

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Eighty-sixth Legislative Day

Thursday, April 7, 2011

1 The Speaker *Pro tempore* called the House to order at 9:00 a.m.
2
3 Prayer by His Eminence Metropolis Isaiah, Greek Orthodox Cathedral,
4 Denver.
5
6 Pledge of Allegiance led by Cooper, Hannah, and Mackenzie Gwartney,
7 Home Schooled from Aurora.
8
9 The roll was called with the following result:

10
11 Present--63.
12 Excused--Representative(s) Kagan, McKinley--2.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Joshi, the reading of the journal of
18 April 6, 2011, was declared dispensed with and approved as corrected by
19 the Chief Clerk.
20
21

CONSIDERATION OF RESOLUTION(S)

22
23
24
25 **HJR11-1014** by Representative(s) Court, Kefalas, Stephens, Conti,
26 Coram, Fields, Gardner D., Massey, Miklosi, Murray,
27 Schafer S., Swalm; also Senator(s) Foster, Spence--
28 Concerning urging the government of Turkey to uphold
29 and safeguard religious and human rights without
30 compromise.
31

32 (Printed and placed in members' file)
33

34 On motion of Representative Court, the resolution was **adopted** by **viva**
35 **voce** vote.
36

37 Co-sponsor(s) added: Representative(s) Acree, Barker, Baumgardner, Becker,
38 Beezley, Bradford, Brown, Casso, DelGrosso, Duran, Ferrandino, Fischer,
39 Gardner B., Gerou, Hamner, Holbert, Jones, Joshi, Kerr A., Kerr J., Labuda,
40 Lee, Levy, Liston, Looper, McCann, Nikkel, Pabon, Pace, Peniston, Priola,
41 Ramirez, Riesberg, Ryden, Scott, Solano, Sonnenberg, Soper, Swerdfeger,
42 Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Speaker.
43

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

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

6
7 **HB11-1157** by Representative(s) Casso--Concerning the exemption
8 from the heavy-duty diesel inspection program of heavy-
9 duty diesel vehicles based outside the program area as part
10 of a fleet registered in the program area, and making an
11 appropriation therefor.

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

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
19	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
20	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
21	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
22	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
23	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
24	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
25	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
26	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
27	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
28	Conti	Y	Kagan	E	Pace	Y	Todd	Y
29	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
30	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
31	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
32	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
33	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
34	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
35							Speaker	Y

36 Co-sponsor(s) added: Representative(s) Baumgardner, Brown, Coram, Fields,
37 Gerou, Holbert, Liston, Looper, Murray, Schafer S., Vigil.

38
39 **HB11-1282** by Representative(s) Gardner B., Kerr J., Liston; also
40 Senator(s) Carroll--Concerning the judicial public access
41 system.

42
43 As shown by the following roll call vote, a majority of all members
44 elected to the House voted in the affirmative, and Representative
45 Gardner B., was given permission to offer a Third Reading amendment:

	YES	63	NO	0	EXCUSED	2	ABSENT	0
48	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
49	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
50	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
51	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
52	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
53	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
54	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
55	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
56	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y

1	Conti	Y	Kagan	E	Pace	Y	Todd	Y
2	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
3	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
4	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
5	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
6	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
7	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
8							Speaker	Y

9
10 **Third Reading amendment No. 1**, by Representative Gardner B.

11
12 Amend engrossed bill, page 5, line 2, strike "SHALL BE JUDICIAL
13 DEPARTMENT EMPLOYEES AND TWO".

14
15 Page 5, line 3, strike "OF WHOM".

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

18	YES	63	NO	0	EXCUSED	2	ABSENT	0
19	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
20	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
21	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
22	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
23	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
24	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
25	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
26	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
27	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
28	Conti	Y	Kagan	E	Pace	Y	Todd	Y
29	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
30	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
31	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
32	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
33	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
34	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
35							Speaker	Y

36
37
38 The question being, "Shall the bill, as amended, pass?".

39 A roll call vote was taken. As shown by the following recorded vote, a
40 majority of those elected to the House voted in the affirmative, and the
41 bill, as amended, was declared **passed**.

42	YES	60	NO	3	EXCUSED	2	ABSENT	0
43	Acree	N	Fischer	Y	Liston	Y	Scott	Y
44	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
45	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
46	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
47	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
48	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
49	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
50	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
51	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
52	Conti	Y	Kagan	E	Pace	Y	Todd	Y
53	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
54	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
55	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y

1	Duran	Y	Labuda	Y	Riesberg	N	Waller	Y
2	Ferrandino	N	Lee	Y	Ryden	Y	Williams A.	Y
3	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
4							Speaker	Y

5 Co-sponsor(s) added: Representative(s) Fields, Murray, Nikkel, Wilson.

6
7 On motion of Representative Stephens, consideration of Third Reading
8 on **HB11-1141, SB11-063** was laid over until April 8, retaining place on
9 Calendar.

13 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

14
15 **HB11-1209** by Representative(s) Jones, Looper, Massey; also
16 Senator(s) Heath--Concerning the creation of a small
17 business navigator by the small business assistance center
18 under the office of economic development.

19
20 (Amended as printed in Senate Journal, March 25, page 577, and on Third
21 Reading as printed in Senate Journal March 29.)

22
23 Representative Jones moved that the House **not concur** in Senate
24 amendments and that a Conference Committee be appointed. The motion
25 was declared **passed** by the following roll call vote:

27	YES	56	NO	7	EXCUSED	2	ABSENT	0
28	Acree	N	Fischer	Y	Liston	Y	Scott	Y
29	Balmer	N	Gardner B.	Y	Looper	Y	Solano	Y
30	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y
31	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
32	Becker	N	Hamner	Y	McKinley	E	Stephens	Y
33	Beezley	N	Holbert	N	Miklosi	Y	Summers	Y
34	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
35	Brown	N	Jones	Y	Nikkel	N	Swerdfeger	Y
36	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
37	Conti	Y	Kagan	E	Pace	Y	Todd	Y
38	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
39	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
40	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
41	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
42	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
43	Fields	Y	Levy	Y	Schafer S.	Y	Wilson	Y
44							Speaker	Y

45 The Speaker appointed Representatives Jones, Chairman, Massey and
46 Looper as House conferees to the bill.

47
48
49 **HB11-1185** by Representative(s) Ramirez; also Senator(s) Mitchell--
50 Concerning the imposition of a time limit within which a
51 lienholder must provide the certificate of title to a motor
52 vehicle with evidence of release of a lien that has been
53 satisfied.

54
55 (Amended as printed in Senate Journal, April 1, page 620.)

1 Representative Ramirez moved that the House **concur** in Senate
 2 amendments. The motion was declared **passed** by the following roll call
 3 vote:

	YES	63	NO	0	EXCUSED	2	ABSENT	0
6 Acree	Y		Fischer	Y	Liston	Y	Scott	Y
7 Balmer	Y		Gardner B.	Y	Looper	Y	Solano	Y
8 Barker	Y		Gardner D.	Y	Massey	Y	Sonnenberg	Y
9 Baumgardner	Y		Gerou	Y	McCann	Y	Soper	Y
10 Becker	Y		Hamner	Y	McKinley	E	Stephens	Y
11 Beezley	Y		Holbert	Y	Miklosi	Y	Summers	Y
12 Bradford	Y		Hullinghorst	Y	Murray	Y	Swalm	Y
13 Brown	Y		Jones	Y	Nikkel	Y	Swerdfeger	Y
14 Casso	Y		Joshi	Y	Pabon	Y	Szabo	Y
15 Conti	Y		Kagan	E	Pace	Y	Todd	Y
16 Coram	Y		Kefalas	Y	Peniston	Y	Tyler	Y
17 Court	Y		Kerr A.	Y	Priola	Y	Vaad	Y
18 DelGrosso	Y		Kerr J.	Y	Ramirez	Y	Vigil	Y
19 Duran	Y		Labuda	Y	Riesberg	Y	Waller	Y
20 Ferrandino	Y		Lee	Y	Ryden	Y	Williams A.	Y
21 Fields	Y		Levy	Y	Schafer S.	Y	Wilson	Y
							Speaker	Y

22
 23
 24 The question being, "Shall the bill, as amended, pass?".
 25 A roll call vote was taken. As shown by the following recorded vote, a
 26 majority of those elected to the House voted in the affirmative, and the
 27 bill, as amended, was declared **repassed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
30 Acree	Y		Fischer	Y	Liston	Y	Scott	Y
31 Balmer	Y		Gardner B.	Y	Looper	Y	Solano	Y
32 Barker	Y		Gardner D.	Y	Massey	Y	Sonnenberg	Y
33 Baumgardner	Y		Gerou	Y	McCann	Y	Soper	Y
34 Becker	Y		Hamner	Y	McKinley	E	Stephens	Y
35 Beezley	Y		Holbert	Y	Miklosi	Y	Summers	Y
36 Bradford	Y		Hullinghorst	Y	Murray	Y	Swalm	Y
37 Brown	Y		Jones	Y	Nikkel	Y	Swerdfeger	Y
38 Casso	Y		Joshi	Y	Pabon	Y	Szabo	Y
39 Conti	Y		Kagan	E	Pace	Y	Todd	Y
40 Coram	Y		Kefalas	Y	Peniston	Y	Tyler	Y
41 Court	Y		Kerr A.	Y	Priola	Y	Vaad	Y
42 DelGrosso	Y		Kerr J.	Y	Ramirez	Y	Vigil	Y
43 Duran	Y		Labuda	Y	Riesberg	Y	Waller	Y
44 Ferrandino	Y		Lee	Y	Ryden	Y	Williams A.	Y
45 Fields	Y		Levy	Y	Schafer S.	Y	Wilson	Y
							Speaker	Y

46
 47 Co-sponsor(s) added: Representative(s) Brown, Summers, Todd, Williams A.

48
 49
 50
 51
 52 On motion of Representative Szabo, the House resolved itself into
 53 Committee of the Whole for consideration of General Orders, and she
 54 was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

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

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

HB11-1024 by Representative(s) Vigil; also Senator(s) Brophy--
Concerning the creation of an agricultural youth license to drive motor vehicles on the roadways.

Amendment No. 1, Transportation, dated January 26, 2011, and placed in member's bill file; Report also printed in House Journal, January 27, page 105.

Amendment No. 2, Appropriations, dated April 1, 2011, and placed in member's bill file; Report also printed in House Journal, April 4, page 849.

Amendment No. 3, by Representative(s) Vigil and Sonnenberg.

Amend printed bill, page 4, line 10, strike "AND".

Page 4, strike lines 11 through 17 and substitute:

"(II) RESIDES AT AN AGRICULTURAL BUSINESS OPERATED ON LAND CLASSIFIED AS AGRICULTURAL FOR LEVYING AND COLLECTING PROPERTY TAXES UNDER SECTION 39-1-103, C.R.S.; AND

(III) IS EMPLOYED BY AN AGRICULTURAL BUSINESS OPERATED ON LAND CLASSIFIED AS AGRICULTURAL FOR LEVYING AND COLLECTING PROPERTY TAXES UNDER SECTION 39-1-103, C.R.S."

Page 4, line 23, strike "EITHER".

Page 4, strike line 24 and substitute "THE REQUIREMENTS OF EITHER SUBPARAGRAPH (II) OR (III) OF PARAGRAPH (a) OF THIS".

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

HB11-1252 by Representative(s) Holbert; also Senator(s) Harvey--
Concerning the authority of the secretary of state to request proof of citizenship of any elector whose name appears in the statewide voter registration database who the secretary of state believes is not a citizen of the United States.

Amendment No. 1, State, Veterans, & Military Affairs, dated March 10, 2011, and placed in member's bill file; Report also printed in House Journal, March 11, page 628.

1 Amendment No. 2, Appropriations, dated April 1, 2011, and placed in
2 member's bill file; Report also printed in House Journal, April 4,
3 page 852.

4
5 Amendment No. 3, by Representative(s) Holbert and Balmer.

6
7 Amend printed bill, page 3, after line 25 insert:

8
9 "(E) ANY DOCUMENTATION IDENTIFIED UNDER THE FEDERAL I-9
10 EMPLOYMENT ELIGIBILITY VERIFICATION FORM."

11
12 Amendment No. 4, by Representative(s) Holbert.

13
14 Amend printed bill, page 3, line 3, strike "STATES." and substitute
15 "STATES; EXCEPT THAT NO SUCH NOTICE SHALL BE SENT AFTER THE
16 NINETY-FIRST DAY PRECEDING THE DEADLINE FOR REGISTRATION
17 SPECIFIED IN SECTION 1-2-201 (3)."

18
19 Amendment No. 5, by Representative(s) Pabon.

20
21 Amend printed bill, page 3, line 1, strike "NOTICE" and substitute
22 "NOTICE, RETURN RECEIPT REQUESTED,".

23
24 Page 3, line 6, after "NOTICE," insert "AS EVIDENCED BY THE ELECTOR'S
25 SIGNATURE OR THE SIGNATURE OF A PERSON IN THE ELECTOR'S
26 HOUSEHOLD ON THE RETURN RECEIPT CARD,".

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

30
31 On motion of Representative Waller, the remainder of the General Orders
32 Calendar (**HB11-1005, 1284, 1043, SB11-188**) was laid over until
33 April 8, retaining place on Calendar.

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36
37 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

38
39 Passed Second Reading: **HB11-1024 amended, 1252 amended.**

40
41 Laid over until date indicated retaining place on Calendar: **HB11-1005,**
42 **1284, 1043, SB11-188**--April 8, 2011.

43
44 The Chairman moved the adoption of the Committee of the Whole
45 Report. As shown by the following roll call vote, a majority of those
46 elected to the House voted in the affirmative, and the Report was
47 **adopted.**

48
49

	YES	61	NO	0	EXCUSED	4	ABSENT	0
50	Acree	Y	Fischer	Y	Liston	Y	Scott	Y
51	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y
52	Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	E
53	Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y
54	Becker	Y	Hamner	Y	McKinley	E	Stephens	Y
55	Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y
56	Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y

1	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
2	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
3	Conti	Y	Kagan	E	Pace	Y	Todd	Y
4	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
5	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
6	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
7	Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y
8	Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y
9	Fields	Y	Levy	Y	Schafer S.	E	Wilson	Y
10							Speaker	Y

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

17
18 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

21
22 **SB11-090** be amended as follows, and as so amended, be referred to
23 the Committee on Appropriations with favorable
24 recommendation:

25
26 Amend reengrossed bill, page 2, strike lines 12 through 17 and substitute:

27
28 "SECTION 2. 24-34-104 (49.5), Colorado Revised Statutes, is
29 amended to read:

30
31 **24-34-104. General assembly review of regulatory agencies**
32 **and functions for termination, continuation, or reestablishment.**
33 (49.5) The following agencies, functions, or both, shall terminate on
34 September 1, 2018:

35
36 (a) The automobile theft prevention authority and the automobile
37 theft prevention board, created in section 42-5-112, C.R.S.;

38
39 (b) THE ISSUANCE OF PERMITS FOR SPECIFIC WEATHER
40 MODIFICATION OPERATIONS THROUGH THE EXECUTIVE DIRECTOR OF THE
41 DEPARTMENT OF NATURAL RESOURCES IN ACCORDANCE WITH ARTICLE 20
42 OF TITLE 36, C.R.S.

43
44 **SECTION 3.** 36-20-127, Colorado Revised Statutes, is amended
45 to read:

46
47 **36-20-127. Repeal of article.** This article is repealed, effective
48 ~~July 1, 2011~~ SEPTEMBER 1, 2018. Prior to such repeal, the function of the
49 issuance of permits for specific weather modifications operations through
50 the director shall be reviewed as provided for in section 24-34-104,
51 C.R.S."

52
53 Renumber succeeding sections accordingly.

54
55 Page 1, line 103, strike "A" and substitute "THE".

1 Page 1, line 104, strike "RECOMMENDATION" and substitute
2 "RECOMMENDATIONS".

3

4 Page 1, strike lines 105 and 106 and substitute "AGENCIES".

5

6

7

8

9 **FINANCE**

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

12

13 **HB11-1255** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:

16

17 Amend printed bill, page 3, line 10, strike "ENERGY" and substitute
18 "ENERGY, INCLUDING, WITHOUT LIMITATION, SOLAR, WIND, GEOTHERMAL,
19 AND OTHER RENEWABLE FORMS OF ENERGY, BIODIESEL, BIOGAS, ETHANOL,
20 AND OTHER FORMS OF ENERGY DERIVED FROM BIOMASS, FUEL CELLS, AND
21 ZERO-EMISSIONS GENERATION TECHNOLOGY,".

22

23 Page 4, after line 5 insert:

24

25 "(1) "ALTERNATIVE ENERGY" MEANS AND INCLUDES, BUT IS NOT
26 LIMITED TO, ANY OF THE FOLLOWING FUELS THAT ARE THEMSELVES
27 MANUFACTURED OR SYNTHESIZED AND ENERGY DERIVED FROM ANY OF
28 THE FOLLOWING:

29

30 (a) NATURAL GAS;

31

32 (b) BIODIESEL;

33

34 (c) BIOMASS RESOURCES SUCH AS BIOGAS, INCLUDING METHANE
35 THAT HAS BEEN PRODUCED BIOGENICALLY IN GEOLOGIC STRATA AS A
36 RESULT OF HUMAN INTERVENTION AND THAT DOES NOT INVOLVE
37 ADDITIONAL LAND DISTURBANCE, AGRICULTURAL OR ANIMAL WASTE,
38 SMALL DIAMETER TIMBER OR ANY TIMBER HARVESTED PURSUANT TO A
39 WATERSHED PROTECTION PROJECT OR FOREST HEALTH PROJECT, SALT
40 CEDAR, OTHER NONNATIVE INVASIVE PHREATOPHYTE VEGETATION
41 REMOVED FROM RIVER BASINS OR WATERSHEDS IN COLORADO, LANDFILL
42 GAS, AND ANAEROBICALLY DIGESTED WASTE BIOMASS; EXCEPT THAT
43 BIOMASS RESOURCES DO NOT INCLUDE ENERGY GENERATED BY USE OF
44 FOSSIL FUEL;

45

46 (d) ETHANOL;

47

48 (e) FUEL CELLS THAT DO NOT USE FOSSIL FUELS;

49

50 (f) ZERO-EMISSIONS GENERATION TECHNOLOGY, INCLUDING
51 EMISSION OF CARBON DIOXIDE, WITH LONG-TERM PRODUCTION POTENTIAL;

52

53 (g) RENEWABLE RESOURCES, INCLUDING, BUT NOT LIMITED TO,
54 SOLAR, WIND, AND GEOTHERMAL RESOURCES; OR

55

56 (h) THE IGCC PROJECT DEFINED IN SECTION 40-2-123 (2) (b) (I),

1 C.R.S."

2

3 Renumber succeeding subsections accordingly.

4

5 Page 4, line 19, strike "CLEAN ENERGY AS DEFINED IN SECTION".

6

7 Page 4, strike line 20 and substitute "ALTERNATIVE ENERGY".

8

9 Page 4, strike line 26 and substitute:

10

11 "(I) ALTERNATIVE ENERGY;"

12

13 Page 6, line 25, after "OTHER" insert "UNITED STATES ENVIRONMENTAL
14 PROTECTION AGENCY".

15

16 Page 6, line 27, after "DIRECTOR." add "'ENERGY-EFFICIENT MODE OF
17 TRANSPORTATION" ALSO INCLUDES ANY VEHICLE OWNED OR OPERATED BY
18 A BUSINESS THAT IS AN APPROVED SMARTWAY TRANSPORT CARRIER OR
19 SMARTWAY SHIPPER AS DEFINED BY THE ENVIRONMENTAL PROTECTION
20 AGENCY."

21

22 Page 7, line 2, after "FEEDLOT," insert "DISTRIBUTION CENTER,
23 TERMINAL,"

24

25 Page 7, line 6, after "FACILITY." add "ANY BUILDING OR COMPLEX OF
26 BUILDINGS SHALL NOT BE A FACILITY FOR THE PURPOSES OF THIS PART 4
27 IF THE PRIMARY USE OF THE BUILDING OR COMPLEX OF BUILDINGS IS
28 EITHER RETAIL OR RESIDENTIAL."

29

30 Page 8, line 6, after "AUTHORITY," insert "SCHOOL DISTRICT,"

31

32 Page 8, line 10, strike "(1)" and substitute "(2)".

33

34 Page 8, strike lines 15 through 19 and substitute:

35

36 (2) (a) A LOCAL GOVERNMENT OR THE DIRECTOR MAY INCLUDE
37 SUCH AREAS AS IT DEEMS APPROPRIATE WITHIN AN APPLICATION FOR
38 APPROVAL OF A NEW ALTERNATIVE ENERGY PARK OR EXPANSION OF AN
39 EXISTING ALTERNATIVE ENERGY PARK. EACH PUBLIC BODY WITH
40 JURISDICTION OVER ALL OR ANY PORTION OF THE TERRITORY INCLUDED IN
41 THE APPLICATION SHALL BE OFFERED THE OPPORTUNITY TO JOIN IN THE
42 APPLICATION AND TO CONSENT TO THE USE OF ITS AD VALOREM PROPERTY
43 TAXES AND SALES TAXES AS PROVIDED IN THIS PART 4 NOT LESS THAN
44 SIXTY DAYS PRIOR TO SUBMISSION OF THE APPLICATION TO THE
45 COMMISSION. THE NOTICE SHALL BE PROVIDED IN WRITING AND
46 DELIVERED BY FIRST-CLASS MAIL TO THE GOVERNING BODY OF EACH
47 PUBLIC BODY OR TO THE DIRECTOR IN THE CASE OF THE STATE. IF A PUBLIC
48 BODY DOES NOT RESPOND TO A NOTICE WITHIN TWENTY DAYS OF THE DATE
49 THE NOTICE IS MAILED, IT SHALL BE DEEMED TO HAVE ELECTED NOT TO
50 JOIN IN THE APPLICATION AND NO PORTION OF ITS AD VALOREM PROPERTY
51 TAXES OR ITS SALES TAXES MAY BE USED AS OTHERWISE PROVIDED IN THIS
52 PART 4.

53

54 (b) A PUBLIC BODY MAY AGREE IN WRITING TO THE USE OF ALL OR
55 A PORTION OF ITS AD VALOREM PROPERTY TAXES OR ITS SALES TAXES AS
56 DESCRIBED IN SECTION 24-46-407 WITHOUT JOINING AN APPLICATION FOR

1 APPROVAL OF A NEW ALTERNATIVE ENERGY PARK OR EXPANSION OF AN
2 EXISTING ALTERNATIVE ENERGY PARK; EXCEPT THAT NO SCHOOL DISTRICT
3 MAY AGREE TO THE USE OF ANY PORTION OF ITS AD VALOREM PROPERTY
4 TAX REVENUE THAT IS PART OF THE DISTRICT SHARE OF THE DISTRICT'S
5 TOTAL PROGRAM AS DESCRIBED IN SECTION 22-54-106, C.R.S."

6
7 Page 8, line 22, strike "PARK." and substitute "PARK AND THE
8 APPLICATION FEE TO BE PAID IN CONNECTION WITH ANY APPLICATION,
9 WHICH SHALL BE SET AT AN AMOUNT REASONABLY CALCULATED TO
10 COVER THE COMMISSION'S EXPENSES IN PROCESSING AN APPLICATION. THE
11 COMMISSION MAY ALSO SEEK AND ACCEPT GIFTS, GRANTS, AND
12 DONATIONS FOR THE PURPOSE OF DEFRAYING ITS ADMINISTRATIVE
13 EXPENSES INCURRED IN THE ADMINISTRATION OF THIS PART 4. ALL
14 APPLICATION FEES, GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE
15 COMMISSION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO
16 SHALL CREDIT THEM TO THE ALTERNATIVE ENERGY PARK ADMINISTRATION
17 CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. THE
18 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY
19 THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS
20 ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 4."

21
22 Page 8, line 23, strike "LOCAL GOVERNMENT" and substitute "PUBLIC
23 BODY".

24
25 Page 11, line 13, after "REVENUE." add "WITH RESPECT TO ANY PUBLIC
26 BODY THAT HAS NOT YET ADVISED THE APPLICANT AS TO WHETHER IT
27 INTENDS TO EXEMPT OR LIMIT ITS PORTION OF PROPERTY TAXES OR SALES
28 TAXES FROM THE PROVISIONS OF SECTION 24-46-407, THE APPLICATION
29 SHALL ADDRESS THE IMPACT THAT ANY SUCH EXEMPTION OR LIMITATION
30 WOULD HAVE ON ITS FINANCING PLAN."

31
32 Page 11, line 26, strike "PARK, AND" and substitute "PARK BY EACH
33 PUBLIC BODY THAT HAS JOINED IN THE APPLICATION,".

34
35 Page 11, line 27, strike "ENTITY." and substitute "ENTITY, AND
36 SUPPORTING DOCUMENTATION FROM EACH PUBLIC BODY THAT HAS
37 AGREED TO THE USE OF ALL OR A PORTION OF ITS TAX REVENUES BY THE
38 FINANCING ENTITY."

39
40 Page 14, strike lines 6 through 8 and substitute:

41
42 "(a) THE PARK CONTAINS ONE OR MORE EXISTING OR PLANNED
43 ALTERNATIVE ENERGY FACILITIES WITH AN AGGREGATE CONSTRUCTION OR
44 REPLACEMENT COST OF NOT LESS THAN TWO MILLION FIVE HUNDRED
45 THOUSAND DOLLARS, BUT NO PLANNED FACILITY SHALL BE COUNTED
46 TOWARD SATISFACTION OF THIS REQUIREMENT UNLESS THE COMMISSION
47 DETERMINES THAT THE PLANS FOR THE FACILITY ARE LIKELY TO BE
48 ACHIEVED IF THE PARK IS APPROVED;"

49
50 Page 15, after line 9 insert:

51
52 "(7) THE COMMISSION SHALL NOT APPROVE AN APPLICATION IF
53 ANY PORTION OF A PROPOSED ALTERNATIVE ENERGY PARK OR A PROPOSED
54 EXPANSION OF AN EXISTING ALTERNATIVE ENERGY PARK IS LOCATED
55 WITHIN A JURISDICTION THAT HAS ESTABLISHED AN URBAN RENEWAL
56 AUTHORITY AND THE APPROVAL OF AN URBAN RENEWAL PLAN IN THE

1 SAME LOCATION WOULD BE PROHIBITED BY SECTION 31-25-107 (1) (c) (II)
2 OR (1) (c) (III), C.R.S."
3

4 Page 15, strike lines 18 to 25 and substitute "DIRECTOR SHALL FORWARD
5 THE APPLICATION TO ANY PUBLIC BODY LOCATED WITHIN ONE MILE OF THE
6 PROPOSED ALTERNATIVE ENERGY PARK FOR AN OPPORTUNITY TO REVIEW
7 THE APPLICATION AND SUBMIT COMMENTS TO THE COMMISSION. THE
8 DIRECTOR SHALL PROVIDE THE APPLICATION TO THE PUBLIC BODIES AT
9 LEAST THIRTY DAYS PRIOR TO".

10

11 Page 16, line 19, after "REVENUE" insert "AVAILABLE TO THE FINANCING
12 ENTITY".

13

14 Page 17, after line 18 insert:

15

16 "(5) IN CALCULATING AND MAKING PAYMENTS AS DESCRIBED IN
17 SUBSECTION (4) OF THIS SECTION, A COUNTY TREASURER MAY OFFSET A
18 PRO RATA PORTION OF ANY PROPERTY TAXES THAT ARE PAID TO THE
19 FINANCING ENTITY PURSUANT TO SAID SUBSECTION (4) AND THAT ARE
20 SUBSEQUENTLY REFUNDED TO A TAXPAYER AGAINST ANY SUBSEQUENT
21 PAYMENTS DUE TO THE FINANCING ENTITY FOR THE ALTERNATIVE ENERGY
22 PARK PROJECT. THE FINANCING ENTITY SHALL MAKE ADEQUATE
23 PROVISION FOR THE RETURN OF OVERPAYMENTS IF THERE ARE NOT
24 SUFFICIENT PROPERTY TAXES DUE TO THE FINANCING ENTITY TO OFFSET
25 ITS PRO RATA PORTION OF THE REFUNDS. THE FINANCING ENTITY MAY
26 ESTABLISH A RESERVE FUND FOR THIS PURPOSE OR ENTER INTO AN
27 INTERGOVERNMENTAL AGREEMENT WITH OTHER LOCAL GOVERNMENT
28 APPLICANTS TO SHARE RESPONSIBILITY FOR THE RETURN OF THE
29 OVERPAYMENTS. ANY PLEDGE OF TAX REVENUES BY A FINANCING ENTITY
30 SHALL NOT EXTEND TO TAXES PLACED IN A RESERVE FUND FOR THE
31 RETURN OF OVERPAYMENTS."
32

33

34 Renumber succeeding subsection accordingly.

35

36 Page 17, after line 26 insert:

37

38 "(7) (a) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO
39 AUTHORIZE INTERFERENCE WITH THE CERTIFICATED SERVICE TERRITORY
40 RIGHTS OF A PUBLIC UTILITY OR TO OTHERWISE INTERFERE WITH THE
41 CONTRACT RIGHTS OF A WHOLESALE POWER SUPPLIER WITH THE PUBLIC
42 UTILITY.

43

44 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
45 IF AGRICULTURAL LAND IS INCLUDED WITHIN AN ALTERNATIVE ENERGY
46 PARK, THE COUNTY ASSESSOR SHALL VALUE THE AGRICULTURAL LAND AT
47 ITS FAIR MARKET VALUE IN MAKING THE CALCULATION OF THE AD
48 VALOREM PROPERTY TAXES TO BE PAID TO PUBLIC BODIES PURSUANT TO
49 SECTION 24-46-407 SOLELY FOR THE PURPOSE OF DETERMINING THE
50 AMOUNT OF TAX INCREMENT REVENUE AVAILABLE PURSUANT TO SAID
51 SECTION. NOTHING IN THIS PARAGRAPH (b) SHALL AFFECT THE ACTUAL
52 CLASSIFICATION, OR REQUIRE RECLASSIFICATION, OF AGRICULTURAL LAND
53 FOR PROPERTY TAX PURPOSES, AND NOTHING IN THIS SECTION SHALL
54 AFFECT THE TAXES ACTUALLY TO BE PAID TO THE PUBLIC BODIES
55 PURSUANT TO SECTION 24-46-407, WHICH SHALL CONTINUE TO BE BASED
56 ON THE AGRICULTURAL CLASSIFICATION OF SUCH LAND UNLESS AND UNTIL
IT HAS BEEN RECLASSIFIED IN THE NORMAL COURSE OF THE ASSESSMENT

1 PROCESS."

2

3 Page 18, strike lines 8 through 27.

4

5 Page 19, strike lines 1 and 2 and substitute:

6

7 "(a) IF THE APPLICANT LOCAL GOVERNMENT IS A SINGLE PUBLIC
8 BODY:

9

10 (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
11 SECTION, TWO MEMBERS APPOINTED BY THE PUBLIC BODY; AND

12

13 (II) THREE MEMBERS APPOINTED BY THE COMMISSION;

14

15 (b) IF THE APPLICANT LOCAL GOVERNMENT INCLUDES TWO PUBLIC
16 BODIES:

17

18 (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
19 SECTION, ONE MEMBER APPOINTED BY EACH PUBLIC BODY THAT HAS
20 COMMITTED ALL OR A PORTION OF ITS TAX REVENUES IN ACCORDANCE
21 WITH SECTION 24-46-404 (2), FOR A TOTAL OF TWO MEMBERS;

22

23 (II) TWO MEMBERS APPOINTED BY THE COMMISSION WHO ARE
24 OWNERS OF AN ALTERNATIVE ENERGY CONTRIBUTING FACILITY LOCATED
25 WITHIN THE ALTERNATIVE ENERGY PARK; AND

26

27 (III) ONE MEMBER APPOINTED BY THE COMMISSION WHO IS EITHER
28 AN OWNER OF AN ALTERNATIVE ENERGY CONTRIBUTING FACILITY OR AN
29 OWNER OF AN INDUSTRIAL OR BUSINESS PARK LOCATED WITHIN THE
30 ALTERNATIVE ENERGY PARK;

31

32 (c) IF THE APPLICANT LOCAL GOVERNMENT INCLUDES THREE OR
33 MORE PUBLIC BODIES:

34

35 (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
36 SECTION, ONE MEMBER APPOINTED BY EACH PUBLIC BODY THAT HAS
37 COMMITTED ALL OR A PORTION OF ITS TAX REVENUES IN ACCORDANCE
38 WITH SECTION 24-46-404 (2);".

39

40 Page 19, after line 11 insert:

41

42 "(3) A PUBLIC BODY SHALL NOT BE ENTITLED TO APPOINT A
43 MEMBER OF AN ALTERNATIVE ENERGY PARK BOARD UNLESS THE LOCAL
44 GOVERNMENT HAS ELECTED TO COMMIT ALL OR A PORTION OF ITS TAX
45 REVENUES IN ACCORDANCE WITH SECTION 24-46-404 (2)."

46

47 Renumber succeeding subsections accordingly.

48

49 Page 20, line 1, strike "METROPOLITAN DISTRICT" and substitute
50 "FINANCING ENTITY".

51

52 Page 20, line 6, strike "METROPOLITAN DISTRICT" and substitute
53 "FINANCING ENTITY".

54

55 Page 21, line 27, strike "(1) (a) NOTWITHSTANDING" and substitute
56 "(1) EACH PUBLIC BODY ENTITLED TO RECEIVE A PORTION OF THE AD

1 VALOREM PROPERTY TAXES OR SALES TAXES COLLECTED WITHIN A
2 PROPOSED ALTERNATIVE ENERGY PARK OR WITHIN THE PROPOSED
3 EXPANSION AREA OF AN ALTERNATIVE ENERGY PARK MAY ELECT TO LIMIT
4 THE PERCENTAGE OF ITS PORTION OF THE AD VALOREM PROPERTY TAXES
5 OR SALES TAXES THAT IS SUBJECT TO THIS SECTION AND TO LIMIT THE
6 DURATION OF TIME THAT ITS PORTION OF THE AD VALOREM PROPERTY
7 TAXES OR SALES TAXES SHALL BE SUBJECT TO THIS SECTION. IF A PUBLIC
8 BODY MAKES SUCH AN ELECTION, THE PROVISIONS OF THIS SECTION SHALL
9 APPLY ONLY TO THE PERCENTAGE AND FOR THE DURATION SPECIFIED IN
10 THE ELECTION. AN ELECTION MADE PURSUANT TO THIS SUBSECTION (1)
11 SHALL BE MADE IN WRITING TO THE APPLICANT FOR APPROVAL OF A NEW
12 ALTERNATIVE ENERGY PARK OR EXPANSION OF AN EXISTING ALTERNATIVE
13 ENERGY PARK AND INCLUDED BY THE APPLICANT IN THE APPLICATION. A
14 PUBLIC BODY THAT DOES NOT NOTIFY THE APPLICANT IN WRITING OF THE
15 ELECTION PRIOR TO THE HEARING ON THE APPLICATION SHALL BE DEEMED
16 TO HAVE MADE AN ELECTION TO EXEMPT ALL OF ITS PORTION OF THE AD
17 VALOREM OR SALES TAXES COLLECTED WITHIN THE PARK.

18
19 (2) (a) NOTWITHSTANDING".

20
21 Renumber succeeding subsections accordingly.

22
23 Page 22, line 23, strike "LOCAL GOVERNMENT;" and substitute "PUBLIC
24 BODY;".

25
26 Page 23, line 5, strike "(3)" and substitute "(4)".

27
28 Page 24, line 12, strike "THE" and substitute "A".

29
30 Page 24, line 17, strike "(1)" and substitute "(2)".

31
32 Page 25, line 7, strike "(1)." and substitute "(2)".

33
34 Page 25, line 11, strike "(1)," and substitute "(2),".

35
36 Page 25, line 14, strike "(1)," and substitute "(2),".

37
38 Page 25, line 16, strike "(1)" and substitute "(2)".

39
40 Page 25, line 20, strike "(1)," and substitute "(2),".

41
42 Page 26, line 11, strike "(1)" and substitute "(2)".

43
44 Page 26, line 20, strike "(1)" and substitute "(2)".

45
46 Page 33, line 23, strike "MUNICIPALITY, OR IN ANOTHER MEDIUM OF
47 PUBLICATION AS THE".

48
49 Page 33, line 24, strike "FINANCING ENTITY MAY DEEM APPROPRIATE," and
50 substitute "COUNTY IN WHICH THE ALTERNATIVE ENERGY PARK IS
51 LOCATED".

52
53 Page 37, after line 17 insert:

54
55 (5) (a) ANY FINANCING ENTITY THAT PROVIDES OVERSIGHT,
56 MANAGEMENT, OR OTHER ADMINISTRATIVE SERVICES TO A PROGRAM,

1 PROJECT, OR ORGANIZATION THAT HAS BEEN APPROVED BY THE
2 COLORADO ECONOMIC DEVELOPMENT COMMISSION FOR PURPOSES OF THE
3 CONTRIBUTION TAX CREDIT, AS DESCRIBED IN THIS SECTION, IS
4 AUTHORIZED TO CHARGE REASONABLE FEES TO PROGRAMS, PROJECTS, AND
5 ORGANIZATIONS AS DESCRIBED IN THIS SECTION. EACH FINANCING ENTITY
6 THAT CHARGES ADMINISTRATIVE FEES PURSUANT TO THIS PARAGRAPH (a)
7 SHALL ESTABLISH A REASONABLE POLICY REGARDING THE IMPOSITION OF
8 SUCH FEES AND SHALL SUBMIT THE POLICY TO THE COLORADO ECONOMIC
9 DEVELOPMENT COMMISSION FOR REVIEW AND APPROVAL.

10

11 (b) THE COLORADO ECONOMIC DEVELOPMENT COMMISSION SHALL
12 REVIEW THE ADMINISTRATIVE FEE POLICY ESTABLISHED BY A FINANCING
13 ENTITY AND SHALL APPROVE THE POLICY OR REQUIRE THAT THE
14 FINANCING ENTITY MAKE MODIFICATIONS TO THE POLICY AS SPECIFIED BY
15 THE COMMISSION BEFORE APPROVING THE POLICY."

16

17 Renumber succeeding subsection accordingly.

18

19 Page 37, after line 20 insert:

20

21 **"39-30-103.7. Pre-certification for alternative energy park**
22 **credits.** (1) FOR EACH YEAR IN WHICH A TAXPAYER INTENDS TO CLAIM
23 AN INCOME TAX CREDIT PURSUANT TO SECTION 39-30-104.5, 39-30-105.2,
24 39-30-105.3, OR 39-30-105.4, BEFORE THE TAXPAYER ENGAGES IN ANY
25 ACTIVITY FOR WHICH IT INTENDS TO CLAIM THE CREDIT, AN AUTHORIZED
26 COMPANY OFFICIAL OF THE TAXPAYER'S BUSINESS OR THE TAXPAYER WHO
27 IS THE OWNER OF THE BUSINESS SHALL SUBMIT A PRE-CERTIFICATION FORM
28 TO THE FINANCING ENTITY FOR THE ALTERNATIVE ENERGY AUTHORITY
29 AND OBTAIN A CERTIFICATION FROM THE FINANCING ENTITY THAT THE
30 TAXPAYER'S BUSINESS IS LOCATED IN THE ALTERNATIVE ENERGY PARK. IN
31 CONNECTION WITH THE PRE-CERTIFICATION, THE TAXPAYER SHALL:

32

33 (a) OBTAIN VERIFICATION FROM THE FINANCING ENTITY THAT THE
34 TAXPAYER'S BUSINESS IS LOCATED IN AN ALTERNATIVE ENERGY PARK;

35

36 (b) CERTIFY THAT THE TAXPAYER IS AWARE OF THE ALTERNATIVE
37 ENERGY PARK INCOME TAX CREDITS ALLOWED PURSUANT TO THIS
38 ARTICLE;

39

40 (c) CERTIFY THAT THE ALTERNATIVE ENERGY PARK INCOME TAX
41 CREDITS ALLOWED PURSUANT TO THIS ARTICLE ARE A CONTRIBUTING
42 FACTOR TO THE START-UP, EXPANSION, OR RELOCATION OF THE
43 TAXPAYER'S BUSINESS IN THE ALTERNATIVE ENERGY PARK; AND

44

45 (d) CERTIFY THAT THE TAXPAYER ACKNOWLEDGES THAT THE
46 PRE-CERTIFICATION REQUIRED PURSUANT TO THIS SECTION IS FOR
47 ACTIVITIES THAT SHALL COMMENCE AFTER THE DATE THAT THE
48 PRE-CERTIFICATION FORM IS EXECUTED BY THE ALTERNATIVE ENERGY
49 AUTHORITY THROUGH THE END OF THE BUSINESS'S THEN-CURRENT INCOME
50 TAX YEAR.

51

52 (2) THE DEPARTMENT OF REVENUE SHALL DEVELOP FORMS TO BE
53 USED TO CLAIM AN INCOME TAX CREDIT PURSUANT TO THIS ARTICLE.

54

55 **39-30-103.8. Alternative energy parks - measurement of**
56 **outcomes with specific verifiable data.** (1) FOR ANY AREA DESIGNATED

1 AS AN ALTERNATIVE ENERGY PARK OR AS A PORTION OF AN ALTERNATIVE
2 ENERGY PARK PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24, C.R.S.,
3 THE COLORADO ECONOMIC DEVELOPMENT COMMISSION SHALL WORK WITH
4 THE FINANCING ENTITY FOR THE ALTERNATIVE ENERGY PARK TO ENSURE
5 THAT THE AREA HAS SPECIFIC ECONOMIC DEVELOPMENT OBJECTIVES WITH
6 OUTCOMES THAT CAN BE MEASURED WITH SPECIFIC, VERIFIABLE DATA.
7 THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
8 SHALL REQUIRE THE FINANCING ENTITY FOR EACH ALTERNATIVE ENERGY
9 PARK TO SUBMIT ANNUAL DOCUMENTATION OF EFFORTS TO IMPROVE
10 CONDITIONS IN AREAS DESIGNATED AS ALTERNATIVE ENERGY PARKS AND
11 THE RESULTS OF THOSE EFFORTS. THE ANNUAL DOCUMENTATION SHALL
12 INCLUDE SPECIFIC, VERIFIABLE DATA THAT CAN BE USED TO MEASURE
13 WHETHER THE ALTERNATIVE ENERGY PARK HAS ACHIEVED THE SPECIFIC
14 ECONOMIC DEVELOPMENT OBJECTIVES FOR THE ALTERNATIVE ENERGY
15 PARK THAT HAVE MEASURABLE OUTCOMES. IN ORDER FOR THE
16 COMMISSION TO DETERMINE IF THE ALTERNATIVE ENERGY PARKS OR
17 PORTIONS THEREOF ARE ACHIEVING THE SPECIFIC ECONOMIC
18 DEVELOPMENT OBJECTIVES SUBMITTED PURSUANT TO THIS SECTION, THE
19 ANNUAL DOCUMENTATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
20 THE MOST RECENT STATISTICS AVAILABLE FOR COMPANIES CLAIMING
21 ALTERNATIVE ENERGY PARK TAX CREDITS ON:

22
23 (a) THE NUMBER OF JOBS CREATED IN THE ALTERNATIVE ENERGY
24 PARK AND THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM
25 (NAICS) CODE OF EACH COMPANY REPORTING THE CREATION OF JOBS
26 WITHIN THE ALTERNATIVE ENERGY PARK;

27
28 (b) THE NUMBER OF JOBS RETAINED IN THE ALTERNATIVE ENERGY
29 PARK;

30
31 (c) THE AVERAGE ANNUAL COMPENSATION LEVEL, INCLUDING
32 BENEFITS, OF THE JOBS CREATED OR RETAINED WITHIN THE ALTERNATIVE
33 ENERGY PARK, CATEGORIZED BY FULL-TIME PERMANENT, PART-TIME,
34 TEMPORARY, AND CONTRACT JOBS;

35
36 (d) THE NUMBER OF EMPLOYEES FROM OUTSIDE THE ALTERNATIVE
37 ENERGY PARK TRANSFERRED TO A FACILITY WITHIN THE ALTERNATIVE
38 ENERGY PARK;

39
40 (e) AN ANALYSIS OF CAPITAL INVESTMENT IN THE ALTERNATIVE
41 ENERGY PARK INCLUDING:

42
43 (I) THE NUMBER AND AMOUNT OF QUALIFIED REHABILITATION
44 EXPENSES MADE ON REHABILITATED VACANT BUILDINGS;

45
46 (II) THE AMOUNT OF INVESTMENT IN QUALIFYING PROPERTY FOR
47 WHICH TAX CREDITS WERE CLAIMED PURSUANT TO SECTION 39-30-104.5;

48
49 (f) THE NUMBER OF EMPLOYEES EMPLOYED IN NEW OR EXPANDED
50 BUSINESS FACILITIES FOR WHICH A TAX CREDIT IS CLAIMED PURSUANT TO
51 SECTION 39-30-105.2;

52
53 (g) THE AMOUNT OF INVESTMENT TAX CREDITS CLAIMED
54 PURSUANT TO SECTION 39-30-104.5 AND THE AMOUNT OF TAX CREDITS
55 CLAIMED FOR NEW BUSINESS FACILITY EMPLOYEES PURSUANT TO SECTION
56 39-30-105.2; AND

1 (h) ANY OTHER INFORMATION REASONABLY REQUIRED BY THE
2 FINANCING ENTITY, THE DIRECTOR OF THE COLORADO OFFICE OF
3 ECONOMIC DEVELOPMENT, OR THE COLORADO ECONOMIC DEVELOPMENT
4 COMMISSION TO EVALUATE THE EFFECTIVENESS OF EACH ALTERNATIVE
5 ENERGY PARK IN ACCOMPLISHING THE SPECIFIC MEASURABLE OBJECTIVES
6 OF THE ALTERNATIVE ENERGY PARK."

7
8 Page 38, line 15, strike "IN" and substitute "BY".

9
10 Page 41, line 6, strike "SPENDS NO".

11
12 Page 41, strike line 7.

13
14 Page 41, line 8, strike "BUSINESS FACILITY OF THE EMPLOYER OTHER
15 THAN" and substitute "IS BASED OUT OF, DISPATCHED OUT OF, AND
16 OPERATES OUT OF".

17
18 Page 44, line 21, strike "(2)," and substitute "(3),".

19
20 Page 46, line 9, strike "(3)," and substitute "(4),".

21
22 Page 46, line 11, strike "(4)," and substitute "(5),".

23
24 Page 50, line 11, strike "CLEAN ENERGY, AS DEFINED IN SECTION
25 40-9.7-103 (5),".

26
27 Page 50, line 12, strike "C.R.S.," and substitute "ALTERNATIVE ENERGY".

28
29 Page 52, line 12, strike "(2)," and substitute "(3),".

30
31 Page 52, line 14, strike "(4)," and substitute "(5),".

32
33 Page 53, line 22, strike "(2)," and substitute "(3),".

34
35 Page 53, line 24, strike "(4)," and substitute "(5),".

36
37 Page 53, line 26, strike "(11)," and substitute "(12),".

38
39 Page 55, line 19, strike "(2)," and substitute "(3),".

40
41 Page 55, line 21, strike "(4)," and substitute "(5),".

42
43 Page 57, line 9, strike "(4)," and substitute "(5),".

44
45 Page 57, after line 13 insert:

46
47 **SECTION 3.** 29-2-105 (1) (d) (I) (A), Colorado Revised
48 Statutes, is amended to read:

49
50 **29-2-105. Contents of sales tax ordinances and proposals.**
51 (1) The sales tax ordinance or proposal of any incorporated town, city,
52 or county adopted pursuant to this article shall be imposed on the sale of
53 tangible personal property at retail or the furnishing of services, as
54 provided in paragraph (d) of this subsection (1). Any countywide or
55 incorporated town or city sales tax ordinance or proposal shall include the
56 following provisions:

1 (d) (I) A provision that the sale of tangible personal property and
2 services taxable pursuant to this article shall be the same as the sale of
3 tangible personal property and services taxable pursuant to section
4 39-26-104, C.R.S., except as otherwise provided in this paragraph (d).
5 The sale of tangible personal property and services taxable pursuant to
6 this article shall be subject to the same sales tax exemptions as those
7 specified in part 7 of article 26 of title 39, C.R.S.; except that the sale of
8 the following may be exempted from a town, city, or county sales tax only
9 by the express inclusion of the exemption either at the time of adoption
10 of the initial sales tax ordinance or resolution or by amendment thereto:

11
12 (A) The exemption for sales of machinery or machine tools
13 specified in ~~section 39-26-709 (1)~~ SECTIONS 39-26-709 (1) AND
14 39-30-106.5 (1), C.R.S.;

15
16 **SECTION 4.** 39-30-110 (1), Colorado Revised Statutes, is
17 amended to read:

18
19 **39-30-110. Electronic submissions.** (1) The Colorado office of
20 economic development shall collaborate with the Colorado economic
21 development commission and the department of revenue to develop the
22 capability to allow taxpayers that intend to claim one or more income tax
23 credits pursuant to this article to obtain any necessary certification,
24 including pre-certification requirements, from the enterprise zone
25 administrator OR FROM AN ALTERNATIVE ENERGY PARK FINANCING ENTITY
26 in an electronic format. The Colorado office of economic development
27 shall implement the electronic submission system by January 1, 2013. If
28 the Colorado office of economic development is unable to implement an
29 electronic submission system by January 1, 2013, the office shall submit
30 a report to the Colorado economic development commission and the
31 general assembly that explains the reasons that the implementation of
32 such system has not been accomplished.

33
34 **SECTION 5.** 39-30-111 (3), Colorado Revised Statutes, is
35 amended to read:

36
37 **39-30-111. Department of revenue - enterprise zone data -**
38 **electronic filing - submission of carry forward schedule.** (3) For the
39 2012 income tax year and each income tax year thereafter, the department
40 of revenue shall aggregate and report data on all of the income tax credits
41 that are claimed pursuant to this article for each income tax year. The
42 department shall categorize such aggregated data by the date that the
43 income tax credit was certified by an enterprise zone administrator OR AN
44 ALTERNATIVE ENERGY PARK FINANCING ENTITY, the specific income tax
45 credit allowed pursuant to this article that each taxpayer was authorized
46 to claim, and the total amount of the income tax credits claimed for each
47 income tax credit allowed pursuant to this article.

48
49 **SECTION 6.** 39-30-112, Colorado Revised Statutes, is amended
50 to read:

51
52 **39-30-112. Data provided to department of revenue.** (1) On
53 or before September 30 of each calendar year, the director of the
54 Colorado office of economic development or the director's designee shall
55 transmit to the department of revenue the data regarding income tax
56 credits allowed pursuant to this article that are certified by enterprise zone

1 administrators AND ALTERNATIVE ENERGY PARK FINANCING ENTITIES from
2 January 1 through June 30 of the same calendar year.

3

4 (2) On or before March 31 of each calendar year, the director of
5 the Colorado office of economic development or the director's designee
6 shall transmit to the department of revenue the data regarding income tax
7 credits allowed pursuant to this article that are certified by enterprise zone
8 administrators AND ALTERNATIVE ENERGY PARK FINANCING ENTITIES from
9 July 1 through December 31 of the previous calendar year.

10

11 **SECTION 7.** 39-21-113 (22), Colorado Revised Statutes, is
12 amended to read:

13

14 **39-21-113. Reports and returns - repeal.** (22) Notwithstanding
15 the provisions of this section, the executive director shall supply the
16 Colorado office of economic development with information relating to
17 the actual amount of any enterprise zone tax credit AND ANY
18 ALTERNATIVE ENERGY PARK TAX CREDIT claimed pursuant to article 30 of
19 this title as well as information submitted to the department pursuant to
20 section 39-30-111 (2) and (3) regarding the carry forward of such income
21 tax credits. Any information provided to the office pursuant to this
22 subsection (22) shall remain confidential, and all office employees shall
23 be subject to the limitations set forth in subsection (4) of this section and
24 the penalties contained in subsection (6) of this section. Nothing in this
25 subsection (22) shall prevent the office from making aggregated data
26 regarding enterprise zone tax credits AND ALTERNATIVE ENERGY PARK
27 TAX CREDITS available.

28

29 **SECTION 8.** 39-22-622 (4), Colorado Revised Statutes, as it will
30 become effective January 1, 2012, is amended to read:

31

32 **39-22-622. Refunds.** (4) The provisions of subsection (2) of this
33 section shall not apply to any return that is being audited or to any return
34 that may take longer than normal to process due to the mathematical or
35 clerical errors contained in said return, to unforeseen delays caused by the
36 failure of processing equipment, because of a tax credit allowed in section
37 39-22-531, or because the taxpayer claimed an enterprise zone tax credit
38 OR AN ALTERNATIVE ENERGY PARK TAX CREDIT pursuant to article 30 of
39 this title and the department is awaiting confirmation from the Colorado
40 office of economic development that the taxpayer is eligible for such
41 credit. Such determinations shall be made in good faith by the
42 department of revenue.

43

44 **SECTION 9. No appropriation.** The general assembly has
45 determined that this act can be implemented within existing
46 appropriations, and therefore no separate appropriation of state moneys
47 is necessary to carry out the purposes of this act."

48

49 Renumber succeeding section accordingly.

50

51

52

53 **SB11-124** be referred favorably to the Committee on Appropriations.

54

55

56

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4
5 **SB11-072** be postponed indefinitely.
6
7
8
9

10 **TRANSPORTATION**

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

13
14 **HB11-1222** 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:

20
21 **"SECTION 1. Legislative declaration.** (1) The general
22 assembly hereby finds and declares that:

23
24 (a) The public utilities commission is vested with such regulatory
25 authority as is conferred by the state constitution and the general
26 assembly;

27
28 (b) While the public utilities commission has broad authority to
29 regulate public utilities, it must act to protect the public from excessive
30 and burdensome rates and unjust discriminations;

31
32 (c) The people of Colorado, particularly as energy consumers, are
33 frequently, directly, and substantially affected by the decisions of the
34 public utilities commission;

35
36 (d) Because the public utilities commission derives much of its
37 power from statute and has a general responsibility to protect the public
38 interest regarding utility rates and practices and because the commission's
39 decisions and activities translate to real and significant impacts to
40 ratepayers, it is important that the general assembly be kept apprised of
41 the commission's activities and decisions; and

42
43 (e) It is therefore the intent of the general assembly to implement
44 an annual reporting mechanism to increase the commission's transparency
45 and accountability.
46

47 (2) The general assembly further finds and declares that the
48 mission of the governor's energy office, which includes promotion of
49 renewable energy and advancement of energy efficiency, is not
50 coextensive with, and frequently conflicts with, the interests of the public
51 as consumers and ratepayers. Because there is little benefit to the public
52 by endowing the governor's energy office with the ability to intervene as
53 a matter of right in gas or electric adjudicatory matters pending before the
54 public utilities commission, the general assembly finds it necessary to
55 withdraw from the governor's energy office the ability to do so.
56

1 **SECTION 2.** 40-2-103, Colorado Revised Statutes, is amended
2 to read:

3
4 **40-2-103. Director - duties - report.** (1) The executive director
5 of the department of regulatory agencies, pursuant to section 13 of article
6 XII of the state constitution, and with the approval of the commission,
7 shall appoint a director of the commission. The director of the agency
8 shall manage the operations of the agency COMMISSION in order to carry
9 out the public utilities law, to carry out and implement policies,
10 procedures, and decisions made by the commission, as defined in section
11 ~~40-2-101(1)~~; and to meet the requirements of the commission concerning
12 any matters within the authority of an agency transferred by a **type 1**
13 transfer, as defined in section 24-1-105, C.R.S., and which
14 REQUIREMENTS are under the jurisdiction of the commission. The director
15 ~~shall have~~ HAS all the powers and responsibilities of the division director
16 for this purpose, including the power to issue all necessary process, writs,
17 warrants, and notices. The director ~~shall have~~ HAS the requisite power to
18 serve warrants and other process in any county or city and county of this
19 state and to delegate such actions to duly authorized employees or agents
20 of the agency as appropriate.

21
22 (2) (a) BEGINNING WITH THE SECOND REGULAR SESSION OF THE
23 SIXTY-EIGHTH GENERAL ASSEMBLY, THE DIRECTOR OF THE COMMISSION OR
24 THE DIRECTOR'S DESIGNEE SHALL PRESENT AN ANNUAL REPORT TO THE
25 HOUSE AND SENATE TRANSPORTATION COMMITTEES, OR ANY SUCCESSOR
26 COMMITTEES, REGARDING ENERGY RATE CASES DECIDED BY THE
27 COMMISSION DURING THE PREVIOUS TWO YEARS. THE REPORT AND ANY
28 ACCOMPANYING MATERIALS MAY BE PREPARED AND SUBMITTED TO THE
29 COMMITTEES ELECTRONICALLY, AND MUST INCLUDE THE DISPOSITION OF
30 EACH ENERGY UTILITY RATE CASE BY THE COMMISSION; THE AMOUNT OF
31 ANY INCREASE OR DECREASE IN RATES THAT RESULTED FROM EACH
32 ENERGY UTILITY RATE CASE, EXPRESSED AS A PERCENTAGE OF THE TOTAL
33 AMOUNT BILLED TO RATEPAYERS PER MONTH AND PER YEAR; AND THE
34 DOLLAR AMOUNT OF THE AVERAGE INCREASE OR DECREASE IN THE
35 MONTHLY BILL PAID BY EACH ENERGY UTILITY RATEPAYER.

36
37 (b) THE REPORT REQUIRED UNDER THIS SUBSECTION (2) MUST ALSO
38 INCLUDE ENERGY UTILITY RATE CASES THAT HAVE BEEN PROPOSED OR
39 FILED OR THAT THE COMMISSION REASONABLY ANTICIPATES TO BE FILED
40 IN THE UPCOMING TWO YEARS.

41
42 **SECTION 3. Repeal.** 40-6-108 (2) (b), Colorado Revised
43 Statutes, is repealed as follows:

44
45 **40-6-108. Complaints - service - notice of hearing.** (2) (b) ~~Any~~
46 ~~public utility giving notice of a proposed gas or electric tariff shall serve~~
47 ~~such notice upon the governor's energy office or its successor agency.~~
48 ~~The office shall be granted leave to intervene as a matter of right, upon~~
49 ~~a timely filing of a petition or other pleading in accordance with this~~
50 ~~section, in adjudicatory matters affecting gas or electric utilities; except~~
51 ~~that the office shall not be a party to any individual complaint between a~~
52 ~~utility and an individual.~~

53
54 **SECTION 4. Act subject to petition - effective date.** This act
55 shall take effect at 12:01 a.m. on the day following the expiration of the
56 ninety-day period after final adjournment of the general assembly (August

1 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part shall not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and shall take effect on the date of the official
7 declaration of the vote thereon by the governor."
8

9 Page 1, line 103, strike everything after the comma and substitute
10 **"REQUIRING THE DIRECTOR OF THE COMMISSION TO REPORT**
11 **ANNUALLY TO THE GENERAL ASSEMBLY REGARDING ENERGY RATE**
12 **CASES AND REPEALING THE ABILITY OF THE GOVERNOR'S ENERGY**
13 **OFFICE TO INTERVENE AS A MATTER OF RIGHT IN ADJUDICATORY**
14 **MATTERS AFFECTING ENERGY UTILITIES."**
15

16 Page 1, strike lines 104 through 106.
17

18
19
20 **HB11-1271** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:
23

24 Amend printed bill, page 2, line 13, strike everything after "A".
25

26 Page 2, strike lines 14 through 21 and substitute "REPORT THAT
27 EVALUATES THE ESTIMATED IMPACT OF THE TIERED RATE STRUCTURE ON
28 CUSTOMER USAGE PATTERNS. THE UTILITY SHALL PREPARE AND FILE THE
29 REPORT WITH THE COMMISSION BY DECEMBER 1, 2011, UNLESS THE
30 COMMISSION GRANTS AN EXTENSION FOR GOOD CAUSE. THE COMMISSION
31 SHALL PREPARE AND SUBMIT A REPORT REGARDING UTILITY TIERED RATE
32 STRUCTURES TO THE GENERAL ASSEMBLY BY MARCH 1, 2012. THE
33 COMMISSION'S REPORT MUST EVALUATE WHETHER THE COMMISSION
34 SHOULD PLACE ANY LIMITATIONS ON THE FUTURE USE OF GRADUATED
35 SCALE OF CHARGES."
36

PRINTING REPORT

37
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39
40
41 The Chief Clerk reports the following bill has been correctly printed:
42 **HB11-1293.**
43

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

44
45
46
47
48 The Speaker has signed: **HM11-1001, 1002, HR11-1006.**
49

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51
52 House in recess. House reconvened.
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MESSAGE(S) FROM THE SENATE

The Senate has adopted and returns herewith: HJR11-1014.

INTRODUCTION OF BILLS

First Reading

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

HB11-1294 by Representative(s) Brown, Acree, Baumgardner, Bradford, Coram, Gardner B., Holbert, Joshi, Looper, Massey, McKinley, Murray, Sonnenberg; also Senator(s) White, Cadman, Grantham, King K., King S., Roberts, Scheffel, Spence--Concerning the authority of the division of wildlife in the department of natural resources to manage black bears.

Committee on Agriculture, Livestock, & Natural Resources

SB11-107 by Senator(s) Morse; also Representative(s) Barker--Concerning the recovery of noneconomic damages in a civil action concerning damages resulting from a DUI incident.

Committee on Judiciary

SB11-179 by Senator(s) Carroll; also Representative(s) Miklosi and Kerr J.--Concerning alternative identification that an employee engaged in work at an off-site premises may provide for purposes of ensuring work site security.

Committee on Economic and Business Development

LAY OVER OF CALENDAR ITEM(S)

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

Consideration of Senate Amendment(s)--**HB11-1097**.

On motion of Representative Murray, the House adjourned until 9:00 a.m., April 8, 2011.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

