

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

Twenty-fourth Legislative Day

Friday, January 30, 2009

1 Prayer by Chaplain Lieutenant Colonel Andrew Meverden, Colorado
2 Army National Guard.

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

5
6 Pledge of Allegiance led by Sean Doherty, Metropolitan State College,
7 Denver.

8
9 The roll was called with the following result:

10
11 Present--63.
12 Excused--Representatives A. Kerr, Liston--2.
13 Present after roll call--Representative A. Kerr.

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Baumgardner, the reading of the journal of
19 January 29, 2009, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

21
22
23
24
25 **CONSIDERATION OF RESOLUTIONS**

26
27 On motion of Representative Weissmann, the rules were suspended for
28 immediate consideration of the following resolutions.

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

37
38 (Printed and placed in member's file)

39
40 Representative Todd moved that the resolution be adopted and requested
41 that it be read at length.

42
43

1 Amendment No. 1, moved by Representative Marostica.

2

3 Amend printed joint resolution, page 2, line 29, after "Wing;", insert "the
4 United States Air Force Academy, the Air Reserve Personnel Center,
5 Peterson Air Force Base,".

6

7 The amendment was declared **passed** by **viva voce** vote.

8

9 On motion of Representative Todd, the resolution as amended was
10 **adopted** by **viva voce** vote.

11

12 Co-sponsors added: Current Roll Call of the House.

13

14

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

17

18 (Printed and placed in member's file)

19

20 On motion of Representative McFadyen, the resolution was read at length
21 and **adopted** by **viva voce** vote.

22

23 Co-sponsors added: Current Roll Call of the House.

24

25

26 On motion of Representative Weissmann, the rules were suspended for
27 the purpose of allowing members of the Colorado Senate to speak.

28

29

30

House in recess. House reconvened.

31

32

33

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

40

41 (Printed and placed in member's file)

42

43 On motion of Representative Apuan, the resolution was read at length and
44 **adopted** by **viva voce** vote.

45

46 Co-sponsors added: Current Roll Call of the House.

47

48

49

50

51

House in recess. House reconvened.

52

53

54

55

56

REPORTS OF COMMITTEES OF REFERENCE**EDUCATION**

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

HB09-1065 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 6, line 26, strike "IN ANY WAY TO EVALUATE OR" and substitute "TO NEGATIVELY" and, after the period, add "THE USE OF INFORMATION THAT SCHOOL DISTRICTS OBTAIN FROM ANY OTHER SOURCE SHALL NOT BE RESTRICTED BY THE PROVISIONS OF THIS PARAGRAPH (a).".

Page 7, line 3, after "PREPARATION", insert "OR PROFESSIONAL DEVELOPMENT";

line 22, strike "UNTIL SUCH TIME AS THERE ARE";

strike line 23 and substitute "IF SUFFICIENT MONEYS TO COVER THE COSTS OF IMPLEMENTATION HAVE NOT BEEN RECEIVED AND CREDITED TO THE FUND BY AUGUST 1, 2009,";

line 24, strike "IMPLEMENTATION,";

line 25, after the period, add "NO GENERAL FUND MONEYS SHALL BE APPROPRIATED FOR THE IMPLEMENTATION OF THIS ARTICLE.".

HB09-1128 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 6, after "(1)", insert "(a)";

line 7, strike "A" and substitute "AN ACCREDITED";

after line 12, insert the following:

"(b) NOTHING IN THIS SECTION SHALL REQUIRE A DENTIST WHO APPEARS IN A PROGRAM OF DENTAL EDUCATION OR RESEARCH, AS DESCRIBED IN SECTION 12-35-115 (1) (f), TO OBTAIN AN ACADEMIC LICENSE PURSUANT TO THIS SECTION.";

line 22, after "THE", insert "ACCREDITED";

line 26, after "THE", insert "ACCREDITED".

1 **FINANCE**

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

4
5 **HB09-1093** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, after line 22, insert the following:

10
11 "SECTION 2. 39-22-501, Colorado Revised Statutes, is amended
12 to read:

13
14 **39-22-501. Taxation of regulated investment companies.**

15 (1) (a) FOR PURPOSES OF THIS ARTICLE, A "REGULATED INVESTMENT
16 COMPANY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 851
17 OF THE INTERNAL REVENUE CODE.

18
19 (b) ~~In the case of a corporation which qualifies as a "regulated~~
20 ~~investment company" under the provisions of the internal revenue code,~~
21 For purposes of this article, the "net income" of ~~such corporation~~ A
22 REGULATED INVESTMENT COMPANY in each year in which ~~such~~ THE
23 corporation is taxed as a regulated investment company for federal
24 income tax purposes shall be the "investment company taxable income"
25 of such corporation, adjusted as provided in section 39-22-304 (2) and
26 (3).

27
28 (2) (a) FOR PURPOSES OF THIS ARTICLE, A "CAPTIVE REGULATED
29 INVESTMENT COMPANY" MEANS A REGULATED INVESTMENT COMPANY OF
30 WHICH THE SHARES OR BENEFICIAL INTERESTS ARE NOT REGULARLY
31 TRADED ON AN ESTABLISHED SECURITIES MARKET AND OF WHICH MORE
32 THAN FIFTY PERCENT OF THE VOTING POWER OR VALUE OF THE BENEFICIAL
33 INTERESTS OR SHARES ARE OWNED OR CONTROLLED, DIRECTLY,
34 INDIRECTLY, OR CONSTRUCTIVELY, BY A SINGLE ENTITY THAT IS:

35
36 (I) TREATED AS AN ASSOCIATION TAXABLE AS A CORPORATION
37 UNDER THE INTERNAL REVENUE CODE; AND

38
39 (II) NOT EXEMPT FROM FEDERAL INCOME TAX PURSUANT TO THE
40 PROVISIONS OF SECTION 501 (a) OF THE INTERNAL REVENUE CODE.";

41
42 (b) ANY VOTING STOCK IN A REGULATED INVESTMENT COMPANY
43 THAT IS HELD IN A SEGREGATED ASSET ACCOUNT OF A LIFE INSURANCE
44 CORPORATION, AS DESCRIBED IN SECTION 817 OF THE INTERNAL REVENUE
45 CODE, SHALL NOT BE TAKEN INTO ACCOUNT FOR PURPOSES OF
46 DETERMINING WHETHER A REGULATED INVESTMENT COMPANY IS A
47 CAPTIVE REGULATED INVESTMENT COMPANY."

48
49 Renumber succeeding sections accordingly.

50
51 Page 3, line 26, strike "A" and substitute "SUCH".

52
53 Page 6, line 18, strike "REPORTABLE";

54
55 line 25, strike "INVOLVING" and substitute "BETWEEN";

56

1 line 26, strike "39-22-503 (2);" and substitute "39-22-503 (2) AND ITS
2 MORE THAN FIFTY PERCENT BENEFICIAL OWNER AS DESCRIBED IN SECTION
3 39-22-503 (2) (a);";

4
5 strike line 27.

