

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

Twenty-ninth Legislative Day

Wednesday, February 4, 2009

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

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

5
6 Pledge of Allegiance led by Spencer Elliot, Tommy Stager, Drew
7 Heidemann, Duncan Barrett, Aidan Sesnic, Cub Scout Pack 161, Niwot
8 Elementary.

9
10 The roll was called with the following result:

11
12 Present--60.
13 Excused--Representatives Levy, Looper, McGihon, Pommer,
14 Vigil--5.
15 Present after roll call--Representatives Pommer, Vigil.

16
17 The Speaker declared a quorum present.

18
19
20 On motion of Representative McNulty, the reading of the journal of
21 February 3, 2009, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

23
24
25
26 **THIRD READING OF BILLS--FINAL PASSAGE**

27
28 The following bills were considered on Third Reading. The titles were
29 publicly read. Reading of the bill at length was dispensed with by
30 unanimous consent.

31
32 **HB09-1128** by Representative(s) Priola, Balmer, Baumgardner,
33 Bradford, Frangas, Gardner C., Hullinghorst, Liston,
34 Looper, Casso, McNulty, Merrifield, Middleton, Roberts,
35 Sonnenberg, Soper, Swalm, Todd; also Senator(s) Hodge,
36 Penry, Spence, Williams, King K.--Concerning the
37 establishment of an academic license to allow a dentist
38 employed by a school of dentistry to engage in the
39 practice of dentistry in connection with programs
40 affiliated with the school.

41
42 The question being "Shall the bill pass?".

43 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the
 2 bill was declared **passed**.

	YES	61	NO	0	EXCUSED	4	ABSENT	0
5	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
6	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
7	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
8	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
9	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
10	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
11	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
12	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
13	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
14	Ferrandino	Y	Levy	E	Pace	Y	Swalm	Y
15	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
16	Frangas	Y	Looper	E	Pommer	E	Todd	Y
17	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
18	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
19	Gardner	Y	May	Y	Rice	Y	Waller	Y
20	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Gardner B., Gerou, Kerr J., Labuda,
 23 Ryden, Scanlan, Summers

24
 25 **HB09-1093** by Representative(s) Levy, McGihon, Benefield, Judd,
 26 Miklosi, Ferrandino, Fischer, Gagliardi, Green, Merrifield,
 27 Pommer, Solano; also Senator(s) Veiga, Carroll M.--
 28 Concerning additional income tax reporting requirements
 29 for a corporate taxpayer.

30
 31 Laid over until February 5, retaining place on Calendar.

32
 33 **HB09-1004** by Representative(s) Apuan; also Senator(s) Boyd--
 34 Concerning the authority of organizations providing all-
 35 inclusive care for the elderly to employ physicians.

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

	YES	61	NO	0	EXCUSED	4	ABSENT	0
43	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
44	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
45	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
46	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
47	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
48	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
49	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
50	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
51	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
52	Ferrandino	Y	Levy	E	Pace	Y	Swalm	Y
53	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
54	Frangas	Y	Looper	E	Pommer	E	Todd	Y
55	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
56	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y

1	Gardner	Y	May	Y	Rice	Y	Waller	Y
2	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Acree, Frangas, Gerou, Kefalas,
5 Kerr A., Labuda, Marostica, Middleton, Primavera, Riesberg, Ryden, Todd,
6 Vigil

7
8 **HB09-1139** by Representative(s) Solano; also Senator(s) Tochtrop--
9 Concerning fetal alcohol spectrum disorders.

10

11 The question being "Shall the bill pass?".

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

15

16	YES	61	NO	0	EXCUSED	4	ABSENT	0
17	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
18	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
19	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
20	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
21	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
22	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
23	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
24	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
25	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
26	Ferrandino	Y	Levy	E	Pace	Y	Swalm	Y
27	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
28	Frangas	Y	Looper	E	Pommer	E	Todd	Y
29	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
30	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
31	Gardner	Y	May	Y	Rice	Y	Waller	Y
32	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Frangas, Gerou, Green, Kefalas,
35 Kerr J., Labuda, Merrifield, Pace, Primavera, Priola, Riesberg, Ryden,
36 Schafer S., Summers, Todd

37

38 **HB09-1080** by Representative(s) Marostica; also Senator(s) Williams--
39 Concerning a grant of qualified immunity to building code
40 officials rendering assistance during a disaster emergency.

