YES	64	NO	0	EXCUSED	1	ABSENT	0
39	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
40	Apuan	Y	Hullinghorst	Y	McKinley	Y	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	E	Tipton	Y
49	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
50	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
51	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
52	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
53	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
54	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
55							Speaker	Y

56

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

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

HB10-1297 be referred to the Committee of the Whole with favorable recommendation.

HB10-1298 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 39, line 2, in the REAPPROPRIATED FUNDS column strike "7,147,895^b" and substitute "7,147,895^b".

HB10-1299 be referred to the Committee of the Whole with favorable recommendation.

HB10-1300 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 6, line 9, strike "62,556" and substitute "\$62,556".

Page 6, line 10, strike "54,581" and substitute "\$54,581" and strike "33,240" and substitute "\$33,240".

Page 27, line 13, in the ITEM & SUBTOTAL column strike "12,805,153" and substitute "12,803,933", in the GENERAL FUND column strike "6,556,153(M)" and substitute "6,555,482(M)", and in the FEDERAL FUNDS column strike "6,248,612" and substitute "6,248,063".

Adjust affected totals accordingly.

Page 31, line 11, in the CASH FUNDS column strike "558,141(H)^a" and substitute "569,014(H)^a" and in the FEDERAL FUNDS column strike "154,116,548" and substitute "154,105,675".

Adjust affected totals accordingly.

HB10-1301 be referred to the Committee of the Whole with favorable recommendation.

HB10-1302 be referred to the Committee of the Whole with favorable recommendation.

- 1 **HB10-1303** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
- 5 **HB10-1304** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8
9 Amend printed bill, page 17, line 10, strike "CASH FUNDS" and substitute
10 "FEDERAL FUNDS".
11
12
13
- 14 **HB10-1305** be referred to the Committee of the Whole with favorable
15 recommendation.
16
17
- 18 **HB10-1306** be referred to the Committee of the Whole with favorable
19 recommendation.
20
21
- 22 **HB10-1307** be referred to the Committee of the Whole with favorable
23 recommendation.
24
25
- 26 **HB10-1308** be referred to the Committee of the Whole with favorable
27 recommendation.
28
29
- 30 **HB10-1309** be referred to the Committee of the Whole with favorable
31 recommendation.
32
33
- 34 **HB10-1310** be referred to the Committee of the Whole with favorable
35 recommendation.
36
37
- 38 **HB10-1311** be referred to the Committee of the Whole with favorable
39 recommendation.
40
41
- 42 **HB10-1312** be referred to the Committee of the Whole with favorable
43 recommendation.
44
45
- 46 **HB10-1313** be referred to the Committee of the Whole with favorable
47 recommendation.
48
49
- 50 **HB10-1314** be referred to the Committee of the Whole with favorable
51 recommendation.
52
53
- 54 **HB10-1315** be referred to the Committee of the Whole with favorable
55 recommendation.
56

1 **HB10-1316** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **HB10-1317** be referred to the Committee of the Whole with favorable
6 recommendation.
7

8
9 **HB10-1318** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:
12

13 Amend printed bill, page 5, after line 16 insert:
14

15 **“SECTION 3. Adjustments to the 2010 long bill.** For the
16 implementation of this act, the general fund appropriation made in the
17 annual general appropriation act for the fiscal year beginning July 1,
18 2010, to the department of education, assistance to public schools, public
19 school finance, for the state share of districts’ total program funding, is
20 decreased by two hundred twelve thousand nine hundred ninety-six
21 dollars (\$212,996).”
22

23 Renumber succeeding section accordingly.
24

25 Page one, line 105, strike **“DISTRICT.”** and substitute **“DISTRICT, AND**
26 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.”**
27

28
29
30 **HB10-1319** be referred to the Committee of the Whole with favorable
31 recommendation.
32

33
34 **HB10-1320** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:
37

38 Amend printed bill, page 8, line 7, in the REAPPROPRIATED FUNDS
39 column strike "2,746,329^b" and substitute "2,746,329^b".
40

41 Page 8, line 8, in the CASH FUNDS column strike "174,145,529^a" and
42 substitute "173,145,529^a", and in the REAPPROPRIATED FUNDS
43 column insert "3,746,329^b".
44

45 Page 8, line 13, strike "\$1,000,000 SHALL BE FROM THE HEALTH
46 DISPARITIES GRANT PROGRAM FUND CREATED IN SECTION 24-22-117 (2)
47 (f) (I), C.R.S."
48

49 Page 9, line 1, after "C.R.S.," insert "\$1,000,000 SHALL BE FROM THE
50 HEALTH DISPARITIES GRANT PROGRAM FUND CREATED IN SECTION 24-22-
51 117 (2) (f) (I), C.R.S."
52

53 Page 9, line 7, in the REAPPROPRIATED FUNDS column strike
54 "\$28,706,139" and substitute "\$28,706,139".
55

56 Page 9, line 8, in the CASH FUNDS column strike "\$451,333,149" and

1 substitute "\$450,333,149" and in the REAPPROPRIATED FUNDS
2 column insert "\$29,706,139".
3
4
5

6 **HB10-1321** be referred to the Committee of the Whole with favorable
7 recommendation.
8
9

10 **HB10-1322** be referred to the Committee of the Whole with favorable
11 recommendation.
12
13

14 **HB10-1323** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:
17

18 Amend printed bill, strike everything below the enacting clause and
19 substitute the following:
20

21 **"SECTION 1.** 24-75-1104.5 (1) (b) (II), Colorado Revised
22 Statutes, is amended, and the said 24-75-1104.5 (1) (b) is further amended
23 BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:
24

25 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
26 (1) Except as otherwise provided in subsection (5) of this section, for the
27 2004-05 fiscal year and for each fiscal year thereafter, the following
28 programs, services, or funds shall receive the following specified amounts
29 from the settlement moneys received by the state in the preceding fiscal
30 year; except that fifteen million four hundred thousand dollars of strategic
31 contribution fund moneys and, for the 2010-11 fiscal year and for each
32 fiscal year thereafter only, the lesser of sixty-five million dollars of other
33 settlement moneys or all other settlement moneys shall be allocated in
34 each fiscal year in which they are received by the state and except that, of
35 the other settlement moneys received by the state in the 2009-10 fiscal
36 year, the lesser of sixty-five million dollars or all of such moneys shall be
37 transferred to the general fund on June 30, 2010, and shall not be
38 allocated:
39

40 (b) (II) Notwithstanding the provisions of subparagraph (I) of this
41 paragraph (b), for the 2009-10 fiscal year, the amount transferred to the
42 comprehensive primary and preventive care grant program shall be
43 ~~reduced by two million four hundred thousand dollars, and such~~ THE
44 amount OF GRANT MONEYS COMMITTED PURSUANT TO THE
45 COMPREHENSIVE PRIMARY AND PREVENTIVE CARE GRANT PROGRAM ON OR
46 BEFORE SEPTEMBER 30, 2009. ANY OF THE REMAINING SETTLEMENT
47 MONEYS THAT WOULD HAVE BEEN TRANSFERRED TO THE COMPREHENSIVE
48 PRIMARY AND PREVENTIVE CARE GRANT PROGRAM PURSUANT TO THE
49 PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) shall be
50 transferred to the general fund. This subparagraph (II) is repealed,
51 effective July 1, 2011.
52

53 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
54 OF THIS PARAGRAPH (b), FOR THE 2010-11 FISCAL YEAR, THE SETTLEMENT
55 MONEYS TRANSFERRED TO THE COMPREHENSIVE PRIMARY AND
56 PREVENTIVE CARE GRANT PROGRAM PURSUANT TO THE PROVISIONS OF

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO
2 THE GENERAL FUND. THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE
3 JULY 1, 2012.

4
5 **SECTION 2.** 24-75-1104.5 (1.5) (a) (III) (C), and (1.5) (a) (V),
6 Colorado Revised Statutes, are amended, and the said 24-75-1104.5 (1.5)
7 (a) (III) is further amended BY THE ADDITION OF A NEW
8 SUB-SUBPARAGRAPH, to read:

9
10 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
11 (1.5) (a) Except as otherwise provided in subsections (5) and (6) of this
12 section, for the 2007-08 fiscal year and for each fiscal year thereafter, the
13 following programs, services, and funds shall receive the following
14 specified amounts from the portion of any settlement moneys received
15 and allocated by the state in the current fiscal year that remains after the
16 programs, services, and funds receiving such moneys pursuant to
17 subsection (1) of this section have been fully funded, and the portion of
18 all other settlement moneys received by the state in the preceding fiscal
19 year that remains after the programs, services, and funds receiving such
20 other settlement moneys pursuant to subsection (1) of this section have
21 been fully funded and all overexpenditures and supplemental
22 appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10
23 fiscal years pursuant to section 24-22-115 (4) have been made:

24
25 (III) (C) Notwithstanding the provisions of sub-subparagraph (A)
26 of this subparagraph (III), FOR THE 2009-10 FISCAL YEAR, the amount
27 transferred to the supplemental tobacco litigation settlement moneys
28 account of the comprehensive primary and preventive care fund shall be
29 ~~one million nine hundred ninety thousand five hundred dollars for the~~
30 ~~2009-10 fiscal year and two million two hundred forty-five thousand~~
31 ~~dollars for the 2010-11 fiscal year. The difference between the amount~~
32 ~~that would have been transferred to the supplemental tobacco litigation~~
33 ~~settlement moneys account of the comprehensive primary and preventive~~
34 ~~care fund pursuant to sub-subparagraph (A) of this subparagraph (III) and~~
35 ~~the amount transferred pursuant to this sub-subparagraph (C) in each of~~
36 ~~said fiscal years shall be transferred to the general fund. This~~
37 ~~sub-subparagraph (C) is repealed, effective July 1, 2011~~ TRANSFERRED TO
38 THE GENERAL FUND.

39
40 (D) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1,
41 2010.

42
43 (V) (A) FOR FISCAL YEARS 2007-08 THROUGH 2009-10, the
44 children's basic health plan trust created in section 25.5-8-105, C.R.S.,
45 shall receive five percent of the settlement moneys, which the state
46 treasurer shall transfer thereto.

47
48 (B) FOR THE 2010-11 FISCAL YEAR AND EACH FISCAL YEAR
49 THEREAFTER, THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN
50 SECTION 25.5-8-105, C.R.S., SHALL RECEIVE THIRTEEN AND ONE-HALF
51 PERCENT OF THE SETTLEMENT MONEYS, WHICH THE STATE TREASURER
52 SHALL TRANSFER THERETO.

53
54 **SECTION 3.** 24-75-1104.5, Colorado Revised Statutes, is
55 amended BY THE ADDITION OF A NEW SUBSECTION to read:

56

1 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
2 (8) (a) AT THE END OF FISCAL YEAR 2010-11, THE STATE TREASURER
3 SHALL TRANSFER THE BALANCE OF THE MONEYS IN THE SHORT-TERM
4 INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED IN SECTION
5 25-36-101, C.R.S., TO THE GENERAL FUND. THIS TRANSFER SHALL
6 AUGMENT FISCAL YEAR 2010-11 GENERAL FUND REVENUES.

7
8 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2012.

9
10 **SECTION 4.** 25.5-3-207 (4), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12
13 **25.5-3-207. Program funding - comprehensive primary and**
14 **preventive care fund - supplemental tobacco litigation settlement**
15 **moneys account - creation - repeal.** (4) (c) THIS SUBSECTION (4) IS
16 REPEALED, EFFECTIVE JULY 1, 2010, AND ANY MONEYS REMAINING IN THE
17 SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT
18 SHALL BE TRANSFERRED TO THE GENERAL FUND.

19
20 **SECTION 5.** 24-75-1104.5 (1.5) (b), Colorado Revised Statutes,
21 is amended to read:

22
23 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
24 (1.5) (b) (I) Except as otherwise provided in sections 24-50-609 (5) and
25 25.5-3-207 (4) (a), C.R.S., at the end of the 2007-08, 2008-09, AND
26 2009-10 fiscal year and at the end of each fiscal year thereafter YEARS,
27 any interest and income earned on moneys allocated for the fiscal year
28 pursuant to paragraph (a) of this subsection (1.5), and any of such
29 allocated moneys that are unexpended and unencumbered, shall be
30 transferred to the short-term innovative health program grant fund created
31 in section 25-36-101 (2), C.R.S.

32
33 (II) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-50-609 (5),
34 AT THE END OF THE 2010-11 FISCAL YEAR AND AT THE END OF EACH
35 FISCAL YEAR THEREAFTER, ANY INTEREST AND INCOME EARNED ON
36 MONEYS ALLOCATED FOR THE FISCAL YEAR PURSUANT TO PARAGRAPH (a)
37 OF THIS SUBSECTION (1.5), AND ANY OF SUCH ALLOCATED MONEYS THAT
38 ARE UNEXPENDED AND UNENCUMBERED, SHALL BE TRANSFERRED TO THE
39 SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED IN
40 SECTION 25-36-101 (2), C.R.S.