6
7 Page 7, strike line 1 and substitute the following:

8
9 "(c) A TRANSACTION BETWEEN A CAPTIVE REGULATED
10 INVESTMENT COMPANY AS DEFINED IN SECTION 39-22-501 (2) AND ITS
11 MORE THAN FIFTY PERCENT BENEFICIAL OWNER AS DESCRIBED IN SECTION
12 39-22-501 (2) (a).";

13
14 line 6, strike "(6)." and substitute "(6) BUT SHALL NOT INCLUDE ANY
15 TRANSACTIONS SPECIFICALLY EXCLUDED BY THE INTERNAL REVENUE
16 SERVICE.";

17
18 line 7, after "**reportable**", insert "**or listed**";

19
20 line 10, after "REPORTABLE", insert "OR LISTED";

21
22 line 12, after "REPORTABLE", insert "OR LISTED";

23
24 line 13, strike "STATEMENT." and substitute "STATEMENT AS SPECIFIED IN
25 SUBSECTION (5) OF THIS SECTION.";

26
27 strike lines 14 through 21.

28
29 Renumber succeeding subsections accordingly.

30
31 Page 7, line 22, after "IN", insert "OR HAS PARTICIPATED IN" and, after
32 "REPORTABLE", insert "OR LISTED";

33
34 line 26, strike "REQUIRED IN SUBSECTION (2)" and substitute "SPECIFIED
35 IN SUBSECTION (5)";

36
37 line 27, after "REPORTABLE", insert "OR LISTED".

38
39 Page 8, strike lines 1 through 8 and substitute the following:

40
41 "(4) (a) ANY STATEMENT THAT IS REQUIRED TO BE FILED OR
42 DISCLOSURE REQUIRED TO BE MADE BY THIS SECTION WITH RESPECT TO
43 ANY TAX YEAR FOR WHICH THE RETURN HAS ALREADY BEEN FILED BY A
44 DATE SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND THAT
45 IS FILED OR MADE PRIOR TO OR TOGETHER WITH THE TAXPAYER'S NEXT
46 FILED RETURN SHALL BE CONSIDERED TIMELY FILED OR MADE.

47
48 (b) ANY STATEMENT THAT IS REQUIRED TO BE FILED OR
49 DISCLOSURE REQUIRED TO BE MADE BY THIS SECTION WITH RESPECT TO
50 ANY TAX YEAR THE RETURN FOR WHICH HAS NOT BEEN FILED BY A DATE
51 SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND THAT IS
52 FILED OR MADE ON OR BEFORE JULY 1, 2010, SHALL BE CONSIDERED
53 TIMELY FILED OR MADE.

54
55 (c) THE STATUTE OF LIMITATIONS WITH RESPECT TO ANY RETURN
56 FOR WHICH A STATEMENT IS REQUIRED TO BE FILED OR DISCLOSURE

1 REQUIRED TO BE MADE BY THIS SECTION SHALL BE TOLLED FROM THE
2 EFFECTIVE DATE OF THIS SECTION UNTIL SUCH STATEMENT OR DISCLOSURE
3 IS FILED OR MADE, BUT IN NO EVENT SHALL THE STATUTE OF LIMITATIONS
4 BE TOLLED FOR MORE THAN TWENTY-FOUR MONTHS.

5
6 (5) (a) WITH RESPECT TO ANY REPORTABLE TRANSACTION OR WITH
7 RESPECT TO ANY LISTED TRANSACTION AS SPECIFIED IN SECTION 39-22-652
8 (5) (a), THE TAXPAYER SHALL, AT THE TAXPAYER'S DISCRETION, FILE WITH
9 THE TAXPAYER'S NEXT FILED RETURN A COPY OF THE FEDERAL DISCLOSURE
10 FORM OR A FORM SPECIFIED BY THE DEPARTMENT.

11
12 (b) WITH RESPECT TO ANY LISTED TRANSACTION NOT SPECIFIED IN
13 SECTION 39-22-652 (5) (a), THE DEPARTMENT MAY SPECIFY THE FORM AND
14 MANNER OF ANY STATEMENT REQUIRED TO BE FILED OR DISCLOSURE
15 REQUIRED TO BE MADE, WHICH STATEMENT SHALL BE FILED WITH THE
16 TAXPAYER'S NEXT FILED RETURN.

17
18 **39-22-654. Additional listed transactions - report.** (1) THE
19 DEPARTMENT SHALL SUBMIT A REPORT TO THE FINANCE COMMITTEES OF
20 THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
21 COMMITTEES, BY JANUARY 31, 2010, AND ON OR BEFORE EVERY JANUARY
22 31 THEREAFTER, ITS RECOMMENDATION FOR THE INCLUSION OF ANY
23 ADDITIONAL LISTED TRANSACTIONS FOR PURPOSES OF THIS SUBPART 2.

24
25 (2) THE DEPARTMENT SHALL CONSULT WITH ANY INTERESTED
26 PARTIES PRIOR TO THE SUBMISSION OF THE REPORT AS SPECIFIED IN
27 SUBSECTION (1) OF THIS SECTION."

28
29 Renumber succeeding C.R.S. sections accordingly.

30
31 Page 8, line 9, after "**reportable**", insert "**or listed**";

32
33 line 22, after "REPORTABLE", insert "OR LISTED";

34
35 line 25, after "**reportable**", insert "**or listed**";

36
37 line 26, strike "DISCLOSE A" and substitute "DISCLOSE ANY";

38
39 line 27, after "REPORTABLE", insert "OR LISTED".

40
41 Page 9, line 1, strike "DEPARTMENT." and substitute "DEPARTMENT
42 WITHIN SIX MONTHS OF EACH TRANSACTION.";

43
44 line 4, after "REPORTABLE", insert "OR LISTED";

45
46 line 14, after "REPORTABLE", insert "OR LISTED";

47
48 line 18, after "REPORTABLE", insert "OR LISTED".

49
50 Page 10, line 18, after "REPORTABLE", insert "OR LISTED";

51
52 line 19, strike "39-22-655 (1) (a)" and substitute "39-22-656 (1) (a)";

53
54 line 22, after "REPORTABLE", insert "OR LISTED", and strike "39-22-655
55 (1)" and substitute "39-22-656 (1)";

56

1 line 24, strike "THE PENALTY SHALL BE" and substitute "THEN AN
2 ADDITIONAL PENALTY SHALL BE IMPOSED OF";

3

4 line 26, strike "39-22-656 (1)" and substitute "39-22-657 (1)".

5

6

7

8

9 **HEALTH & HUMAN SERVICES**

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

12

13 **HB09-1004** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17 **HB09-1086** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:

20

21 Amend printed bill, page 2, line 4, strike "board" and substitute "board,";

22

23 line 5, strike "DIRECTOR, AS APPROPRIATE," and substitute "DIRECTOR
24 PURSUANT TO THE AUTHORITY SPECIFIED IN PART 8 OF THIS ARTICLE,";

25

26 line 13, strike "board OR DIRECTOR" and substitute "board, OR THE
27 DIRECTOR PURSUANT TO THE AUTHORITY SPECIFIED IN PART 8 OF THIS
28 ARTICLE,".