41

42 The question being "Shall the bill pass?".

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

46

47	YES	61	NO	0	EXCUSED	4	ABSENT	0
48	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
49	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
50	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
51	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
52	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
53	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
54	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
55	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
56	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y

1	Ferrandino	Y	Levy	E	Pace	Y	Swalm	Y
2	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
3	Frangas	Y	Looper	E	Pommer	E	Todd	Y
4	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
5	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
6	Gardner	Y	May	Y	Rice	Y	Waller	Y
7	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
8							Speaker	Y

9 Co-sponsor(s) added: Representative(s) Baumgardner, Frangas, Gardner B.,
 10 Gardner C., Gerou, Kerr J., Labuda, Lambert, Liston, Middleton, Miklosi,
 11 Murray, Nikkel, Priola, Ryden, Stephens, Tipton, Todd

12
 13 **HB09-1090** by Representative(s) Rice; also Senator(s) Williams--
 14 Concerning the use of titles associated with interpretation
 15 for deaf persons, and, in connection therewith, making
 16 unauthorized use of such titles a deceptive trade practice
 17 under the "Colorado Consumer Protection Act".

18
 19 The question being "Shall the bill pass?".
 20 A roll call vote was taken. As shown by the following recorded vote, a
 21 majority of those elected to the House voted in the affirmative and the bill
 22 was declared **passed**.

23	YES	62	NO	0	EXCUSED	3	ABSENT	0
24	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
25	Apuan	Y	Hullinghorst	Y	McGihon	E	Ryden	Y
26	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
27	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
28	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
29	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
30	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
31	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
32	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
33	Ferrandino	Y	Levy	E	Pace	Y	Swalm	Y
34	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
35	Frangas	Y	Looper	E	Pommer	Y	Todd	Y
36	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
37	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
38	Gardner	Y	May	Y	Rice	Y	Waller	Y
39	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
40							Speaker	Y

41
 42 Co-sponsor(s) added: Representative(s) Apuan, Court, Gerou, Green, Kerr J.,
 43 Labuda, Middleton, Miklosi, Nikkel, Pace, Primavera, Priola, Ryden, Stephens,
 44 Summers, Todd, Waller

45
 46
 47 **HB09-1066** by Representative(s) Vaad; also Senator(s) Gibbs--
 48 Concerning the codification of existing practices of the
 49 division of aeronautics.

50
 51 The question being "Shall the bill pass?".
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative and the bill
 54 was declared **passed**.

55

	YES	62	NO	0	EXCUSED	3	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McGihon	E	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
10	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Levy	E	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Looper	E	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
16	Gardner	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Frangas, McFadyen, McNulty, Nikkel,
20 Priola, Stephens

23 24 **REPORTS OF COMMITTEES OF REFERENCE**

25 26 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

29
30 **HB09-1129** 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 3, line 7, strike "NATIVE" and substitute
35 "PREEXISTING, NATURAL VEGETATION";

36
37 strike lines 12 through 16 and substitute the following:

38
39 "PATTERNS THAT ACCOUNT FOR VARIATIONS IN HYDROLOGY AND
40 PRECIPITATION EVENT INTENSITY, FREQUENCY, AND DURATION,
41 QUANTIFYING PREEXISTING, NATURAL VEGETATION CONSUMPTION,
42 MEASURING PRECIPITATION RETURN FLOW AMOUNTS, IDENTIFYING
43 SURFACE VERSUS GROUND WATER RETURN FLOW SPLITS, AND IDENTIFYING
44 DELAYED GROUND WATER RETURN FLOW TIMING TO RECEIVING
45 STREAMS;"

46
47 Page 4, line 12, strike "DIFFERENT" and substitute "A RANGE OF PROJECT
48 SIZES AND".

49
50 Page 5, strike lines 2 through 19 and substitute the following:

51 "STATE ENGINEER PURSUANT TO SECTION 37-92-308 (4) OR (5). UNTIL THE
52 PILOT PROJECT SPONSOR APPLIES TO THE WATER COURT FOR A PERMANENT
53 AUGMENTATION PLAN, THE PILOT PROJECT SHALL BE REQUIRED TO
54 REPLACE AN AMOUNT OF WATER EQUAL TO THE AMOUNT OF
55 PRECIPITATION CAPTURED AND MEASURED FROM ROOFTOPS AND
56 IMPERMEABLE SURFACES FOR NONPOTABLE USES.";

1 line 20, after "(II)", insert "(A)";

2

3 line 21, strike "UPON" and substitute "PRIOR TO".