41
42 **SECTION 6.** 25-4-1415 (1), Colorado Revised Statutes, is
43 amended to read:

44
45 **25-4-1415. Cash fund - administration - limitation.** (1) There
46 is hereby created in the state treasury the AIDS and HIV prevention fund,
47 referred to in this section as the "fund", that shall consist of moneys that
48 may be appropriated to the fund by the general assembly. The moneys in
49 the fund shall be subject to annual appropriation by the general assembly
50 for the direct and indirect costs associated with the implementation of the
51 program; except that, for the 2009-10 AND 2010-11 fiscal year YEARS, the
52 general assembly may appropriate moneys from the fund to the
53 department of public health and environment for the implementation and
54 administration of the AIDS drug assistance program described in section
55 25-4-1411 (2). Any moneys in the fund not expended for the purpose of
56 the program may be invested by the state treasurer as provided by law.

1 All interest and income derived from the investment and deposit of
2 moneys in the fund shall be credited to the fund. Any unexpended and
3 unencumbered moneys remaining in the fund at the end of a fiscal year
4 shall remain in the fund and shall not be credited or transferred to the
5 general fund or another fund.

6

7 **SECTION 7.** 2-3-113 (7), Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW PARAGRAPH to read:

9

10 **2-3-113. Programs that receive tobacco settlement moneys -**
11 **program review.** (7) (c) (I) FOR PURPOSES OF THE APPROPRIATION TO
12 THE STATE AUDITOR'S OFFICE PURSUANT TO PARAGRAPH (a) OF THIS
13 SUBSECTION (7), SETTLEMENT MONEYS THAT WERE TRANSFERRED TO THE
14 GENERAL FUND IN FISCAL YEARS 2009-10 AND 2010-11, BUT THAT WOULD
15 OTHERWISE HAVE BEEN TRANSFERRED TO A TOBACCO SETTLEMENT
16 PROGRAM PURSUANT TO SECTION 24-75-1104.5 (1), C.R.S., SHALL BE
17 DEEMED TO HAVE BEEN RECEIVED BY THE TOBACCO SETTLEMENT
18 PROGRAM.

19

20 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012.

21

22 **SECTION 8.** Part V (1) (A), (4), and the affected totals of section
23 2 of chapter 464, Session Laws of Colorado 2009, are amended to read:

24

25 Section 2. **Appropriation.**

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1			PART V				
2			DEPARTMENT OF HEALTH CARE POLICY AND FINANCING				
3			(1) EXECUTIVE DIRECTOR'S OFFICE				
4			(A) General Administration				
5	Personal Services	19,679,334					
6		19,671,129					
7		(275.0 FTE)					
8		(274.8 FTE)					
9	Health, Life, and Dental	1,414,691					
10		1,414,226					
11	Short-term Disability	23,588					
12		23,578					
13	S.B. 04-257 Amortization						
14	Equalization Disbursement	317,902					
15		317,767					
16	S.B. 06-235 Supplemental						
17	Amortization Equalization						
18	Disbursement	197,328					
19		197,243					
20	Workers' Compensation	36,279					
21	Operating Expenses	1,511,489					
22		1,511,418					

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Legal Services and Third Party							
2 Recovery Legal Services for 13,089							
3 hours	986,650						
4 Administrative Law Judge Services	456,922						
5 Purchase of Services from Computer							
6 Center	135,103						
7 Management and Administration of							
8 OIT	482,756						
9 Payment to Risk Management and							
10 Property Funds	83,182						
11 Leased Space	394,236						
12 Capitol Complex Leased Space	400,868						
13 General Professional Services and							
14 Special Projects	<u>3,384,105</u>						
15	<u>29,504,433</u>		12,360,725(M)		1,040,182 ^a	1,679,562 ^b	14,423,964
16	29,495,462				1,031,211 ^a		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 ^a Of this amount, \$254,605 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., \$159,572 shall be from the Health Care							
2 Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$80,745 shall be from estate recoveries, \$56,060 shall be from the Nursing Facility Cash Fund created in							
3 Section 25.5-6-203 (2) (a), C.R.S., \$55,716 shall be from the Primary Care Fund created in Section 24-22-117 (2) (b) (I), C.R.S., \$33,895 shall be from the Autism							
4 Treatment Fund created in Section 25.5-6-805, C.R.S., \$31,497 shall be from the Short-term Innovative Health Program Grant Fund created in Section 25-36-101 (1),							
5 C.R.S., \$328,960 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., \$24,019 \$15,048 shall be from the							
6 Comprehensive Primary and Preventive Care Fund created in Section 25.5-3-207 (1), C.R.S., \$11,280 shall be from the Breast and Cervical Cancer Treatment and							
7 Prevention Fund created in Section 25.5-5-308 (8) (a), C.R.S., and \$3,833 shall be from the Department of Health Care Policy and Financing Cash Fund created in							
8 Section 25.5-1-109, C.R.S.							
9 ^b Of this amount, \$1,676,225 shall be a transfer from the Department of Human Services, and \$3,337 shall from Old Age Pension Fund moneys appropriated to the							
10 Department of Human Services, pursuant to Article 24 of the State Constitution.							
11							
12		108,869,769					
13		108,860,798					
14							
15 (4) INDIGENT CARE PROGRAM							
16 Safety Net Provider Payments	310,715,422		13,090,782(M)		142,266,929 ^a		155,357,711
17 Colorado Health Care Services Fund	15,000,000		15,000,000				
18 The Children's Hospital, Clinic Based							
19 Indigent Care	27,767,760		3,059,880(M)			10,824,000 ^b	13,883,880
20 Health Care Services Fund Programs	8,352,000					4,176,000 ^b	4,176,000
21 Pediatric Speciality Hospital	15,032,712		6,656,997(M)		355,359 ^c	504,000 ^d	7,516,356

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 H.B. 05-1262 Appropriation from							
2 General Fund to Pediatric Speciality							
3 Hospital Fund	504,000			504,000 ^e			
4 H.B. 05-1262 Appropriation from							
5 Tobacco Tax Cash Fund to the							
6 General Fund	504,000				504,000 ^f		
7 Primary Care Fund Program	31,920,000				31,920,000 ^g		
8 H.B. 97-1304 Children's Basic Health							
9 Plan Trust	2,500,000		2,500,000				
10 Children's Basic Health Plan							
11 Administration	5,537,590				2,473,301 ^h		3,064,289
12 Children's Basic Health Plan							
13 Premium Costs ¹¹	145,664,212				48,696,353 ⁱ	2,500,000 ^j	94,467,859
14 Children's Basic Health Plan Dental							
15 Benefit Costs ¹²	10,948,462				3,831,962 ^k		7,116,500
16 Comprehensive Primary and							
17 Preventive Care Grants	866,075				866,075 ^l		
18	226,993				226,993 ^l		
19 Comprehensive Primary and							
20 Preventive Care Rural and Public							
21 Hospital Grant Program	6,041,096				3,020,548		3,020,548
22	<u>1,041,096</u>				1,030,048 ^l		11,048
23		581,353,329					

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1		575,714,247					
2	^a This amount represents public funds certified as representing expenditures incurred by hospitals that are eligible for federal financial participation under the Medicaid upper						
3	payment limit and the Medicaid Disproportionate Share Payments to Hospitals program.						
4	^b These amounts shall be from the Health Care Services Fund created in Section 25.5-3-112 (1) (a), C.R.S.						
5	^c This amount shall be from the Supplemental Tobacco Litigation Settlement Moneys Account in the Pediatric Specialty Hospital Fund created in Section 24-22-117 (2) (e)						
6	(II), C.R.S.						
7	^d This amount shall be from the Pediatric Specialty Hospital Fund created in Section 24-22-117 (2) (e), C.R.S.						
8	^e This amount is not subject to the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. This amount is also not subject to the						
9	statutory limitation on General Fund appropriation growth or any other spending limitation existing in law pursuant to Article X, Section 21 (8) of the State Constitution.						
10	^f This amount shall be from the Tobacco Tax Cash Fund created in Section 24-22-117 (1) (a), C.R.S. This appropriation partially meets the requirement to appropriate a portion						
11	of the revenues collected from imposition of additional state cigarette and tobacco taxes to the General Fund pursuant to Section 21 of Article X of the State Constitution.						
12	^g This amount shall be from the Primary Care Fund created in Section 24-22-117 (2) (b) (I), C.R.S.						
13	^h Of this amount, \$1,933,301 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., and \$540,000 shall be from the Health Care						
14	Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.						
15	ⁱ Of this amount, \$25,296,193 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., \$21,177,045 shall be from the Health Care						
16	Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$1,761,388 shall be from the Children's Basic Health Plan Trust and Supplemental Tobacco Litigation						
17	Settlement Moneys Account created in Section 25.5-8-105 (1), C.R.S., and \$461,727 shall be from the Colorado Immunization Fund created in Section 25-4-2301, C.R.S.						
18	^j This amount is General Fund that is appropriated into the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S.						
19	^k Of this amount, \$2,525,196 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S. and \$1,306,766 shall be from the Health Care						
20	Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.						
21	^l This amount shall be from the Comprehensive Primary and Preventive Care Fund created in Section 25.5-3-207 (1), C.R.S.						
22	TOTALS PART V						

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(HEALTH CARE POLICY AND						
2	FINANCING)						
		\$4,136,596,755	\$1,675,723,755	\$504,000 ^a	\$407,639,249	\$28,706,139	\$2,024,023,612
3		<u>\$4,130,948,702</u>			<u>\$405,000,696</u>		<u>\$2,021,014,112</u>
4	^a This amount shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. This amount is also not subject to the statutory limitation on General						
5	Fund appropriations imposed by Section 24-75-201.1, C.R.S.						

1 **SECTION 9. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety."
4
5
6
7 **HB10-1324** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:
10
11 Amend printed bill, page 2, line 12, strike "REDUCTION." and substitute
12 "REDUCTION; EXCEPT THAT THE PROVIDER FEE SHALL NOT EXCEED THE
13 AMOUNT SPECIFIED IN SECTION 25.5-6-203 (1) (a) (II)."
14
15
16
17 **HB10-1325** be referred to the Committee of the Whole with favorable
18 recommendation.
19
20
21 **HB10-1326** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24
25 Amend printed bill, page 3, after line 9 insert:
26
27 **"SECTION 2.** 39-29-109.3 (2) (a) (I) (C) and (2) (a) (I) (D),
28 Colorado Revised Statutes, are amended, and the said 39-29-109.3 (2) (a)
29 (I) is further amended BY THE ADDITION OF A NEW
30 SUB-SUBPARAGRAPH, to read:
31
32 **39-29-109.3. Operational account of the severance tax trust**
33 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
34 of this section, if the general assembly chooses not to spend up to one
35 hundred percent of the moneys in the operational account as specified in
36 subsection (1) of this section, the state treasurer shall transfer the
37 following:
38
39 (a) (I) To the water supply reserve account created in section
40 39-29-109 (2) (c), the following amounts:
41
42 (C) For the state fiscal year commencing July 1, 2010, ~~ten~~ SIX
43 million dollars. This sub-subparagraph (C) is repealed, effective July 1,
44 2012.
45
46 (D) For the state fiscal year commencing July 1, 2011, ~~and for~~
47 ~~each state fiscal year thereafter,~~ ~~ten~~ SEVEN million dollars. THIS
48 SUB-SUBPARAGRAPH (D) IS REPEALED, EFFECTIVE JULY 1, 2013.
49
50 (E) FOR EACH STATE FISCAL YEAR COMMENCING ON OR AFTER
51 JULY 1, 2012, TEN MILLION DOLLARS."
52
53 Renumber succeeding sections accordingly.
54
55
56

1 **HB10-1327** 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 11, insert:
6

7 "SECTION 4. 24-32-114, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:
9

10 **24-32-114. Cleanup of illegally disposed of waste tires - waste
11 tire cleanup fund - legislative declaration - repeal.**

12 (1.7) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS
13 SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION
14 (1.7), THE STATE TREASURER SHALL DEDUCT ONE MILLION NINE HUNDRED
15 THOUSAND DOLLARS FROM THE WASTE TIRE CLEANUP FUND AND
16 TRANSFER SUCH SUM TO THE GENERAL FUND."
17

18 Renumber succeeding sections accordingly.
19

20 Page 4, strike lines 2 through 10.
21

22 Renumber succeeding sections accordingly.
23

24 Page 5, strike lines 21 through 27.
25

26 Page 6, strike lines 1 through 3.
27

28 Renumber succeeding sections accordingly.
29

30 Page 6, line 24, strike "DEDUCT ONE".
31

32 Page 6, strike lines 25 and 26 and substitute "TRANSFER THE BALANCE
33 OF MONEYS IN THE FUND TO THE GENERAL".
34
35
36

37 **HB10-1339** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:
40

41 Amend printed bill, page 10, after line 2 insert:
42

43 "SECTION 6. **Appropriation - adjustments to the 2010 long**
44 **bill.** For the implementation of this act, appropriations made in the
45 general appropriation act for the fiscal year beginning July 1, 2010, shall
46 be adjusted as follows:
47

48 (a) The cash funds appropriation to the office of the governor,
49 economic development programs for colorado promotion - other program
50 costs, from the colorado travel and tourism promotion fund created in
51 section 24-49.7-106 (1), Colorado Revised Statutes, is decreased by five
52 million seven hundred eighty-one thousand six hundred three dollars
53 (\$5,781,603).
54

55 (b) The cash funds appropriation to the office of the governor,
56 economic development programs for council on the arts, from the state

1 council on the arts cash fund created in section 24-48.8-109 (1), Colorado
2 Revised Statutes, is decreased by four hundred fifty-six thousand four
3 hundred forty-two dollars (\$456,442).