29

30 Page 3, line 16, strike "ASSESSMENT" and substitute "A
31 SELF-ASSESSMENT";

32

33 line 21, after "SKILLS", insert "THROUGH DOCUMENTATION OF
34 ACTIVITIES";

35

36 line 22, strike "A" and substitute "AT LEAST";

37

38 line 23, after "PROFESSION.", add "NOTHING IN THIS SUBPARAGRAPH (III)
39 SHALL REQUIRE A LICENSED CLINICAL SOCIAL WORKER OR A LICENSED
40 SOCIAL WORKER TO RETAKE ANY EXAMINATION REQUIRED PURSUANT TO
41 SECTION 12-43-404 IN CONNECTION WITH INITIAL LICENSURE.".

42

43 Page 5, line 7, strike "ASSESSMENT" and substitute "A
44 SELF-ASSESSMENT";

45

46 line 12, after "SKILLS", insert "THROUGH DOCUMENTATION OF
47 ACTIVITIES";

48

49 line 13, strike "A" and substitute "AT LEAST";

50

51 line 14, after "PROFESSION.", add "NOTHING IN THIS SUBPARAGRAPH (III)
52 SHALL REQUIRE A LICENSED MARRIAGE AND FAMILY THERAPIST TO RETAKE
53 ANY EXAMINATION REQUIRED PURSUANT TO SECTION 12-43-504 IN
54 CONNECTION WITH INITIAL LICENSURE.".

55

56

1 Page 6, line 22, strike "ASSESSMENT" and substitute "A
2 SELF-ASSESSMENT";

3
4 line 26, after "SKILLS", insert "THROUGH DOCUMENTATION OF
5 ACTIVITIES";

6
7 line 27, strike "A" and substitute "AT LEAST".

8
9 Page 7, line 1, after "PROFESSION.", add "NOTHING IN THIS
10 SUBPARAGRAPH (III) SHALL REQUIRE A LICENSED PROFESSIONAL
11 COUNSELOR TO RETAKE ANY EXAMINATION REQUIRED PURSUANT TO
12 SECTION 12-43-603 IN CONNECTION WITH INITIAL LICENSURE.".

13
14 Page 8, line 7, after "WITH", insert "THE ALCOHOL AND DRUG ABUSE
15 DIVISION IN THE DEPARTMENT OF HUMAN SERVICES AND OTHER";

16
17 line 10, strike "ASSESSMENT" and substitute "A SELF-ASSESSMENT";

18
19 line 15, after "SKILLS", insert "THROUGH DOCUMENTATION OF
20 ACTIVITIES";

21
22 line 16, strike "A" and substitute "AT LEAST";

23
24 line 17, after "PROFESSION.", add "NOTHING IN THIS SUBPARAGRAPH (III)
25 SHALL REQUIRE A LICENSED OR LEVEL II OR LEVEL III CERTIFIED
26 ADDICTION COUNSELOR TO RETAKE ANY EXAMINATION REQUIRED
27 PURSUANT TO SECTION 12-43-804 IN CONNECTION WITH INITIAL
28 LICENSURE OR CERTIFICATION.".

29
30
31
32 **HB09-1139** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35
36 Amend printed bill, page 3, line 23, strike "JUNE 1," and substitute
37 "AUGUST 30," and, strike "DIRECTOR," and substitute "DIRECTOR OF THE
38 DEPARTMENT OF HUMAN SERVICES,".

39
40 Page 4, line 11, strike "PARENTS" and substitute "PARENTS, FOSTER
41 PARENTS, OR LEGAL GUARDIANS";

42
43 line 15, strike "JULY" and substitute "SEPTEMBER";

44
45 line 21, strike "AUGUST" and substitute "OCTOBER".

46
47 Page 5, line 1, strike "NOVEMBER" and substitute "DECEMBER";

48
49 strike lines 10 through 12 and substitute the following:

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

1 against this act or an item, section, or part of this act within such period,
2 then the act, item, section, or part, if approved by the people, shall take
3 effect on the date of the official declaration of the vote thereon by
4 proclamation of the governor."
5

6

7

8

9

JUDICIARY

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

12

13 **HB09-1049** be postponed indefinitely.

14

15

16 **HB09-1080** be referred to the Committee of the Whole with favorable
17 recommendation.

18

19

20 **HB09-1081** be amended as follows, and as so amended, be referred to
21 the Committee on Appropriations with favorable
22 recommendation:

23

24 Amend printed bill, page 2, line 19, strike "HOMICIDE:" and substitute
25 "HOMICIDE AND LEAVING THE SCENE OF AN ACCIDENT THAT RESULTED IN
26 THE DEATH OF A PERSON:".

27

28

29

30 **HB09-1090** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33

34 Amend printed bill, page 2, line 7, strike "EITHER ORALLY OR IN
35 WRITING";

36

37 line 8, before ""ASL-ENGLISH", insert ""DEAF INTERPRETER",";

38

39 line 9, after the first "INTERPRETER",", insert ""AMERICAN SIGN
40 LANGUAGE (ASL) INTERPRETER", "TRANSLITERATOR",";

41

42 line 10, strike "OR" and substitute ""CERTIFIED DEAF INTERPRETER",";

43

44 line 11, after "INTERPRETER",", insert ""CERTIFIED AMERICAN SIGN
45 LANGUAGE (ASL) INTERPRETER", OR "CERTIFIED TRANSLITERATOR", and,
46 strike "CERTIFICATE OF" and substitute "MEMBERSHIP CARD";

47

48 line 12, strike "COMPETENCE";

49

50 line 13, strike "CERTIFICATE" and substitute "MEMBERSHIP CARD";

51

52 line strike line 14;

53

54 line 15, strike everything before "MADE".