4

5 Page 6, line 2, strike "NATIVE" and substitute "PREEXISTING, NATURAL
6 VEGETATION";

7

8 line 4, strike everything after the period;

9

10 strike lines 5 through 7 and substitute the following:

11

12 "(B) AFTER A MINIMUM OF TWO YEARS OF DATA COLLECTION AND
13 UPON APPLICATION TO THE APPROPRIATE WATER COURT FOR A PERMANENT
14 AUGMENTATION PLAN, THE PILOT PROJECT SPONSOR SHALL FILE AN
15 APPLICATION FOR APPROVAL OF A SUBSTITUTE WATER SUPPLY PLAN
16 PURSUANT TO SECTION 37-92-308 (4). FOR ANY SUBSTITUTE SUPPLY PLAN
17 APPLICATION FILED UNDER SECTION 37-92-308 (4), A PILOT PROJECT
18 SPONSOR MAY SEEK APPROVAL FROM THE STATE ENGINEER BASED ON
19 REPLACING ONLY THE NET DEPLETION CAUSED BY THE CAPTURE OF
20 PRECIPITATION. THE NET DEPLETION SHALL BE CALCULATED AS THE
21 AMOUNT OF PRECIPITATION CAPTURE MINUS THE HISTORICAL
22 CONSUMPTIVE USE FROM PREEXISTING, NATURAL VEGETATION COVER ON
23 THE IMPERMEABLE AREA AS DEMONSTRATED BY ANALYSIS OF THE DATA
24 COLLECTED BY THE SPONSOR DURING THE PILOT PROJECT. THE STATE
25 ENGINEER SHALL HAVE THE AUTHORITY TO REQUIRE THE SPONSOR TO
26 REPLACE ANY ONGOING DELAYED DEPLETIONS CAUSED BY THE PILOT
27 PROJECT.";

28

29 line 21, strike "The" and substitute "37-92-308 (4) (a) (IV) and (4) (b),
30 the" and, after "(a)", insert a comma;

31

32 strike line 25 and substitute the following:

33

34 "(4) (a) Beginning January 1, 2002, if an application for approval of a
35 plan for augmentation, rotational crop management contract, or change
36 of water right has been filed with a water court and the court has not
37 issued a decree, the state engineer may approve the temporary operation
38 of such plan, contract, or change of water right as a substitute water
39 supply plan if the following conditions are met:

40

41 (IV) The state engineer, after consideration of the comments
42 received, has determined that the operation and administration of such
43 plan will replace all out-of-priority depletions in time, location, and
44 amount and will otherwise prevent injury to other water rights and
45 decreed conditional water rights, including water quality and continuity
46 to meet the requirements of use to which the senior appropriation has
47 normally been put, pursuant to section 37-80-120 (3), and will not impair
48 compliance with any interstate compacts. NOTWITHSTANDING ANY
49 LIMITATIONS REGARDING PHREATOPHYTES OR IMPERMEABLE SURFACES
50 THAT WOULD OTHERWISE APPLY PURSUANT TO SECTION 37-92-103 (9) OR
51 37-92-501 (4) (b) (III), FOR ANY PRECIPITATION HARVESTING PILOT
52 PROJECT SELECTED PURSUANT TO SECTION 37-60-115 (6) THAT HAS FILED
53 AN APPLICATION FOR A PERMANENT AUGMENTATION PLAN IN WATER
54 COURT, THE OUT-OF-PRIORITY DEPLETIONS SHALL BE THE NET DEPLETION
55 AS DEFINED IN SECTION 37-60-115 (6) (c) (II) (B). IF NOT OTHERWISE
56 REQUIRED BY A WATER COURT-APPROVED AUGMENTATION PLAN, THE

1 STATE ENGINEER SHALL HAVE THE AUTHORITY TO REQUIRE THE PROJECT
2 SPONSOR TO REPLACE ANY ONGOING DELAYED DEPLETIONS AFTER THE
3 WATER USE PLAN ASSOCIATED WITH A PRECIPITATION HARVESTING PILOT
4 PROJECT HAS CEASED. The state engineer shall impose such terms and
5 conditions as are necessary to ensure that these standards are met. In
6 making such determinations, the state engineer shall not be required to
7 hold any formal hearings or conduct any other formal proceedings, but
8 may conduct a hearing or formal proceeding if the state engineer finds it
9 necessary to address the issues.

10

11 (b) A substitute water supply plan approved pursuant to this
12 subsection (4) shall not be approved for a period of more than one year;
13 except that an applicant may request the renewal of a plan by repeating
14 the application process described in this subsection (4). If an applicant
15 requests a renewal of a plan that would extend the plan past three years
16 from the initial date of approval, the applicant shall demonstrate to the
17 state engineer that the delay in obtaining a water court decree is justifiable
18 and that not being able to continue operating under a substitute water
19 supply plan until a decree is entered will cause undue hardship to the
20 applicant. A PROJECT SPONSOR FOR A PRECIPITATION HARVESTING PILOT
21 PROJECT SELECTED PURSUANT TO SECTION 37-60-115 (6) SHALL
22 DEMONSTRATE TO THE STATE ENGINEER THAT AN ADDITIONAL YEAR OF
23 OPERATION UNDER THE PLAN IS NECESSARY TO OBTAIN SUFFICIENT DATA
24 TO MEET THE COLORADO WATER CONSERVATION BOARD'S CRITERIA FOR
25 EVALUATING THE PILOT PROJECT. If an applicant requests renewal of a
26 plan that would extend the plan past five years from the initial date of
27 approval, the applicant shall demonstrate to the water judge in the
28 applicable water division that the delay in obtaining a decree has been
29 justifiable and that not being able to continue operating under a substitute
30 water supply plan until a decree is entered will cause undue hardship to
31 the applicant. Approval of a plan pursuant to subsection (5) of this
32 section shall be deemed to be approval under this subsection (4) for
33 purposes of calculating the number of years since the initial date of
34 approval.

35

36 (5) (a) Beginning January 1, 2002, for new water use plans
37 involving".

38

39

40

41 **HB09-1174** be referred to the Committee of the Whole with favorable
42 recommendation.

43

44

45

46

47 **BUSINESS AFFAIRS & LABOR**

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

50

51 **HB09-1127** be amended as follows, and as so amended, be referred to
52 the Committee on Finance with favorable
53 recommendation:

54

55 Amend printed bill, page 3, strike lines 11 through 15 and substitute the
56 following:

1 "BETWEEN THE NUMBER OF THE QUALIFIED BUSINESS' FULL-TIME
2 EMPLOYEES IN THE STATE AS OF THE LAST DAY OF THE INCOME TAX YEAR
3 IN WHICH THE QUALIFIED INVESTMENT IS MADE AND THE NUMBER OF THE
4 QUALIFIED BUSINESS' FULL-TIME EMPLOYEES IN THE STATE AT THE TIME A
5 TAXPAYER INVESTS IN THE QUALIFIED BUSINESS TWO YEARS PRIOR,
6 WHICH".

7
8 Page 4, after line 11, insert the following:

9
10 "(f) "TOTAL AMOUNT OF NEW WAGES PAID BY THE QUALIFIED
11 BUSINESS" MEANS THE AGGREGATE WAGES PAID BY A QUALIFIED BUSINESS
12 DURING THE INCOME TAX YEAR IN WHICH A QUALIFIED INVESTMENT IS
13 MADE FOR ALL JOBS CREATED SINCE THE TIME A TAXPAYER INVESTS IN THE
14 QUALIFIED BUSINESS TWO YEARS PRIOR TO THE QUALIFIED INVESTMENT.";

15
16 line 13, after "2011,", insert "BUT PRIOR TO JANUARY 1, 2016,";

17
18 line 16, strike "AMOUNT OF THE QUALIFIED INVESTMENT" and substitute
19 "TOTAL AMOUNT OF NEW WAGES PAID BY THE QUALIFIED BUSINESS".

20
21 Page 6, line 18, after "(5)", insert "(a)";

22
23 line 20, strike "MAKING A QUALIFIED INVESTMENT." and substitute "THE
24 END OF THE INCOME TAX YEAR DURING WHICH A QUALIFIED INVESTMENT
25 IS MADE.";

26
27 line 21, strike "ANY" and substitute "THE TOTAL AMOUNT OF NEW WAGES
28 PAID BY THE QUALIFIED BUSINESS, THE INFORMATION NEEDED TO
29 CALCULATE THE JOBS-CREATION PERCENTAGE, AND ANY OTHER";

30
31 line 25, strike "NINETY" and substitute "THIRTY".

32
33 Page 7, line 6, after "SUBMIT", insert "A COPY OF";

34
35 after line 8, insert the following:

36
37 "(b) AS SOON AS POSSIBLE, THE OFFICE OF ECONOMIC
38 DEVELOPMENT SHALL TRANSMIT A LIST OF ALL TAXPAYERS WHO HAVE
39 RECEIVED A TAX CREDIT CERTIFICATE AND ANY TRANSFEREES TO WHOM
40 A CREDIT HAS BEEN TRANSFERRED, ALONG WITH THE FEDERAL TAXPAYER
41 IDENTIFICATION NUMBERS OF SUCH TAXPAYERS AND TRANSFEREES.".

42
43
44
45 **HB09-1136** be amended as follows, and as so amended, be referred to
46 the Committee on Appropriations with favorable
47 recommendation:

48
49 Amend printed bill, page 2, line 11, strike "LOADSIDE OF A" and substitute
50 "INVERTER OUTPUT CIRCUIT OF A PHOTOVOLTAIC SYSTEM OR A SIMILAR
51 CIRCUIT FROM ANOTHER TYPE OF".

52
53 Page 5, line 17, strike "BOARD." and substitute "BOARD, IN
54 COLLABORATION WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND
55 INDUSTRY REPRESENTATIVES.".

56

1 **FINANCE**

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

4
5 **HB09-1003** be postponed indefinitely.

6
7
8 **HB09-1038** be postponed indefinitely.

9
10
11 **HB09-1067** be amended as follows, and as so amended, be referred to
12 the Committee on Appropriations with favorable
13 recommendation:

14
15 Amend printed bill, page 3, line 13, strike "(7)" and substitute "(6)".

16
17 Page 4, line 2, after "BY", insert "THE BOARD WITH REFERENCE TO" and,
18 strike "SUBPARAGRAPH (II)" and substitute "PARAGRAPH (c)";

19
20 line 3, strike "PARAGRAPH (b)" and substitute "SUBSECTION (2) AND BASED
21 ON THE DECREED USE OF SUCH RIGHT.";

22
23 line 5, strike "THE BOARD SHALL NOT";

24
25 strike lines 6 and 7 and substitute the following:

26
27 "THE";

28
29 line 11, strike "EQUAL TO";

30
31 strike lines 12 through 14 and substitute the following:

32
33 "DONATED TO THE BOARD.

34
35 (II) THE AMOUNT OF THE CREDIT SHALL NOT INCLUDE THE VALUE";

36
37 line 18, strike "(II)" and substitute "(c)".

38
39 Page 5, line 1, strike "OVERSTATEMENT" and substitute "VALUATION
40 MISSTATEMENT";

41
42 strike line 2, and substitute the following:

43
44 "AS SUCH MISSTATEMENTS ARE DEFINED IN SECTION 1219";

45
46 strike lines 8 through 12 and substitute the following:

47
48 "(d) IN NO EVENT SHALL THE BOARD ISSUE A CREDIT CERTIFICATE
49 IF THE AGGREGATE SUM OF CREDITS APPROVED BY THE BOARD PURSUANT
50 TO THIS SECTION AND NOT YET ELIGIBLE TO BE TAKEN AS DESCRIBED IN
51 SUBSECTION (7) OF THIS SECTION EXCEEDS TWO MILLION DOLLARS.";

52
53 line 13, strike "(c)" and substitute "(e)";

54
55 line 26, after "BOARD", insert "AND THE DEPARTMENT";

56

1 line 27, strike "TAXPAYER." and substitute "TAXPAYER, AND THE BOARD
2 SHALL ISSUE CREDIT CERTIFICATES IN THE APPROPRIATE AMOUNTS TO
3 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER CONSTITUENT
4 TAXPAYER."

5

6 Page 6, line 3, strike "(a)";

7

8 line 5, after "MAY", insert "NOT";

9

10 strike lines 6 through 27 and substitute the following:

11

12 "FORWARD AND SHALL BE REFUNDED TO THE TAXPAYER."

13

14 Strike page 7.

15

16 Page 8, strike lines 1 through 15.

17

18 Renumber succeeding subsections accordingly.

19

20 Page 8, line 16, strike "(a)";

21

22 line 21, strike "(I)" and substitute "(a)";

23

24 line 22, strike "(II)" and substitute "(b)";

25

26 line 24, strike "(III)" and substitute "(c)";

27

28 line 25, strike "(IV)" and substitute "(d)".

29

30 Page 9, strike lines 1 through 12.

31

32 Page 10, line 8, strike "JANUARY 1, 2016." and substitute "DECEMBER 31,
33 2024."

34

35

36

37

38 **LOCAL GOVERNMENT**

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

41

42 **HB09-1006** be postponed indefinitely.

43

44

45 **HB09-1040** be amended as follows, and as so amended, be referred to
46 the Committee on Appropriations with favorable
47 recommendation:

48

49 Amend printed bill, page 2, line 5, strike "STATE AUDITOR" and substitute
50 "DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
51 AFFAIRS";

52

53 strike lines 24 through 27 and substitute the following:

54

55 "SECTION 2. 24-32-104 (1), Colorado Revised Statutes, is
56 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **24-32-104. Functions of the division.** (1) The division shall
2 perform the following functions:

3
4 (m) SUBMIT AN ANNUAL REPORT TO THE LOCAL GOVERNMENT
5 COMMITTEES OF".

6
7
8
9 **HB09-1110** be amended as follows, and as so amended, be referred to
10 the Committee on Appropriations with favorable
11 recommendation:

12
13 Amend printed bill, page 3, strike lines 16 through 24 and substitute the
14 following:

15
16 "(d) IN CERTAIN AREAS OF THE STATE, A HIGH PROPORTION OF
17 RESIDENTIAL REAL PROPERTY IS ADVERTISED FOR RENT ON A FURNISHED
18 BASIS DIRECTLY BY PROPERTY OWNERS OR BY REAL ESTATE AGENTS,
19 PROPERTY MANAGEMENT COMPANIES, LODGING COMPANIES, AND
20 INTERNET AND PRINT-BASED LISTING SERVICES THAT ACT AS AGENTS FOR
21 MULTIPLE PROPERTY OWNERS AND ADVERTISE MULTIPLE PROPERTIES FOR
22 RENT, AND BECAUSE THE ADVERTISEMENTS TYPICALLY DO NOT PRECISELY
23 IDENTIFY THE PROPERTY OFFERED FOR RENT BY ADDRESS OR THE OWNER'S
24 NAME:".

25
26 Page 4, strike lines 11 through 13 and substitute the following:

27
28 "THE OWNER OF FURNISHED RESIDENTIAL REAL PROPERTY OR AN AGENT
29 OF THE OWNER WHO ADVERTISES THE PROPERTY FOR RENT TO PROVIDE
30 IDENTIFYING INFORMATION REGARDING THE PROPERTY TO THE ASSESSOR
31 OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED UPON THE REQUEST
32 OF THE ASSESSOR AS SPECIFIED IN THIS SECTION OR AS MUTUALLY AGREED
33 TO BY THE ASSESSOR AND THE OWNER OR AGENT PURSUANT TO
34 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.";

35
36 Strike lines 14 through 27.

37
38 Page 5, strike lines 1 through 17 and substitute the following:

39
40 "(2) (a) UPON THE REQUEST OF THE ASSESSOR OF ANY COUNTY OR
41 CITY AND COUNTY:

42
43 (I) A PROPERTY OWNER WHO ADVERTISES FOR RENT FURNISHED
44 RESIDENTIAL REAL PROPERTY THAT IS LOCATED WITHIN THE COUNTY OR
45 CITY AND COUNTY SHALL PROVIDE TO THE ASSESSOR A LIST THAT
46 IDENTIFIES EACH PROPERTY SO ADVERTISED BY ADDRESS; AND

47
48 (II) AN AGENT WHO ADVERTISES FOR RENT ON BEHALF OF A
49 PROPERTY OWNER FURNISHED RESIDENTIAL REAL PROPERTY THAT IS
50 LOCATED WITHIN THE COUNTY OR CITY AND COUNTY SHALL PROVIDE TO
51 THE ASSESSOR A LIST THAT IDENTIFIES EACH PROPERTY SO ADVERTISED BY
52 OWNER AND ADDRESS.

53
54 (b) AN ASSESSOR AND A PROPERTY OWNER OR AGENT MAY
55 MUTUALLY AGREE THAT THE OWNER OR AGENT SHALL ANNUALLY PROVIDE
56 TO THE ASSESSOR BY A SPECIFIED DATE THE INFORMATION THAT AN

1 ASSESSOR MAY REQUIRE TO BE PROVIDED PURSUANT TO PARAGRAPH (a) OF
2 THIS SUBSECTION (2).".

3

4 Page 1, line 102, after "ASSESSOR", insert "UPON REQUEST".

5

6

7

8 **HB09-1162** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11

12 Amend printed bill, page 4, line 12, after "COUNTY.", add "IN
13 ASSOCIATION WITH THE GOVERNMENTAL PARTIES ENTERING INTO ANY
14 INTERGOVERNMENTAL AGREEMENT, THE PARTIES TO SUCH AGREEMENT
15 SHALL CONSULT WITH ANY UTILITY PROVIDERS THAT HAVE FACILITIES IN
16 THE AREAS SUBJECT TO THE AGREEMENTS TO THE EXTENT THE PROVISIONS
17 OF THE AGREEMENTS WILL AFFECT THE PROVIDERS.";

18

19 line 27, strike "AND".

20

21 Page 5, strike line 2 and substitute the following:

22

23 "PROCEDURES; AND

24

25 (VI) ACTION THAT MAY BE UNDERTAKEN BY ONE PARTY TO THE
26 AGREEMENT IF ANOTHER PARTY TO THE AGREEMENT FAILS TO SATISFY ITS
27 DUTIES OR RESPONSIBILITIES UNDER THE AGREEMENT.";

28

29 strike lines 6 through 17 and substitute the following:

30

31 "(4) NOTHING IN THIS SECTION SHALL REQUIRE ANY LOCAL
32 GOVERNMENT TO ENTER INTO A NEW AGREEMENT IF THE LOCAL
33 GOVERNMENT IS A PARTY TO AN AGREEMENT IN EXISTENCE AS OF THE
34 EFFECTIVE DATE OF THIS SECTION, INCLUDING, WITHOUT LIMITATION, A
35 MUTUAL AID AGREEMENT, THAT SATISFIES THE REQUIREMENTS OF THIS
36 SECTION.".

37

38

39

40

41 **STATE, VETERANS, & MILITARY AFFAIRS**

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

44

45 **HB09-1071** be amended as follows, and as so amended, be referred to
46 the Committee on Finance with favorable
47 recommendation:

48

49 Amend printed bill, strike everything below the enacting clause and
50 substitute the following:

51

52 "SECTION 1. 33-1-112.5 (2) (a), (2) (b), and (6), Colorado
53 Revised Statutes, are amended to read:

54

55 **33-1-112.5. Search and rescue fund - rules.** (2) (a) A surcharge
56 of ~~twenty-five~~ FIFTY cents shall be assessed on each license listed in

1 section 33-4-102 (1) and (1.4) that is sold by the division or one of its
2 license agents pursuant to section 33-4-101. Receipts and interest from
3 the surcharge shall be deposited in the search and rescue fund created in
4 subsection (1) of this section.

5
6 (b) A surcharge of ~~twenty-five~~ FIFTY cents shall be assessed on
7 each vessel, each snowmobile, and each off-highway vehicle registration
8 that is sold by the division or one of its agents pursuant to section
9 33-13-103, 33-14-102, or 33-14.5-102. Receipts and interest from the
10 surcharge shall be deposited in the search and rescue fund created in
11 subsection (1) of this section. To coincide with annual registration
12 renewal schedules, the surcharge shall be assessed on an annual basis
13 beginning on October 1, 1992, for snowmobile registrations, January 1,
14 1993, for vessel registrations, and April 1, 1993, for off-highway vehicle
15 registrations.

16
17 (6) At the close of any fiscal year, all of the moneys remaining in
18 the search and rescue fund and appropriated for search and rescue
19 expenses, after all approved claims and administrative costs have been
20 paid, shall be divided among those counties that have applied to the
21 department of local affairs for year-end grants or reimbursements from
22 the search and rescue fund. The department of local affairs shall divide
23 such moneys among the counties first BY making payment for
24 uncompensated searches and rescues of parents, siblings, spouses,
25 children, or grandchildren of persons holding hunting or fishing licenses,
26 vessel, snowmobile, or off-highway vehicle registrations, or the owner of
27 a Colorado outdoor recreation search and rescue card and second BY
28 making payment for search and rescue-related training, CERTIFICATION,
29 and equipment FOR AN AGENCY OR ORGANIZATION PROVIDING SEARCH
30 AND RESCUE SERVICES and for any other uncompensated searches. The
31 department of local affairs shall establish operating procedures for
32 applying for year-end grants or reimbursements from the moneys
33 remaining in the search and rescue fund.

34
35 **SECTION 2.** 33-1-112.5 (2) (c), Colorado Revised Statutes, is
36 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

37
38 **33-1-112.5. Search and rescue fund.** (2) (c) (V) AN AGENCY OR
39 POLITICAL SUBDIVISION OF THE STATE THAT RECEIVES GRANT MONEYS
40 FROM THE GREAT OUTDOORS COLORADO TRUST FUND ESTABLISHED IN
41 SECTION 2 OF ARTICLE XXVII OF THE STATE CONSTITUTION SHALL, FOR A
42 PERIOD OF NOT LESS THAN ONE YEAR AFTER THE RECEIPT OF GRANT
43 MONEYS, WITH THE ASSISTANCE OF THE DEPARTMENT OF LOCAL AFFAIRS
44 AND TO THE GREATEST EXTENT PRACTICABLE, PROMOTE THE PURCHASE OF
45 COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARDS BY
46 PROVIDING INFORMATION ON THE PROGRAM ON ALL WEB SITES, TRAIL
47 HEAD SIGNS, AND BROCHURES ON OUTDOOR RECREATION PUBLISHED OR
48 MAINTAINED BY THE AGENCY OR POLITICAL SUBDIVISION.

49
50 **SECTION 3. Act subject to petition - effective date.** This act
51 shall take effect at 12:01 a.m. on the day following the expiration of the
52 ninety-day period after final adjournment of the general assembly that is
53 allowed for submitting a referendum petition pursuant to article V,
54 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
55 sine die is on May 6, 2009); except that, if a referendum petition is filed
56 against this act or an item, section, or part of this act within such period,

1 then the act, item, section, or part, if approved by the people, shall take
2 effect on the date of the official declaration of the vote thereon by
3 proclamation of the governor."

4
5 Page 1, strike lines 103 and 104 and substitute the following:

6
7 **"OUTDOOR RECREATION ACTIVITIES."**

8
9
10
11 **HB09-1165** be postponed indefinitely.

12
13
14
15
16 **TRANSPORTATION & ENERGY**

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

19
20 **HB09-1016** be postponed indefinitely.

21
22
23 **HB09-1055** be postponed indefinitely.

24
25
26 **HB09-1092** be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:

29
30 Amend printed bill, page 3, after line 17, insert the following:

31
32 **"SECTION 4.** The introductory portion to 9-1.5-104.5 (2) (d),
33 Colorado Revised Statutes, is amended to read:

34
35 **9-1.5-104.5. Civil penalties - applicability.** (2) (d) If any
36 person, other than a homeowner, rancher, or farmer, as defined in section
37 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's
38 property, fails to comply with paragraph (a) of this subsection (2) or fails
39 to exercise reasonable care in excavating OR PERFORMING ROUTINE
40 MAINTENANCE and damages an underground facility during ~~an~~ SUCH
41 excavation OR ROUTINE MAINTENANCE, such person shall be presumably
42 liable for:"

43
44 Renumber succeeding section accordingly.

45
46 Page 4, line 1, after "excavations", insert "and routine maintenance".

47
48
49
50 **HB09-1114** be postponed indefinitely.

51
52 _____
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55

1 **PRINTING REPORT**

2
3 The Chief Clerk reports the following bills have been correctly printed:
4 **HB09-1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266,**
5 **1267, 1268, 1269; HCR09-1001.**

6
7
8 House in recess. House reconvened.
9

10
11 **REPORTS OF COMMITTEE OF REFERENCE**

12
13 **STATE, VETERANS, & MILITARY AFFAIRS**

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

16
17 **HB09-1008** be referred to the Committee of the Whole with favorable
18 recommendation.

19
20
21 **HB09-1011** be postponed indefinitely.

22
23
24 **HB09-1112** be referred to the Committee of the Whole with favorable
25 recommendation.

26
27
28 **HB09-1118** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31 Amend printed bill, page 7, after line 12, insert the following:

32 "SECTION 12. 40-6-109 (1), Colorado Revised Statutes, is
33 amended to read:

34
35 **40-6-109. Hearings - orders - record - review - representation**
36 **of entities in nonadjudicatory proceedings.** (1) At the time fixed for
37 any hearing before the commission, any commissioner, or an
38 administrative law judge, or, at the time to which the same may have been
39 continued, the applicant, petitioner, complainant, the person, firm, or
40 corporation complained of, and such persons, firms, or corporations as the
41 commission may allow to intervene and such persons, firms, or
42 corporations as will be interested in or affected by any order that may be
43 made by the commission in such proceeding and who shall have become
44 parties to the proceeding shall be entitled to be heard, examine and
45 cross-examine witnesses, and introduce evidence. A full and complete
46 record of all proceedings had before the commission, any commissioner,
47 or an administrative law judge in any formal hearing, ~~had~~, and all
48 testimony, shall be taken down by any reporter appointed by the
49 commission ~~and~~ OR, AS DEEMED APPROPRIATE BY THE COMMISSION, A
50 COMMISSIONER, OR AN ADMINISTRATIVE LAW JUDGE, AS APPLICABLE,
51 RECORDED ELECTRONICALLY. All parties in interest shall be entitled to be
52 heard in person or by attorney."
53

54
55 Renumber succeeding section accordingly.
56

INTRODUCTION OF BILLS
First Reading

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

HB09-1270 by Representative(s) Waller--Concerning extending concurrent enrollment opportunities to students who are not enrolled in public schools.

Committee on Education

HB09-1271 by Representative(s) Labuda, Fischer, Soper--Concerning a fee for the registration of motor vehicles to be used to support the Colorado state titling and registration system.

Committee on Transportation & Energy

Committee on Finance

HB09-1272 by Representative(s) Massey and Pommer, Gardner C., McKinley, McNulty, Merrifield, Scanlan, Summers, Todd; also Senator(s) Tapia, Brophy, Heath, Kester, Penry, Williams--Concerning statutory amendments required to implement locally approved changes to the parameters for limited gaming under section 9 (7) of article XVIII of the Colorado constitution, adopted by voters at the 2008 general election.

Committee on Education

HB09-1273 by Representative(s) Kefalas, Green, Frangas, Court, Fischer, Hulinghorst, Labuda, Levy, Miklosi, Pace, Vigil, Apuan, McCann, Ryden, Schafer S., McGihon; also Senator(s) Foster, Bacon, Carroll M.--Concerning the creation of a health care authority to develop a health care system that shall be the administrator for health care services in Colorado.

Committee on Business Affairs and Labor

Committee on Appropriations

HB09-1274 by Representative(s) Weissmann; also Senator(s) Carroll M., Groff--Concerning capital crimes, and making an appropriation in connection therewith.

Committee on Judiciary

Committee on Appropriations

HB09-1275 by Representative(s) Apuan, Balmer, McFadyen, Rice, Solano; also Senator(s) Morse, Heath, Mitchell, Schwartz, Veiga--Concerning the ability of the department of public health and environment to issue a provisional certification to an applicant seeking certification as an emergency medical technician.

Committee on Health and Human Services

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INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the rules:

HJR09-1009 by Representative(s) Weissmann, May; also Senator(s) Shaffer B.--Concerning authorization for adjournment for more than three days during the 2009 regular session of the general assembly.

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 5, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk