

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

Twenty-third Legislative Day

Thursday, January 29, 2009

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.  
 2  
 3 The Speaker called the House to order at 9:00 a.m.  
 4  
 5 Pledge of Allegiance led by Branden Kerr, Rooney Ranch Elementary,  
 6 Lakewood.  
 7  
 8 The roll was called with the following result:  
 9  
 10 Present--62.  
 11 Excused--Representatives Middleton, Solano, Swalm--3.  
 12 Present after roll call--Representatives Middleton, Swalm.  
 13

14 The Speaker declared a quorum present.  
 15  
 16

17 On motion of Representative Baumgardner, the reading of the journal of  
 18 January 28, 2009, was declared dispensed with and approved as corrected  
 19 by the Chief Clerk.  
 20  
 21

**THIRD READING OF BILL--FINAL PASSAGE**

22  
 23  
 24  
 25 The following bill was considered on Third Reading. The title was  
 26 publicly read. Reading of the bill at length was dispensed with by  
 27 unanimous consent.  
 28

29 **HB09-1023** by Representative(s) Gagliardi and Swalm; also Senator(s)  
 30 Boyd--Concerning the age requirement for blood  
 31 donations by a minor.  
 32

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
39	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
40	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	E

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

13 Co-sponsor(s) added: Representative(s) Balmer, Benefield, Frangas,  
 14 Gardner B., Gerou, Kefalas, Labuda, Looper, McCann, McGihon, Merrifield,  
 15 Miklosi, Pace, Primavera, Riesberg, Ryden, Todd

16  
 17 On motion of Representative Weissmann, consideration on Third Reading  
 18 of **HB09-1025, 1037, 1044, 1122, 1034, 1089, 1012, 1102** was laid over  
 19 until February 2, retaining place on Calendar.

## 22 23 **REPORTS OF COMMITTEES OF REFERENCE**

### 24 25 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

28  
 29 **HB09-1051** be amended as follows, and as so amended, be referred to  
 30 the Committee on Finance with favorable  
 31 recommendation:

32  
 33 Amend printed bill, strike everything below the enacting clause and  
 34 substitute the following:

35  
 36 **"SECTION 1.** 34-63-102 (1) (a) (II), Colorado Revised Statutes,  
 37 is amended, and the said 34-63-102 is further amended BY THE  
 38 ADDITION OF A NEW SUBSECTION, to read:

39  
 40 **34-63-102 Creation of mineral leasing fund - distribution -**  
 41 **advisory committee - definitions.** (1) (a) (II) (A) On and after July 1,  
 42 2008, EXCEPT FOR STATE FISCAL YEARS 2009-10 TO 2020-21, all moneys,  
 43 including any interest and income derived therefrom, received by the state  
 44 treasurer pursuant to the provisions of the federal "Mineral Lands Leasing  
 45 Act" of February 25, 1920, as amended, except those moneys described  
 46 in section 34-63-104, shall be deposited by the state treasurer into the  
 47 mineral leasing fund for use by state agencies, public schools, and  
 48 political subdivisions of the state as described in subsections (5.3) and  
 49 (5.4) of this section and for transfer to the higher education federal  
 50 mineral lease revenues fund created in section 23-19.9-102 (1) (a),  
 51 C.R.S., the higher education maintenance and reserve fund created in  
 52 section 23-19.9-102 (2) (a), C.R.S., and the local government permanent  
 53 fund created in sub-subparagraph (A) of subparagraph (I) of paragraph (a)  
 54 of subsection (5.3) of this section, as required by this section and section  
 55 23-19.9-102, C.R.S.

56

1 (B) FOR STATE FISCAL YEARS 2009-10 TO 2020-21, TEN PERCENT  
2 OF ALL MONEYS, INCLUDING ANY INTEREST AND INCOME DERIVED  
3 THEREFROM, RECEIVED BY THE STATE TREASURER PURSUANT TO THE  
4 PROVISIONS OF THE FEDERAL "MINERAL LANDS LEASING ACT" OF  
5 FEBRUARY 25, 1920, AS AMENDED, EXCEPT THOSE MONEYS DESCRIBED IN  
6 SECTION 34-63-104, SHALL BE DEPOSITED BY THE STATE TREASURER INTO  
7 THE COUNTY OF ORIGIN CONSTRUCTION CASH FUND, CREATED IN  
8 SUBSECTION (6.5) OF THIS SECTION FOR USE BY COUNTIES AND  
9 MUNICIPALITIES OF THE STATE AS DESCRIBED IN SAID SUBSECTION. THE  
10 REMAINING NINETY PERCENT OF SAID MONEYS RECEIVED DURING SUCH  
11 STATE FISCAL YEARS SHALL BE DEPOSITED BY THE STATE TREASURER INTO  
12 THE MINERAL LEASING FUND FOR USE BY STATE AGENCIES, PUBLIC  
13 SCHOOLS, AND POLITICAL SUBDIVISIONS OF THE STATE AS DESCRIBED IN  
14 SUBSECTIONS (5.3) AND (5.4) OF THIS SECTION AND FOR TRANSFER TO THE  
15 HIGHER EDUCATION FEDERAL MINERAL LEASE REVENUES FUND CREATED  
16 IN SECTION 23-19.9-102 (1) (a), C.R.S., THE HIGHER EDUCATION  
17 MAINTENANCE AND RESERVE FUND CREATED IN SECTION 23-19.9-102 (2)  
18 (a), C.R.S., AND THE LOCAL GOVERNMENT PERMANENT FUND CREATED IN  
19 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF  
20 SUBSECTION (5.3) OF THIS SECTION, AS REQUIRED BY THIS SECTION AND  
21 SECTION 23-19.9-102, C.R.S.

22  
23 (6.5) THE COUNTY OF ORIGIN CONSTRUCTION CASH FUND IS  
24 HEREBY CREATED IN THE STATE TREASURY. THE FUND SHALL CONSIST OF  
25 ALL MONEYS CREDITED TO THE FUND PURSUANT TO SUB-SUBPARAGRAPH  
26 (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
27 SECTION. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN  
28 THE FUND SHALL BE CREDITED TO THE FUND. TEN WORKING DAYS AFTER  
29 RECEIPT OF THE LAST MONTHLY PAYMENT IN EACH QUARTER, THE STATE  
30 TREASURER SHALL DISTRIBUTE ALL MONEYS IN THE FUND AS OF SUCH TIME  
31 AMONG THOSE RESPECTIVE COUNTIES OF THIS STATE FROM WHICH THE  
32 FEDERAL LEASING MONEY IS DERIVED AND FROM THOSE COUNTIES WHERE  
33 ENERGY CONVERSION TAKES PLACE. EIGHTY-FIVE PERCENT OF THE MONEY  
34 SHALL BE DISTRIBUTED IN PROPORTION TO THE AMOUNT OF SAID FEDERAL  
35 LEASING MONEY DERIVED FROM EACH OF THE RESPECTIVE COUNTIES, AND  
36 FIFTEEN PERCENT OF THE MONEY SHALL BE DISTRIBUTED TO COUNTIES  
37 WHERE ENERGY CONVERSION TAKES PLACE IN PROPORTION TO THE  
38 AMOUNT OF ENERGY THAT IS CONVERTED IN EACH COUNTY. A COUNTY  
39 SHALL KEEP A PORTION OF THE MONEYS AND FURTHER DISTRIBUTE THE  
40 REMAINDER TO MUNICIPALITIES LOCATED WITHIN THE COUNTY BASED ON  
41 THE FORMULA SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF  
42 SUBSECTION (5.4) OF THIS SECTION. THE COUNTY AND MUNICIPALITIES  
43 SHALL USE MONEYS RECEIVED PURSUANT TO THIS SUBSECTION (6.5) FOR  
44 THE CONSTRUCTION OF PUBLIC FACILITIES.

45  
46 **SECTION 2. Safety clause.** The general assembly hereby finds,  
47 determines, and declares that this act is necessary for the immediate  
48 preservation of the public peace, health, and safety."

49  
50  
51  
52 **HB09-1142** be postponed indefinitely.

53  
54  
55  
56

1 **BUSINESS AFFAIRS & LABOR**

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

4  
5 **HB09-1001** be amended as follows, and as so amended, be referred to  
6 the Committee on Finance with favorable  
7 recommendation:

8  
9 Amend printed bill, page 2, after line 7, insert the following:

10  
11 "(a) (I) "AFFILIATED GROUP" MEANS ONE OR MORE CHAINS OF  
12 PERSONS CONNECTED THROUGH STOCK OR OTHER OWNERSHIP INTERESTS  
13 WITH A PERSON IF:

14  
15 (A) ONE OR MORE OF THE OTHER PERSONS IN THE CHAIN OWNS  
16 INTERESTS POSSESSING MORE THAN FIFTY PERCENT OF THE VOTING POWER  
17 OF ALL CLASSES OF OWNERSHIP INTERESTS EXCEPT OWNERSHIP INTERESTS  
18 OF THE COMMON PARENT AND MORE THAN FIFTY PERCENT OF EACH CLASS  
19 OF NONVOTING OWNERSHIP INTERESTS OF EACH OF THE PERSONS EXCEPT  
20 OWNERSHIP INTERESTS OF THE COMMON PARENT; AND

21  
22 (B) THE COMMON PARENT OWNS INTERESTS POSSESSING MORE  
23 THAN FIFTY PERCENT OF THE VOTING POWER OF ALL CLASSES OF  
24 OWNERSHIP INTERESTS AND MORE THAN FIFTY PERCENT OF EACH CLASS OF  
25 THE NONVOTING OWNERSHIP INTERESTS OF AT LEAST ONE OF THE OTHER  
26 PERSONS IN THE CHAIN.

27  
28 (II) AS USED IN THIS PARAGRAPH (a), THE TERM "OWNERSHIP  
29 INTEREST" DOES NOT INCLUDE NONVOTING STOCK THAT IS LIMITED AND  
30 PREFERRED AS TO DIVIDENDS; EMPLOYER SECURITIES, WITHIN THE  
31 MEANING OF SECTION 409 (1) OF THE INTERNAL REVENUE CODE, WHILE  
32 SUCH SECURITIES ARE HELD UNDER A TAX CREDIT EMPLOYEE STOCK  
33 OWNERSHIP PLAN; OR QUALIFYING EMPLOYER SECURITIES, WITHIN THE  
34 MEANING OF SECTION 4975 (e) (8) OF THE INTERNAL REVENUE CODE,  
35 WHILE SUCH SECURITIES ARE HELD UNDER AN EMPLOYEE STOCK  
36 OWNERSHIP PLAN THAT MEETS THE REQUIREMENTS OF SECTION 4975 (e)  
37 (7) OF THE INTERNAL REVENUE CODE.

38  
39 (III) AS USED IN THIS PARAGRAPH (a), THE TERM "PERSON" DOES  
40 NOT INCLUDE NATURAL PERSONS."

41  
42 Reletter succeeding paragraphs accordingly.

43  
44 Page 2, line 22, after "TAXPAYER", insert "IN THE STATE FOR THE  
45 PROJECT" and, strike "A" and substitute "THE".

46  
47 Page 3, line 1, after "TAXPAYER", insert "IN THE STATE FOR THE PROJECT";  
48  
49 after line 1, insert the following:

50  
51 "(g) "PERSON" SHALL HAVE THE SAME MEANING AS PROVIDED IN  
52 SECTION 39-21-101 (3)."

53  
54 Reletter succeeding paragraphs accordingly.

55  
56 Page 3, line 8, strike "HAS THE SAME MEANING AS SET FORTH IN";

1 strike line 9 and substitute the following: "MEANS ANY PERSON DOING  
2 BUSINESS IN THE STATE. FOR PURPOSES OF THIS SECTION, TAXPAYER  
3 INCLUDES AN AFFILIATED GROUP.";

4

5 strike line 22 and substitute the following:

6

7 "(I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS  
8 SUBPARAGRAPH (I), BRING A NET JOB GROWTH OF AT LEAST TWENTY NEW  
9 JOBS";

10

11 line 23, strike "YEAR";

12

13 line 25, strike everything after "IS" and substitute "LOCATED.";

14

15 strike lines 26 and 27 and substitute the following:

16

17 "(B) IF THE PROJECT WILL BE LOCATED IN A DESIGNATED  
18 ENHANCED RURAL ENTERPRISE ZONE AS SUCH ZONE IS DESCRIBED IN  
19 SECTION 39-30-103.2 (1) AND THE LOCAL COMMUNITY OF THE  
20 DESIGNATED ENHANCED RURAL ENTERPRISE ZONE PROVIDES RATIONALE  
21 TO THE COMMISSION OUTLINING THE PROJECT'S ECONOMIC IMPORTANCE TO  
22 THE COMMUNITY, THE PROJECT SHALL, DURING A CREDIT PERIOD, BRING  
23 A NET JOB GROWTH OF AT LEAST TEN NEW JOBS TO THE STATE WITH AN  
24 AVERAGE YEARLY WAGE OF AT LEAST ONE HUNDRED TEN PERCENT OF THE  
25 AVERAGE YEARLY WAGE OF THE ENHANCED RURAL ENTERPRISE ZONE IN  
26 WHICH THE TAXPAYER IS LOCATED.".

27

28 Page 4, after line 8, insert the following:

29

30 "(I) AN IDENTIFICATION OF THE SPECIFIC JOBS THAT WILL BE  
31 CREATED.".

32

33 Renumber succeeding subparagraphs accordingly.

34

35 Page 5, line 6, strike "THE" and substitute "THIS";

36

37 line 10, strike "AS CALCULATED";

38

39 strike line 11 and substitute the following:

40

41 "NEEDED TO ATTRACT THE NEW JOBS TO THIS STATE.".

42

43 Page 6, line 19, after "CERTIFICATE", insert "FOR THAT CALENDAR YEAR";

44

45 line 22, strike "THAT TAX YEAR." and substitute "THE TAX YEAR THAT  
46 INCLUDES THE DECEMBER 31 OF THE CALENDAR YEAR FOR WHICH THE  
47 CREDIT CERTIFICATE IS ISSUED.".

48

49 Page 7, line 2, after "IMPOSED", insert "ON THE EMPLOYER";

50

51 line 3, after "EMPLOYEES", insert "OF THE PROJECT";

52

53 line 4, strike "3101 ET SEQ." and substitute "3111 (a) AND (b).";

54

55 line 11, after "IMPOSED", insert "ON THE EMPLOYER", and, after  
56 "EMPLOYEES", insert "OF THE PROJECT";

1 line 13, strike "3101 ET SEQ." and substitute "3111 (a) AND (b).".

2

3 Page 8, strike lines 5 through 10 and substitute the following:

4

5 "(8) THE COMMISSION SHALL INCLUDE INFORMATION REGARDING  
6 ALL CONDITIONAL APPROVALS GRANTED AND CREDIT CERTIFICATES  
7 ISSUED PURSUANT TO THIS SECTION, INCLUDING THE CREDITS CLAIMED,  
8 THE NAMES OF THE RECIPIENTS OF THE CREDITS, AND THE AMOUNTS  
9 CLAIMED, IN ITS ANNUAL REPORT REQUIRED TO BE PRESENTED TO THE  
10 GENERAL ASSEMBLY PURSUANT TO SECTION 24-46-104 (2), C.R.S.";

11

12 line 19, strike "TAXPAYER." and substitute "TAXPAYER, AND THE  
13 COMMISSION SHALL ISSUE CREDIT CERTIFICATES IN THE APPROPRIATE  
14 AMOUNTS TO EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER  
15 CONSTITUENT TAXPAYER.";

16

17 strike line 23 and substitute the following:

18

19 "(10) NO LATER THAN SEPTEMBER 1, 2010, AND NO LATER THAN  
20 SEPTEMBER";

21

22 line 24, strike "APRIL" and substitute "SEPTEMBER";

23

24 line 27, strike "INCOME TAX YEAR" and substitute "CALENDAR YEAR, OR  
25 ANY CREDITS DISALLOWED PURSUANT TO SUBPARAGRAPH (II) OF  
26 PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION FOR ANY YEAR,".

27

28

29

30 **HB09-1076** be amended as follows, and as so amended, be referred to  
31 the Committee on Appropriations with favorable  
32 recommendation:

33

34 Amend printed bill, page 2, line 3, strike "amended" and substitute  
35 "amended, and the said 8-73-110 (3) (a) is further amended BY THE  
36 ADDITION OF A NEW SUBPARAGRAPH,".

37

38 Page 4, after line 16, insert the following:

39

40 "(IV) AN INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL NOT BE  
41 REDUCED BY ANY AMOUNT OF A PRIMARY INSURANCE BENEFIT UNDER  
42 TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT" THAT HAS BEEN  
43 CONTRIBUTED TO BY A BASE PERIOD EMPLOYER IF THE EMPLOYEE HAS  
44 MADE CONTRIBUTIONS TO FEDERAL SOCIAL SECURITY.".

45

46

47

48 **HB09-1085** be amended as follows, and as so amended, be referred to  
49 the Committee on Appropriations with favorable  
50 recommendation:

51

52 Amend printed bill, page 20, line 4, strike "borrower;" and substitute  
53 "borrower, BUT THE MORTGAGE LOAN ORIGINATOR SHALL NOT BE DEEMED  
54 TO VIOLATE THIS SECTION IF THE BORROWER CONCEALS OR  
55 MISREPRESENTS RELEVANT INFORMATION;"

56

- 1 line 15, strike "shall" and substitute "~~shall~~ MAY";  
2  
3 line 16, after "applicant", insert "OR LICENSEE".  
4  
5 Page 22, line 11, strike "(I)";  
6  
7 line 15, strike "9." and substitute "9;";  
8  
9 strike lines 16 through 27.  
10  
11 Page 24, line 25, strike "SUBJECT TO" and substitute "WHO, AFTER AN";  
12  
13 line 26, strike "PART 9" and substitute "PART 9, IS FOUND TO BE IN  
14 VIOLATION OF A PROVISION OF THIS PART 9" and, strike "COSTS" and  
15 substitute "REASONABLE AND NECESSARY COSTS OF THE DIVISION".  
16  
17 Page 25, line 8, strike "~~person~~ INDIVIDUAL," and substitute "person,".  
18  
19 Page 27, line 2, after "licensee", insert "OR APPLICANT".  
20  
21 Page 29, line 2, strike "~~person~~ INDIVIDUAL" and substitute "person WHO  
22 IS" and, strike "9;" and substitute "9";  
23  
24 line 8, strike "~~country.~~" and substitute "~~country~~ OR IS NOT REGISTERED IN  
25 COMPLIANCE WITH THE FEDERAL "SECURE AND FAIR ENFORCEMENT FOR  
26 MORTGAGE LICENSING ACT OF 2008", 12 U.S.C. SEC. 5101 ET SEQ.;".  
27  
28 Page 43, line 19, strike "~~Except as~~" and substitute "Except as";  
29  
30 strike lines 20 through 23 and substitute the following:  
31  
32 "required by paragraph (c) of subsection (2) of this section, this  
33 subsection (1) shall not be construed to require disclosure of the  
34 distribution or breakdown of loan fees, discounts, or points between the  
35 mortgage ~~broker~~ LOAN ORIGINATOR and any MORTGAGE lender or  
36 investor."  
37  
38 Page 50, line 8, after "38-40-105", insert "(1) (f), (1.5) and", and strike  
39 "is" and substitute "are";  
40  
41 strike line 12 and substitute the following:  
42  
43 "(1) The following acts by any mortgage broker, mortgage originator,  
44 mortgage lender, mortgage loan applicant, real estate appraiser, or closing  
45 agent, other than a person who provides closing or settlement services  
46 subject to regulation by the division of insurance, with respect to any loan  
47 that is secured by a first or subordinate mortgage or deed or trust lien  
48 against a dwelling are prohibited:  
49  
50 (f) ~~To knowingly facilitate the consummation of a mortgage loan~~  
51 ~~transaction that violates, or that is connected with a violation of,~~  
52 ~~subsection (1.5) of this section.~~  
53  
54 (1.5) (a) ~~A mortgage broker or the broker's agent shall provide the~~  
55 ~~borrower with draft copies of the mortgage loan agreement and all other~~  
56 ~~documents material to the transaction, completed to the extent possible in~~

1 ~~accordance with good-faith estimates, at least one business day before~~  
 2 ~~closing. There shall be no blank spaces remaining on the agreement form~~  
 3 ~~and no change to any material term of the agreement or of any~~  
 4 ~~accompanying document during this time.~~

5  
 6 ~~(b) As used in this subsection (1.5), "documents material to the~~  
 7 ~~transaction" include, without limitation, the deed of conveyance, except~~  
 8 ~~in the case of a refinancing, the loan agreement, and the title documents~~  
 9 ~~if requested by the borrower.~~

10  
 11 (7) As used in this section, unless the context otherwise requires:".

12  
 13  
 14  
 15 **HB09-1105** be amended as follows, and as so amended, be referred to  
 16 the Committee on Finance with favorable  
 17 recommendation:

18  
 19 Amend printed bill, page 3, strike lines 19 and 20 and substitute the  
 20 following:

21  
 22 "(c) "CLEAN ENERGY TECHNOLOGY" MEANS AN INDUSTRY  
 23 RELATED TO:

24  
 25 (I) FUELS OR ENERGY DERIVED FROM WIND, SOLAR, WATER,  
 26 BIOFUELS, GEOTHERMAL, OR OTHER RENEWABLE RESOURCES;

27  
 28 (II) ENERGY STORAGE METHODS, INCLUDING FUEL CELLS,  
 29 ADVANCED BATTERIES, AND HYBRID SYSTEMS;

30  
 31 (III) ENERGY TRANSMISSION INFRASTRUCTURE AND MANAGEMENT,  
 32 INCLUDING SMART GRID TECHNOLOGIES; AND

33  
 34 (IV) INCREASED ENERGY EFFICIENCY RELATING TO LIGHTING,  
 35 BUILDINGS, VEHICLES, INDUSTRIAL APPLICATIONS, AND CONSUMER  
 36 GOODS.";

37  
 38 strike lines 24 and 25 and substitute the following:

39  
 40 "(e) "INFORMATION TECHNOLOGY" MEANS THE BRANCH OF  
 41 TECHNOLOGY DEVOTED TO THE STUDY AND APPLICATION OF DATA AND  
 42 THE PROCESSING THEREOF, THE AUTOMATIC ACQUISITION, STORAGE,  
 43 MANIPULATION OR TRANSFORMATION, MANAGEMENT, MOVEMENT,  
 44 CONTROL, DISPLAY, SWITCHING, INTERCHANGE, TRANSMISSION OR  
 45 RECEPTION OF DATA, AND THE DEVELOPMENT OR USE OF HARDWARE,  
 46 SOFTWARE, FIRMWARE, AND PROCEDURES ASSOCIATED WITH THIS  
 47 PROCESSING. "INFORMATION TECHNOLOGY" INCLUDES MATTERS  
 48 CONCERNED WITH THE FURTHERANCE OF COMPUTER SCIENCE AND  
 49 TECHNOLOGY AND THE DESIGN, DEVELOPMENT, INSTALLATION, AND  
 50 IMPLEMENTATION OF INFORMATION SYSTEMS AND APPLICATIONS THAT IN  
 51 TURN WILL BE LICENSED OR SOLD TO A SPECIFIC TARGET MARKET, BUT  
 52 DOES NOT INCLUDE THE CREATION OF A DISTRIBUTION METHOD FOR  
 53 EXISTING PRODUCTS AND SERVICES."

54  
 55 Page 4, line 6, after "EQUITY SECURITY,", insert "A CONVERTIBLE DEBT  
 56 INVESTMENT,".



1 Page 5, line 12, strike "ENERGY; OR" and substitute "ENERGY  
2 TECHNOLOGY; OR";

3  
4 line 16, strike "TWO" and substitute "FIVE";

5  
6 strike line 27.

7  
8 Page 6, strike lines 1 through 3 and substitute the following:

9  
10 "AN APPLICATION SHALL BE MADE IN THE MANNER AND FORM PRESCRIBED  
11 BY THE OFFICE. THE OFFICE SHALL NOTE THE TIME AND DATE OF EACH  
12 APPLICATION RECEIVED. IN ADDITION TO ANY OTHER REQUIREMENTS  
13 ESTABLISHED BY THE OFFICE, THE APPLICATION SHALL INCLUDE:"

14  
15 Page 8, line 19, strike "FIRST AND SECOND TAXABLE YEARS";

16  
17 line 20, strike "AFTER THE INVESTMENT IS MADE;" and substitute  
18 "TAXABLE YEAR DURING WHICH THE INVESTMENT IS MADE AND THE FIRST  
19 TAXABLE YEAR THEREAFTER;"

20  
21 line 22, strike "DOLLARS." and substitute "DOLLARS AND THE CREDIT MAY  
22 BE AUTHORIZED FOR LATER TAXABLE YEARS AS SET FORTH IN PARAGRAPH  
23 (b) OF SUBSECTION (4) OF THIS SECTION."

24  
25 Page 9, line 21, strike "STAMPED ON THE APPLICATION BY THE OFFICE."  
26 and substitute "THAT THE OFFICE RECEIVED THE APPLICATION.";

27  
28 line 25, after "LIMIT.", add "IF AN APPLICATION IS NOT GRANTED BECAUSE  
29 THE THREE MILLION DOLLAR LIMIT HAS BEEN EXCEEDED, THE OFFICE  
30 SHALL AUTHORIZE THE CREDIT FOR THE NEXT TWO TAXABLE YEARS IN  
31 WHICH THE LIMIT HAS NOT BEEN EXCEEDED."

32  
33 Page 10, after line 14 insert the following:

34  
35 "(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
36 CONTRARY, THE OFFICE SHALL NOT AUTHORIZE COLORADO INNOVATION  
37 INVESTMENT TAX CREDITS FOR TAX YEARS COMMENCING ON OR AFTER  
38 JANUARY 1, 2015."

39

40

41

42

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### PRINTING REPORT

43

44 The Chief Clerk reports the following bills have been correctly printed:  
45 **HB09-1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191,**  
46 **1192, 1193, 1194.**

47

48

49 On motion of Representative Weissmann, the following bills on the  
50 General Orders for Friday will be laid over until February 2, 2009:  
51 HB09-1019, 1018, 1078, 1082, 1099, 1161, 1052, 1091, 1101, 1007,  
52 1056, 1116, 1005, 1024, 1079, 1148, 1045.

53

54

55

---

House in recess. House reconvened.

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56

**REPORTS OF COMMITTEES OF REFERENCE****FINANCE**

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

**HB09-1041** be referred to the Committee of the Whole with favorable recommendation.

**HB09-1068** be postponed indefinitely.

**STATE, VETERANS, & MILITARY AFFAIRS**

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

**HB09-1083** be referred to the Committee of the Whole with favorable recommendation.

**HB09-1088** be referred to the Committee of the Whole with favorable recommendation.

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**MESSAGE FROM THE SENATE**

The Senate has adopted and returns herewith: HJR09-1005.

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HJR09-1005**.

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**INTRODUCTION OF BILLS**  
**First Reading**

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

**HB09-1195** by Representative(s) Lambert, May; also Senator(s) Brophy, Lundberg, Harvey, King K., Renfroe, Spence--  
Concerning the creation of an income tax credit for private school tuition.

Committee on Education  
Committee on Finance

**HB09-1196** by Representative(s) Gerou, Kerr J., Kerr A., McNulty, Schafer S., Summers; also Senator(s) Boyd--Concerning the use of moneys derived from civil money penalties

- 1 imposed on nursing facilities to fund innovation in  
2 nursing home care.  
3 Committee on Health and Human Services  
4 Committee on Finance  
5
- 6 **HB09-1197** by Representative(s) McNulty, Kerr J., Balmer,  
7 Baumgardner, Frangas, Gardner C., Gerou, Looper, May,  
8 Scanlan; also Senator(s) Harvey, Brophy, Kopp, Renfroe,  
9 Spence--Concerning a requirement that the division of  
10 housing report data regarding home foreclosures in the  
11 state.  
12 Committee on Local Government  
13
- 14 **HB09-1198** by Representative(s) McGihon; also Senator(s) Morse--  
15 Concerning the "Uniform Power of Attorney Act".  
16 Committee on Judiciary  
17
- 18 **HB09-1199** by Representative(s) Scanlan, Benefield, Curry,  
19 Ferrandino, Gerou, Kerr A., King S., Levy, Massey,  
20 Middleton, Nikkel, Roberts; also Senator(s) Gibbs--  
21 Concerning increased efforts to address wildfire risk, and,  
22 in connection therewith, providing resources to the  
23 Colorado state forest service to augment its technical  
24 outreach capabilities and provide loans and grants for  
25 market-based and forest treatment solutions to reduce  
26 wildfire risk.  
27 Committee on Agriculture, Livestock, & Natural Resources  
28
- 29 **HB09-1200** by Representative(s) Stephens, King S., Liston, Waller;  
30 also Senator(s) Scheffel, King K., Kopp--Concerning a  
31 requirement that the staff of the legislative council  
32 consider certain factors relating to counties in the local  
33 government impact section of a fiscal note.  
34 Committee on State, Veterans, & Military Affairs  
35
- 36 **HB09-1201** by Representative(s) Labuda, Lambert; also Senator(s)  
37 Spence--Concerning a requirement that local governments  
38 address the adverse effects of development in close  
39 proximity to military installations in connection with land  
40 use planning by the governments.  
41 Committee on Local Government  
42
- 43 **HB09-1202** by Representative(s) Todd, Benefield, Middleton, Ryden--  
44 Concerning the regulation of persons who provide for the  
45 final disposition of dead human bodies in the normal  
46 course of business.  
47 Committee on Business Affairs and Labor  
48
- 49 **HB09-1203** by Representative(s) Tipton, Roberts; also Senator(s)  
50 Isgar--Concerning the reclassification of Montezuma  
51 county.  
52 Committee on Local Government  
53
- 54 **HB09-1204** by Representative(s) Massey, McGihon--Concerning  
55 health insurance coverage for preventive health care  
56 services, and, in connection therewith, expanding required

- 1 coverage for certain preventive health care services that  
2 receive high recommendations from the United States  
3 preventive services task force and the national  
4 commission on prevention priorities.  
5 Committee on Business Affairs and Labor  
6
- 7 **HB09-1205** by Representative(s) Looper and Balmer, Apuan,  
8 Baumgardner, Casso, Kerr J., Labuda, Lambert, McNulty,  
9 Murray, Priola, Soper, Swalm, Todd, Vaad; also  
10 Senator(s) Williams, Bacon, Boyd, Gibbs, Schultheis--  
11 Concerning voting by members of the armed forces  
12 serving outside the United States.  
13 Committee on State, Veterans, & Military Affairs  
14
- 15 **HB09-1206** by Representative(s) Lambert; also Senator(s) Lundberg--  
16 Concerning an electronic currency backed by reserves of  
17 precious metals.  
18 Committee on State, Veterans, & Military Affairs  
19
- 20 **HB09-1207** by Representative(s) Gardner C.; also Senator(s) Veiga--  
21 Concerning procedures to enforce a lien related to real  
22 property.  
23 Committee on Judiciary  
24
- 25 **HB09-1208** by Representative(s) Soper--Concerning the payment of  
26 prevailing compensation for workers on public works.  
27 Committee on Business Affairs and Labor  
28
- 29 **HB09-1209** by Representative(s) Green--Concerning modifications to  
30 health care coverage cooperatives.  
31 Committee on Health and Human Services  
32
- 33 **HB09-1210** by Representative(s) McGihon, Green, Peniston,  
34 Middleton; also Senator(s) Carroll M.--Concerning the  
35 requirement that private employers provide paid sick leave  
36 to employees.  
37 Committee on Business Affairs and Labor  
38
- 39 **HB09-1211** by Representative(s) Gardner B.; also Senator(s) Boyd--  
40 Concerning the establishment of a process for the  
41 department of human services to authorize exemptions  
42 from requirements on certain community centered boards  
43 that are intended to improve efficiency while maintaining  
44 quality services to persons with developmental  
45 disabilities.  
46 Committee on Health and Human Services  
47
- 48 **HB09-1212** by Representative(s) Liston, Balmer, Gardner B., Kerr J.,  
49 Looper, McFadyen, Rice, Scanlan, Stephens, Waller--  
50 Concerning a temporary income tax credit for new single-  
51 family residential home buyers.  
52 Committee on Finance  
53
- 54 **HB09-1213** by Representative(s) Gagliardi--Concerning the creation  
55 of the housing development grant fund in the state  
56 treasury to be administered by the division of housing for

1 purposes associated with increasing the supply of  
 2 affordable housing in the state.  
 3 Committee on Local Government  
 4 Committee on Finance  
 5

6 **HB09-1214** by Representative(s) Benefield, Massey, Middleton,  
 7 Miklosi, Scanlan, Schafer S., Summers, Todd; also  
 8 Senator(s) Bacon--Concerning education data reporting  
 9 requirements.  
 10 Committee on Education  
 11

12 **HB09-1215** by Representative(s) Ferrandino, Pommer, Marostica; also  
 13 Senator(s) Tapia, Keller, White--Concerning the creation  
 14 of a stabilization fund to assist with the state's efforts to  
 15 meet the federal maintenance of effort requirements for  
 16 the state supplemental security income program.  
 17 Committee on Finance  
 18

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## 20 INTRODUCTION OF RESOLUTIONS

21  
 22 The following resolutions were read by title and laid over one day under  
 23 the rules:  
 24

25 **HJR09-1007** by Representative(s) Todd and Marostica, Balmer,  
 26 Benefield, Carroll T., Casso, Gagliardi, Gardner B., Kerr  
 27 A., Labuda, Lambert, Looper, May, McCann, Middleton,  
 28 Miklosi, Peniston, Primavera, Priola, Rice, Riesberg,  
 29 Ryden, Scanlan, Solano, Tipton, Waller, Weissmann; also  
 30 Senator(s) Shaffer B.--Concerning recognition of Military,  
 31 Veterans, and MIA/POW Appreciation Day.  
 32

33 **HJR09-1008** by Representative(s) Apuan; also Senator(s) Schwartz--  
 34 Concerning recognition of military personnel from  
 35 Colorado who are serving in Operation Iraqi Freedom and  
 36 Operation Enduring Freedom and honoring those who  
 37 have died while serving their country in Iraq and  
 38 Afghanistan.  
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## 41 LAY OVER OF CALENDAR ITEMS

42  
 43 On motion of Representative C. Gardner, the following items on the  
 44 Calendar were laid over until January 30, retaining place on Calendar:  
 45

46 Consideration of Resolutions--**HJR09-1004, 1006.**  
 47

48  
 49 On motion of Representative C. Gardner, the House adjourned until  
 50 9:00 a.m., January 30, 2009.  
 51

52  
 53  
 54 Attest:  
 55 MARILYN EDDINS,  
 56 Chief Clerk

Approved:  
 TERRANCE D. CARROLL,  
 Speaker