

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

Twenty-second Legislative Day Wednesday, January 28, 2009

1 Prayer by Dr. C. Gene Selander, Crystal Clear Ministries, Denver.

2

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

4

5 Pledge of Allegiance led by Miles Lovato, Colorado State University,
6 Fort Collins.

7

8 The roll was called with the following result:

9

10 Present--64.

11 Excused--Representative Merrifield--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Baumgardner, the reading of the journal of
17 January 27, 2009, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

22 On motion of Representative McGihon, the House resolved itself into
23 Committee of the Whole for consideration of General Orders, and she
24 was called to the Chair to act as Chairman.

25

26

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

28

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

33

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

36

37 **HB09-1023** by Representative(s) Gagliardi and Swalm; also Senator(s)
38 Boyd--Concerning the age requirement for blood
39 donations by a minor.

40

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

43

1 **HB09-1025** by Representative(s) Riesberg, Frangas, Green, Massey;
2 also Senator(s) Boyd, Kopp, Morse--Concerning
3 requirements for individuals who collect data on hospital-
4 acquired infection rates.

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

8
9
10 **HB09-1048** by Representative(s) Labuda--Concerning representation
11 by persons impacted by a disability in state work groups
12 that have a primary purpose of addressing issues that
13 affect persons with disabilities.

14
15 Laid over until June 9, 2009. Deemed lost.

16
17 **HB09-1037** by Representative(s) Tipton; also Senator(s) Isgar--
18 Concerning the reclassification of Montrose county for
19 county court purposes.

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

23
24
25 **HB09-1044** by Representative(s) Roberts; also Senator(s) Morse--
26 Concerning expungement of records relating to a criminal
27 matter for which a juvenile is sentenced as a juvenile after
28 being charged by the direct filing of charges in a district
29 court.

30
31 Amendment No. 1, Judiciary Report, dated January 22, 2009, and placed
32 in member's bill file; Report also printed in House Journal, January 23,
33 page 120.

34
35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.

37
38
39 **HB09-1122** by Representative(s) Roberts, Levy, Merrifield; also
40 Senator(s) Morse--Concerning increasing the age of
41 persons eligible for sentencing to the youthful offender
42 system.

43
44 Ordered engrossed and placed on the Calendar for Third Reading and
45 Final Passage.

46
47 **HB09-1019** by Representative(s) Peniston; also Senator(s) Foster--
48 Concerning cat identification.

49
50 Laid over until January 30, retaining place on Calendar.

51
52
53 **HB09-1034** by Representative(s) Liston; also Senator(s) Gibbs--
54 Concerning authorization for a regional transportation
55 authority to impose property tax.

56

1 Amendment No. 1, by Representative Green.

2

3 Amend printed bill, page 2, after line 1, insert the following:

4

5 "SECTION 1. 43-4-603 (4), Colorado Revised Statutes, is
6 amended to read:

7

8 **43-4-603. Creation of authorities.** (4) No contract establishing
9 an authority pursuant to this section shall take effect unless first submitted
10 to a vote of the registered electors residing within the boundaries of the
11 proposed authority. However, a contract establishing an authority may
12 subsequently be amended in accordance with any amendment procedures
13 specified in the contract pursuant to paragraph (f) of subsection (2) of this
14 section; EXCEPT THAT ANY AMENDMENT TO ALLOW THE AUTHORITY TO
15 PROVIDE A REGIONAL TRANSPORTATION SYSTEM NOT SPECIFIED IN THE
16 CONTRACT ESTABLISHING THE AUTHORITY AS REQUIRED BY PARAGRAPH
17 (a) OF SUBSECTION (2) OF THIS SECTION OR TO CHANGE THE
18 TRANSPORTATION MODALITIES OF OR SIGNIFICANTLY EXPAND A REGIONAL
19 TRANSPORTATION SYSTEM SPECIFIED IN THE CONTRACT SHALL NOT TAKE
20 EFFECT UNLESS IT IS SUBMITTED TO A VOTE OF AND APPROVED BY THE
21 REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE
22 AUTHORITY. The question of establishing the authority shall be submitted
23 to such registered electors at a general election or a special election called
24 for such purpose. Such question may also be proposed to such registered
25 electors at the same time and in the same or a separate question as an
26 election required under section 43-4-612. The authority shall not be
27 established unless a majority of the registered electors voting thereon at
28 the election vote in favor thereof. The election shall be conducted in
29 substantially the same manner as county elections, and the county clerk
30 and recorder of each county in which the election is conducted shall assist
31 the members of the combination of the proposed authority in conducting
32 the election."

33

34 Renumber succeeding sections accordingly.

35

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

38 (For change in action, see Amendments to Report, page 147.)

39

40 **HB09-1089** by Representative(s) Primavera; also Senator(s) Spence--
41 Concerning the filing requirements for liens that secure a
42 debt upon a vehicle.

43

44 Ordered engrossed and placed on the Calendar for Third Reading and
45 Final Passage.

46

47 **HB09-1102** by Representative(s) Acree, Kerr J., Ryden; also Senator(s)
48 Scheffel, Newell--Concerning the study of the portability
49 of health insurance after a policyholder is separated from
50 employment.

51

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

54

55 **HB09-1018** by Representative(s) Bradford--Concerning the removal of
56 obsolete language in statutory provisions implementing the

1 statewide voter registration and election system for
2 purposes of compliance with the federal "Help America
3 Vote Act" .
4

5 Laid over until January 30, retaining place on Calendar.
6

7 **HB09-1012** by Representative(s) Rice and Stephens, Curry, Massey,
8 Swalm; also Senator(s) Mitchell and Newell--Concerning
9 incentives provided by health insurance carriers to
10 encourage voluntary participation in programs to promote
11 health.
12

13 Amendment No. 1, Business Affairs & Labor Report, dated
14 January 21, 2009, and placed in member's bill file; Report also printed in
15 House Journal, January 22, pages 112-113.
16

17 Amendment No. 2, by Representative McGihon.
18

19 Amend printed bill, page 3, line 9, strike "(6)"and substitute "(6), THE
20 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
21 OF 1996", AS AMENDED, AND THE FEDERAL REGULATIONS IMPLEMENTING
22 SUCH ACT,";
23

24 line 17, after "PROGRAMS." add "A CARRIER OFFERING SUCH INCENTIVES
25 OR REWARDS SHALL IMPLEMENT ADEQUATE MEASURES TO ENSURE THAT
26 THE PRIVACY OF INDIVIDUALS IN THE GROUP IS MAINTAINED AND THAT
27 PRIVATE HEALTH INFORMATION IS NOT SHARED OR MADE AVAILABLE TO
28 AN INDIVIDUAL'S EMPLOYER OR ANY OTHER PERSON NOT OTHERWISE
29 ALLOWED ACCESS TO THE INFORMATION UNDER THE FEDERAL "HEALTH
30 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS
31 AMENDED."
32

33 Amendment No. 3, by Representative Lambert.
34

35 Amend printed bill, page 5, after line 16, insert the following:
36

37 "(XIII) PRESCRIPTION DRUG OR CARRIER-APPROVED
38 NONPRESCRIPTION DIETARY SUPPLEMENT USE THAT AIDS IN OVERALL
39 HEALTH AND WELLNESS OR PREVENTS DISEASE;"
40

41 Renumber succeeding subparagraphs accordingly.
42

43 Amendment No. 4, by Representative Rice.
44

45 Amend printed bill, page 4, after line 4, insert the following:
46

47 "(b) INCENTIVES OR REWARDS ARE UNIFORMLY APPLIED BASED ON
48 THE WELLNESS AND PREVENTION PROGRAM, AND NOT BASED ON THE SIZE
49 OR COMPOSITION OF THE GROUP PARTICIPATING IN THE PROGRAM, AND
50 THAT THERE IS A REASONABLE JUSTIFICATION FOR THE AMOUNT,
51 FREQUENCY, AND NATURE OF THE INCENTIVES OR REWARDS;"
52

53 Reletter succeeding paragraphs accordingly.
54
55

1 Amendment No. 5, by Representative Rice.

2

3 Amend printed bill, page 4, before line 17, insert the following:

4

5 "(4) (a) THE DIVISION OF INSURANCE SHALL DETERMINE WHICH
6 CARRIERS ARE OFFERING WELLNESS AND PREVENTION PROGRAMS IN
7 COLORADO AND COLLECT THE FOLLOWING INFORMATION FROM THOSE
8 CARRIERS:

9

10 (I) THE TYPES OF WELLNESS AND PREVENTION PROGRAMS
11 OFFERED;

12

13 (II) THE TYPES AND NATURE OF INCENTIVES OR REWARDS THE
14 CARRIER PROVIDES FOR PARTICIPATION;

15

16 (III) THE CARRIER'S AVERAGE COST PER MEMBER PER MONTH FOR
17 PROVIDING WELLNESS AND PREVENTION PROGRAMS;

18

19 (IV) THE TOTAL NUMBER OF GROUPS IN THE SMALL GROUP
20 MARKET PARTICIPATING IN PROGRAMS OFFERED BY THE CARRIER; AND

21

22 (V) THE NUMBER OF INDIVIDUALS INSURED THROUGH AN
23 INDIVIDUAL HEALTH COVERAGE PLAN THAT ARE PARTICIPATING IN
24 PROGRAMS OFFERED BY THE CARRIER.

25

26 (b) THE DIVISION SHALL DETERMINE THE PERCENTAGE OF
27 CARRIERS ISSUING INDIVIDUAL OR GROUP HEALTH COVERAGE PLANS IN
28 THE STATE THAT OFFER WELLNESS AND PREVENTION PROGRAMS AND
29 SHALL PROVIDE THAT INFORMATION AND THE INFORMATION COLLECTED
30 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE HEALTH
31 CARE TASK FORCE CREATED IN SECTION 10-16-221."

32

33 Renumber succeeding subsection accordingly.

34

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

37

38

39

40 **AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT**

41

42 Representative Liston moved to amend the Report of the Committee of
43 the Whole to reverse the action taken by the Committee in adopting
44 Amendment No. 1, by Representative Green (printed in House Journal
45 page 145, lines 1-34) to **HB09-1034**, to show that said amendment lost,
46 and that HB09-1034 passed.

47

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

49

| | YES | 40 | NO | 24 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 51 | Acree | Y | Green | N | McFadyen | N | Roberts | Y |
| 52 | Apuan | Y | Hullinghorst | N | McGihon | N | Ryden | N |
| 53 | Balmer | Y | Judd | Y | McKinley | N | Scanlan | N |
| 54 | Baumgardner | Y | Kefalas | N | McNulty | Y | Schafer S. | N |
| 55 | Benefield | N | Kerr A. | Y | Merrifield | E | Solano | N |
| 56 | Bradford | Y | Kerr J. | N | Middleton | N | Sonnenberg | Y |

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

12
13
14
15
16 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

17
18 Passed Second Reading: **HB09-1023, 1025, 1037, 1044 amended, 1122,**
19 **1034, 1089, 1102, 1012 amended.**

20
21 Laid over until date indicated retaining place on Calendar:
22 **HB09-1048**--June 9, 2009. Deemed lost.
23 **HB09-1019, 1018**--January 30, 2009.

24
25 The Chairman moved the adoption of the Committee of the Whole
26 Report. As shown by the following roll call vote, a majority of those
27 elected to the House voted in the affirmative, and the Report was
28 **adopted.**

| 30 | YES | 63 | NO | 1 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 31 | Acree | Y | Green | N | McFadyen | Y | Roberts | Y |
| 32 | Apuan | Y | Hullinghorst | Y | McGihon | Y | Ryden | Y |
| 33 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 34 | Baumgardner | Y | Kefalas | Y | McNulty | Y | Schafer S. | Y |
| 35 | Benefield | Y | Kerr A. | Y | Merrifield | E | Solano | Y |
| 36 | Bradford | Y | Kerr J. | Y | Middleton | Y | Sonnenberg | Y |
| 37 | Casso | Y | King S. | Y | Miklosi | Y | Soper | Y |
| 38 | Court | Y | Labuda | Y | Murray | Y | Stephens | Y |
| 39 | Curry | Y | Lambert | Y | Nikkel | Y | Summers | Y |
| 40 | Ferrandino | Y | Levy | Y | Pace | Y | Swalm | Y |
| 41 | Fischer | Y | Liston | Y | Peniston | Y | Tipton | Y |
| 42 | Frangas | Y | Looper | Y | Pommer | Y | Todd | Y |
| 43 | Gagliardi | Y | Marostica | Y | Primavera | Y | Vaad | Y |
| 44 | Gardner B. | Y | Massey | Y | Priola | Y | Vigil | Y |
| 45 | Gardner C. | Y | May | Y | Rice | Y | Waller | Y |
| 46 | Gerou | Y | McCann | Y | Riesberg | Y | Weissmann | Y |
| 47 | | | | | | | Speaker | Y |

1 **REPORTS OF COMMITTEES OF REFERENCE**

2
3 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

6
7 **HB09-1161** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10 Amend printed bill, page 2, line 7, after "after", insert "EITHER";

11
12
13 line 9, strike "documentation." and substitute "documentation OR THE
14 DATE THAT AN OWNER OR OPERATOR IS REQUIRED TO FILE A STATEMENT
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICHEVER IS LATER.".

16
17
18
19
20 **BUSINESS AFFAIRS & LABOR**

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

23
24 **HB09-1052** be amended as follows, and as so amended, be referred to
25 the Committee of the Whole with favorable
26 recommendation:

27
28 Amend printed bill, page 2, line 14, after "PURPOSE", insert "OR, IF THE
29 ITEMS ARE SOLD, DOES NOT DIRECT ALL PROCEEDS OF SUCH SALE TO A
30 CHARITABLE PURPOSE,".

31
32
33
34 **HB09-1053** be amended as follows, and as so amended, be referred to
35 the Committee on Appropriations with favorable
36 recommendation:

37
38 Amend printed bill, page 2, after line 2, insert the following:

39
40 **"SECTION 2.** 11-10.5-107 (4), Colorado Revised Statutes, is
41 amended to read:

42
43 **11-10.5-107. Eligible collateral - uninsured public deposits.**
44 (4) (a) The banking board shall by rule ~~and regulation~~ establish criteria
45 and procedures for reducing or removing any uninsured public funds
46 deposited in an eligible public depository if said depository fails to
47 comply with the capital OR SAFETY AND SOUNDNESS standards established
48 by the banking board.

49
50 (b) The banking board shall require an eligible public depository
51 to increase, substitute, add to, or modify the amount or type of eligible
52 collateral held to secure any uninsured public funds so that ~~such~~ THE
53 collateral is adequate to fully protect ~~such~~ THE public funds if the capital
54 OR FINANCIAL CONDITION of the eligible public depository fails to comply
55 with the capital OR SAFETY AND SOUNDNESS standards established by the
56 banking board. The banking board shall establish such procedures as may

1 be necessary to ensure that all collateral held pursuant to an action taken
2 under this paragraph (b) is characterized by the highest degree of
3 marketability and liquidity so that, in the event of default, all public
4 deposits may be promptly and fully repaid."

5
6 Renumber succeeding sections accordingly.

7
8 Page 2, after line 8, insert the following:

9
10 "SECTION 4. Part 8 of article 103 of title 11, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
12 read:

13
14 **11-103-810. Pre-approved shelf charter.** THE BOARD MAY
15 PRE-APPROVE A SHELF CHARTER FOR A NEW BANK TO QUALIFIED
16 INDIVIDUALS, CONTINGENT UPON THE NEW BANK COMPLETING ALL
17 SPECIFIED REQUIREMENTS AND PURCHASING THE ASSETS AND ASSUMING
18 THE LIABILITIES OF A BANK IN RECEIVERSHIP AS THE FEDERAL DEPOSIT
19 INSURANCE CORPORATION MAY DETERMINE, IF THE PROPOSED BANK HAS
20 ITS PRINCIPAL PLACE OF BUSINESS IN COLORADO AND HAS ASSETS AND
21 LIABILITIES HELD IN RECEIVERSHIP BY THE FEDERAL DEPOSIT INSURANCE
22 CORPORATION. THE SHELF CHARTER MAY BE PRE-APPROVED AND
23 SUMMARILY ISSUED WITHOUT PUBLICATION OF A NOTICE, WITHOUT THE
24 HOLDING OF A PUBLIC HEARING, AND WITHOUT COMPLYING WITH ALL OF
25 THE OTHER PROVISIONS AND PROCEDURES SPECIFIED IN THIS CODE. UPON
26 FEDERAL DEPOSIT INSURANCE CORPORATION APPROVAL OF THE PURCHASE
27 AND ASSUMPTION BY THE NEW BANK, THE FINAL CHARTER APPROVAL MAY
28 BE GRANTED, TOGETHER WITH FINAL APPROVAL OF DEPOSIT INSURANCE BY
29 THE FEDERAL DEPOSIT INSURANCE CORPORATION. IF THE BID IS NOT
30 ACCEPTED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE
31 CHARTER REMAINS ON THE SHELF FOR UP TO EIGHTEEN MONTHS. DURING
32 THAT TIME, THE CHARTER MAY BE USED FOR OTHER BIDS."

33
34 Renumber succeeding sections accordingly.

35
36 Page 2, after line 15, insert the following:

37
38 "SECTION 6. 11-101-401 (10), Colorado Revised Statutes, is
39 amended to read:

40
41 **11-101-401. Definitions.** As used in this code, unless the context
42 otherwise requires:

43
44 (10) "Branch" means any branch bank, branch office, branch
45 agency, additional office, or branch place of business of a financial
46 institution located in this state at which deposits are received, or checks
47 are paid, or money is lent. ~~or trust powers are exercised.~~

48
49 **SECTION 7.** 11-105-404 (1) (c), Colorado Revised Statutes, is
50 amended to read:

51
52 **11-105-404. Pledge of assets.** (1) A state bank may pledge its
53 assets to:

54
55 (c) Secure deposits; ~~when the depositor is required to obtain such~~
56 ~~security by the laws of the United States, by the terms of any interstate~~

1 ~~compact, by the laws of any state, or by the order of a court of competent~~
2 ~~jurisdiction; OR~~
3

4 **SECTION 8.** 11-105-505, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:
6

7 **11-105-505. Adverse claims to safe deposit box.** (3) THE
8 LESSOR OF A SAFE DEPOSIT BOX SHALL NOT BE DEEMED TO BE IN
9 POSSESSION OR CONTROL OF THE CONTENTS THEREOF FOR THE PURPOSES
10 OF SECTION 13-54.5-103, C.R.S., OR ANY OTHER STATUTE OR RULE
11 PERTAINING TO WRITS OF GARNISHMENT."
12

13 Renumber succeeding sections accordingly.
14
15
16

17 **HB09-1091** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:
20

21 Amend printed bill, page 2, line 15, strike "LATEST".
22

23 Page 3, strike lines 11 through 13 and substitute the following:
24

25 "(2) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING
26 COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS,
27 INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING,
28 COOKING, AND SANITATION."
29

30 Page 4, line 10, strike "**dwelling**. (1)" and substitute "**dwelling - rules.**
31 (1) (a)" and, after "LAW,", insert "THE SELLER OF";
32

33 line 12, strike "FUEL-BURNING" and substitute "FUEL-FIRED";
34

35 line 13, strike "HAVE" and substitute "ASSURE THAT";
36

37 line 14, after "ALARM", insert "IS";
38

39 line 15, strike "PURPOSES." and substitute "PURPOSES OR IN A LOCATION
40 AS SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY
41 LOCAL GOVERNMENT ENTITY.
42

43 (b) BY JULY 1, 2009, THE REAL ESTATE COMMISSION CREATED IN
44 SECTION 12-61-105, C.R.S., SHALL BY RULE REQUIRE EACH LISTING
45 CONTRACT FOR RESIDENTIAL REAL PROPERTY THAT IS SUBJECT TO THE
46 COMMISSION'S JURISDICTION PURSUANT TO ARTICLE 61 OF TITLE 12,
47 C.R.S., TO DISCLOSE THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF
48 THIS SUBSECTION (1).";
49

50 strike lines 17 through 22 and substitute the following:
51

52 "SINGLE-FAMILY DWELLING THAT INCLUDES EITHER FUEL-FIRED
53 APPLIANCES OR AN ATTACHED GARAGE WHERE, ON OR AFTER JULY 1,
54 2009, INTERIOR ALTERATIONS, REPAIRS, FUEL-FIRED APPLIANCE
55 REPLACEMENTS, OR ADDITIONS, ANY OF WHICH REQUIRE A BUILDING
56 PERMIT, OCCURS OR WHERE ONE OR MORE ROOMS LAWFULLY USED FOR

1 SLEEPING PURPOSES ARE ADDED SHALL HAVE AN OPERATIONAL CARBON
2 MONOXIDE ALARM INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO
3 EACH ROOM LAWFULLY USED FOR SLEEPING PURPOSES OR IN A LOCATION
4 AS SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY
5 LOCAL GOVERNMENT ENTITY."

6

7 Page 5, line 1, strike "**dwelling**s. (1)" and substitute "**dwelling**s - **rules**.
8 (1) (a)" and, after "LAW,", insert "THE SELLER OF";

9

10 line 4, strike "FUEL-BURNING" and substitute "FUEL-FIRED";

11

12 line 5, strike "HAVE" and substitute "ASSURE THAT" and, after "ALARM",
13 insert "IS";

14

15 line 7, strike "PURPOSES." and substitute "PURPOSES OR IN A LOCATION AS
16 SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY LOCAL
17 GOVERNMENT ENTITY.

18

19 (b) BY JULY 1, 2009, THE REAL ESTATE COMMISSION CREATED IN
20 SECTION 12-61-105, C.R.S., SHALL BY RULE REQUIRE EACH LISTING
21 CONTRACT FOR RESIDENTIAL REAL PROPERTY THAT IS SUBJECT TO THE
22 COMMISSION'S JURISDICTION PURSUANT TO ARTICLE 61 OF TITLE 12,
23 C.R.S., TO DISCLOSE THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF
24 THIS SUBSECTION (1).";

25

26 strike lines 9 through 14 and substitute the following:

27

28 "DWELLING UNIT OF A MULTI-FAMILY DWELLING THAT INCLUDES
29 FUEL-FIRED APPLIANCES OR AN ATTACHED GARAGE WHERE, ON OR AFTER
30 JULY 1, 2009, INTERIOR ALTERATIONS, REPAIRS, FUEL-FIRED APPLIANCE
31 REPLACEMENTS, OR ADDITIONS, ANY OF WHICH REQUIRE A BUILDING
32 PERMIT, OCCURS OR WHERE ONE OR MORE ROOMS LAWFULLY USED FOR
33 SLEEPING PURPOSES ARE ADDED SHALL HAVE AN OPERATIONAL CARBON
34 MONOXIDE ALARM INSTALLED WITHIN TEN FEET OF THE ENTRANCE TO
35 EACH ROOM LAWFULLY USED FOR SLEEPING PURPOSES OR IN A LOCATION
36 AS SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE OR ANY
37 LOCAL GOVERNMENT ENTITY.";

38

39 strike lines 21 through 24 and substitute the following:

40

41 "SINGLE-FAMILY DWELLING OR DWELLING UNIT IN A MULTI-FAMILY
42 DWELLING USED FOR RENTAL PURPOSES AND THAT INCLUDES FUEL-FIRED
43 APPLIANCES OR AN ATTACHED GARAGE WHERE, ON OR AFTER JULY 1,
44 2009, INTERIOR ALTERATIONS, REPAIRS, FUEL-FIRED APPLIANCE
45 REPLACEMENTS, OR ADDITIONS, ANY OF WHICH REQUIRES A BUILDING
46 PERMIT, OCCURS OR WHERE ONE OR MORE ROOMS LAWFULLY USED FOR
47 SLEEPING PURPOSES ARE ADDED SHALL BE SUBJECT TO THE REQUIREMENTS
48 SPECIFIED IN".

49

50 Page 7, strike line 27 and substitute the following:

51

52 "FUEL-FIRED HEATER OR APPLIANCE, FIREPLACE, OR GARAGE OR IN A
53 LOCATION AS SPECIFIED IN ANY BUILDING CODE ADOPTED BY THE STATE
54 OR ANY LOCAL GOVERNMENT ENTITY."

55

56 Page 8, strike lines 12 through 17 and substitute the following:

1 **38-45-106. Limitation of liability.** (1) NO PERSON SHALL HAVE
2 A CLAIM FOR RELIEF AGAINST A PROPERTY OWNER, AN AUTHORIZED AGENT
3 OF A PROPERTY OWNER, A PERSON IN POSSESSION OF REAL PROPERTY, OR
4 AN INSTALLER FOR ANY DAMAGES RESULTING FROM THE OPERATION,
5 MAINTENANCE, OR EFFECTIVENESS OF A CARBON MONOXIDE ALARM IF THE
6 PROPERTY OWNER, AUTHORIZED AGENT, PERSON IN POSSESSION OF REAL
7 PROPERTY, OR INSTALLER INSTALLS A CARBON MONOXIDE ALARM IN
8 ACCORDANCE WITH THE MANUFACTURER'S PUBLISHED INSTRUCTIONS AND
9 THE PROVISIONS OF THIS ARTICLE.

10

11 (2) A PURCHASER SHALL HAVE NO CLAIM FOR RELIEF AGAINST ANY
12 PERSON LICENSED PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S., FOR ANY
13 DAMAGES RESULTING FROM THE OPERATION, MAINTENANCE, OR
14 EFFECTIVENESS OF A CARBON MONOXIDE ALARM IF SUCH LICENSED
15 PERSON COMPLIES WITH RULES PROMULGATED PURSUANT TO SECTIONS
16 38-45-102 (1) (b) AND 38-45-103 (1) (b). NOTHING IN THIS SUBSECTION
17 (2) SHALL AFFECT ANY REMEDY THAT A PURCHASER MAY OTHERWISE
18 HAVE AGAINST A SELLER."

19

20

21

22

23 **FINANCE**

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

26

27 **HB09-1035** be amended as follows, and as so amended, be referred to
28 the Committee on Appropriations with favorable
29 recommendation:

30

31 Amend printed bill, page 3, line 6, after "Qualified", insert
32 "BIOTECHNOLOGY";

33

34 strike lines 10 through 19 and substitute the following:

35

36 "proprietorship that purchases, stores, uses, or consumes tangible personal
37 property to be used in Colorado directly and predominately in research
38 and development of biotechnology.

39

40 (5) "QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE
41 TAXPAYER" MEANS A C CORPORATION, AS DEFINED IN SECTION 39-22-103
42 (2.5), A PARTNERSHIP, AS DEFINED IN SECTION 39-22-103 (5.6), A LIMITED
43 LIABILITY COMPANY THAT IS NOT A C CORPORATION, AN S CORPORATION,
44 AS DEFINED IN SECTION 39-22-103 (10.5), OR A SOLE PROPRIETORSHIP
45 THAT EMPLOYS FIFTY OR FEWER FULL-TIME EMPLOYEES IN COLORADO,
46 WHICH TAXPAYER PURCHASES, STORES, USES, OR CONSUMES TANGIBLE
47 PERSONAL PROPERTY TO BE USED IN COLORADO DIRECTLY AND
48 PREDOMINATELY IN RESEARCH AND DEVELOPMENT OF CLEAN
49 TECHNOLOGY OR MEDICAL DEVICES."

50

51 Renumber succeeding subsections accordingly.

52

53 Page 3, line 26, after "tax", insert "for biotechnology";

54

55 line 27, strike "(a)".

56

1 Page 4, line 2, after "qualified", insert "BIOTECHNOLOGY";
2
3 line 3, after "qualified", insert "BIOTECHNOLOGY";
4
5 line 6, strike "biotechnology, CLEAN TECHNOLOGY, OR MEDICAL" and
6 substitute "biotechnology";
7
8 line 7, strike "DEVICES";
9
10 strike lines 8 through 13;
11
12 line 15, after "qualified", insert "BIOTECHNOLOGY";
13
14 line 20, after "qualified", insert "BIOTECHNOLOGY";
15
16 line 25, strike "and a statement that the qualified" and substitute "and a
17 statement that the qualified BIOTECHNOLOGY";
18
19 line 27, strike "request, INFORMATION CONCERNING THE" and substitute
20 "request. No refund shall be allowed if the qualified BIOTECHNOLOGY
21 taxpayer has not complied with this subsection (2).".
22
23 Page 5, strike lines 1 through 5;
24
25 after line 5, insert the following:

26
27 **"39-26-403. Refund of state sales and use tax for clean**
28 **technology and medical devices - application requirements and**
29 **procedures - repeal.** (1) FOR THE CALENDAR YEAR COMMENCING
30 JANUARY 1, 2009, AND FOR EACH CALENDAR YEAR THEREAFTER, EACH
31 QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER SHALL BE
32 ALLOWED TO CLAIM A REFUND OF ALL STATE SALES AND USE TAX PAID BY
33 THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER,
34 PURSUANT TO PARTS 1 AND 2 OF THIS ARTICLE, ON THE SALE, STORAGE,
35 USE, OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY TO BE USED IN
36 COLORADO DIRECTLY AND PREDOMINATELY IN RESEARCH AND
37 DEVELOPMENT OF CLEAN TECHNOLOGY OR MEDICAL DEVICES DURING
38 THAT CALENDAR YEAR.
39

40 (2) TO CLAIM THE REFUND ALLOWED BY SUBSECTION (1) OF THIS
41 SECTION, A QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE
42 TAXPAYER SHALL SUBMIT A REFUND APPLICATION TO THE DEPARTMENT OF
43 REVENUE ON A FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION
44 SHALL BE SUBMITTED NO EARLIER THAN JANUARY 1 AND NO LATER THAN
45 APRIL 1 OF THE CALENDAR YEAR FOLLOWING THE CALENDAR YEAR FOR
46 WHICH THE REFUND IS CLAIMED. THE APPLICATION SHALL BE
47 ACCOMPANIED BY PROOF OF PAYMENT OF STATE SALES AND USE TAXES
48 PAID BY THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE
49 TAXPAYER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE
50 APPLICATION SHALL ALSO INCLUDE ANY ADDITIONAL INFORMATION THAT
51 THE DEPARTMENT OF REVENUE MAY REQUIRE BY RULE, WHICH MAY
52 INCLUDE, WITHOUT LIMITATION, A DETAILED LIST OF ALL EXPENDITURES
53 THAT SUPPORT A CLAIM FOR A REFUND, THE NAME AND ADDRESSES OF AN
54 INDIVIDUAL WHO MAINTAINS RECORDS OF SUCH EXPENDITURES, A
55 STATEMENT THAT THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL
56 DEVICE TAXPAYER AGREES TO FURNISH RECORDS OF ALL SUCH

1 EXPENDITURES TO THE DEPARTMENT OF REVENUE UPON REQUEST, AND
2 THE NUMBER OF PERSONS WHO ARE EMPLOYED ON A FULL-TIME BASIS BY
3 THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER. THE
4 REFUND SHALL NOT BE ALLOWED IF THE QUALIFIED CLEAN TECHNOLOGY
5 OR MEDICAL DEVICE TAXPAYER HAS NOT COMPLIED WITH THIS SUBSECTION
6 (2).

7
8 (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
9 THIS SECTION:

10
11 (a) A SALES AND USE TAX REFUND DESCRIBED IN SUBSECTION (1)
12 OF THIS SECTION SHALL NOT EXCEED FIFTY THOUSAND DOLLARS FOR A
13 QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER IN A
14 CALENDAR YEAR.

15
16 (b) IF THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE
17 LEGISLATIVE COUNCIL IN DECEMBER 2009 AND EACH DECEMBER
18 THEREAFTER INDICATES THAT THE AMOUNT OF THE TOTAL GENERAL FUND
19 REVENUES FOR A PARTICULAR FISCAL YEAR WILL NOT BE SUFFICIENT TO
20 MAINTAIN THE LIMIT ON APPROPRIATIONS SPECIFIED IN SECTION
21 24-75-201.1 (1), C.R.S., THEN THE CREDIT AUTHORIZED IN SUBSECTION (1)
22 OF THIS SECTION SHALL NOT BE ALLOWED FOR THE NEXT CALENDAR YEAR
23 FOLLOWING THE YEAR IN WHICH THE ESTIMATE IS PREPARED. A QUALIFIED
24 CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER WHO WOULD HAVE
25 BEEN ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS SECTION IN A
26 CALENDAR YEAR IN WHICH THE CREDIT WAS NOT ALLOWED MAY CLAIM
27 SAID CREDIT IN THE NEXT CALENDAR YEAR IN WHICH THE REVENUE
28 ESTIMATE ALLOWS THE CREDIT. THE DEPARTMENT OF REVENUE SHALL,
29 THROUGH ITS WEB SITE, SPECIFY ON OR BEFORE JANUARY 1, 2010, AND ON
30 OR BEFORE EACH JANUARY 1 THEREAFTER, WHETHER THE CREDIT
31 AUTHORIZED IN SUBSECTION (1) OF THIS SECTION SHALL BE ALLOWED FOR
32 A GIVEN CALENDAR YEAR.

33
34 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.".

35
36
37
38 **HB09-1101** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41
42 Amend printed bill, page 2, strike lines 2 through 25.

43
44 Page 3, strike lines 1 through 5.

45
46 Renumber succeeding sections accordingly.

47
48 Page 3, strike line 9 and substitute the following:

49
50 "a person neglects or refuses to make a TIMELY return in payment of the
51 tax or";

52
53 line 10, after "pay", insert "OR CORRECTLY ACCOUNT FOR";

54
55 line 12, after "due", insert "OR NOT ACCOUNTED FOR OR INCORRECTLY
56 ACCOUNTED FOR ON A RETURN";

1 line 14, strike "thereof" and substitute "~~thereof~~ OF SUCH UNPAID,
2 UNACCOUNTED, OR INCORRECTLY ACCOUNTED AMOUNT";

3
4 line 16, after "interest", insert "IF APPLICABLE".

5

6

7

8

9 **HEALTH & HUMAN SERVICES**

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

12

13 **HB09-1007** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17 **HB09-1020** be referred favorably to the Committee on Appropriations.

18

19

20 **HB09-1032** be postponed indefinitely.

21

22

23 **HB09-1047** be amended as follows, and as so amended, be referred to
24 the Committee on Appropriations with favorable
25 recommendation:

26

27 Amend printed bill, page 2, line 6, strike "DISABILITY" and substitute
28 "SPINAL CORD INJURY";

29

30 line 9, strike "DISABILITY" and substitute "SPINAL CORD INJURY";

31

32 line 15, strike "DISABILITY" and substitute "SPINAL CORD INJURY";

33

34 line 16, strike "DISABILITY" and substitute "SPINAL CORD INJURY".

35

36 Page 3, strike lines 5 through 7.

37

38 Renumber succeeding subsection accordingly.

39

40 Page 3, line 20, strike "DISABILITIES" and substitute "SPINAL CORD
41 INJURIES".

42

43 Page 4, line 3, strike "DISABILITIES" and substitute "SPINAL CORD
44 INJURIES";

45

46 strike lines 5 and 6 and substitute the following:

47 "PROGRAM AUTHORIZED BY THIS SECTION, A PERSON SHALL:

48

49 (I) BE DIAGNOSED WITH A SPINAL CORD INJURY;"

50

51 Renumber succeeding subparagraphs accordingly.

52

53

54

55 **HB09-1056** be referred to the Committee of the Whole with favorable
56 recommendation.

1 **HB09-1116** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 16, after the period, insert "IF, IN ANY
6 FISCAL YEAR, THE CURRENT LEVEL OF FUNDING DOES NOT MEET THE
7 NEEDS OF ELIGIBLE CHILDREN AND THERE IS NOT SUFFICIENT MONEYS IN
8 THE GENERAL FUND FOR THE PROGRAM, THE DEPARTMENT MAY REQUEST
9 AN APPROPRIATION FROM THE GENERAL FUND THAT IS EQUAL TO THE
10 REDUCTION OF A FUNDING REQUEST FOR ANOTHER PROGRAM WITHIN THE
11 DEPARTMENT."
12
13
14
15

16 **LOCAL GOVERNMENT**

17 After consideration on the merits, the Committee recommends the
18 following:
19

20 **HB09-1005** be referred to the Committee of the Whole with favorable
21 recommendation.
22
23

24 **HB09-1024** be amended as follows, and as so amended, be referred to
25 the Committee of the Whole with favorable
26 recommendation:
27

28 Amend printed bill, page 2, line 7, strike "29-1-603 (4)" and substitute
29 "29-1-603, 29-1-604,";
30

31 after line 13, insert the following:
32

33 "SECTION 2. 29-1-606 (1), Colorado Revised Statutes, is
34 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
35

36 **29-1-606. Submission of reports.** (1) (c) THE AUDIT REQUIRED
37 BY THIS PART 6 FOR HOUSING AUTHORITIES SHALL BE COMPLETED AND THE
38 AUDIT REPORT THEREON SUBMITTED BY THE AUDITOR TO THE HOUSING
39 AUTHORITY WITHIN SEVEN MONTHS AFTER THE CLOSE OF THE FISCAL YEAR
40 OF THE HOUSING AUTHORITY."
41

42 Renumber succeeding sections accordingly.
43
44
45

46 **HB09-1079** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:
49

50 Amend printed bill, page 2, strike lines 4 through 6 and substitute the
51 following:
52

53 **"23-71-128. Additions to district - procedure.** (2) IF THE TOWN
54 OF BERTHOUD DESIRES TO BE ANNEXED TO ITS EXISTING JUNIOR";
55

56 strike lines 15 through 26 and substitute the following:

1 "(b) BY THE TOWN OF BERTHOUD VOTING ON THE QUESTION OF
2 ANNEXATION AT A REGULAR ELECTION. THE ELECTION SHALL ONLY BE
3 CALLED UPON THE AFFIRMATIVE VOTE OF THE GOVERNING BODY OF THE
4 MUNICIPALITY, AND THE ANNEXATION SHALL BE EFFECTED BY A
5 MAJORITY VOTE OF THE ELIGIBLE ELECTORS OF THE MUNICIPALITY."

6
7 Page 3, strike lines 1 through 5.

8
9
10

11 **HB09-1148** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:
14

15 Amend printed bill, page 2, strike lines 7 through 15 and substitute the
16 following:

17 "AFFAIRS INFORMATION OBTAINED PURSUANT TO THIS SECTION THAT IS
18 NECESSARY TO VERIFY THE INFORMATION SUBMITTED TO THE
19 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SECTION 39-29-110 (1) (d)
20 (I) (B) AND THAT IS SUFFICIENT TO ALLOW THE DEPARTMENT OF LOCAL
21 AFFAIRS TO EFFICIENTLY DISTRIBUTE MONEYS AS REQUIRED BY SECTION
22 39-29-110 (1) (c). THE DEPARTMENT SHALL NOT RELEASE ANY
23 INFORMATION TO THE DEPARTMENT OF LOCAL AFFAIRS THAT IS NOT
24 NEEDED TO VERIFY INFORMATION OR DISTRIBUTE MONEYS. WITH THE
25 EXCEPTION OF TAXPAYER CONTACT INFORMATION, ANY INFORMATION
26 PROVIDED TO THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO THIS
27 SUBSECTION (18) SHALL REMAIN CONFIDENTIAL, AND ALL PERSONS WITHIN
28 THE DEPARTMENT SHALL BE SUBJECT TO THE LIMITATIONS SET FORTH IN
29 SUBSECTION (4) OF THIS SECTION AND THE PENALTIES CONTAINED IN
30 SUBSECTION (6) OF THIS SECTION."

31
32
33
34

35 **STATE, VETERANS, & MILITARY AFFAIRS**

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

38

39 **HB09-1045** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:
42

43 Amend printed bill, page 2, line 21, strike "11" and substitute "11,
44 commonly called Patriot Day,";

45

46 line 25, strike "**September 11**" and substitute "**Patriot Day**";

47

48 line 26, strike "YEAR IS OBSERVED AS" and substitute "YEAR, THE SAME
49 BEING".

50

51 Page 3, line 1, after "2001,", insert "SHALL BE KNOWN AS "PATRIOT
52 DAY"";

53

54 line 7, strike "SEPTEMBER 11" and substitute "PATRIOT DAY";

55

56 line 14, strike "SEPTEMBER 11," and substitute "PATRIOT DAY,".

1 **HB09-1064** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 6, line 9, after "MEET", insert "DURING EACH
6 INTERIM" and, strike "PER YEAR".
7

8 Page 7, line 3, after the period, add "ALL PUBLIC AND PRIVATE MONEYS
9 DONATED OR AWARDED PURSUANT TO THIS PARAGRAPH (c) SHALL BE
10 CONTINUOUSLY APPROPRIATED FOR THE IMPLEMENTATION OF THIS PART
11 14.";
12

13 strike lines 4 through 7.
14

15 Page 9, line 24, strike "2019." and substitute "2014."
16
17

18
19 **HB09-1069** be postponed indefinitely.
20

21
22 **HB09-1146** be postponed indefinitely.
23
24
25
26

27 **TRANSPORTATION & ENERGY**

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

31 **HB09-1126** be amended as follows, and as so amended, be referred to
32 the Committee on Finance with favorable
33 recommendation:
34

35 Amend printed bill, page 4, line 1, strike "THAT USES" and substitute
36 "WHOSE PRIMARY PURPOSE IS TO USE ENERGY FROM".
37

38
39 _____
40 House in recess. House reconvened.
41 _____
42

43 **REPORT FROM THE HOUSE ETHICS COMMITTEE**

44 ***In re Complaint of Representative Mike May***

45 To the Speaker of the House of Representatives:
46
47

48
49 The House Ethics Committee (Committee) appointed pursuant to House
50 Rule 49 has met to consider the Complaint filed by House Minority
51 Leader Mike May against Representative David Balmer, dated
52 December 16, 2008. The Committee met on January 7, 2009,
53 January 20, 2009, and January 28, 2009. While House Rule 49 (c)
54 prevents committees appointed pursuant to that rule from receiving
55 testimony during the preliminary investigation stage, this Committee
56 made its best efforts to compile documentation allowable by the rule that

1 would help shed light on the issues under its consideration. In its
 2 investigation, the Committee carefully considered the evidence compiled
 3 pursuant its requests. Minutes of these discussions and actions taken at
 4 those meetings, along with the evidentiary information collected, are
 5 maintained by the Legislative Council staff and may be reviewed at that
 6 office.

7
 8 The Committee recognizes that members of the General Assembly should
 9 hold themselves to the highest ethical standards. Accordingly, the
 10 members of the Committee take very seriously their responsibility and
 11 obligation under House Rule 49, when investigating one of their own, to
 12 preserve the public's confidence in the legislative institution.

13
 14 Based upon its preliminary investigation, the Committee, by a unanimous
 15 vote, found that there was no probable cause to believe that an ethics
 16 violation had occurred on the part of Representative Balmer and therefore
 17 dismissed the Complaint.

18
 19 Respectfully submitted this 28th day of January 2009.

20
 21 (signed)

22 Representative Claire Levy, Chairman
 23 Representative Tom Massey, Vice-chairman
 24 Representative Joel Judd
 25 Representative Kathleen Curry
 26 Representative Kenneth Summers

27 _____
 28
 29
 30 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

31
 32 The Speaker has signed: **SJR09-006, 009.**

33 _____
 34
 35 **INTRODUCTION OF BILLS**
 36 **First Reading**

37
 38 The following bills were read by title and referred to the committees
 39 indicated:

40
 41 **HB09-1182** by Representative(s) Marostica, Ferrandino, Pommer; also
 42 Senator(s) White, Keller, Tapia--Concerning changes in
 43 the funding of administrative costs incurred by the division
 44 of on-line learning in the department of education.

45 Committee on Education

46
 47 **HB09-1183** by Representative(s) Vaad; also Senator(s) Hodge--
 48 Concerning violations of laws related to real estate
 49 appraisers.

50 Committee on Judiciary

51
 52 **HB09-1184** by Representative(s) May, Gardner C., King S., Murray,
 53 Waller--Concerning the allocation of time the general
 54 assembly is convened in regular session to conduct its
 55 business.

56 Committee on State, Veterans, & Military Affairs

- 1 **HB09-1185** by Representative(s) Tipton; also Senator(s) Isgar--
2 Concerning requirements for documents related to water
3 rights applications.
4 Committee on Agriculture, Livestock, & Natural Resources
5
- 6 **HB09-1186** by Representative(s) Levy--Concerning elections in which
7 an elector is casting a ballot by mail.
8 Committee on State, Veterans, & Military Affairs
9
- 10 **HB09-1187** by Representative(s) Swalm, Vaad--Concerning
11 authorization for the Colorado tolling enterprise to
12 designate as toll highways existing highways that serve
13 vehicular traffic on a toll-free basis.
14 Committee on Transportation & Energy
15
- 16 **HB09-1188** by Representative(s) Ryden; also Senator(s) Carroll M.--
17 Concerning modifications to the disclosure requirements
18 imposed on physicians under the "Michael Skolnik
19 Medical Transparency Act".
20 Committee on Health and Human Services
21
- 22 **HB09-1189** by Representative(s) Pommer, Ferrandino, Marostica; also
23 Senator(s) Tapia, Keller, White--Concerning per pupil
24 funding for education programs that report their pupil
25 enrollment counts to the facility schools unit in the
26 department of education.
27 Committee on Education
28
- 29 **HB09-1190** by Representative(s) Levy--Concerning the enactment of
30 the "Uniform Unsworn Foreign Declarations Act".
31 Committee on Judiciary
32
- 33 **HB09-1191** by Representative(s) McCann; also Senator(s) Boyd--
34 Concerning liens of the department of health care policy
35 and financing against claims against third parties.
36 Committee on Health and Human Services
37
- 38 **HB09-1192** by Representative(s) McFadyen, Balmer, Casso; also
39 Senator(s) Veiga--Concerning the elimination of the
40 alcohol percentage limitations on beer products sold in
41 Colorado.
42 Committee on Business Affairs and Labor
43
- 44 **HB09-1193** by Representative(s) McFadyen; also Senator(s) Tochtrop,
45 Carroll M., Hodge, Morse, Tapia--Concerning a
46 prohibition against the shifting of financial responsibility
47 for negligence in motor carrier transportation agreements.
48 Committee on Judiciary
49
- 50 **HB09-1194** by Representative(s) Curry; also Senator(s) Isgar--
51 Concerning accrual of a cause of action upon discovery of
52 a breach of a royalty obligation.
53 Committee on Agriculture, Livestock, & Natural Resources
54
55

- 1 **SB09-005** by Senator(s) Spence; also Representative(s) Primavera--
 2 Concerning the Colorado traumatic brain injury program.
 3 Committee on Health and Human Services
 4
- 5 **SB09-010** by Senator(s) Spence; also Representative(s) Primavera--
 6 Concerning encouraging the use of automated external
 7 defibrillators.
 8 Committee on Health and Human Services
 9
- 10 **SB09-044** by Senator(s) Boyd; also Representative(s) Hullinghorst--
 11 Concerning administrative procedures in relation to the
 12 department of human services.
 13 Committee on Health and Human Services
 14
- 15 **SB09-053** by Senator(s) Tochtrop; also Representative(s) Schafer S.-
 16 -Concerning support arrearages that accrue prior to an
 17 applicant's eligibility for public assistance.
 18 Committee on Health and Human Services
 19
- 20 **SB09-062** by Senator(s) Shaffer B.; also Representative(s) Apuan--
 21 Concerning incentives for armed forces veterans to enter
 22 the teaching profession.
 23 Committee on Education
 24

INTRODUCTION OF RESOLUTION

25
 26
 27
 28
 29 The following resolution was read by title and laid over one day under the
 30 rules:

- 31
 32 **HJR09-1006** by Representative(s) McFadyen, Massey, Pace, Vigil; also
 33 Senator(s) Tapia, Kester--Concerning the U.S.S. Pueblo.
 34
-

LAY OVER OF CALENDAR ITEMS

35
 36
 37
 38
 39 On motion of Representative Court, the following items on the Calendar
 40 were laid over until January 29, retaining place on Calendar:

- 41
 42 Consideration of Resolutions--**HJR09-1004**.
 43
-

44
 45 On motion of Representative Court, the House adjourned until 9:00 a.m.,
 46 January 29, 2009.

47
 48 Approved:
 49 TERRANCE D. CARROLL,
 50 Speaker

51 Attest:
 52 MARILYN EDDINS,
 53 Chief Clerk