4
5 (c) The cash funds appropriation to the office of the governor,
6 economic development programs for new jobs incentives, from the new
7 jobs incentives cash fund created in section 24-46-105.7 (9) (a), Colorado
8 Revised Statutes, is decreased by one million nine hundred twelve
9 thousand eight hundred eighty-four dollars (\$1,912,884).

10
11 (d) The cash funds appropriation to the office of the governor,
12 economic development programs for colorado office of film, television,
13 and media, from the colorado office of film, television, and media
14 operational account cash fund created in section 24-48.5-203 (4),
15 Colorado Revised Statutes, is decreased by two hundred twenty-five
16 thousand two hundred forty-nine dollars (\$225,249).

17
18 (e) The cash funds appropriation to the department of higher
19 education, colorado commission on higher education, special purpose for
20 distribution to higher education competitive research authority, from the
21 innovative higher education research fund created in section 23-19.7-104,
22 Colorado Revised Statutes, is increased by one million dollars
23 (\$1,000,000).

24
25 (f) The cash funds appropriation to the office of the governor,
26 office of the governor, governor's energy office for clean energy, from the
27 clean energy fund created in section 24-75-1201 (1) (a), Colorado
28 Revised Statutes, is decreased by six million eight hundred seventy-four
29 thousand nine hundred one dollars (\$6,874,901)."

30
31 Renumber succeeding sections accordingly.

32
33 Page 1, line 102, strike "YEAR." and substitute "YEAR, AND MAKING AN
34 APPROPRIATION IN CONNECTION THEREWITH."

35

36

37

38

39 **BUSINESS AFFAIRS & LABOR**

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

42

43 **HB10-1220** be amended as follows, and as so amended, be referred to
44 the Committee on Finance with favorable recommendation:

45

46 Amend printed bill, page 4, line 2, after "10-1-103" insert "(6) (b) (I)
47 (A),".

48

49 Page 4, strike line 5 and substitute "**repeal of functions.**
50 (6) (b) (I) (A) The functions of the division of insurance related to the
51 licensing of bail bonding agents are repealed, effective July 1, 2013 2012,
52 pursuant to the provisions of this section and section 12-7-112, C.R.S.

53

54 (B.5) ~~The functions of the division of~~"

55

56 Page 5, after line 1 insert:

1 **"SECTION 2.** 12-7-112, Colorado Revised Statutes, is amended
2 to read:

3
4 **12-7-112. Repeal - review of functions.** This article is repealed,
5 effective July 1, ~~2013~~ 2012. Prior to such repeal, the licensing functions
6 of the commissioner and the division shall be reviewed as provided for in
7 section 24-34-104, C.R.S.

8
9 **SECTION 3.** 24-34-104 (43), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11
12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for termination, continuation, or reestablishment.**
14 (43) The following agencies, functions, or both, shall terminate on July
15 1, 2012:

16
17 (f) THE LICENSING OF BAIL BONDING AGENTS THROUGH THE
18 DIVISION OF INSURANCE IN ACCORDANCE WITH ARTICLE 7 OF TITLE 12,
19 C.R.S."

20
21 Renumber succeeding sections accordingly.

22
23 Page 5, line 12, before "(47)" insert "(44) (m)".

24
25 Page 5, after line 26 insert:

26
27 "(44) The following agencies, functions, or both, shall terminate
28 on July 1, 2013:

29
30 (m) ~~The licensing of bail bonding agents through the division of~~
31 ~~insurance in accordance with article 7 of title 12, C.R.S.;~~"

32
33 Page 6, line 26, before "FALSE" insert "WRITTEN,".

34
35 Page 7, line 3, before "FALSE" insert "WRITTEN,".

36
37 Page 7, line 5, before "FALSE" insert "WRITTEN,".

38
39 Page 7, line 10, before "STATEMENT" insert "OTHER WRITTEN".

40
41 Page 7, line 13, before "STATEMENT" insert "OTHER WRITTEN" and before
42 "FALSE" insert "WRITTEN,".

43
44 Page 8, strike lines 11 through 27.

45
46 Page 9, strike lines 1 through 6.

47
48 Renumber succeeding sections accordingly.

49
50
51
52 **HB10-1225** be amended as follows, and as so amended, be referred to
53 the Committee of the Whole with favorable
54 recommendation:

55
56 Amend printed bill, page 3, strike lines 22 through 24 and substitute:

1 **"SECTION 5.** 12-23-104 (2) (c), Colorado Revised Statutes, is
2 amended, and the said 12-23-104 is further amended BY THE
3 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:".

4
5 Page 3, after line 27 insert:

6
7 "(c) Register APPRENTICES AND REGISTER and renew the
8 registration of ~~apprentices~~ and qualified electrical contractors and
9 examine, license, and renew licenses of journeymen electricians, master
10 electricians, and residential wiremen as provided in this article;".

11
12 Page 4, line 16, strike "(1) and (2)," and substitute "(1), (2), (4), (9) (a),
13 (9) (b), and (9) (c),".

14
15 Page 4, line 17, strike "amended" and substitute "amended, and the said
16 12-23-116 is further amended BY THE ADDITION OF A NEW
17 SUBSECTION,".

18
19 Page 4, strike lines 19 through 21 and substitute "AN individual required
20 to have electrical inspection under this article ~~may~~ SHALL apply through
21 ~~any private, municipal, or cooperative electric utility rendering service to~~
22 ~~the ultimate public for an application for inspection~~ TO THE BOARD FOR
23 AN ELECTRICAL PERMIT,".

24
25 Page 4, strike line 27 and substitute "department. ~~Such utility shall~~
26 ~~provide forms furnished by the board to the applicant, who shall remit the~~
27 ~~application for inspection to such board on such forms. Upon payment~~
28 ~~by the applicant of the applicable fee to the board, the board shall issue~~
29 ~~a temporary permit to the applicant and shall remit a copy of such permit~~
30 ~~to the utility and the state inspector responsible for such inspection and~~
31 ~~retain one copy in its office.~~

32
33 (b) Upon final inspection and approval by the state electrical
34 inspector, ~~written~~ notice shall be issued by the board to ~~the applicant, the~~
35 ~~utility, and the state inspector responsible for such inspection, and one~~
36 ~~copy shall be retained in the office of the board~~ SHALL RETAIN ONE COPY
37 OF THE RECORD OF APPROVAL.".

38
39 Page 5, strike lines 1 through 11.

40
41 Page 5, line 12, strike "(d)" and substitute "(c)".

42
43 Page 5, line 14, strike "(c)" and substitute "(b)".

44
45 Page 5, strike lines 19 through 24 and substitute:

46
47 "(2) (a) ~~Any~~ THE OWNER OF AN electrical installation in any new
48 construction, OTHER THAN MANUFACTURED UNITS CERTIFIED BY THE
49 DIVISION OF HOUSING PURSUANT TO SECTION 24-32-3311, C.R.S., or
50 remodeling or repair ~~other than manufactured units certified by the~~
51 ~~division of housing pursuant to section 24-32-3311, C.R.S.,~~ OF AN
52 EXISTING CONSTRUCTION, except in any incorporated town or city, ~~any~~
53 county, or ~~any~~ city and county having its own electrical code and
54 inspection PROGRAM equal to the minimum standards as are provided in
55 this article, shall ~~be~~ HAVE THE ELECTRICAL PORTION OF THE
56 INSTALLATION, REMODELING, OR REPAIR inspected by a state electrical

1 inspector."

2

3 Page 6, line 4, strike "inspection" and substitute "inspection AN
4 ELECTRICAL PERMIT".

5

6 Page 6, line 5, strike "INSPECTION" and substitute "PERMIT".

7

8 Page 6, strike lines 6 through 24 and substitute:

9

10 "(c) ~~Every~~ A MANUFACTURED HOME, mobile home, or movable
11 structure owner shall have the ~~electric utility hookup~~ ELECTRICAL
12 INSTALLATION for ~~such~~ THE MANUFACTURED HOME, mobile home or
13 movable structure inspected prior to obtaining ~~new or different utility~~
14 ELECTRIC service. ~~except that nothing in this subsection (2) shall require~~
15 ~~a reinspection of electrical hookup facilities of any mobile home park or~~
16 ~~any mobile home or other movable structure by reason of the relocation~~
17 ~~of a mobile home or other movable structure within the park where a~~
18 ~~previous inspection has been performed, unless construction or~~
19 ~~remodeling or repair of such mobile home park hookup facilities or of the~~
20 ~~mobile home or other movable structure involving the electrical system~~
21 ~~has been performed, and except that, if the wiring thereof has not been~~
22 ~~altered and either such mobile home or movable structure has a valid state~~
23 ~~electrical board approval sticker in the panel of the mobile home or~~
24 ~~movable structure with the number of the unit listed, the date inspected,~~
25 ~~and the inspector's signature or if such mobile home or movable structure~~
26 ~~has been certified by the division of housing in the department of local~~
27 ~~affairs after June 30, 1988, the occupant of the mobile home or movable~~
28 ~~structure may call the board with this information, and the board will~~
29 ~~authorize the reinstallation of the meter by the utility company.~~

30

31 (4) ~~Each~~ THE PERSON OR INSPECTOR MAKING AN application,
32 certificate of approval, ~~and~~ OR notice of disapproval shall ~~contain~~
33 INCLUDE the name of the property owner, if known, the location and a
34 brief description of the installation, ~~the name of the general contractor if~~
35 ~~any,~~ the name of the electrical contractor ~~or licensed electrician~~ and state
36 ~~license~~ REGISTRATION number, the state electrical inspector, and the
37 ~~inspection~~ fee charged for the ~~inspection~~ PERMIT. The ~~original of a notice~~
38 ~~of disapproval and written reasons for disapproval~~ and corrective actions
39 to be taken shall be mailed to the board, and a copy of ~~such~~ THE notice
40 shall be mailed to the electrical contractor within two working days after
41 the date of inspection. ~~and~~ THE INSPECTOR SHALL POST a copy of the
42 notice ~~shall be posted~~ at the installation site. ~~Such forms~~ THE BOARD
43 ~~shall be furnished by the board,~~ FURNISH THE FORMS. ~~and~~ A copy of each
44 application, certificate, and notice made or issued shall be filed with the
45 board.

46

47 (9) (a) ~~Any~~ A person claiming to be aggrieved by the failure of a
48 state electrical inspector to inspect ~~his~~ property after proper application
49 or by notice of disapproval without setting forth the reasons for ~~denying~~
50 ~~the inspection permit~~ REJECTING THE INSPECTION may request the program
51 ~~administrator~~ DIRECTOR to review the actions of the state electrical
52 inspector or the manner of the inspection. ~~Such~~ THE request may be made
53 by ~~his~~ AN authorized representative and shall be in writing.

54

55 (b) Upon the filing of such a request, the program ~~administrator~~
56 DIRECTOR shall cause a copy ~~thereof~~ to be served upon the state electrical

1 inspector complained of, together with an order requiring ~~such~~ THE
 2 inspector to answer the allegations of said request within a time fixed by
 3 the program ~~administrator~~ DIRECTOR.
 4

5 (c) If the request is not granted within ten days after it is filed, it
 6 may be treated as rejected. Any person aggrieved by the action of the
 7 program ~~administrator~~ DIRECTOR in refusing the review requested or in
 8 failing or refusing to grant all or part of the relief requested may file a
 9 written complaint and request for a hearing with the board, specifying the
 10 grounds relied upon.
 11

12 (10) AN INSPECTOR PERFORMING AN INSPECTION FOR THE STATE,
 13 AN INCORPORATED TOWN OR CITY, A COUNTY, OR A CITY AND COUNTY
 14 MAY VERIFY COMPLIANCE WITH ANY PROVISION OF THIS ARTICLE AND MAY
 15 FILE A COMPLAINT WITH THE BOARD FOR A VIOLATION OF THIS ARTICLE."
 16

17 Page 6, line 25, strike "(5) (d)," and substitute "The introductory portion
 18 to 12-23-106 (1) (a), 12-23-106 (1) (b), the introductory portion to
 19 12-23-106 (2) (a), and 12-23-106 (3) (a), (3) (b) (I), (3) (b) (II), (4) (a),
 20 (5) (b), and (5) (d)," and strike "is" and substitute "are".
 21

22 Page 6, strike line 27 and substitute:
 23

24 **"12-23-106. License requirements - rules. (1) Master**
 25 **electrician.** (a) An applicant for a master electrician's license shall
 26 furnish written evidence that:
 27

28 (b) Each applicant for a license as a master electrician shall file an
 29 application on forms prepared and furnished by the board, together with
 30 the ~~examination~~ APPLICATION fee provided in section 12-23-112 (1). The
 31 board ~~not less than thirty days prior to a scheduled written examination,~~
 32 shall notify each applicant that the evidence submitted with the
 33 application is sufficient to qualify the applicant to take the written
 34 examination or that the evidence is insufficient and the application is
 35 rejected. In the event that the application is rejected, the board shall set
 36 forth the reasons for the rejection in the notice to the applicant. ~~and shall~~
 37 ~~return the applicant's examination fee. The place of examination shall be~~
 38 ~~designated in advance by the board, and examinations shall be held not~~
 39 ~~less often than twice per calendar year and at such other times as, in the~~
 40 ~~opinion of the board, the number of applicants warrants.~~
 41

42 (2) **Journeyman electrician.** (a) An applicant for a journeyman
 43 electrician's license shall furnish written evidence that the applicant has
 44 had the following:
 45

46 (3) **Residential wireman.** (a) An applicant for a residential
 47 wireman's license shall furnish written evidence that ~~he~~ THE APPLICANT
 48 has at least two years of accredited training or two years of practical
 49 experience in wiring one-, two-, three-, and four-family dwellings.
 50

51 (b) Any applicant for such license shall be permitted to substitute
 52 for required practical experience evidence of academic training in the
 53 electrical field which shall be credited as follows:
 54

55 (I) If ~~he~~ THE APPLICANT is a graduate electrical engineer of an
 56 accredited college or university or the graduate of a community college

1 or trade school program approved by the board, ~~he~~ THE APPLICANT shall
 2 receive one year of work experience credit.

3
 4 (II) If ~~he~~ THE APPLICANT has academic training, including military
 5 training, which is not sufficient to qualify under subparagraph (I) of this
 6 paragraph (b), the board shall provide work experience credit for such
 7 training according to a uniform ratio established by rule. ~~and regulation.~~

8
 9 (4) (a) THE BOARD SHALL PROVIDE FOR LICENSING EXAMINATIONS.
 10 Any examination ~~which~~ THAT is given for master electricians, journeymen
 11 electricians, and residential wiremen shall be subject to board approval.
 12 The board, or its designee, shall conduct and grade the examination and
 13 shall set the passing score to reflect a minimum level of competency. If
 14 it is determined that the applicant has passed the examination, the division
 15 of registrations, upon written notice from the board or the program
 16 ~~administrator~~ DIRECTOR, acting as an agent thereof, and upon payment by
 17 the applicant of the fee provided in section 12-23-112, shall issue to the
 18 applicant a license ~~which shall authorize~~ THAT AUTHORIZES him OR HER
 19 to engage in the business, trade, or calling of a master electrician,
 20 journeyman electrician, or residential wireman.

21
 22 (5) (b) If either the owner or the part owner of any firm,
 23 copartnership, corporation, association, or combination thereof has been
 24 issued a master electrician's license by the division of registrations and is
 25 in charge of the supervision of all electrical work performed by such
 26 contractor, upon written notice from the board or the program
 27 ~~administrator~~ DIRECTOR, acting as the agent thereof, the division shall
 28 promptly, upon payment of the fee as provided in section 12-23-112,
 29 register such licensee as an electrical contractor.

30
 31 (d) No holder of".

32
 33 Page 7, line 11, strike "(2) and (6)," and substitute "(2), (6), and (18),".

34
 35 Page 8, after line 13 insert:

36
 37 "(18) Nothing in this article shall be construed to cover the
 38 installation, maintenance, repair, or alteration of security systems FIFTY
 39 VOLTS OR LESS, lawn sprinkler systems, environmental controls, or remote
 40 radio-controlled systems beyond the terminals of the controllers.
 41 Furthermore, the contractors performing any installation, maintenance,
 42 repair, or alteration under this exemption, or their employees, shall not be
 43 covered by the licensing requirements of this article."

44
 45 Page 8, line 18, strike "president and vice-president." and substitute
 46 "~~president~~ CHAIR and ~~vice-president~~ VICE-CHAIR."

47
 48 Page 9, line 26, strike "**Inspection**" and substitute "**Permit**".

49
 50 Page 11, after line 15 insert:

51
 52 "**SECTION 13.** 12-23-104.5, Colorado Revised Statutes, is
 53 amended to read:

54
 55 **12-23-104.5. Program director.** The director of the division of
 56 registrations may appoint a program ~~administrator~~ DIRECTOR pursuant to

1 section 13 of article XII of the state constitution to work with the board
2 in carrying out its duties under this article.

3
4 **SECTION 14.** 12-23-105 (1), Colorado Revised Statutes, is
5 amended to read:

6
7 **12-23-105. Electrician must have license - control and**
8 **supervision.** (1) No person shall engage in or work at the business,
9 trade, or calling of a journeyman electrician, master electrician, or
10 residential wireman in this state until ~~he~~ THE PERSON has received a
11 license from the division of registrations upon written notice from the
12 board or the program ~~administrator~~ DIRECTOR, acting as the agent thereof,
13 or a temporary permit from the board, the program ~~administrator~~
14 DIRECTOR, or ~~his~~ agent OF THE DIRECTOR.

15
16 **SECTION 15.** 12-23-110, Colorado Revised Statutes, is amended
17 to read:

18
19 **12-23-110. Temporary permits.** The board or the program
20 ~~administrator~~ DIRECTOR or ~~his~~ THE DIRECTOR'S agent, as provided in the
21 rules ~~and regulations~~ promulgated by the board, shall issue temporary
22 permits to engage in the work of a master electrician in cases where an
23 electrical contractor no longer has the services of any master electrician
24 as required under this article and shall issue temporary permits to engage
25 in the work of a journeyman electrician or residential wireman to any
26 applicant who furnishes evidence satisfactory to the board that ~~he~~ THE
27 APPLICANT has the required experience to qualify for the examination
28 provided in this article and who pays the fee provided in section
29 12-23-112 for such permits. In addition, and in a similar manner, the
30 board or the program ~~administrator~~ DIRECTOR or ~~his~~ THE DIRECTOR'S
31 agent shall issue temporary permits to any applicant who furnishes
32 evidence satisfactory to the board that ~~he~~ THE APPLICANT qualifies for a
33 master electrician's license and who pays the required fee. Temporary
34 permits shall continue in effect ~~only until the next examination is given~~
35 FOR NO MORE THAN THIRTY DAYS AFTER ISSUANCE and may be revoked
36 by the board at any time. ~~If the applicant is granted a license, any fee paid~~
37 ~~for the temporary permit shall be applied to the fee required for a license.~~

38
39 **SECTION 16.** 12-23-112 (1) (b), (1) (d), (1) (h), (1) (J), and (1)
40 (m), Colorado Revised Statutes, are amended to read:

41
42 **12-23-112. Fees.** (1) As established pursuant to section
43 24-34-105, C.R.S., fees shall be charged by the state electrical board for
44 the following:

- 45
46 (b) ~~Annual~~ Renewal of master electrician's license;
47
48 (d) ~~Annual~~ Renewal of journeyman electrician's license;
49
50 (h) ~~Annual~~ Renewal of electrical contractor registration;
51
52 (J) ~~Annual~~ Renewal of residential wireman's license;
53
54 (m) ~~Annual renewal of apprentice registration.~~

55
56

1 **SECTION 17.** 12-23-115 (1) (a) (I) (B) and (3) (a), Colorado
2 Revised Statutes, are amended to read:

3
4 **12-23-115. Inspectors - qualifications.** (1) (a) (I) The director
5 of the division of registrations is hereby authorized to appoint or employ,
6 with the power of removal, competent persons licensed under this article
7 as journeymen or master electricians as state electrical inspectors. The
8 division director is also authorized to appoint or employ, with the power
9 of removal, for the purpose of inspecting one-, two-, three-, or
10 four-family dwellings, competent persons with the following
11 qualifications:

12
13 (B) Persons who have been certified as residential electrical
14 inspectors by a national certification authority approved by the board and
15 who have furnished satisfactory evidence of at least two years' practical
16 experience in the ELECTRICAL inspection of residential dwellings.

17
18 (3) State electrical inspectors appointed or employed pursuant to
19 subsection (1) of this section may:

20
21 (a) Conduct inspections and investigations pursuant to section
22 12-23-118 (4) on behalf of the program ~~administrator~~ DIRECTOR;

23
24 **SECTION 18.** 12-23-118 (1) (I), (4) (a), (4) (b) (I), (4) (c) (I), (6)
25 (b), (6) (d) (II), (6) (d) (III), (6) (d) (IV), (6) (d) (V), (7) (b), and (7) (c),
26 Colorado Revised Statutes, are amended to read:

27
28 **12-23-118. Violations - citations - settlement agreements -**
29 **hearings - fines.** (1) The board may deny, suspend, revoke, refuse to
30 renew, or issue a letter of admonition in regard to any license or
31 registration issued or applied for under the provisions of this article, may
32 place a licensee or registrant on probation, or may issue a citation to a
33 licensee, registrant, or applicant for licensure for any of the following
34 reasons:

35
36 (1) Disciplinary action against an electrician's license OR
37 REGISTRATION in another jurisdiction. Evidence of such disciplinary
38 action shall be prima facie evidence for denial of licensure OR
39 REGISTRATION or other disciplinary action if the violation would be
40 grounds for such disciplinary action in this state.

41
42 (4) (a) If pursuant to an inspection or investigation by a state
43 electrical inspector the board concludes that any licensee, registrant, or
44 applicant for licensure has violated any provision of subsection (1) of this
45 section and that disciplinary action is appropriate, the program
46 ~~administrator~~ DIRECTOR or the program ~~administrator's~~ DIRECTOR'S
47 designee may issue a citation in accordance with subsection (6) of this
48 section to such licensee, registrant, or applicant.

49
50 (b) (I) The licensee, registrant, or applicant to whom a citation has
51 been issued may make a request to negotiate a stipulated settlement
52 agreement with the program ~~administrator~~ DIRECTOR or the program
53 ~~administrator's~~ DIRECTOR'S designee, if such request is made in writing
54 within ten working days after issuance of the citation ~~which~~ THAT is the
55 subject of the settlement agreement.

56

- 1 (c) (I) The licensee, registrant, or applicant to whom a citation has
2 been issued may request an administrative hearing to determine the
3 propriety of such citation if such request is made in writing within ten
4 working days after issuance of the citation ~~which~~ THAT is the subject of
5 the hearing or within a reasonable period after negotiations for a
6 stipulated settlement agreement pursuant to paragraph (b) of this
7 subsection (4) have been deemed futile by the program administrator
8 DIRECTOR.
9
- 10 (6) (b) A citation or copy of a citation issued pursuant to this
11 section may be served by certified mail or in person by a state electrical
12 inspector or the administrator's PROGRAM DIRECTOR'S designee upon a
13 person or the person's agent in accordance with rule 4 of the Colorado
14 rules of civil procedure.
15
- 16 (d) (II) ~~When a complaint or investigation discloses an instance~~
17 ~~of misconduct that, in the opinion of the board, does not warrant formal~~
18 ~~action by the board but that should not be dismissed as being without~~
19 ~~merit, a letter of admonition may be issued and sent, by certified mail, to~~
20 ~~the licensee or registrant.~~ UPON COMPLETING AN INVESTIGATION, THE
21 BOARD SHALL MAKE ONE OF THE FOLLOWING FINDINGS:
22
- 23 (A) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION
24 NEED BE TAKEN.
25
- 26 (B) THERE IS NO REASONABLE CAUSE TO WARRANT FURTHER
27 ACTION.
28
- 29 (C) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
30 THAT DOES NOT WARRANT FORMAL ACTION, BUT INVESTIGATION ALSO
31 DISCLOSES INDICATIONS OF POSSIBLE ERRANT CONDUCT THAT COULD LEAD
32 TO SERIOUS CONSEQUENCES IF NOT CORRECTED. IF THIS FINDING IS MADE,
33 THE BOARD SHALL SEND A CONFIDENTIAL LETTER OF CONCERN TO THE
34 LICENSEE.
35
- 36 (D) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
37 THAT DOES NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE
38 DISMISSED AS BEING WITHOUT MERIT. IF THIS FINDING IS MADE, THE
39 BOARD SHALL SEND A LETTER OF ADMONITION TO THE LICENSEE BY
40 CERTIFIED MAIL.
41
- 42 (E) THE INVESTIGATION DISCLOSES FACTS THAT WARRANT
43 FURTHER PROCEEDINGS BY FORMAL COMPLAINT. IF THIS FINDING IS MADE,
44 THE BOARD SHALL REFER THE COMPLAINT TO THE ATTORNEY GENERAL FOR
45 PREPARATION AND FILING OF A FORMAL COMPLAINT.
46
- 47 (III) (A) When a letter of admonition is sent ~~by the board,~~ by
48 certified mail to a licensee or registrant, ~~such licensee or registrant shall~~
49 ~~be advised that he or she~~ THE BOARD SHALL INCLUDE IN THE LETTER A
50 NOTICE THAT THE LICENSEE has the right to request in writing, within
51 twenty days after receipt of the letter, that formal disciplinary proceedings
52 be initiated to adjudicate the propriety of the conduct upon which the
53 letter of admonition is based.
54
- 55 (B) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
56 LETTER OF ADMONITION IS VACATED AND THE BOARD SHALL PROCEED BY

1 MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

2

3 ~~(IV) If the request for adjudication is timely made, the letter of~~
4 ~~admonition shall be deemed vacated and the matter shall be processed by~~
5 ~~means of formal disciplinary proceedings.~~

6

7 ~~(V) When a complaint or investigation discloses an instance of~~
8 ~~conduct that does not warrant formal action by the board and, in the~~
9 ~~opinion of the board, the complaint should be dismissed, but the board~~
10 ~~has noticed indications of possible errant conduct by the licensee that~~
11 ~~could lead to serious consequences if not corrected, a confidential letter~~
12 ~~of concern may be issued and sent to the licensee. THE BOARD SHALL~~
13 ~~CONDUCT ALL PROCEEDINGS PURSUANT TO THIS SUBSECTION (2)~~
14 ~~EXPEDITIOUSLY AND INFORMALLY SO THAT NO LICENSEE IS SUBJECTED TO~~
15 ~~UNFAIR AND UNJUST CHARGES AND THAT NO COMPLAINANT IS DEPRIVED~~
16 ~~OF THE RIGHT TO A TIMELY, FAIR, AND PROPER INVESTIGATION OF A~~
17 ~~COMPLAINT.~~

18

19 (7) (b) Any fine assessed in a citation or an administrative hearing
20 or any amount due pursuant to a stipulated settlement agreement that is
21 not paid may be collected by the program ~~administrator~~ DIRECTOR through
22 a collection agency or in an action in the district court of the county in
23 which the person against whom the fine is imposed resides or in the
24 county in which the office of the program ~~administrator~~ DIRECTOR is
25 located.

26

27 (c) The attorney general shall provide legal assistance and advice
28 to the program ~~administrator~~ DIRECTOR in any action to collect an unpaid
29 fine."

30

31 Renumber succeeding sections accordingly.

32

33

34

35 **HB10-1245** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:

38

39 Amend printed bill, page 6, line 5, strike "(3), Colorado Revised Statutes,
40 is" and substitute "(2) (a) (IV) (B), (2) (c), and (3), Colorado Revised
41 Statutes, are".

42

43 Page 6, strike line 8 and substitute:

44 "(2) (a) The commission shall consist of five voting members and
45 two nonvoting advisory members. All members shall be residents of
46 Colorado, be of good character and not have been convicted of any felony
47 or match-related offense, notwithstanding the provisions of section
48 24-5-101, C.R.S., and be appointed as follows:

49

50 (IV) (B) The two nonvoting advisory members shall advise the
51 commission on matters concerning the health and physical condition of
52 ~~boxers and kickboxers~~ and health issues relating to the conduct of
53 matches. The nonvoting members may prepare and submit to the
54 commission for its consideration and approval any rules that in their
55 judgment will safeguard the physical welfare of the participants engaged
56 in boxing.

1 (c) The commission shall designate by majority vote which
2 member is to serve as chair. Any member may be removed from office
3 by the person making the appointment for misfeasance, malfeasance,
4 willful neglect of duty, or other cause. ~~after notice and a public hearing;~~
5 ~~unless such notice and hearing have been expressly waived in writing.~~

6
7 (3) Meetings of the commission shall be held at least ~~quarterly~~".

8
9 Page 6, line 20, after "(b)," insert "(1) (e), (1) (g), (1) (J),".

10
11 Page 7, after line 2 insert:

12
13 "(e) Requirements for insurance COVERING PARTICIPANTS and
14 bonding OF PROMOTERS;

15
16 (g) Guidelines for contracts and financial arrangements BETWEEN
17 PROMOTERS AND PARTICIPANTS;

18
19 (J) Responsibilities of participants, including female boxers; ~~and~~
20 ~~kickboxers; and"~~.

21
22 Page 8, after line 3 insert:

23
24 **"SECTION 10.** The introductory portion to 12-10-107.1 (1),
25 12-10-107.1 (1) (b), (1) (d), (1) (e), (2) (b), (2) (c), (2) (d), (2) (e), and (3)
26 (b), Colorado Revised Statutes, are amended, and the said 12-10-107.1 (1)
27 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
28 read:

29
30 **12-10-107.1. Grounds for discipline.** (1) The director may
31 deny, suspend, revoke, place on probation, or issue a letter of admonition
32 against ~~the license of an applicant or licensee~~ A LICENSE OR AN
33 APPLICATION FOR A LICENSE if the applicant or licensee:

34
35 (b) Fails to meet the requirements of this article or the rules of the
36 commission ~~or uses fraud, misrepresentation, or deceit in applying for or~~
37 ~~attempting to apply for licensure;~~

38
39 (d) Is addicted to or dependent upon alcohol or any controlled
40 substance, within the meaning of part 3 of article 22 of this title, or is a
41 habitual user of said controlled substance, if the use, addiction, or
42 dependency is a danger to ~~clients or prospective clients~~ OTHER
43 PARTICIPANTS OR OFFICIALS;

44
45 (e) Has incurred disciplinary action related to professional boxing
46 in another jurisdiction. Evidence of such disciplinary action shall be
47 prima facie evidence for denial of a license or other disciplinary action if
48 the violation would be grounds for such disciplinary action in this state;
49 OR

50
51 (f) USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR
52 OR ATTEMPTING TO APPLY FOR LICENSURE.

53
54 (2) (b) ~~When a complaint or investigation discloses an instance of~~
55 ~~misconduct that, in the opinion of the director, does not warrant formal~~
56 ~~action by the director but that should not be dismissed as being without~~

1 ~~merit, a letter of admonition may be issued and sent, by certified mail, to~~
2 ~~the licensee.~~ UPON COMPLETING AN INVESTIGATION, THE DIRECTOR SHALL
3 MAKE ONE OF THE FOLLOWING FINDINGS:

4
5 (I) THE COMPLAINT IS WITHOUT MERIT AND NO FURTHER ACTION
6 NEED BE TAKEN.

7
8 (II) THERE IS NO REASONABLE CAUSE TO WARRANT FURTHER
9 ACTION.

10
11 (III) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
12 THAT DOES NOT WARRANT FORMAL ACTION, BUT THE DIRECTOR NOTICES
13 INDICATIONS OF POSSIBLE ERRANT CONDUCT THAT COULD LEAD TO
14 SERIOUS CONSEQUENCES IF NOT CORRECTED. IF THIS FINDING IS MADE,
15 THE DIRECTOR SHALL SEND A CONFIDENTIAL LETTER OF CONCERN TO THE
16 LICENSEE.

17
18 (IV) THE INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
19 THAT DOES NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE
20 DISMISSED AS BEING WITHOUT MERIT. IF THIS FINDING IS MADE, THE
21 DIRECTOR SHALL SEND A LETTER OF ADMONITION TO THE LICENSEE BY
22 CERTIFIED MAIL.

23
24 (V) THE INVESTIGATION DISCLOSES FACTS THAT WARRANT
25 FURTHER PROCEEDINGS BY FORMAL COMPLAINT. IF THIS FINDING IS MADE,
26 THE DIRECTOR SHALL REFER THE COMPLAINT TO THE ATTORNEY GENERAL
27 FOR PREPARATION AND FILING OF A FORMAL COMPLAINT.

28
29 (c) (I) When a letter of admonition is sent ~~by the director,~~ by
30 certified mail to a licensee, ~~such licensee shall be advised~~ THE DIRECTOR
31 SHALL INCLUDE IN THE LETTER A NOTICE that ~~he or she~~ THE LICENSEE has
32 the right to request in writing, within twenty days after receipt of the
33 letter, that formal disciplinary proceedings be initiated to adjudicate the
34 propriety of the conduct upon which the letter of admonition is based.

35
36 (II) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
37 LETTER OF ADMONITION IS VACATED AND THE DIRECTOR SHALL PROCEED
38 BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

39
40 (d) ~~If the request for adjudication is timely made, the letter of~~
41 ~~admonition shall be deemed vacated and the matter shall be processed by~~
42 ~~means of formal disciplinary proceedings.~~

43
44 (e) ~~When a complaint or investigation discloses an instance of~~
45 ~~conduct that does not warrant formal action by the director and, in the~~
46 ~~opinion of the director, the complaint should be dismissed, but the~~
47 ~~director has noticed indications of possible errant conduct by the licensee~~
48 ~~that could lead to serious consequences if not corrected, a confidential~~
49 ~~letter of concern may be issued and sent to the licensee.~~ THE DIRECTOR
50 SHALL CONDUCT ALL PROCEEDINGS PURSUANT TO THIS SUBSECTION (2)
51 EXPEDITIOUSLY AND INFORMALLY SO THAT NO LICENSEE IS SUBJECTED TO
52 UNFAIR AND UNJUST CHARGES AND THAT NO COMPLAINANT IS DEPRIVED
53 OF THE RIGHT TO A TIMELY, FAIR, AND PROPER INVESTIGATION OF A
54 COMPLAINT.

55
56 (3) (b) Upon failure of any witness to comply with such subpoena

1 or process, the district court of the county in which the subpoenaed
 2 person or licensee resides or conducts business, upon application by the
 3 ~~board or~~ director with notice to the subpoenaed person or licensee, may
 4 issue to the person or licensee an order requiring that person or licensee
 5 to appear before the ~~board or~~ director; to produce the relevant papers,
 6 books, records, documentary evidence, or materials if so ordered; or to
 7 give evidence touching the matter under investigation or in question.
 8 Failure to obey the order of the court may be punished by the court as a
 9 contempt of court."

10

11 Renumber succeeding sections accordingly.

12

13 Page 8, line 16, strike "board" and substitute "~~board~~ OFFICE".

14

15

16

17 **SB10-049** be referred to the Committee of the Whole with favorable
 18 recommendation.

19

20

21

22 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

23

24 The Speaker has signed: **HB10-1039; SB10-001.**

25

26

27

28

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

30

31 The Senate has adopted and transmits herewith: SJR10-014.

32

33

34 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

35

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

38

39 **SJR10-014** by Senator(s) Newell; also Representative(s) Gerou--
 40 Concerning Awareness Day for Individuals with
 41 Developmental Disabilities.

42

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

44

45 On motion of Representative Gerou, the resolution was read at length and
 46 **adopted by viva voce** vote.

47

48 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
 49 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, DelGrosso,
 50 Ferrandino, Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Hullinghorst,
 51 Judd, Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston,
 52 Looper, Massey, May, McCann, McFadyen, McKinley, McNulty, Merrifield,
 53 Middleton, Miklosi, Murray, Nikkel, Pace, Pommer, Primavera, Priola, Rice,
 54 Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper,
 55 Stephens, Summers, Swalm, Tipton, Todd, Tyler, Vaad, Vigil, Waller,
 56 Weissmann, Speaker

1 On motion of Representative Weissmann, **HB10-1297, 1298, 1299, 1300,**
2 **1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311,**
3 **1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322,**
4 **1323, 1324, 1325, 1326, 1327, 1339** were added to the Special Orders
5 Calendar on Wednesday, February 17, 2010.
6
7

8 On motion of Representative Levy, the House resolved itself into
9 Committee of the Whole for consideration of Special Orders and she was
10 called to the Chair to act as Chairman.
11
12

13 SPECIAL ORDERS--SECOND READING OF BILLS

14
15 The Committee of the Whole having risen, the Chairman reported the
16 titles of the following bills had been read (reading at length had been
17 dispensed with by unanimous consent), the bills considered and action
18 taken thereon as follows:
19

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

23 **HB10-1008** by Representative(s) Schafer S. and McCann, Apuan,
24 Frangas, Massey; also Senator(s) Carroll M. And Schwartz,
25 Boyd, Foster--Concerning a prohibition against
26 consideration of gender in setting rates for individual health
27 insurance policies.
28

29 Amendment No. 1, Health & Human Services Report, dated
30 February 4, 2010, and placed in member's bill file; Report also printed in
31 House Journal, February 5, pages 210-211.
32

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

35 Amend the Health and Human Services Committee Report, dated
36 February 4, 2010, page 1, line 3, strike "PLAN," and substitute "PLAN".
37

38 Page 1 of the committee report, strike line 4.
39

40 Page 1 of the committee report, line 5, strike "INSURANCE".
41

42 Page 1 of the committee report, strike lines 7 and 8 and substitute:
43

44 "AS A HEALTH COVERAGE PLAN DUE TO THE".
45

46 Page 2 of the committee report, strike line 1.
47

48 Page 2 of the committee report, line 2, strike "accident insurance set" and
49 substitute "health coverage plans that are issued or renewed".
50

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

54 **HB10-1024** by Representative(s) Balmer and Riesberg; also Senator(s)
55 Williams, Newell--Concerning eliminating the ability of
56 advanced practice nurses to declare patients terminally ill.

1 Amendment No. 1, Health & Human Services Report, dated
2 February 4, 2010, and placed in member's bill file; Report also printed in
3 House Journal, February 5, page 211.

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

7
8 **HB10-1115** by Representative(s) Gagliardi; also Senator(s) Scheffel--
9 Concerning the assessment of costs by county departments
10 of social services to families receiving child welfare core
11 services.

12
13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.

15
16 **HB10-1297** by Representative(s) Pommer, Ferrandino, Lambert; also
17 Senator(s) Keller, Tapia, White--Concerning a supplemental
18 appropriation to the department of agriculture.

19
20 Amendment No. 1, by Representative(s) Curry, Sonnenberg, Tipton,
21 McKinley.

22
23 Amend printed bill, page 3, line 5, in the REAPPROPRIATED FUNDS
24 column strike "1,075,606^a" and substitute "~~1,075,606~~^a".

25
26 Page 3, line 6, in the ITEM & SUBTOTAL column strike "1,672,648"
27 and substitute "1,645,194", in the GENERAL FUND column strike
28 "597,042" and substitute "586,798", and in the REAPPROPRIATED
29 FUNDS column insert "1,058,396^a".

30
31 Page 6, line 7, in the TOTAL column strike "8,177,511" and substitute
32 "8,150,057".

33
34 Page 7, line 1, in the ITEM & SUBTOTAL column strike "10,220,124"
35 and substitute "10,055,144", in the GENERAL FUND column strike
36 "2,841,627" and substitute "2,795,720", in the CASH FUNDS column
37 strike "6,336,578^a" and substitute "6,234,110^a", in the
38 REAPPROPRIATED FUNDS column strike "521,015^f" and substitute
39 "512,679^f", and in the FEDERAL FUNDS column strike "520,904" and
40 substitute "512,635".

41
42 Page 8, line 2, in the TOTAL column strike "12,582,759" and substitute
43 "12,417,779".

44
45 Page 8, line 15, in the ITEM & SUBTOTAL column strike "402,302" and
46 substitute "395,665" and in the GENERAL FUND column strike
47 "402,302" and substitute "395,665".

48
49 Page 9, line 11, in the TOTAL column strike "1,107,786" and substitute
50 "1,101,149".

51
52 Page 13, line 8, in the ITEM & SUBTOTAL column strike "367,329" and
53 substitute "361,267" and in the GENERAL FUND column strike
54 "367,329" and substitute "361,267".

55
56

1 Page 14, line 2, in the TOTAL column strike "1,571,387" and substitute
2 "1,565,325".
3

4 Page 14, line 9, in the TOTAL column strike "\$38,793,845" and
5 substitute "\$38,588,712", in the GENERAL FUND column strike
6 "\$6,055,836" and substitute "\$5,986,986", in the CASH FUNDS column
7 strike "\$26,968,790" and substitute "\$26,866,322", in the
8 REAPPROPRIATED FUNDS column strike "\$1,800,473" and substitute
9 "\$1,774,927", and in the FEDERAL FUNDS column strike "\$3,968,746"
10 and substitute "\$3,960,477".
11

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

14 (For change in action, see Amendments to Report, page 391.)
15

16 **HB10-1298** by Representative(s) Pommer, Ferrandino, Lambert; also
17 Senator(s) Keller, Tapia, White--Concerning a supplemental
18 appropriation to the department of corrections.
19

20 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
21 placed in member's bill file; Report also printed in House Journal,
22 February 17, page 355.
23

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

27 **HB10-1299** by Representative(s) Pommer, Ferrandino, Lambert; also
28 Senator(s) Keller, Tapia, White--Concerning a supplemental
29 appropriation to the offices of the governor, lieutenant
30 governor, and state planning and budgeting.
31

32 Ordered engrossed and placed on the Calendar for Third Reading and
33 Final Passage.
34

35 **HB10-1300** by Representative(s) Pommer, Ferrandino, Lambert; also
36 Senator(s) Keller, Tapia, White--Concerning a supplemental
37 appropriation to the department of health care policy and
38 financing.
39

40 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
41 placed in member's bill file; Report also printed in House Journal,
42 February 17, page 355.
43

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

47 A motion by Representative Weissmann that the Committee rise, report
48 progress and beg leave to sit again at 1:15 p.m., was adopted by
49 unanimous consent. (Special Orders continued on page 386.)
50

51 _____
52 House reconvened.
53

54 The Committee of the Whole reported it had risen, reported progress and
55 would sit again at 1:15 p.m.
56 _____

1 House in recess. House reconvened.
2
3
4

5 On motion of Representative Solano, the House resolved itself into
6 Committee of the Whole for continuation of consideration of Special
7 Orders, and she was called to the Chair to act as Chairman.
8
9

10 **SPECIAL ORDERS--SECOND READING OF BILLS**
11 (Continued from page 385)
12

13 **HB10-1301** by Representative(s) Pommer, Ferrandino, Lambert; also
14 Senator(s) Keller, Tapia, White--Concerning a supplemental
15 appropriation to the department of higher education.
16

17 Ordered engrossed and placed on the Calendar for Third Reading and
18 Final Passage.
19
20

21 **HB10-1304** by Representative(s) Pommer, Ferrandino, Lambert; also
22 Senator(s) Keller, Tapia, White--Concerning a supplemental
23 appropriation to the department of labor and employment.
24

25 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
26 placed in member's bill file; Report also printed in House Journal,
27 February 17, page 356.
28

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

33 **HB10-1305** by Representative(s) Pommer, Ferrandino, Lambert; also
34 Senator(s) Keller, Tapia, White--Concerning a supplemental
35 appropriation to the department of law.
36

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

40 **HB10-1306** by Representative(s) Pommer, Ferrandino, Lambert; also
41 Senator(s) Keller, Tapia, White--Concerning a supplemental
42 appropriation to the department of legislature.
43

44 Amendment No. 1, by Representative(s) Lambert, Carroll T, Ferrandino.
45

46 Amend printed bill, page 6, before line 1 insert:
47

48 **"SECTION 2. Appropriation.** In addition to any other
49 appropriation, for state fiscal year 2009-10 and any subsequent fiscal
50 year, there is here by appropriated to the general fund any moneys that
51 would have otherwise been used to fund the Senate."
52

53 As amended, ordered engrossed and placed on the Calendar for Third
54 Reading and Final Passage.
55
56

- 1 **HB10-1307** by Representative(s) Pommer, Ferrandino, Lambert; also
2 Senator(s) Keller, Tapia, White--Concerning supplemental
3 appropriation to the department of local affairs.
4
5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7
8 **HB10-1308** by Representative(s) Pommer, Ferrandino, Lambert; also
9 Senator(s) Keller, Tapia, White--Concerning a supplemental
10 appropriation to the department of military and veterans
11 affairs.
12
13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.
15
16
17 **HB10-1309** by Representative(s) Pommer, Ferrandino, Lambert; also
18 Senator(s) Keller, Tapia, White--Concerning a supplemental
19 appropriation to the department of natural resources.
20
21 Ordered engrossed and placed on the Calendar for Third Reading and
22 Final Passage.
23
24 **HB10-1310** by Representative(s) Pommer, Ferrandino, Lambert; also
25 Senator(s) Keller, Tapia, White--Concerning a supplemental
26 appropriation to the department of personnel and
27 administration.
28
29 Ordered engrossed and placed on the Calendar for Third Reading and
30 Final Passage.
31
32
33 **HB10-1302** by Representative(s) Pommer, Ferrandino, Lambert; also
34 Senator(s) Keller, Tapia, White--Concerning a supplemental
35 appropriation to the department of human services.
36
37 Ordered engrossed and placed on the Calendar for Third Reading and
38 Final Passage.
39
40 **HB10-1303** by Representative(s) Pommer, Ferrandino, Lambert; also
41 Senator(s) Keller, Tapia, White--Concerning a supplemental
42 appropriation to the judicial department.
43
44 Ordered engrossed and placed on the Calendar for Third Reading and
45 Final Passage.
46
47
48 **HB10-1311** by Representative(s) Pommer, Ferrandino, Lambert; also
49 Senator(s) Keller, Tapia, White--Concerning a supplemental
50 appropriation to the department of public health and
51 environment.
52
53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.
55

1 **HB10-1312** by Representative(s) Pommer, Ferrandino, Lambert; also
2 Senator(s) Keller, Tapia, White--Concerning a supplemental
3 appropriation to the department of public safety.
4

5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7

8 **HB10-1313** by Representative(s) Pommer, Ferrandino, Lambert; also
9 Senator(s) Keller, Tapia, White--Concerning a supplemental
10 appropriation to the department of regulatory agencies.
11

12 Ordered engrossed and placed on the Calendar for Third Reading and
13 Final Passage.
14

15 **HB10-1314** by Representative(s) Pommer, Ferrandino, Lambert; also
16 Senator(s) Keller, Tapia, White--Concerning a supplemental
17 appropriation to the department of revenue.
18

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

22 **HB10-1315** by Representative(s) Pommer, Ferrandino, Lambert; also
23 Senator(s) Keller, Tapia, White--Concerning a supplemental
24 appropriation to the department of state.
25

26 Ordered engrossed and placed on the Calendar for Third Reading and
27 Final Passage.
28

29 **HB10-1316** by Representative(s) Pommer, Ferrandino, Lambert; also
30 Senator(s) Keller, Tapia, White--Concerning a supplemental
31 appropriation to the department of transportation.
32

33 Ordered engrossed and placed on the Calendar for Third Reading and
34 Final Passage.
35

36 **HB10-1317** by Representative(s) Pommer, Ferrandino, Lambert; also
37 Senator(s) Keller, Tapia, White--Concerning a supplemental
38 appropriation to the department of the treasury.
39

40 Ordered engrossed and placed on the Calendar for Third Reading and
41 Final Passage.
42

43 **HB10-1318** by Representative(s) Pommer, Ferrandino, Lambert; also
44 Senator(s) Tapia, Keller, White--Concerning circumstances
45 under which the requirement that each school district receive
46 a minimum amount of state funding for total program
47 funding as calculated through the "Public School Finance
48 Act of 1994" shall not apply to any district.
49

50 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
51 placed in member's bill file; Report also printed in House Journal,
52 February 17, page 357.
53

54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56

1 **HB10-1319** by Representative(s) Ferrandino, Pommer, Lambert; also
2 Senator(s) Tapia, Keller, White--Concerning modifications
3 to statutory transfers for energy-related assistance to low-
4 income households from the operational account of the
5 severance tax trust fund for three particular state fiscal years.
6

7 Ordered engrossed and placed on the Calendar for Third Reading and
8 Final Passage.
9

10 **HB10-1320** by Representative(s) Pommer, Ferrandino, Lambert; also
11 Senator(s) Tapia, Keller, White--Concerning the use of
12 tobacco revenues generated under section 21 of article X of
13 the state constitution in a state fiscal emergency, and making
14 an appropriation therefor.
15

16 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
17 placed in member's bill file; Report also printed in House Journal,
18 February 17, pages 357-358.
19

20 Amendment No. 2, by Representative(s) May, Rice.
21

22 Amend the Appropriations Committee Report, dated February 16, 2010,
23 page 1, line 3, after "line 8," insert "in the GENERAL FUND column
24 strike "1,147,705,890(M)" and substitute "1,146,705,890(M)",".
25

26 Page 1, line 5, strike ""3,746,329^b"" and substitute ""4,746,329^b"".
27

28 Page 1, line 9, strike ""\$1,000,000" and substitute ""\$2,000,000".
29

30 Page 1, line 14, after "line 8," insert "in the GENERAL FUND column
31 strike "\$1,632,029,855" and substitute "\$1,631,029,855", ".
32

33 Page 1, line 15 strike ""\$450,333,149"" and substitute ""\$450,333,149", ".
34

35 Page 1, line 16, strike ""\$29,706,139"." and substitute ""\$30,706,139".".
36

37 Page 1, after line 16 insert:
38

39 "Page 10 of the printed bill, line 9, in the ITEM & SUBTOTAL column
40 strike "7,463,419" and substitute "6,463,419" and in the
41 REAPPROPRIATED FUNDS column strike "7,463,419^a" and substitute
42 "6,463,419^a".
43

44 Page 10, line 11, in the ITEM & SUBTOTAL column strike "7,942,240"
45 and substitute "6,942,240".
46

47 Page 11, line 2, in the TOTAL column strike "37,875,315" and substitute
48 "36,875,315".
49

50 Page 11, line 7, in the TOTAL column strike "\$445,325,693" and
51 substitute "\$444,325,693" and in the REAPPROPRIATED FUNDS
52 column strike "\$33,469,429" and substitute "\$32,469,429". "
53

54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56

1 **HB10-1321** by Representative(s) Pommer, Ferrandino, Lambert; also
2 Senator(s) Tapia, Keller, White--Concerning moneys
3 appropriated for health clinics.
4

5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7

8 **HB10-1322** by Representative(s) Lambert, Ferrandino, Pommer; also
9 Senator(s) White, Keller, Tapia--Concerning the repeal of
10 the pilot programs on the use of telemedicine, and making
11 an appropriation therefor.
12

13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.
15

16
17 **HB10-1323** by Representative(s) Pommer, Ferrandino, Lambert; also
18 Senator(s) Tapia, Keller, White--Concerning the use of
19 tobacco litigation funds for health care programs, and
20 making an appropriation therefor.
21

22 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
23 placed in member's bill file; Report also printed in House Journal,
24 February 17, pages 358-368.
25

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

29
30 **HB10-1324** by Representative(s) Ferrandino, Pommer, Lambert; also
31 Senator(s) White, Keller, Tapia--Concerning a reduction in
32 the general fund portion of the per diem rates paid to nursing
33 facilities, and making an appropriation therefor.
34

35 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
36 placed in member's bill file; Report also printed in House Journal,
37 February 17, page 358.
38

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

42 **HB10-1325** by Representative(s) Lambert, Pommer, Ferrandino; also
43 Senator(s) White, Keller, Tapia--Concerning the transfer of
44 interest earned by certain settlement moneys in the natural
45 resource damage recovery fund.
46

47 Ordered engrossed and placed on the Calendar for Third Reading and
48 Final Passage.
49

50
51 **HB10-1326** by Representative(s) Pommer, Ferrandino, Lambert; also
52 Senator(s) Tapia, Keller, White--Concerning an increase in
53 the amount of authorized appropriations from the
54 operational account of the severance tax trust fund to the
55 division of parks and outdoor recreation, and, in connection
56 therewith, adjusting the 2009 long bill.

1 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
 2 placed in member's bill file; Report also printed in House Journal,
 3 February 17, page 368.

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

7
 8 **HB10-1327** by Representative(s) Pommer, Ferrandino, Lambert; also
 9 Senator(s) White, Keller, Tapia--Concerning the augmenta-
 10 tion of the general fund through transfers of certain moneys.

11
 12 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
 13 placed in member's bill file; Report also printed in House Journal,
 14 February 17, page 369.

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

18
 19 **HB10-1339** by Representative(s) Pommer, Ferrandino, Lambert; also
 20 Senator(s) White, Keller, Tapia--Concerning the distribution
 21 of limited gaming fund moneys for the 2009-10 state fiscal
 22 year.

23
 24 Amendment No. 1, Appropriations Report, dated February 16, 2010, and
 25 placed in member's bill file; Report also printed in House Journal,
 26 February 17, pages 369-370.

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

30
 31
 32
 33 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

34
 35 Representative Fischer moved to amend the Report of the Committee of
 36 the Whole to reverse the action taken by the Committee in adopting
 37 Amendment No. 1, by Representative Curry (printed in House Journal
 38 page 384, lines 20-54 and page 385, lines 1-10) to HB10-1297, to show
 39 that said amendment lost, and that **HB10-1297** passed.

40
 41 The amendment was declared **passed** by the following roll call vote:

	YES	33	NO	28	EXCUSED	4	ABSENT	0
44	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
45	Apuan	N	Hullinghorst	Y	McKinley	Y	Scanlan	Y
46	Balmer	N	Judd	N	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	Y	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	N	Labuda	N	Pace	Y	Swalm	N
53	DelGrosso	N	Lambert	N	Peniston	E	Tipton	E
54	Ferrandino	Y	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	Y	Riesberg	Y	Waller	E
3	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
4							Speaker	Y

5
6 Representatives Curry, May, Vaad, and Liston moved to amend the
7 Report of the Committee of the Whole to reverse the action taken by the
8 Committee in not adopting the following Curry amendment, to
9 HB10-1299, to show that said amendment passed, and that **HB10-1299**,
10 as amended, passed.

11
12 Amend printed bill, page 27, line 6, strike "**BUDGETING)**" and
13 substitute "**BUDGETING) BUDGETING)**^{7e}".

14
15 Page 28, after line 9 insert:

16 7e DEPARTMENT OF GOVERNOR - LIEUTENANT GOVERNOR -
17 STATE PLANNING AND BUDGETING, TOTALS – IT IS THE
18 INTENT OF THE GENERAL ASSEMBLY THAT THE
19 DEPARTMENT OF GOVERNOR - LIEUTENANT GOVERNOR -
20 STATE PLANNING AND BUDGETING NOT HIRE ANY NEW
21 EMPLOYEES TO FILL VACANT POSITIONS FOR THE
22 REMAINDER OF THE 2009-2010 FISCAL YEAR.”.

23
24 The amendment was declared **lost** by the following roll call vote:

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

44
45 Representative(s) Gardner C. moved to amend the Report of the
46 Committee of the Whole to reverse the action taken by the Committee in
47 not adopting the following Curry amendment, to HB10-1299, to show
48 that said amendment passed, and that **HB10-1299**, as amended, passed.

49
50 Amend printed bill, page 10, line 15, in the ITEM & SUBTOTAL column
51 strike "1,659,861" and substitute "1,636,821" and in the
52 REAPPROPRIATED FUNDS column strike "1,217,541^{am}" and substitute
53 "1,194,501^{am}".

54
55 Page 11, line 8, in the TOTAL column strike "1,745,867" and substitute
56 "1,722,827".

- 1 Page 11, line 10, strike "\$824,322" and substitute "\$801,282".
2
- 3 Page 17, line 1, in the ITEM & SUBTOTAL column strike "1,100,641"
4 and substitute "1,082,600" and in the REAPPROPRIATED FUNDS
5 column strike "1,100,641^a" and substitute "1,082,600^a".
6
- 7 Page 17, line 7, in the ITEM & TOTAL column strike "1,281,190" and
8 substitute "1,263,149".
9
- 10 Page 18, line 15, in the ITEM & SUBTOTAL column strike "435,402"
11 and substitute "428,293" and in the REAPPROPRIATED FUNDS
12 column strike "435,402^a" and substitute "428,293^a".
13
- 14 Page 19, line 4, in the ITEM & SUBTOTAL column strike "441,852" and
15 substitute "434,743".
16
- 17 Page 21, line 3, in the ITEM & SUBTOTAL column strike "869,575" and
18 substitute "854,293" and in the REAPPROPRIATED FUNDS column
19 strike "869,575^a" and substitute "854,293^a".
20
- 21 Page 21, line 8, in the ITEM & SUBTOTAL column strike "884,200" and
22 substitute "868,918".
23
- 24 Page 21, line 15, in the ITEM & SUBTOTAL column strike "641,433"
25 and substitute "630,406" and in the REAPPROPRIATED FUNDS
26 column strike "641,433^a" and substitute "630,406^a".
27
- 28 Page 22, line 5, in the ITEM & SUBTOTAL column strike "652,183" and
29 substitute "641,156".
30
- 31 Page 22, line 11, in the ITEM & SUBTOTAL column strike "3,574,539"
32 and substitute "3,516,638".
33
- 34 Page 23, line 6, in the ITEM & SUBTOTAL column strike "4,448,248"
35 and substitute "4,390,347", in the CASH FUNDS column strike
36 "721,134^a" and substitute "709,806^a", in the REAPPROPRIATED
37 FUNDS column strike "3,603,915^b" and substitute "3,559,243^b", and in
38 the FEDERAL FUNDS column strike "123,199^c" and substitute
39 "121,298^c".
40
- 41 Page 23, line 14, in the ITEM & SUBTOTAL column strike "1,468,642"
42 and substitute "1,443,264" and in the REAPPROPRIATED FUNDS
43 column strike "1,468,642^a" and substitute "1,443,264^a".
44
- 45 Page 24, line 8, in the ITEM & SUBTOTAL column strike "17,888,987"
46 and substitute "17,863,609".
47
- 48 Page 25, line 1, in the ITEM & SUBTOTAL column strike "2,670,813"
49 and substitute "2,625,478" and in the REAPPROPRIATED FUNDS
50 column strike "2,670,813^a" and substitute "2,625,478^a".
51
- 52 Page 25, line 11, in the ITEM & SUBTOTAL column strike "9,470,503"
53 and substitute "9,425,168".
54
- 55 Page 26, line 3, in the ITEM & SUBTOTAL column strike "2,918,434"
56 and substitute "2,868,894" and in the REAPPROPRIATED FUNDS

1 column strike "2,918,434^{aa}" and substitute "2,868,894^{aa}".

2

3 Page 26, line 8, in the ITEM & SUBTOTAL column strike "3,282,805"
4 and substitute "3,233,265".

5

6 Page 26, line 14, in the TOTAL column strike "44,974,711" and
7 substitute "44,745,098".

8

9 Page 27, line 7, in the TOTAL column strike "\$120,996,974" and
10 substitute "\$120,744,321", in the CASH FUNDS column strike
11 "\$28,479,747" and substitute "\$28,468,419", in the REAPPROPRIATED
12 FUNDS column strike "\$48,776,564" and substitute "\$48,537,140", and
13 in the FEDERAL FUNDS column strike "\$32,857,679" and substitute
14 "\$32,855,778".

15

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

17

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

36

37 Representative Gardner B. moved to amend the Report of the Committee
38 of the Whole to reverse the action taken by the Committee in not adopting
39 the following Gardner B. amendment, to HB10-1306, to show that said
40 amendment passed, and that **HB10-1306**, as amended, passed.

41

42 Amend printed bill, page 6, before line 1 insert:

43

44 **"SECTION 2.** Section 1 of chapter 441, Session Laws of
45 Colorado 2009, as amended by House Bill 10-1110, enacted at the Second
46 Regular Session of the Sixty-seventh General Assembly, is amended to
47 read:

48

49 Section 1. **Appropriation.** In addition to any other appropriation,
50 there is hereby appropriated, to the legislative department of the state of
51 Colorado, the sum of ~~thirty-three million six hundred thirty-one thousand~~
52 ~~eighty-eight dollars (\$33,631,088)~~ THIRTY-THREE MILLION TWO HUNDRED
53 NINETY-NINE THOUSAND FOUR HUNDRED THIRTY-EIGHT DOLLARS
54 (\$33,299,438), or so much thereof as may be necessary, of which amount
55 ~~thirty-two million four hundred seventy-three thousand six hundred~~
56 ~~thirty-two dollars (\$32,473,632)~~ THIRTY-TWO MILLION ONE HUNDRED

1 FORTY-ONE THOUSAND NINE HUNDRED EIGHTY-TWO DOLLARS
 2 (\$32,141,982) shall be out of any moneys in the general fund not
 3 otherwise appropriated, two hundred twenty-three thousand six hundred
 4 forty dollars (\$223,640) shall be from cash funds, and nine hundred
 5 thirty-three thousand eight hundred sixteen dollars (\$933,816) shall be
 6 from reappropriated funds, for payment of the expenses of the legislative
 7 department for the fiscal year beginning July 1, 2009, to be allocated as
 8 follows:

9		
10	General assembly	\$12,966,646 ^{1/}
11		\$ 12,634,996 ^{1/}
12		(76.75 FTE)
13		
14	State auditor	8,136,217 ^{2/}
15		(73.0 FTE)
16		
17	Joint budget committee	1,496,236
18		(16.0 FTE)
19		
20	Legislative council	5,101,833
21		(55.2 FTE)
22		
23	Committee on legal services	5,259,805 ^{3/}
24		(56.1 FTE)
25		
26	PERA Amortization Equalization Disbursement	415,232
27		
28	PERA Supplemental Amortization Equalization Disbursement	255,119
29		
30		
31	Total legislative department	\$33,631,088
32		\$ 33,299,438
33		

34 ^{1/} Of this amount, \$90,000 is appropriated out of cash funds
 35 generated by the sale of bill boxes and legislative directories,
 36 \$3,816 is appropriated out of reappropriated funds from the
 37 methamphetamine abuse prevention, intervention, and treatment
 38 cash fund created in section 18-18.5-105 (1) (a), Colorado Revised
 39 Statutes, \$30,000 is appropriated out of cash funds in the youth
 40 advisory council cash fund created in section 2-2-1306, Colorado
 41 Revised Statutes, and ~~\$12,842,830~~ \$12,511,180 is appropriated out
 42 of the general fund.

43 ^{2/} Of this amount, \$7,102,577 is appropriated out of the general
 44 fund, \$930,000 is appropriated out of reappropriated funds
 45 received from various departments for audits, and \$103,640 is
 46 appropriated out of cash funds received pursuant to section
 47 2-3-113 (7), Colorado Revised Statutes.

48 ^{3/} In addition, it is anticipated that, during the 2009-10 fiscal year,
 49 the tax levy on civil actions provided for in section 2-5-119,
 50 Colorado Revised Statutes, will return approximately \$343,000 to
 51 the general fund to offset expenses of the revision of statutes by
 52 the office of legislative legal services."

53
 54 Renumber succeeding section accordingly.

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

	YES	28	NO	33	EXCUSED	4	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
3	Apuan	N	Hullinghorst	N	McKinley	Y	Scanlan	N
4	Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
5	Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
6	Benefield	N	Kefalas	N	Middleton	N	Sonnenberg	Y
7	Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
8	Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	N	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	N	Pace	N	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	E	Tipton	E
12	Ferrandino	N	Levy	E	Pommer	N	Todd	N
13	Fischer	N	Liston	Y	Primavera	N	Tyler	N
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	N	Massey	Y	Rice	N	Vigil	N
16	Gardner B.	Y	May	Y	Riesberg	N	Waller	E
17	Gardner C.	Y	McCann	N	Roberts	Y	Weissmann	N
18							Speaker	N
19								

20 Representative Labuda moved to amend the Report of the Committee of
 21 the Whole to reverse the action taken by the Committee in adopting the
 22 Appropriations Committee Report to HB10-1327, to show that said
 23 amendment lost, and that **HB10-1327** passed.

24
 25 The amendment was declared **lost** by the following roll call vote:

	YES	22	NO	39	EXCUSED	4	ABSENT	0
28	Acree	N	Gerou	N	McFadyen	N	Ryden	Y
29	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	N
30	Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
31	Baumgardner	N	Kagan	N	Merrifield	Y	Solano	N
32	Benefield	Y	Kefalas	N	Middleton	N	Sonnenberg	N
33	Bradford	N	Kerr A.	N	Miklosi	N	Soper	Y
34	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
35	Court	Y	King S.	N	Nikkel	N	Summers	N
36	Curry	N	Labuda	Y	Pace	N	Swalm	N
37	DelGrosso	N	Lambert	N	Peniston	E	Tipton	E
38	Ferrandino	Y	Levy	E	Pommer	Y	Todd	Y
39	Fischer	N	Liston	N	Primavera	Y	Tyler	Y
40	Frangas	N	Looper	Y	Priola	N	Vaad	N
41	Gagliardi	Y	Massey	N	Rice	Y	Vigil	N
42	Gardner B.	N	May	N	Riesberg	N	Waller	E
43	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
44							Speaker	Y
45								

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

46
 47
 48
 49 Passed Second Reading: **HB10-1008 amended, 1024 amended, 1115,**
 50 **1297, 1298 amended, 1299, 1300 amended, 1301, 1304 amended, 1305,**
 51 **1306 amended, 1307, 1308, 1309, 1310, 1302, 1303, 1311, 1312, 1313,**
 52 **1314, 1315, 1316, 1317, 1318 amended, 1319, 1320 amended, 1321,**
 53 **1322, 1323 amended, 1324 amended, 1325, 1326 amended, 1327**
 54 **amended, 1339 amended.**

55
 56

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

	YES	61	NO	0	EXCUSED	4	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	E	Tipton	E
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

REPORT(S) OF COMMITTEE(S) OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

29 After consideration on the merits, the Committee recommends the
 30 following:
 31

32 **HB10-1078** be postponed indefinitely.

33 **HB10-1163** be postponed indefinitely.

34
 35
 36 **HB10-1176** be amended as follows, and as so amended, be referred to
 37 the Committee on Appropriations with favorable
 38 recommendation:
 39

40 Amend printed bill, page 7, line 16, after "ENTITY" insert "THAT IS
 41 OTHERWISE REQUIRED TO BE SUBJECTED TO RECOVERY AUDITS UNDER ANY
 42 FEDERAL LAW OR REGULATION OR STATE LAW OR RULE OR".

43 Page 7, line 23, after "ENTITIES" insert "THAT ARE OTHERWISE REQUIRED
 44 TO BE SUBJECTED TO RECOVERY AUDITS UNDER ANY FEDERAL LAW OR
 45 REGULATION OR STATE LAW OR RULE OR".

46
 47
 48 **HB10-1178** be amended as follows, and as so amended, be referred to
 49 the Committee of the Whole with favorable
 50 recommendation:
 51

1 Amend printed bill, page 3, line 5, strike "REPAID." and substitute "REPAID
2 AND THAT IS FIFTY DOLLARS OR MORE."
3

4 Page 3, line 7, strike "INSTITUTION OF HIGHER".
5

6 Page 3, line 8, strike "EDUCATION,".
7

8 Page 3, line 9, after "GOVERNMENT." add ""STATE AGENCY" SHALL NOT
9 INCLUDE ANY INSTITUTION OF HIGHER EDUCATION."
10

11 Page 5, strike lines 17 and 18 and substitute "SOURCE SHALL INCLUDE A
12 PROVISION REQUIRING NOTICE OF FUNDING THAT REQUIRES".
13

14 Page 6, strike lines 2 through 7.
15

16 Page 6, line 9, strike "PARAGRAPH (a) OF".
17

18 Page 6, line 14, strike "PARAGRAPH (a) OF".
19

20 Page 6, line 15, strike "EIGHTEEN MONTHS" and substitute "TWO YEARS".
21

22 Page 6, strike lines 20 through 25 and substitute:
23

24 "(5) ON OR BEFORE DECEMBER 1, 2012, AND ON OR BEFORE
25 DECEMBER 1 EACH YEAR THEREAFTER, THE LEGISLATIVE COUNCIL STAFF
26 SHALL SUBMIT TO THE MEMBERS OF THE EXECUTIVE COMMITTEE OF THE
27 LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY, THE MEMBERS OF THE
28 COMMITTEE ON LEGAL SERVICES, AND THE REVISOR OF STATUTES A LIST
29 OF".
30

31 Page 7, strikes lines 2 through 4 and substitute "CONTAINED IN SUCH
32 BILLS."
33

34 (6) BEGINNING WITH THE FIRST REGULAR SESSION OF THE
35 SIXTY-NINTH GENERAL ASSEMBLY, COMMENCING IN JANUARY 2013, THE
36 REVISOR OF STATUTES, UNDER THE SUPERVISION AND DIRECTION OF THE
37 COMMITTEE ON LEGAL SERVICES, SHALL PREPARE AND SUBMIT ANNUALLY
38 ONE OR MORE BILLS CONTAINING THE REPEAL OF THE STATUTORY
39 PROVISIONS CREATED BY THE BILLS INCLUDED ON THE LIST PREPARED
40 PURSUANT TO SUBSECTION (5) OF THIS SECTION."
41

42 Page 7, after line 4 insert:
43

44 **"24-75-1305. Programs or services reliant on grants - statutory**
45 **reauthorization of program.** (1) EXCEPT AS OTHERWISE PROVIDED IN
46 SUBSECTION (3) OF THIS SECTION, BEGINNING JANUARY 1, 2011, THE
47 GENERAL ASSEMBLY SHALL NOT MAKE AN APPROPRIATION OF MONEYS
48 FROM THE GENERAL FUND OR FROM ANY OTHER SOURCE OF STATE MONEYS
49 TO FUND A PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE
50 GOVERNMENT THAT WAS PREVIOUSLY FUNDED THROUGH GRANT MONEYS
51 AND THAT HAS NOT RECEIVED ADEQUATE GRANT MONEYS TO SUPPORT THE
52 PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE GOVERNMENT
53 FOR THE APPLICABLE FISCAL YEAR.
54

55 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
56 SECTION, BEGINNING JANUARY 1, 2011, A STATE AGENCY THAT OVERSEES

1 ANY PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE
2 GOVERNMENT SHALL NOT REQUEST THAT THE GENERAL ASSEMBLY MAKE
3 AN APPROPRIATION FROM THE GENERAL FUND OR ANY OTHER SOURCE OF
4 STATE MONEYS TO FUND A PROGRAM, SERVICE, STUDY, OR OTHER
5 FUNCTION OF STATE GOVERNMENT THAT WAS PREVIOUSLY FUNDED
6 THROUGH GRANT MONEYS AND THAT HAS NOT RECEIVED ADEQUATE
7 GRANT MONEYS TO SUPPORT THE PROGRAM, SERVICE, STUDY, OR OTHER
8 FUNCTION OF STATE GOVERNMENT FOR THE APPLICABLE FISCAL YEAR.
9

10 (3) THE GENERAL ASSEMBLY MAY ADOPT LEGISLATION TO
11 REAUTHORIZE ANY PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF
12 STATE GOVERNMENT THAT WAS PREVIOUSLY FUNDED THROUGH GRANT
13 MONEYS AND, IF SUCH LEGISLATION INCLUDES AN APPROPRIATION FROM
14 THE GENERAL FUND OR ANY OTHER SOURCE OF STATE MONEYS AND
15 BECOMES LAW, MAY MAKE AN APPROPRIATION FROM THE GENERAL FUND
16 OR FROM ANY OTHER SOURCE OF STATE MONEYS TO A STATE AGENCY TO
17 OVERSEE THE PROGRAM, SERVICE, STUDY, OR OTHER FUNCTION OF STATE
18 GOVERNMENT."

19
20
21

22 **HB10-1181** be amended as follows, and as so amended, be referred to
23 the Committee on Appropriations with favorable
24 recommendation:
25

26 Amend printed bill, page 7, line 10, strike "state" and substitute "state".
27

28 Page 7, strike line 11.
29

30 Page 7, line 12, strike "PERSONNEL DIRECTOR".
31

32 Page 11, line 7, strike "(4) (a)" and substitute "(4) (a), (4) (d) (IV)".
33

34 Page 11, after line 21 insert:
35

36 ~~"(d) (IV) The state personnel director, in preparing the annual
37 compensation report and submitting recommendations and estimated
38 costs for state employee compensation for the next fiscal year, pursuant
39 to paragraphs (b) and (c) of this subsection (4), and in implementing any
40 changes to state employee compensation shall ensure that for the 2003-04
41 fiscal year no state employee receive the recommended changes in
42 employee salaries in the annual compensation recommendations for
43 changes to salaries and any adjustments to the recommended changes
44 made by the general assembly in the annual general appropriation act."~~
45

46
47

48 PRINTING REPORT

49
50 The Chief Clerk reports the following bills have been correctly printed:
51 **HB10-1347, 1348, 1349.**
52

53
54
55
56

DELIVERY OF BILL TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB10-1039** at 1:42 p.m. on February 17, 2010.

**INTRODUCTION OF BILLS
First Reading**

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

HB10-1350 by Representative(s) Pace, Ferrandino, Frangas, Gagliardi, Labuda, Hullinghorst, Levy, Pommer; also Senator(s) Carroll M.--Concerning requirements for recipients of economic development incentives.

Committee on Finance

SB10-008 by Senator(s) Johnston, Romer; also Representative(s) Scanlan, Massey, Middleton--Concerning a study to evaluate the feasibility of a system to determine pupil enrollment for purposes of the "Public School Finance Act of 1994" based on the average daily membership of pupils in school districts.

Committee on Education

SB10-016 by Senator(s) Williams, Romer, Spence; also Representative(s) Vaad, Fischer, Frangas, King S., McFadyen, McNulty, Merrifield, Tyler--Concerning modification of the manner in which a civil penalty assessment notice of toll evasion evidenced by automatic vehicle identification technology is provided to the owner of a vehicle so identified.

Committee on Local Government

SB10-027 by Senator(s) Sandoval; also Representative(s) Roberts--Concerning a fine for the unauthorized diversion of surface water.

Committee on Agriculture, Livestock, & Natural Resources

SB10-032 by Senator(s) Tapia; also Representative(s) Lambert--Concerning the authorization of amendments to existing state information technology contracts for purposes of furthering consolidation of the management of state agency information technology resources in the office of information technology.

Committee on State, Veterans, & Military Affairs

SB10-040 by Senator(s) Tochtrop; also Representative(s) Merrifield--Concerning motorcycle safety education programs.

Committee on Transportation & Energy

- 1 **SB10-056** by Senator(s) Boyd; also Representative(s) Riesberg--
2 Concerning developing standardized immunization
3 information to provide to parents.
4 Committee on Education
5
- 6 **SB10-058** by Senator(s) Tapia; also Representative(s) Ferrandino--
7 Concerning the eligibility requirements for the nursing
8 teacher loan forgiveness pilot program.
9 Committee on Education
10
- 11 **SB10-082** by Senator(s) Whitehead; also Representative(s) Roberts--
12 Concerning the Southern Ute Indian tribe/state of Colorado
13 environmental commission, and, in connection therewith,
14 repealing term limits applicable to the commission and
15 repealing a moot condition related to the repeal of the
16 commission.
17 Committee on Health and Human Services
18
- 19 **SB10-083** by Senator(s) Kester; also Representative(s) Middleton--
20 Concerning the enforcement of federal law pertaining to the
21 extension of credit for the sale of alcohol beverages.
22 Committee on Business Affairs and Labor
23
- 24 **SB10-097** by Senator(s) Boyd; also Representative(s) Gagliardi--
25 Concerning the method by which a county home rule charter
26 commission is created for the purpose of proposing a home
27 rule charter.
28 Committee on Local Government
29
- 30 **SB10-099** by Senator(s) Cadman, Morse, Penry; also Representative(s)
31 Weissmann--Concerning the acceptance by members of the
32 general assembly from a joint governmental agency of this
33 state of the payment of or reimbursement for certain
34 expenses related to the member's attendance at a meeting of
35 the joint governmental agency.
36 Committee on State, Veterans, & Military Affairs
37
- 38 **SB10-100** by Senator(s) Schwartz, Carroll M., Foster, Gibbs, Heath,
39 Newell, Romer; also Representative(s) Miklosi--Concerning
40 greater financing flexibility for local districts organized for
41 purposes related to energy.
42 Committee on Transportation & Energy
43
- 44 **SB10-130** by Senator(s) Kester; also Representative(s) McCann--
45 Concerning the allocation of powers within the department
46 of corrections.
47 Committee on Judiciary
48
- 49 **SB10-159** by Senator(s) Foster; also Representative(s) Miklosi--
50 Concerning defendant's statements at a community
51 corrections hearing.
52 Committee on Judiciary
53
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CHANGE IN SPONSORSHIP1
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The Speaker announced the following change in sponsorship:
SB10-058--Representative Gagliardi to replace Representative Ferrandino
as prime sponsor.

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the
Calendar (was)were laid over until February 18, retaining place on
Calendar:

Consideration of General Orders--**HB10-1212, 1183, 1132, 1233, 1231,
1247, 1118, 1143, SB10-053, HB10-1208, 1057, 1135, SB10-046, HB10-
1029, 1050, 1038, 1045, 1089, 1106, 1244.**

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

Consideration of Senate Amendment(s)--**HB10-1046.**

On motion of Representative Weissmann, the following item(s) on the
Calendar (was)were laid over until February 19, retaining place on
Calendar: **HB10-1054.**

On motion of Representative Weissmann, the following item(s) on the
Calendar (was)were laid over until February 22, retaining place on
Calendar: **HB10-1133.**

On motion of Representative Weissmann, the following item(s) on the
Calendar (was)were laid over until February 26, retaining place on
Calendar: **HB10-1160.**

On motion of Representative Weissmann, the House adjourned until
9:00 a.m., February 18, 2010.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk