

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

Eighty-sixth Legislative Day

Thursday, April 2, 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 Chelsea Cabral, Arvada High School.

6

7 The roll was called with the following result:

8

9 Present--61.

10 Excused--Representative(s) Looper, McFadyen, Middleton,

11

Swalm--4.

12

Present after roll call--Representative(s) Looper, Middleton,

13

Swalm.

14

15 The Speaker declared a quorum present.

16

17

18

19 On motion of Representative Priola, the reading of the journal of
20 April 1, 2009, was declared dispensed with and approved as corrected by
21 the Chief Clerk.

22

23

24

25 On motion of Representative Schafer, 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

42

1 **SB09-173** by Senator(s) Veiga; also Representative(s) Rice--
2 Concerning the economic development of large-scale
3 regional tourism projects to be partially financed with a
4 portion of state sales tax revenue above an existing base
5 amount.
6

7 Laid over until April 3, retaining place on Calendar.
8

9 **SB09-143** by Senator(s) Bacon; also Representative(s) Hullinghorst,
10 Fischer--Concerning enforcing traffic regulations through
11 the expanded use of an automated vehicle identification
12 system.
13

14 Amendment No. 1, Judiciary Report, dated March 19, 2009, and placed
15 in member's bill file; Report also printed in House Journal, March 20,
16 pages 822-823.
17

18 Amendment No. 2, by Representative(s) Weissmann.
19

20 Amend the Judiciary Committee Report, dated March 19, 2009, page 1,
21 line 4, after "(c)", insert "(2) (f)".
22

23 Page 2, line 6, strike "system." and substitute "system."
24

25 after line 6, insert the following:

26 "(f) The state, a county, a city and county, or a municipality shall
27 not issue a penalty assessment notice or summons for a violation detected
28 using an automated vehicle identification system unless ANY VEHICLE
29 CONTAINING THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS
30 LICENSED IN THE STATE AND, at the time the violation is alleged to have
31 occurred, an officer or employee of the state, the county, the city and
32 county, or the municipality is present during the operation of the
33 automated vehicle identification device; except that this paragraph (f)
34 shall not apply to an automated vehicle identification system designed to
35 detect violations for disobedience to a traffic control signal.".
36

37 Amendment No. 3, by Representative(s) Waller.
38

39 Amend the Judiciary Committee Report, dated March 19, 2009, page 1,
40 line 4, strike "(2) (g) (II)".
41

42 Page 2 of the Judiciary Committee Report, strike lines 7 and 8 and
43 substitute the following:

44 "Page 3, strike lines 12 and 13 and substitute the following:

45 "(D) WITHIN A RESIDENTIAL NEIGHBORHOOD."
46
47

48 strike lines 14 through 18."
49

50 As amended, declared **lost** on Second Reading.
51

52
53 **SB09-119** by Senator(s) Harvey; also Representative(s) McNulty--
54 Concerning a clarification of the enforcement of water
55 quality laws relating to the discharge of certain hazardous
56 pollutants.

1 Amendment No. 1, by Representative(s) Weissmann.

2

3 Amend reengrossed bill, page 2, line 2, after "25-8-609", insert "(2) and"
4 and strike "is" and substitute "are";

5

6 strike line 5 and substitute the following:

7

8 **"25-8-609. Criminal pollution - penalties.** (2) Prosecution
9 under paragraphs ~~(a) and (d)~~ PARAGRAPH (a) of subsection (1) of this
10 section shall be commenced only upon complaint filed by the division OR
11 A PEACE OFFICER.

12

13 (3) Any person who".

14

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

17

18 **HB09-1316** by Representative(s) Solano, King S.; also Senator(s)
19 Shaffer B.--Concerning public dissemination of personal
20 information of a person working in the criminal justice
21 system.

22

23 Amendment No. 1, Judiciary Report, dated March 30, 2009, and placed
24 in member's bill file; Report also printed in House Journal, March 30,
25 page 954.

26

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

29

30 **HB09-1312** by Representative(s) Kerr A., Merrifield, Middleton,
31 Scanlan, Todd--Concerning the renewable energy and
32 energy efficiency for schools loan program.

33

34 Amendment No. 1, Education Report, dated March 30, 2009, and placed
35 in member's bill file; Report also printed in House Journal, March 31,
36 page 968.

37

38 Amendment No. 2, by Representative(s) Murray.

39

40 Amend the Education Committee Report, dated March 30, 2009, page 1,
41 line 4, strike "UTILITY." and substitute "UTILITY."";

42

43 after line 4, insert the following:

44

45 "line 20, strike "A" and substitute "EXCEPT AS PROVIDED IN SUBSECTION
46 (4) OF THIS SECTION, A".";

47

48 line 5 of the Education Committee Report, strike "FOR" and substitute
49 "FOR"";

50

51 after line 5, insert the following:

52

53 "after line 14, insert the following:

54 "(4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
55 ARTICLE, A QUALIFIED SCHOOL DISTRICT SHALL NOT APPLY FOR A LOAN
56 FROM THE PROGRAM UNLESS:

1 (I) THE QUALIFIED SCHOOL DISTRICT HAS APPLIED FOR A LOAN
2 FROM AT LEAST ONE BANK FOR THE PURPOSE OF FUNDING THE DISTRICT'S
3 RENEWABLE ENERGY PROJECT OR BATTERY-POWERED OR HYBRID-
4 ELECTRIC BUS PROJECT; AND

5

6 (II) THE BANK DENIED THE DISTRICT'S LOAN APPLICATION.

7

8 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES, "BANK" SHALL HAVE THE SAME MEANING AS SET FORTH IN
10 SECTION 11-101-401 (5), C.R.S."."

11

12 Amendment No. 3, by Representative(s) Marostica.

13 Amend printed bill, page 3, line 26, strike "BATTERY-POWERED OR" and
14 substitute "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR".

15

16 Page 4, line 3, strike "BATTERY-POWERED OR" and substitute
17 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR";

18

19 line 5, strike "BATTERY-POWERED OR" and substitute
20 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR".

21

22 Page 5, line 14, strike "BATTERY-POWERED OR" and substitute
23 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR";

24

25 line 19, strike "BATTERY-POWERED OR" and substitute
26 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR".

27

28 Page 6, line 5, strike "BATTERY-POWERED OR" and substitute
29 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR"

30

31 Page 7, line 17, strike "BATTERY-POWERED OR" and substitute
32 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR";

33

34 line 25, strike "BATTERY-POWERED OR" and substitute
35 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR".

36

37 Page 8, line 3, strike "BATTERY-POWERED OR" and substitute
38 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR".

39

40 Page 9, line 19, strike "BATTERY-POWERED OR" and substitute
41 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR";

42

43 line 27, strike "BATTERY-POWERED OR" and substitute
44 "BATTERY-POWERED, COMPRESSED NATURAL GAS, OR".

45

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

48 (For change in action, see Amendments to Report, page 1004.)

49

50 **SB09-061** by Senator(s) Carroll M.; also Representative(s)
51 Primavera--Concerning the qualifications of health care
52 professionals who review claims for medical treatment
53 under insurance policies.

54

55 Laid over until April 6, retaining place on Calendar.

56

1 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

2
3 Representative(s) Hullinghorst, Fischer, and Green moved to amend the
4 Report of the Committee of the Whole to reverse the action taken by the
5 Committee in adopting Amendment No. 3, by Representative Waller,
6 (printed in House Journal page 1000, lines 37-48), to SB09-143, to show
7 that said amendment lost, and that **SB09-143**, as amended by the Judiciary
8 Committee Report, dated March 19, 2009, and Amendment No. 2, by
9 Representative Weissmann, (printed in House Journal page 1000,
10 lines 18-35), passed.

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

	YES	27	NO	37	EXCUSED	1	ABSENT	0
15	Acree	N	Green	Y	McCann	Y	Roberts	N
16	Apuan	Y	Hullinghorst	Y	McFadyen	E	Ryden	Y
17	Balmer	N	Judd	Y	McKinley	N	Scanlan	N
18	Baumgardner	N	Kagan	N	McNulty	N	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
21	Casso	N	Kerr J.	N	Miklosi	Y	Soper	Y
22	Court	Y	King S.	N	Murray	N	Stephens	N
23	Curry	N	Labuda	Y	Nikkel	N	Summers	N
24	Ferrandino	N	Lambert	N	Pace	N	Swalm	N
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
26	Frangas	N	Liston	N	Pommer	Y	Todd	Y
27	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
28	Gardner B.	N	Marostica	Y	Priola	N	Vigil	N
29	Gardner C.	N	Massey	N	Rice	Y	Waller	N
30	Gerou	N	May	N	Riesberg	Y	Weissmann	N
31							Speaker	N

32
33 Representative(s) Hullinghorst and Fischer moved to amend the Report of
34 the Committee of the Whole to reverse the action taken by the
35 Committee in not adopting SB09-143, to show that **SB09-143**, as
36 amended, passed.

37
38 The amendment was declared **lost** by the following roll call vote:

	YES	29	NO	35	EXCUSED	1	ABSENT	0
40	Acree	N	Green	Y	McCann	Y	Roberts	N
41	Apuan	Y	Hullinghorst	Y	McFadyen	E	Ryden	Y
42	Balmer	N	Judd	Y	McKinley	N	Scanlan	N
43	Baumgardner	N	Kagan	N	McNulty	N	Schafer S.	Y
44	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
45	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
46	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
47	Court	Y	King S.	N	Murray	N	Stephens	N
48	Curry	N	Labuda	Y	Nikkel	N	Summers	N
49	Ferrandino	Y	Lambert	N	Pace	N	Swalm	N
50	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
51	Frangas	N	Liston	N	Pommer	Y	Todd	Y
52	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
53	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
54	Gardner C.	N	Massey	N	Rice	Y	Waller	N
55	Gerou	N	May	N	Riesberg	Y	Weissmann	N
56							Speaker	N

1 Representative(s) McNulty and Gardner C. moved to amend the Report
 2 of the Committee of the Whole to reverse the action taken by the
 3 Committee in not adopting the following McNulty amendment, to
 4 HB09-1312, to show that said amendment passed, and that **HB09-1312**,
 5 as amended, passed.

6
 7 Amend the Education Committee Report, dated March 30, 2009, page 2,
 8 after line 3, add the following:

9
 10 "Page 10, line 14, strike "LOANS." and substitute "LOANS; EXCEPT THAT
 11 THE STATE TREASURER SHALL NOT DETERMINE ANY LOAN AMOUNT
 12 EXCEEDING ONE HUNDRED THOUSAND DOLLARS."."

13
 14 The amendment was declared **lost** by the following roll call vote:

	YES	28	NO	36	EXCUSED	1	ABSENT	0
17	Acree	Y	Green	Y	McCann	N	Roberts	Y
18	Apuan	N	Hullinghorst	N	McFadyen	E	Ryden	N
19	Balmer	Y	Judd	N	McKinley	N	Scanlan	N
20	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
21	Benefield	N	Kefalas	N	Merrifield	N	Solano	N
22	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	Y
23	Casso	N	Kerr J.	Y	Miklosi	N	Soper	N
24	Court	N	King S.	Y	Murray	Y	Stephens	Y
25	Curry	N	Labuda	N	Nikkel	Y	Summers	Y
26	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
27	Fischer	N	Levy	N	Peniston	N	Tipton	Y
28	Frangas	N	Liston	Y	Pommer	N	Todd	N
29	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
30	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
31	Gardner C.	Y	Massey	Y	Rice	N	Waller	Y
32	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
33							Speaker	N

34
 35 Representative(s) Kerr A. moved to amend the Report of the Committee
 36 of the Whole to reverse the action taken by the Committee in adopting
 37 Amendment No. 2, by Representative Murray (printed in House Journal
 38 page 1001, lines 38-56, and page 1002, lines 1-10), to HB09-1312, to
 39 show that said amendment lost, and that **HB09-1312**, as amended, passed.

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

	YES	36	NO	28	EXCUSED	1	ABSENT	0
44	Acree	N	Green	Y	McCann	Y	Roberts	N
45	Apuan	Y	Hullinghorst	Y	McFadyen	E	Ryden	Y
46	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
47	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
48	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
49	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
50	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	N
51	Court	Y	King S.	N	Murray	N	Stephens	N
52	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
53	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
54	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
55	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
56	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N

1	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
2	Gardner C.	N	Massey	N	Rice	Y	Waller	N
3	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
4							Speaker	Y

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

9 Passed Second Reading: **HB09-1316 amended, 1312 amended.**

11 Lost on Second Reading: **SB09-143 amended.**

13 Laid over until date indicated retaining place on Calendar:

14 **SB09-173**--April 3, 2009.

15 **SB09-061**--April 6, 2009.

17 The Chairman moved the adoption of the Committee of the Whole
18 Report. As shown by the following roll call vote, a majority of those
19 elected to the House voted in the affirmative, and the Report was
20 **adopted.**

22	YES	64	NO	0	EXCUSED	1	ABSENT	0
23	Acree	Y	Green	Y	McCann	Y	Roberts	Y
24	Apuan	Y	Hullingerhorst	Y	McFadyen	E	Ryden	Y
25	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
26	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
28	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
29	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
30	Court	Y	King S.	Y	Murray	Y	Stephens	Y
31	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
32	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
33	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
34	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
35	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
36	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
37	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
38	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
39							Speaker	Y

MESSAGE(S) FROM THE SENATE

45 The Senate has adopted and transmits herewith: SJR09-030.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

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

54 **SJR09-030** by Senator(s) Morse; also Representative(s) Gardner B.--
55 Concerning recognition of the Colorado department of
56 corrections for its high standards of service to the state.

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

2

3 On motion of Representative Gardner B., the resolution was read at
4 length and **adopted** by **viva voce** vote.

5

6 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
7 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,
8 Fischer, Frangas, Gagliardi, Gardner C., Gerou, Green, Hullinghorst, Judd,
9 Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston,
10 Looper, Marostica, Massey, May, McCann, McKinley, McNulty, Merrifield,
11 Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer, Primavera,
12 Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
13 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil,
14 Waller, Weissmann, Speaker

15

16

17 House in recess. House reconvened.

18

19

20

21

REPORT(S) OF COMMITTEE(S) OF REFERENCE

22

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

25

26 **HB09-1303** be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:
29

30

31 Amend printed bill, page 2, line 3, strike "amended" and substitute
32 "amended, and the said 37-90-103 is further amended BY THE
33 ADDITION OF A NEW SUBSECTION,".

34

35 Page 3, strike line 27.

36

37 Strike pages 4 and 5.

38

39 Page 6, strike lines 1 through 15 and substitute the following:

40

41 "(10.9) "OIL AND GAS WELL" MEANS A WELL PERMITTED BY THE
42 COLORADO OIL AND GAS CONSERVATION COMMISSION.

43

44 **SECTION 2.** 37-90-137 (2) (b), Colorado Revised Statutes, is
45 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

46

47 **37-90-137. Permits to construct wells outside designated**
48 **basins - fees - permit no ground water right - evidence - time**
49 **limitation - well permits - repeal.** (2) (b) (IV) THOSE PROVISIONS OF
50 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) THAT RELATE TO
51 THE ISSUANCE OF A PERMIT TO CONSTRUCT A WELL AT A DISTANCE OF LESS
52 THAN SIX HUNDRED FEET FROM AN EXISTING WELL SHALL NOT APPLY IF
53 THE PROPOSED AND EXISTING WELLS ARE ALL OIL AND GAS WELLS.

54

55 **SECTION 3.** The introductory portion to 37-90-137 (7), Colorado
56 Revised Statutes, is amended, and the said 37-90-137 (7) is further

1 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

2

3 **37-90-137. Permits to construct wells outside designated**
4 **basins - fees - permit no ground water right - evidence - time**
5 **limitation - well permits - rules - repeal.** (7) In the case of dewatering
6 of geologic formations by ~~removing~~ WITHDRAWING nontributary ground
7 water to facilitate or permit mining of minerals:

8

9 (c) THE STATE ENGINEER MAY, PURSUANT TO THE "STATE
10 ADMINISTRATIVE PROCEDURE ACT", ADOPT RULES TO ASSIST WITH THE
11 ADMINISTRATION OF THIS SUBSECTION (7). IN ALL RULE-MAKING
12 PROCEEDINGS AUTHORIZED BY THIS SUBSECTION (7), THE STATE ENGINEER
13 SHALL AFFORD INTERESTED PERSONS THE RIGHT OF CROSS-EXAMINATION.
14 JUDICIAL REVIEW OF ALL RULES PROMULGATED PURSUANT TO THIS
15 SUBSECTION (7) SHALL BE IN ACCORDANCE WITH THE "STATE
16 ADMINISTRATIVE PROCEDURE ACT"; EXCEPT THAT VENUE FOR SUCH
17 REVIEW SHALL LIE EXCLUSIVELY WITH THE WATER JUDGE OR JUDGES FOR
18 THE WATER DIVISION OR DIVISIONS WITHIN WHICH THE GROUND WATER
19 THAT IS THE SUBJECT OF SUCH RULES IS LOCATED. ANY RULES
20 PROMULGATED PURSUANT TO THIS SUBSECTION (7) SHALL NOT CONFLICT
21 WITH EXISTING LAWS AND SHALL NOT AFFECT THE VALIDITY OF GROUND
22 WATER WELL PERMITS EXISTING PRIOR TO THE ADOPTION OF SUCH RULES."

23

24 Renumber succeeding sections accordingly.

25

26 Page 6, line 24, strike "sixty TWO HUNDRED SEVENTY" and substitute
27 "sixty".

28

29 Page 7, strike line 2 and substitute the following:

30

31 "issued under this article. PRIOR TO MARCH 31, 2010, THIS SUBSECTION
32 (2) SHALL NOT APPLY TO OIL AND GAS WELLS.

33

34 **SECTION 5.** 37-92-103, Colorado Revised Statutes, is amended
35 BY THE ADDITION OF A NEW SUBSECTION to read:

36

37 **37-92-103. Definitions.** As used in this article, unless the context
38 otherwise requires:

39

40 (5.5) "COAL BED METHANE WELL" MEANS A WELL PERMITTED BY
41 THE COLORADO OIL AND GAS CONSERVATION COMMISSION AND
42 CONSTRUCTED FOR THE PRIMARY PURPOSE OF PRODUCING METHANE GAS
43 FROM A COAL BED."

44

45 Renumber succeeding sections accordingly.

46

47 Page 7, line 7, strike "(10)" and substitute "(11)" and strike "WELLS THAT"
48 and substitute "COAL BED METHANE WELLS INTO THE WATER COURT";

49

50 strike lines 8 and 9;

51

52 line 13, strike "(10)." and substitute "(11).";

53

54 line 14, strike "WELL IN AN" and substitute "COAL BED METHANE WELL
55 THAT WITHDRAWS TRIBUTARY GROUND WATER AND IMPACTS AN
56 OVER-APPROPRIATED STREAM SHALL OPERATE UNLESS:";

1 strike lines 15 through 17;

2

3 strike lines 24 through 27.

4

5 Page 8, strike lines 1 through 4 and substitute the following:

6

7 "(II) BEGINNING JANUARY 1, 2013, ANY COAL BED METHANE WELL
8 THAT WITHDRAWS TRIBUTARY GROUND WATER FROM A GEOLOGIC
9 FORMATION IN CONJUNCTION WITH THE MINING OF MINERALS SHALL BE
10 CONTINUOUSLY CURTAILED UNLESS THE WELL:

11

12 (A) IS INCLUDED IN A PLAN FOR AUGMENTATION APPROVED BY A
13 WATER JUDGE;

14

15 (B) IS INCLUDED IN A SUBSTITUTE WATER SUPPLY PLAN APPROVED
16 PURSUANT TO SUBSECTION (4) OF THIS SECTION; OR

17

18 (C) CAN BE OPERATED IN PRIORITY WITHOUT AUGMENTATION.

19

20 (III) THE GENERAL ASSEMBLY FINDS THAT THE TIME PERIOD
21 ESTABLISHED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS
22 SUBSECTION (11)";

23

24 strike lines 9 through 11 and substitute the following:

25

26 "SUBSECTION (10), THE STATE ENGINEER MAY APPROVE THE TEMPORARY
27 OPERATION OF A COAL BED METHANE WELL THAT WITHDRAWS TRIBUTARY
28 GROUND WATER ONLY IF THE";

29

30 line 25, strike "AN OPPOSER'S" and substitute "A PARTY'S";

31

32 line 26, strike "AN OPPOSER" and substitute "A PARTY".

33

34 Page 9, line 1, strike "REQUEST." and substitute "REQUEST; AND";

35

36 line 5, after "DEPLETIONS", insert "OCCURRING ON OR AFTER THE
37 EFFECTIVE DATE OF THIS SUBSECTION (11)";

38

39 line 7, after "INJURY", insert "OCCURRING ON OR AFTER THE EFFECTIVE
40 DATE OF THIS SUBSECTION (11)";

41

42 line 17, strike "DEPLETIONS." and substitute "DEPLETIONS OCCURRING ON
43 OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (11).";

44

45 line 23, strike "(10)" and substitute "(11)";

46

47 line 26, strike "(10)." and substitute "(11).";

48

49 line 27, strike "(10)" and substitute "(11)".

50

51 Page 10, line 17, strike "(10)" and substitute "(11)".

52

53

54

55

1 **HB09-1317** 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, line 7, after the comma, insert "STATE";
6
7 line 8, strike "SECTION, INCLUDING";
8
9 line 9, strike "STATE LANDS ASSOCIATED WITH" and substitute "SECTION
10 FOR".
11
12
13

14 **SB09-024** be amended as follows, and as so amended, be referred to
15 the Committee on Appropriations with favorable
16 recommendation:
17

18 Amend reengrossed bill, page 4, line 15, strike "**materials.**" and
19 substitute "**materials - definitions.**";
20

21 line 23, strike "LANDOWNER:" and substitute "LANDOWNER WHO DOES NOT
22 UNREASONABLY RESTRICT HUNTING OF SPECIES LIKELY TO CAUSE DAMAGE
23 ON LAND UNDER THE LANDOWNER'S CONTROL OR RESTRICT THE HUNTING
24 OF SPECIES LIKELY TO CAUSE DAMAGE ON ANY OTHER LANDS BY
25 RESTRICTING ACCESS ACROSS LANDS UNDER THE LANDOWNER'S CONTROL,
26 AND:";
27

28 line 24, strike "ONE" and substitute "FIVE";
29

30 line 27, strike "ONE" and substitute "FIVE".
31

32 Page 5, after line 6, insert the following:
33

34 "(III) THE DIVISION SHALL NOT DENY A LANDOWNER GAME
35 DAMAGE CLAIMS OR GAME DAMAGE PREVENTION MATERIALS ON THE
36 GROUNDS THAT THE LANDOWNER RECEIVED A VOUCHER PURSUANT TO THE
37 WILDLIFE CONSERVATION LANDOWNER HUNTING PREFERENCE PROGRAM
38 FOR WILDLIFE HABITAT IMPROVEMENT UNDER SECTION 33-4-103 (3) (d).
39

40 before line 7, insert the following:
41

42 "(IV) AS USED IN THIS SECTION:
43

44 (A) "TEMPORARY GAME DAMAGE PREVENTION MATERIALS" MEANS
45 MATERIALS OF AN ADEQUATE SUBSTANCE THAT ARE UTILIZED TO PROTECT
46 PRIVATE PROPERTY FOR A PERIOD OF TIME AGREED UPON BY THE
47 LANDOWNER AND THE DIVISION. SUCH MATERIALS MAY INCLUDE, BUT ARE
48 NOT LIMITED TO, TRANSFERABLE PANELS OR PYROTECHNICS;
49

50 (B) "PERMANENT GAME DAMAGE PREVENTION MATERIALS" MEANS
51 MATERIALS OF AN ADEQUATE SUBSTANCE THAT ARE ERECTED IN SUCH A
52 WAY TO PROTECT PRIVATE PROPERTY FOR THE EXPECTED NORMAL LIFE OF
53 THE MATERIALS. THE NORMAL LIFE OF THE MATERIALS SHALL BE AS
54 SPECIFIED IN A WRITTEN AGREEMENT BETWEEN THE LANDOWNER AND THE
55 DIVISION."
56

1 Page 7, after line 14, insert the following:

2

3 "SECTION 4. 33-3-106 (1), Colorado Revised Statutes, is
4 amended to read:

5

6 **33-3-106. Excessive damage - permit to take wildlife -**
7 **harassment by dogs.** (1) (a) Where wildlife is causing excessive
8 damage to property, as determined by the division IN CONSULTATION WITH
9 THE PROPERTY OWNER, the division ~~is authorized to~~ SHALL issue a permit
10 to the property owner, THE PROPERTY OWNER'S DESIGNEE, or to such other
11 person selected by the division to kill a specified number of the wildlife
12 causing such excessive damage. AS USED IN THIS SECTION, "EXCESSIVE
13 DAMAGE" MEANS A LOSS, BASED ON HISTORIC DATA, OF AT LEAST
14 TWENTY-FIVE PERCENT OF THE DAMAGED PHYSICAL PROPERTY.

15

16 (b) AT ANY TIME WHEN WILDLIFE IS CAUSING LESS THAN
17 EXCESSIVE DAMAGE TO PROPERTY, A PROPERTY OWNER MAY REQUEST,
18 AND THE DIVISION MAY, IN ITS DISCRETION, ISSUE A PERMIT TO THE
19 PROPERTY OWNER, THE PROPERTY OWNER'S DESIGNEE, OR TO SUCH OTHER
20 PERSON SELECTED BY THE DIVISION TO KILL A SPECIFIED NUMBER OF
21 WILDLIFE CAUSING SUCH DAMAGE."

22

23 Renumber succeeding sections accordingly.

24

25

26

27 **SB09-154** be amended as follows, and as so amended, be referred to
28 the Committee on Appropriations with favorable
29 recommendation:

30

31 Amend reengrossed bill, page 2, line 4, after "**rules.**", insert "(1)";

32

33 after line 11, insert the following:

34

35 "(2) THE MONEYS IN THE VETERINARY VACCINE AND SERVICE FUND
36 SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR TO
37 ANY OTHER FUND."

38

39

40

41 **SB09-158** be referred favorably to the Committee on Appropriations.

42

43

44 **SB09-174** be amended as follows, and as so amended, be referred to
45 the Committee on Finance with favorable
46 recommendation:

47

48 Amend reengrossed bill, page 4, strike line 4 and substitute the following:

49

50 "Statutes, are amended, and the said 12-60-202 is further amended BY
51 THE ADDITION OF A NEW SUBSECTION, to read:";

52

53 line 5, strike "**duties.**" and substitute "**duties - repeal.**";

54

55 after line 24, insert the following:

56

1 "(4) (a) ON OR BEFORE JANUARY 15, 2010; JANUARY 15, 2011;
2 AND JANUARY 15, 2012; THE DIRECTOR, IN CONSULTATION WITH THE
3 COMMISSION, SHALL PREPARE AND DELIVER TO THE SENATE AGRICULTURE
4 AND NATURAL RESOURCES COMMITTEE AND THE HOUSE AGRICULTURE,
5 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR
6 COMMITTEES, A REPORT ON THE STATUS OF THE PARI-MUTUEL INDUSTRY
7 FOLLOWING THE PASSAGE OF SENATE BILL 09-174, ENACTED IN 2009, AND
8 INCLUDING, IN PARTICULAR, INFORMATION ON THE FINANCIAL STATUS OF
9 HORSE AND GREYHOUND RACING.

10

11 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2012."

12

13 Page 15, line 13, strike "In" and substitute "(A) EXCEPT AS OTHERWISE
14 PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), in";

15

16 after line 23, insert the following:

17

18 "(B) IN THE CASE OF PARI-MUTUEL WAGERS ON GREYHOUND
19 SIMULCAST SIGNALS RECEIVED BY A CLASS B TRACK, IN LIEU OF THE
20 AMOUNTS OTHERWISE PAYABLE TO COLORADO STATE UNIVERSITY
21 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THE
22 LICENSEE SHALL INSTEAD PAY AN EQUIVALENT AMOUNT INTO A TRUST
23 ACCOUNT FOR DISTRIBUTION IN ACCORDANCE WITH RULES OF THE
24 COMMISSION UNDER SECTION 12-60-702 (1) (e) (II)."

25

26 Page 17, line 13, after the period, add "IN THE CASE OF PARI-MUTUEL
27 WAGERS ON GREYHOUND SIMULCAST SIGNALS RECEIVED BY A CLASS B
28 TRACK, THE OPERATOR SHALL DEPOSIT THE AMOUNTS PAYABLE PURSUANT
29 TO SECTION 12-60-701 (2) (a) (II) (B) INTO A TRUST ACCOUNT FOR
30 DISTRIBUTION, IN ACCORDANCE WITH RULES OF THE COMMISSION, EITHER
31 AS PURSES FOR LIVE GREYHOUND RACES IN COLORADO OR, IF THERE IS NO
32 LIVE GREYHOUND RACING IN COLORADO, TO GREYHOUND WELFARE AND
33 ADOPTION ORGANIZATIONS AND OTHER ENTITIES OR ORGANIZATIONS THAT
34 PROMOTE OR PARTICIPATE IN GREYHOUND RACING OR PROMOTE THE
35 WELFARE OF RACING GREYHOUNDS."

36

37

38

39

40 **LOCAL GOVERNMENT**

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

43

44 **HB09-1327** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47

48 Amend printed bill, page 7, after line 3, insert the following:

49

50 "(II) NOT LATER THAN AUGUST 1 OF EACH CALENDAR YEAR, THE
51 GOVERNING BODY SHALL CERTIFY TO THE COUNTY ASSESSOR AN ITEMIZED
52 LIST OF THE PROPERTY TAX DISTRIBUTION PERCENTAGES ATTRIBUTABLE
53 TO THE SPECIAL FUND OF THE MUNICIPALITY PURSUANT TO
54 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) FROM THE MILL LEVIES TO BE
55 CERTIFIED BY EACH PUBLIC BODY. WHEN CERTIFYING VALUES TO TAXING
56 ENTITIES PURSUANT TO SECTIONS 39-1-111 (5), 39-5-121 (2), AND

1 39-5-128, C.R.S., THE ASSESSOR SHALL CERTIFY ONLY THE PERCENTAGE
 2 OF INCREMENT VALUE ATTRIBUTABLE TO THE SPECIAL FUND PURSUANT TO
 3 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) AS CERTIFIED BY THE
 4 GOVERNING BODY."

5

6 Renumber succeeding subparagraph accordingly.

7

8 Page 7, after line 5, insert the following:

9

10 "SECTION 4. 39-5-128 (3), Colorado Revised Statutes, is
 11 amended to read:

12

13 **39-5-128. Certification of valuation for assessment.**

14 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 31-25-107 (9) (a.5) (II),
 15 C.R.S., if the valuation for assessment for all or part of any such political
 16 subdivision has been divided for an urban renewal area, pursuant to
 17 section 31-25-107 (9) (a), C.R.S., any certification under this section shall
 18 be based upon that portion of the valuation for assessment under
 19 subparagraph (I) of said section 31-25-107 (9) (a), C.R.S., so long as such
 20 division remains in effect."

21

22 Renumber succeeding sections accordingly.

23

24 Page 7, strike lines 8 through 17 and substitute the following:

25

26 "SECTION 6. **Act subject to petition - effective date -**
 27 **applicability.** (1) This act shall take effect January 1, 2010.

28

29 (2) However, if a referendum petition is filed against this act or
 30 an item, section, or part of this act during the ninety-day period after final
 31 adjournment of the general assembly that is allowed for submitting a
 32 referendum petition pursuant to article V, section 1 (3) of the state
 33 constitution, then the act, item, section, or part, shall not take effect unless
 34 approved by the people at a biennial regular general election and shall
 35 take effect on the date specified in subsection (1) or on the date of the
 36 official declaration of the vote thereon by proclamation of the governor,
 37 whichever is later.;"

38

39 line 18, strike "(2)" and substitute "(3)".

40

41

42

43 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 44 **on HB09-1162**

45

46 This Report Amends the Rerevised Bill.

47

48 To the President of the Senate and the
 49 Speaker of the House of Representatives:

50

51 Your first conference committee appointed on HB09-1162,
 52 concerning intergovernmental cooperation for the purpose of mitigating
 53 wildfires, has met and reports that it has agreed upon the following:

54

55 1. That the House accede to the Senate amendments made to the
 56 bill, as the amendments appear in the rerevised bill.

1 2. That, under the authority granted the committee to consider
2 matters not at issue between the two houses, the following amendments
3 be recommended:

4
5 Amend rerevised bill, page 3, after line 21, insert the following:

6
7 "(a) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET
8 FORTH IN SECTION 24-33.5-1202 (3.5), C.R.S., AND INCLUDES A FIRE
9 DEPARTMENT THAT USES PAID FIREFIGHTERS, VOLUNTEER FIREFIGHTERS,
10 OR BOTH. THE TERM INCLUDES, WITHOUT LIMITATION, A NOT-FOR-PROFIT
11 NONGOVERNMENTAL ENTITY THAT IS ORGANIZED TO PROVIDE
12 FIREFIGHTING SERVICES."

13
14 Reletter succeeding paragraphs accordingly.

15
16 Page 5, after line 23, insert the following:

17
18 "(5) (a) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
19 33-10-108 (3) (a), C.R.S., AND PURSUANT TO A CONTRACT,
20 INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF
21 UNDERSTANDING, THE DIVISION OF PARKS AND OUTDOOR RECREATION
22 CREATED IN SECTION 33-10-103 (1), C.R.S., MAY ALLOW FIRE MITIGATION
23 PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE
24 CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER STATE PARKS,
25 STATE RECREATION AREAS, AND NATURAL AREAS FOR THE PURPOSE OF
26 MITIGATING FOREST LAND OR WILD LAND FIRES IN OR AROUND SUCH
27 PARKS, RECREATION AREAS, AND NATURAL AREAS. PERMISSIBLE
28 ACTIVITIES TO BE UNDERTAKEN BY A FIRE DEPARTMENT UNDER THIS
29 PARAGRAPH (a) INCLUDE, WITHOUT LIMITATION, PRESCRIBED BURNING AS
30 A COMPONENT OF WILDFIRE MITIGATION OR FOREST OR WILD LAND
31 MANAGEMENT AND EXERCISES TO PROMOTE THE TRAINING OF
32 FIREFIGHTING PERSONNEL.

33
34 (b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE
35 CONSTRUED AS AFFECTING THE AUTHORITY OF ANY STATE AGENCY OTHER
36 THAN THE DIVISION OF PARKS AND OUTDOOR RECREATION TO ENTER INTO
37 A CONTRACT, INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF
38 UNDERSTANDING FOR THE PURPOSE OF ALLOWING FIRE MITIGATION
39 PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE
40 CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER LAND AREAS
41 UNDER THE JURISDICTION OF THE STATE AGENCY TO UNDERTAKE THE
42 PERMISSIBLE ACTIVITIES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION
43 (5).

44
45 (c) FOR PURPOSES OF THIS SUBSECTION (5), "STATE AGENCY"
46 SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-18-102 (9),
47 C.R.S.

48
49 **SECTION 2.** 33-10-108, Colorado Revised Statutes, is amended
50 BY THE ADDITION OF A NEW SUBSECTION to read:

51
52 **33-10-108. Duties of the division of parks and outdoor**
53 **recreation - definitions.** (3) (a) PURSUANT TO A CONTRACT,
54 INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF
55 UNDERSTANDING, THE DIVISION MAY ALLOW FIRE MITIGATION PERSONNEL
56 AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE CONTROL OR

1 SUPERVISION OF A FIRE DEPARTMENT TO ENTER STATE PARKS, STATE
 2 RECREATION AREAS, AND NATURAL AREAS FOR THE PURPOSE OF
 3 MITIGATING FOREST LAND OR WILD LAND FIRES IN OR AROUND SUCH
 4 PARKS, RECREATION AREAS, AND NATURAL AREAS. PERMISSIBLE
 5 ACTIVITIES TO BE UNDERTAKEN BY A FIRE DEPARTMENT UNDER THIS
 6 PARAGRAPH (a) INCLUDE, WITHOUT LIMITATION, PRESCRIBED BURNING AS
 7 A COMPONENT OF WILDFIRE MITIGATION OR FOREST OR WILD LAND
 8 MANAGEMENT AND EXERCISES TO PROMOTE THE TRAINING OF
 9 FIREFIGHTING PERSONNEL.

10

11 (b) AS USED IN THIS SUBSECTION (3):

12

13 (I) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET
 14 FORTH IN SECTION 29-20-105.5 (2) (a), C.R.S.

15

16 (II) "NATURAL AREA" SHALL HAVE THE SAME MEANING AS SET
 17 FORTH IN SECTION 33-33-103 (8).".

18

19 Renumber succeeding section accordingly.

20

21 Respectfully submitted,

22

House Committee:

23

(signed)

24

Cheri Gerou

25

Kathleen Curry

26

Christine Scanlan

27

Senate Committee:

23

(signed)

24

Mike Kopp

25

Dan Gibbs

26

Jim Isgar

27

28

29

30

MESSAGE(S) FROM THE SENATE

31

32 The Senate has voted not to concur in House Amendments to SB09-101,
 33 and requests that a Conference Committee be appointed. The President
 34 appointed Senators White, Chair, Tochtrop and Morse as members of the
 35 First Conference Committee on SB09-101 on the part of the Senate. The
 36 bill is transmitted herewith.

37

38 The Senate voted to concur in House amendments to SB09-056,
 39 SB09-036, SB09-020, SB09-177, and SB09-111 and repassed the bills as
 40 so amended.

41

42 The Senate has adopted the First Report of the First Conference
 43 Committee on HB09-1162, as printed in Senate Journal, March 6, 2009,
 44 page 638, and repassed the bill as amended. The bill is returned herewith.

45

46

47

48

49

APPOINTMENTS TO CONFERENCE COMMITTEES

50

51 The Speaker announced that Representative Baumgardner has replaced
 52 Representative McNulty as a Conferee on the First Conference
 53 Committee for **SB09-148**.

54

55

56

1 Pursuant to a request from the Senate, the Speaker appointed House
2 conferees to the First Conference Committees as follows:

3

4 **SB09-131**--Representatives Massey, Chairman, Merrifield and Riesberg.

5

6 **SB09-101**--Representatives Levy, Chairman, Kerr J., and Middleton.

7

8

9

10 **LAY OVER OF CALENDAR ITEM(S)**

11

12 On motion of Representative Weissmann, the following item(s) on the
13 Calendar were laid over until April 3, retaining place on Calendar:

14

15 Consideration of Resolution(s)--**SJR09-028, 034.**

16 Consideration of Senate Amendment(s)--**HB09-1217.**

17

18

19

20 On motion of Representative Weissmann, the House adjourned until
21 9:00 a.m., April 3, 2009.

22

23

24

25

26

27

28

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