55

56

1 **HB09-1120** 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 2, strike lines 2 through 21.
6

7 Page 3, strike lines 1 through 20 and substitute the following:
8

9 "SECTION 1. 18-3-204, Colorado Revised Statutes, is amended
10 to read:
11

12 **18-3-204. Assault in the third degree.** (1) A person commits
13 the crime of assault in the third degree if:
14

15 (a) The person knowingly or recklessly causes bodily injury to
16 another person or with criminal negligence the person causes bodily
17 injury to another person by means of a deadly weapon; OR
18

19 (b) THE PERSON, WITH INTENT TO INFECT, INJURE, HARM, HARASS,
20 ANNOY, THREATEN, OR ALARM ANOTHER PERSON WHOM THE ACTOR
21 KNOWS OR REASONABLY SHOULD KNOW TO BE A PEACE OFFICER,
22 FIREFIGHTER, OR AN EMERGENCY MEDICAL TECHNICIAN, CAUSES SUCH
23 OTHER PERSON TO COME INTO CONTACT WITH BLOOD, SEMINAL FLUID,
24 URINE, FECES, SALIVA, MUCUS, VOMIT, OR ANY TOXIC, CAUSTIC, OR
25 HAZARDOUS MATERIAL BY ANY MEANS, INCLUDING BUT NOT LIMITED TO
26 THROWING, TOSSING, OR EXPELLING SUCH FLUID OR MATERIAL.
27

28 (2) (a) AN ADULT OR JUVENILE WHO HAS HAD A COURT FIND THAT
29 THERE IS PROBABLE CAUSE TO BELIEVE THAT HE OR SHE HAS COMMITTED
30 AN OFFENSE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS
31 SECTION OR IS CONVICTED OF AN OFFENSE PURSUANT TO PARAGRAPH (b)
32 OF SUBSECTION (1) OF THIS SECTION OR ANY PERSON WHO IS DETERMINED
33 TO HAVE PROVIDED BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS,
34 OR VOMIT TO A PERSON FOR WHOM PROBABLE CAUSE HAS BEEN FOUND OR
35 BEEN CONVICTED OF SUCH AN OFFENSE SHALL BE ORDERED BY THE COURT
36 TO SUBMIT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES AND TO
37 SUPPLY BLOOD, FECES, URINE, SALIVA, OR OTHER BODILY FLUID REQUIRED
38 FOR THE TEST. THE RESULTS OF SUCH TEST SHALL BE REPORTED TO THE
39 COURT OR THE COURT'S DESIGNEE, WHO SHALL THEN DISCLOSE THE
40 RESULTS TO ANY VICTIM OF THE OFFENSE WHO REQUESTS SUCH
41 DISCLOSURE. REVIEW AND DISCLOSURE OF MEDICAL TEST RESULTS BY THE
42 COURT SHALL BE CLOSED AND CONFIDENTIAL, AND ANY TRANSACTION
43 RECORDS RELATING THERETO SHALL ALSO BE CLOSED AND CONFIDENTIAL.
44 IF A PERSON SUBJECT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES
45 PURSUANT THIS SUBSECTION (2) VOLUNTARILY SUBMITS TO A MEDICAL
46 TEST FOR COMMUNICABLE DISEASES, THE FACT OF THE PERSON'S
47 VOLUNTARY SUBMISSION SHALL BE ADMISSIBLE IN MITIGATION OF
48 SENTENCE IF THE PERSON IS CONVICTED OF THE CHARGED OFFENSE.
49

50 (b) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE
51 COURT MAY ORDER ANY PERSON WHO IS CONVICTED OF THE OFFENSE
52 DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) OF THIS SECTION TO
53 MEET ALL OR ANY PORTION OF THE FINANCIAL OBLIGATIONS OF MEDICAL
54 TESTS PERFORMED ON AND TREATMENT PRESCRIBED FOR THE VICTIM OR
55 VICTIMS OF THE OFFENSE.
56

1 (3) Assault in the third degree is a class 1 misdemeanor and is an
2 extraordinary risk crime that is subject to the modified sentencing range
3 specified in section 18-1.3-501 (3).
4

5 **SECTION 2.** 18-1.3-501, Colorado Revised Statutes, is amended
6 to read:
7

8 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
9 defendant is convicted of assault in the third degree pursuant to section
10 18-3-204 and the victim is a peace officer, EMERGENCY MEDICAL
11 TECHNICIAN, or firefighter engaged in the performance of his or her
12 duties, notwithstanding the provisions of subsection (1) of this section,
13 the court shall sentence the defendant to a term of imprisonment greater
14 than the maximum sentence but no more than twice the maximum
15 sentence authorized for the same crime when the victim is not a peace
16 officer or firefighter engaged in the performance of his or her duties. In
17 addition to such term of imprisonment, the court may impose a fine on the
18 defendant pursuant to subsection (1) of this section.
19

20 (b) As used in this section, "peace officer, EMERGENCY MEDICAL
21 TECHNICIAN, or firefighter engaged in the performance of his or her
22 duties" means a peace officer as described in section 16-2.5-101, C.R.S.,
23 EMERGENCY MEDICAL TECHNICIAN AS DEFINED IN PART 1 OF ARTICLE 3.5
24 OF TITLE 25, C.R.S., or a firefighter as defined in section 18-3-201 (1),
25 who is engaged or acting in, or who is present for the purpose of engaging
26 or acting in, the performance of any duty, service, or function imposed,
27 authorized, required, or permitted by law to be performed by a peace
28 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter, whether or not
29 the peace officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter is
30 within the territorial limits of his or her jurisdiction, if the peace officer,
31 EMERGENCY MEDICAL TECHNICIAN, or firefighter is in uniform or the
32 person committing an assault upon or offense against or otherwise acting
33 toward such peace officer, EMERGENCY MEDICAL TECHNICIAN, or
34 firefighter knows or reasonably should know that the victim is a peace
35 officer, EMERGENCY MEDICAL TECHNICIAN, or firefighter or if the peace
36 officer or firefighter is intentionally assaulted in retaliation for the
37 performance of his or her official duties."
38

39 Renumber succeeding sections accordingly.
40
41
42
43

44 **LOCAL GOVERNMENT**

45 After consideration on the merits, the Committee recommends the
46 following:
47

48 **HB09-1130** be amended as follows, and as so amended, be referred to
49 the Committee on Appropriations with favorable
50 recommendation:
51

52 Amend printed bill, strike everything below the enacting clause and
53 substitute the following:
54

55 **"SECTION 1.** 29-2-106 (1), Colorado Revised Statutes, is
56 amended to read:

1 **29-2-106. Collection - administration - enforcement.** (1) The
2 collection, administration, and enforcement of any countywide or any city
3 or town sales tax adopted pursuant to this article shall be performed by
4 the executive director of the department of revenue in the same manner
5 as the collection, administration, and enforcement of the Colorado state
6 sales tax. Unless otherwise provided in this article, the provisions of
7 article 26 of title 39, C.R.S., shall govern the collection, administration,
8 and enforcement of sales taxes authorized under this article. IN
9 COLLECTING, ADMINISTERING, AND ENFORCING A SALES TAX AUTHORIZED
10 UNDER THIS ARTICLE, THE STATE SALES TAX AUTHORIZED UNDER PART 1
11 OF ARTICLE 26 OF TITLE 39, C.R.S., OR ANY OTHER SALES TAX IMPOSED
12 WITHIN THE BOUNDARIES OF A COUNTY, THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT OF REVENUE MAY ENTER INTO AN INTERGOVERNMENTAL
14 AGREEMENT WITH A COUNTY PURSUANT TO THE PROVISIONS OF SECTION
15 39-26-1212.5, C.R.S., TO ENHANCE SYSTEMIC EFFICIENCIES IN THE
16 COLLECTION OF SUCH TAXES.

17
18 **SECTION 2.** Part 1 of article 26 of title 39, Colorado Revised
19 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
20 read:

21
22 **39-26-122.5. Collection of sales tax - enhanced efficiencies -**
23 **intergovernmental agreements with local governments - legislative**
24 **declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
25 THAT:

26
27 (a) IT IS IN THE BEST INTEREST OF THE STATE, LOCAL
28 GOVERNMENTS, AND TAXPAYERS TO HAVE SALES TAX COLLECTED IN THE
29 MOST EFFICIENT AND EFFECTIVE MANNER FEASIBLE;

30
31 (b) SALES TAXES CAN BE ADMINISTERED AND COLLECTED MOST
32 EFFICIENTLY WHEN THE GOVERNMENTAL ENTITIES THAT COLLECT THE
33 TAXES COOPERATE AND SHARE RESPONSIBILITIES TO COLLECT AND
34 DISTRIBUTE REVENUES FROM THE TAXES;

35
36 (c) THE ADMINISTRATIVE BURDEN ON TAXPAYERS IS LESSENED
37 WHEN GOVERNMENTAL ENTITIES COOPERATE AND AGREE ON THE
38 PROCESSES USED TO ADMINISTER AND COLLECT SALES TAXES;

39
40 (d) BROAD AUTHORITY AND PRECEDENT EXIST FOR
41 GOVERNMENTAL ENTITIES TO OPERATE MORE EFFICIENTLY AND
42 EFFECTIVELY BY CONTRACTING WITH EACH OTHER TO COOPERATE IN
43 CARRYING OUT THEIR RESPECTIVE RESPONSIBILITIES;

44
45 (e) THE PURPOSE OF THIS SECTION IS TO ENCOURAGE THE STATE TO
46 WORK COOPERATIVELY WITH COUNTIES AND OTHER LOCAL GOVERNMENTS
47 IN THE ADMINISTRATION AND COLLECTION OF SALES TAXES IN THE STATE
48 TO ENHANCE EFFICIENCIES AND PROCEDURES FOR THE BENEFIT OF BOTH
49 THE DEPARTMENT OF REVENUE AND LOCAL GOVERNMENTS.

50
51 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
52 MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANY
53 COUNTY FOR THE PURPOSE OF ENHANCING THE SYSTEMIC EFFICIENCIES
54 AND PROCEDURES USED IN THE COLLECTION OF STATE AND LOCAL SALES
55 TAXES. SUCH AGREEMENT SHALL BE ENTERED INTO ON BEHALF OF AND
56 FOR THE BENEFIT OF BOTH THE COUNTY AND THE DEPARTMENT. IN

1 ADDITION, A MUNICIPALITY MAY BE INCLUDED AS A PARTY TO THE
2 AGREEMENT TO FURTHER THE SAME EFFICIENCIES AND PROCEDURES TO BE
3 ENHANCED BY THE AGREEMENT BETWEEN THE EXECUTIVE DIRECTOR AND
4 A COUNTY. THE AGREEMENT MAY ALLOW THE PARTIES TO SHARE IN
5 PROVIDING ANY FUNCTION OR SERVICE LAWFULLY AUTHORIZED TO EACH
6 OF THE PARTIES, INCLUDING THE SHARING OF COSTS, INFORMATION, OR
7 DUTIES RELATED TO THE COLLECTION OF SALES TAXES WITHIN THE
8 BOUNDARIES OF THE COUNTY.

9
10 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
11 SHALL ANNUALLY PROVIDE INFORMATION TO THE FINANCE COMMITTEES
12 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
13 COMMITTEES, ON ANY AGREEMENTS ENTERED INTO IN ACCORDANCE WITH
14 THE PROVISIONS OF THIS SECTION AND ANY ENHANCED EFFECTIVENESS OR
15 PROCEDURES THAT HAVE BEEN ACHIEVED AS RESULT OF THE AGREEMENTS.
16 SUCH INFORMATION SHALL BE INCORPORATED INTO AN EXISTING REPORT
17 PROVIDED ON ANNUAL BASIS BY THE EXECUTIVE DIRECTOR TO THE
18 COMMITTEES.

19
20 **SECTION 3. Act subject to petition - effective date.** This act
21 shall take effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly that is
23 allowed for submitting a referendum petition pursuant to article V,
24 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
25 sine die is on May 6, 2009); except that, if a referendum petition is filed
26 against this act or an item, section, or part of this act within such period,
27 then the act, item, section, or part, if approved by the people, shall take
28 effect on the date of the official declaration of the vote thereon by
29 proclamation of the governor."

30
31
32
33 **HB09-1131** be postponed indefinitely.

34
35
36 **HB09-1135** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:

39
40 Amend printed bill, page 2, strike lines 2 through 25.

41
42 Strike page 3.

43
44 Page 4, strike line 1 and substitute the following:

45
46 "SECTION 1. 30-1-102, Colorado Revised Statutes, is amended
47 BY THE ADDITION OF A NEW SUBSECTION to read:

48
49 **30-1-102. Fees of county treasurer.** (4) THE AMOUNT OF EACH
50 FEE SET FORTH IN THIS SECTION SHALL";

51
52 line 2, strike "JANUARY 1, 2010, AND ON JANUARY 1" and substitute "JULY
53 1, 2010, AND ON JULY 1";

54
55 line 10, strike "UP" and substitute "DOWN";

56

1 line 14, strike "JULY 1" and substitute "JANUARY 1";

2

3 strike lines 16 through 27.

4

5 Strike page 5.

6

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

8

9 "SECTION 2. 30-1-103 (4), Colorado Revised Statutes, is
10 amended, and the said 30-1-103 is further amended BY THE ADDITION
11 OF A NEW SUBSECTION, to read:

12

13 **30-1-103. Fees of county clerk and recorders.** (4) Documents
14 containing multiple grants, notices, assignments, or releases of leases,
15 deeds of trust, mortgages, or liens, or other instruments that require
16 multiple entries in the grantor or grantee index THAT ARE NOT A SINGLE
17 TRANSACTION BETWEEN THE PARTIES, BUT PURPORT TO AFFECT MULTIPLE
18 DISPARATE INTERESTS AND PARTIES, shall incur an additional fee of five
19 dollars for each ~~such~~ entry in excess of ~~one~~ TWO GRANTORS AND TWO
20 GRANTEES, NOT TO EXCEED FOUR, per document. NO ADDITIONAL FEE
21 SHALL BE INCURRED FOR A GRANTOR OR GRANTEE WHO IS IDENTIFIED IN
22 THE DOCUMENT BY MORE THAN ONE NAME OR TITLE.

23

24 (5) THE AMOUNT OF EACH FEE SET FORTH IN THIS SECTION SHALL";

25

26 line 4, strike "JANUARY 1, 2010, AND ON JANUARY 1" and substitute "JULY
27 1, 2010, AND ON JULY 1";

28

29 line 12, strike "UP" and substitute "DOWN";

30

31 line 16, strike "JULY 1" and substitute "JANUARY 1";

32

33 strike lines 18 through 27.

34

35 Strike pages 7 through 12.

36

37 Page 13, strike lines 1 through 12 and substitute the following:

38

39 "SECTION 3. 30-1-104, Colorado Revised Statutes, is amended
40 BY THE ADDITION OF A NEW SUBSECTION to read:

41

42 **30-1-104. Fees of sheriff.** (3) THE AMOUNT OF EACH FEE SET
43 FORTH IN THIS SECTION SHALL";

44

45 line 13, strike "JANUARY 1, 2010, AND ON JANUARY 1" and substitute
46 "JULY 1, 2010, AND ON JULY 1";

47

48 line 21, strike "UP" and substitute "DOWN";

49

50 line 25, strike "JULY 1" and substitute "JANUARY 1".

51

52

53

54

55

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB09-1026** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, page 5, line 27, strike "A NEW SUBSECTION," and
10 substitute "THE FOLLOWING NEW SUBSECTIONS,".

11
12 Page 6, after line 2, insert the following:

13
14 "(28.5) "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" OR
15 "EPAMD" MEANS A SELF-BALANCING, NONTANDEM TWO-WHEELED
16 DEVICE, DESIGNED TO TRANSPORT ONLY ONE PERSON, THAT IS POWERED
17 SOLELY BY AN ELECTRIC PROPULSION SYSTEM PRODUCING AN AVERAGE
18 POWER OUTPUT OF NO MORE THAN SEVEN HUNDRED FIFTY WATTS.".

19
20 Page 8, strike lines 3 through 11 and substitute the following:

21
22 "(112) "Vehicle" means ~~any~~ A device ~~which~~ THAT is capable of
23 moving itself, or of being moved, from place to place upon wheels or
24 endless tracks. "Vehicle" includes, ~~any~~ WITHOUT LIMITATION, A bicycle
25 OR EPAMD, but ~~such term~~ does not include ~~any~~ A wheelchair, ~~as defined~~
26 ~~by subsection (113) of this section, or any~~ off-highway vehicle,
27 snowmobile, ~~any~~ farm tractor, or ~~any~~ implement of husbandry designed
28 primarily or exclusively for use and used in agricultural operations or any
29 device moved ~~by muscular power or moved~~ exclusively over stationary
30 rails or tracks or designed to move primarily through the air.".

31
32 Page 21, strike lines 10 and 11 and substitute the following:

33
34 "a roadway shall not ride more than two abreast. ~~except on lanes or parts~~
35 ~~of roadways set aside for the exclusive use of bicycles."~~

36
37 Page 22, strike lines 1 through 8 and substitute the following:

38
39 **"SECTION 18.** The introductory portion to 42-4-111 (1) and
40 42-4-111 (1) (z) and (2), Colorado Revised Statutes, are amended, and the
41 said 42-4-111 (1) is further amended BY THE ADDITION OF A NEW
42 PARAGRAPH, to read:

43
44 **42-4-111. Powers of local authorities.** (1) ~~The provisions of~~
45 This article shall not be deemed to prevent local authorities, with respect
46 to streets and highways under their jurisdiction and within the reasonable
47 exercise of the police power, except those streets and highways ~~which~~
48 THAT are parts of the state highway system ~~which~~ THAT are subject to ~~the~~
49 ~~provisions of~~ section 43-2-135, C.R.S., from:";

50
51 after line 12, insert the following:

52
53 "(bb) AUTHORIZING, PROHIBITING, OR REGULATING THE USE OF AN
54 EPAMD ON A ROADWAY, SIDEWALK, BIKE PATH, OR PEDESTRIAN PATH
55 CONSISTENT WITH SECTION 42-4-117 (1) AND (3).

56

1 (2) No ordinance or regulation enacted under paragraph (a), (b),
 2 (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), ~~or~~ (aa),
 3 OR (bb) of subsection (1) of this section shall be effective until official
 4 signs or other traffic control devices conforming to standards as required
 5 by section 42-4-602 and giving notice of such local traffic regulations are
 6 placed upon or at the entrances to the highway or part thereof affected as
 7 may be most appropriate.

8
 9 **SECTION 19.** Part 1 of article 4 of title 42, Colorado Revised
 10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
 11 read:

12
 13 **42-4-117. Personal mobility devices.** (1) A RIDER OF AN
 14 EPAMD SHALL HAVE ALL THE SAME RIGHTS AND DUTIES AS AN OPERATOR
 15 OF ANY OTHER VEHICLE UNDER THIS ARTICLE, EXCEPT AS TO THOSE
 16 PROVISIONS THAT BY THEIR NATURE HAVE NO APPLICATION.

17
 18 (2) (a) UNLESS AUTHORIZED OR PROHIBITED UNDER SECTION
 19 42-4-111 (1) (bb), AN EPAMD:

20
 21 (I) MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH
 22 VEHICLE USE;

23
 24 (II) SHALL NOT BE OPERATED ON A SIDEWALK; AND

25
 26 (III) SHALL NOT BE OPERATED ON A HIGHWAY OR ROADWAY THAT
 27 HAS A SPEED LIMIT GREATER THAN THIRTY MILES PER HOUR; EXCEPT THAT
 28 A PERSONAL MOBILITY DEVICE MAY BE OPERATED ON A CROSSWALK OR
 29 ANY PLACE WHERE PEDESTRIANS ARE AUTHORIZED TO CROSS SUCH
 30 HIGHWAY OR ROADWAY.

31
 32 (b) SUBPARAGRAPHS (II) TO (IV) OF PARAGRAPH (a) OF THIS
 33 SUBSECTION (2) SHALL NOT APPLY TO A POLICE OFFICER OR EMPLOYEE OF
 34 A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY IN THE
 35 PERFORMANCE OF THE OFFICER'S OR EMPLOYEE'S DUTIES.

36
 37 (3) AN EPAMD SHALL NOT BE OPERATED:

38
 39 (a) ON A LIMITED-ACCESS HIGHWAY;

40
 41 (b) ON A BIKE OR PEDESTRIAN PATH; OR

42
 43 (c) AT A SPEED OF GREATER THAN TWELVE AND ONE-HALF MILES
 44 PER HOUR.

45
 46 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
 47 TRAFFIC INFRACTION."

48
 49 Renumber succeeding sections accordingly.

50
 51 Page 27, after line 16, insert the following:

52 "SECTION 27. 42-4-221 (1), (2), (3), (4), and (5), Colorado
 53 Revised Statutes, are amended to read:

54
 55 **42-4-221. Bicycle and personal mobility device equipment.**
 56 (1) No other provision of this part 2 and no provision of part 3 of this

1 article shall apply to ~~bicycles~~ A BICYCLE OR EPAMD or to equipment for
2 use on ~~bicycles~~ A BICYCLE OR EPAMD except those provisions in this
3 article made specifically applicable to ~~bicyclists, bicycles, or their~~
4 ~~equipment~~ SUCH A VEHICLE.
5

6 (2) Every bicycle OR EPAMD in use at the times described in
7 section 42-4-204 shall be equipped with a lamp on the front emitting a
8 white light visible from a distance of at least five hundred feet to the
9 front.
10

11 (3) Every bicycle OR EPAMD shall be equipped with a red
12 reflector of a type approved by the department, which shall be visible for
13 six hundred feet to the rear when directly in front of lawful lower beams
14 of head lamps on a motor vehicle.
15

16 (4) Every bicycle OR EPAMD when in use at the times described
17 in section 42-4-204 shall be equipped with reflective material of
18 sufficient size and reflectivity to be visible from both sides for six
19 hundred feet when directly in front of lawful lower beams of head lamps
20 on a motor vehicle or, in lieu of such reflective material, with a lighted
21 lamp visible from both sides from a distance of at least five hundred feet.
22

23 (5) A bicycle OR EPAMD or its rider may be equipped with lights
24 or reflectors in addition to those required by subsections (2) to (4) of this
25 section."
26

27 Renumber succeeding sections accordingly.
28

29 Page 34, after line 24, insert the following:

30 "SECTION 37. The introductory portion to 42-4-1502 (4.5) (a),
31 Colorado Revised Statutes, is amended to read:
32

33 **42-4-1502. Riding on motorcycles - protective helmet.**
34 (4.5) (a) A person under eighteen years of age may not operate or carry
35 a passenger who is under eighteen years of age on a motorcycle OR
36 LOW-POWER SCOOTER on a highway in this state unless:"
37

38 Renumber succeeding sections accordingly.
39

40 Page 37, line 21, strike "34" and substitute "36".
41

42 Page 1, line 104, strike "SCOOTER"." and substitute "SCOOTER" AND
43 "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE".".
44

45
46
47 **HB09-1066** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:
50

51 Amend printed bill, page 3, line 17, after "BOARD.", add "THE DIVISION
52 MAY DIRECT THE STATE TREASURER TO TRANSFER MONEYS FROM THE
53 AVIATION ACCOUNT BACK TO THE AVIATION FUND IN AN AMOUNT NOT
54 EXCEEDING THE AMOUNTS PREVIOUSLY TRANSFERRED FROM THE
55 AVIATION FUND, BUT ONLY IF SUCH TRANSFER IS APPROVED BY THE BOARD
56 AND BY THE TRANSPORTATION COMMISSION.".

1 Page 4, strike line 12 and substitute the following:

2
3 "are amended, and the said 43-10-108.5 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:".

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

7
8 "(5) IN ADDITION TO GRANTS AUTHORIZED PURSUANT TO
9 SUBSECTION (2) OF THIS SECTION, THE DIVISION ITSELF MAY BE A
10 RECIPIENT OF A STATE AVIATION SYSTEM GRANT, BUT ONLY FOR PURPOSES
11 OF IMPLEMENTING A STATEWIDE AVIATION PROJECT THAT WOULD NOT
12 OTHERWISE BE IMPLEMENTED BY AN ENTITY OPERATING AN AIRPORT. ANY
13 APPLICATION FOR SUCH A GRANT SHALL BE SUBMITTED TO THE
14 GOVERNOR'S OFFICE FOR REVIEW AND RECOMMENDATION PRIOR TO A
15 FINAL DECISION. THE GOVERNOR SHALL ACCOMPLISH HIS REVIEW AND
16 RECOMMENDATION WITHIN THIRTY DAYS OF SUBMITTAL OF THE PROPOSAL
17 BY THE BOARD. THE BOARD SHALL MAKE FINAL DECISIONS ON THE
18 AWARDING OF GRANTS TO THE DIVISION FOR A STATEWIDE AVIATION
19 PROJECT SUBJECT TO THE AVAILABILITY OF MONEYS IN THE STATEWIDE
20 AVIATION FUND CREATED IN SECTION 43-10-109."

21
22
23

24 **HB09-1156** be postponed indefinitely.

25
26
27

28 PRINTING REPORT

29

30 The Chief Clerk reports the following bills have been correctly printed:
31 **HB09-1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204,**
32 **1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215.**

33
34
35

36 MESSAGE FROM THE SENATE

37

38
39 The Senate has adopted and returns herewith: HJR09-1006, HJR09-1007,
40 and HJR09-1008.

41
42
43

44 INTRODUCTION OF BILLS

45 First Reading

46

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

49

50 **HB09-1216** by Representative(s) Murray--Concerning voting by
51 electors, and, in connection therewith, amending the
52 election code to reflect changes brought about by the
53 implementation of the statewide voter registration system
54 and permanent mail-in voting.

55 Committee on State, Veterans, & Military Affairs

56

- 1 **HB09-1217** by Representative(s) Murray; also Senator(s) Scheffel--
2 Concerning the creation of local improvement districts for
3 the purpose of improving public utilities.
4 Committee on Local Government
5
- 6 **HB09-1218** by Representative(s) Soper, Marostica; also Senator(s)
7 Bacon--Concerning capital lease agreements entered into
8 by the state.
9 Committee on State, Veterans, & Military Affairs
10
- 11 **HB09-1219** by Representative(s) Judd; also Senator(s) Sandoval--
12 Concerning the interest paid to taxpayers on certain tax
13 overpayments.
14 Committee on Finance
15
- 16 **HB09-1220** by Representative(s) Scanlan--Concerning an amendment
17 to the "Colorado Common Interest Ownership Act" to
18 permit a unit owner to prescribe specified conditions in
19 connection with the use of such owner's property that
20 promote affordable housing.
21 Committee on Local Government
22
- 23 **HB09-1221** by Representative(s) King S.--Concerning mandatory
24 furloughs for certain state employees during certain state
25 fiscal years.
26 Committee on State, Veterans, & Military Affairs
27
- 28 **HB09-1222** by Representative(s) Ferrandino, Pommer, Marostica; also
29 Senator(s) Keller, Tapia, White--Concerning the
30 administration of appropriated moneys.
31 Committee on Finance
32 Committee on Appropriations
33
- 34 **HB09-1223** by Representative(s) Marostica, Ferrandino, Pommer; also
35 Senator(s) Tapia, Keller, White--Concerning the extension
36 of the deadline for expending moneys for the Colorado
37 benefits management system from the health care
38 supplemental appropriations and overexpenditures account
39 of the tobacco litigation settlement cash fund.
40 Committee on Health and Human Services
41 Committee on Appropriations
42
- 43 **HB09-1224** by Representative(s) Schafer S., McGihon, Labuda,
44 Frangas, Ryden, Green, Ferrandino, Court, Hullinghorst,
45 Kefalas, Middleton, Peniston, Solano, Todd, Vigil; also
46 Senator(s) Carroll M., Hodge--Concerning a prohibition
47 on the consideration of gender in setting rates for
48 individual health insurance policies.
49 Committee on Business Affairs and Labor
50
- 51 **HB09-1225** by Representative(s) Schafer S., Massey, Benefield,
52 Priola; also Senator(s) Bacon--Concerning risk
53 assessments of students applying for admission to a public
54 school who have a potential risk of harm to themselves or
55 others.
56 Committee on Education

- 1 **HB09-1226** by Representative(s) McGihon, Green, Casso, Labuda,
2 Levy, Middleton, Miklosi, Pace, Ryden, Schafer S., Soper,
3 Todd; also Senator(s) Carroll M.--Concerning creation of
4 the "Colorado No-fault Motor Vehicle Insurance Act".
5 Committee on Business Affairs and Labor
6
- 7 **HB09-1227** by Representative(s) Frangas; also Senator(s) Hudak--
8 Concerning the protection of neighborhoods from negative
9 impacts associated with rental properties.
10 Committee on Judiciary
11
- 12 **HB09-1228** by Representative(s) Stephens; also Senator(s) Penry--
13 Concerning a cost-benefit analysis of how an
14 administrative rule applies to a small business in the state.
15 Committee on Business Affairs and Labor
16 Committee on Appropriations
17
- 18 **HB09-1229** by Representative(s) Kerr J., Miklosi, Primavera; also
19 Senator(s) Isgar, Tochtrop--Concerning the designation of
20 auxiliary facilities of institutions of higher education as
21 enterprises.
22 Committee on Education
23
- 24 **HB09-1230** by Representative(s) Summers; also Senator(s) Tapia--
25 Concerning the registration of motor vehicles.
26 Committee on Transportation & Energy
27
- 28 **HB09-1231** by Representative(s) Bradford; also Senator(s) Kopp--
29 Concerning creation of an oil shale development task
30 force.
31 Committee on Agriculture, Livestock, & Natural Resources
32 Committee on Appropriations
33
- 34 **HB09-1232** by Representative(s) Roberts, Merrifield, Gardner B.; also
35 Senator(s) Morse--Concerning medical orders determining
36 the scope of treatment a person wishes to receive under
37 certain circumstances.
38 Committee on Health and Human Services
39
- 40 **HB09-1233** by Representative(s) Vigil--Concerning the recognition of
41 acequias, and, in connection therewith, authorizing
42 acequia water districts.
43 Committee on Agriculture, Livestock, & Natural Resources
44
- 45 **HB09-1234** by Representative(s) Kerr J. and Solano--Concerning the
46 immediate suspension of the driver's license of a person
47 who fails to appear for a license suspension hearing.
48 Committee on Transportation & Energy
49
- 50 **HB09-1235** by Representative(s) Acree, Middleton, Bradford, Kerr J.--
51 Concerning measures to address unsafe conditions arising
52 as a result of the abandonment of real property.
53 Committee on State, Veterans, & Military Affairs
54 Committee on Judiciary
55
56

- 1 **HB09-1236** by Representative(s) Primavera, Casso, Peniston--
2 Concerning the distance at which an operator of a motor
3 vehicle shall stop when a school bus signals a stop.
4 Committee on Transportation & Energy
5
- 6 **HB09-1237** by Representative(s) Primavera, Casso, Green, Soper; also
7 Senator(s) Shaffer B.--Concerning the coordinated system
8 of payment for early intervention services for children
9 eligible for benefits under part C of the federal
10 "Individuals with Disabilities Education Improvement
11 Act".
12 Committee on Health and Human Services
13
- 14 **HB09-1238** by Representative(s) Rice; also Senator(s) Shaffer B.--
15 Concerning civil forfeiture.
16 Committee on Judiciary
17
- 18 **HB09-1239** by Representative(s) McKinley, Apuan, Gardner C.,
19 Gerou, Lambert, Marostica, McNulty, Miklosi, Pace--
20 Concerning the payment of debts in precious metal coins.
21 Committee on Finance
22
- 23 **HB09-1240** by Representative(s) Miklosi; also Senator(s) Foster--
24 Concerning creating the Colorado teacher of the year
25 program.
26 Committee on Education
27
- 28 **HB09-1241** by Representative(s) Roberts--Concerning title 15 of the
29 Colorado Revised Statutes.
30 Committee on Judiciary
31
- 32 **HB09-1242** by Representative(s) Summers; also Senator(s) King K.--
33 Concerning a credit against state income tax for
34 contributions to research institutions at Colorado
35 institutions of higher education.
36 Committee on Finance
37
- 38 **HB09-1243** by Representative(s) Middleton and Massey, Labuda,
39 Casso, Court, McGihon, Miklosi, Peniston, Primavera,
40 Ryden, Scanlan, Todd, Vigil; also Senator(s) Bacon,
41 Spence--Concerning measures to raise the graduation rate
42 in public high schools in Colorado.
43 Committee on Education
44
- 45 **HB09-1244** by Representative(s) Casso, Looper, McNulty, Primavera,
46 Vaad--Concerning the exemption of property carriers by
47 motor vehicle from regulation by the public utilities
48 commission.
49 Committee on Transportation & Energy
50
- 51 **HB09-1245** by Representative(s) Marostica--Concerning a requirement
52 that powersports vehicles obtain a certificate of title.
53 Committee on Transportation & Energy
54
- 55 **HB09-1246** by Representative(s) Peniston--Concerning the evaluation
56 of driving schools attended as a result of a court order

- 1 resulting from a violation of a law regulating the operation
2 of a motor vehicle.
3 Committee on Transportation & Energy
4
- 5 **HB09-1247** by Representative(s) Apuan--Concerning enactment of the
6 "Homebuyers' Energy Right-To-Know Act" requiring
7 disclosure of an existing home's energy usage in
8 connection with the sale of the home.
9 Committee on Transportation & Energy
10
- 11 **HB09-1248** by Representative(s) Gerou--Concerning the modification
12 of laws applicable to the conduct of business in Colorado,
13 and, in connection therewith, modifying the requirements
14 of title 7 of the Colorado Revised Statutes applicable to
15 documents filed with the secretary of state, partnership
16 law, and the requirements for boards of directors of
17 nonprofit corporations to take action without a meeting.
18 Committee on State, Veterans, & Military Affairs
19
- 20 **HB09-1249** by Representative(s) Pommer, Ferrandino, Marostica; also
21 Senator(s) White, Keller, Tapia--Concerning the
22 consolidation of certain cash funds created for the
23 department of agriculture.
24 Committee on Finance
25
- 26 **HB09-1250** by Representative(s) Merrifield--Concerning increasing
27 the allocation to public schools of federal moneys received
28 by the state on behalf of certain counties pursuant to the
29 act of congress of May 23, 1908, as amended, relating to
30 receipts from national forests.
31 Committee on Education
32
- 33 **HB09-1251** by Representative(s) Kefalas, McGihon--Concerning the
34 disclosure of criminal justice records.
35 Committee on Judiciary
36
- 37 **HB09-1252** by Representative(s) Roberts, Massey, Vigil--Concerning
38 the expansion of the "Local Access to Health Care Pilot
39 Program Act" to allow creation of a pilot program in the
40 San Luis valley.
41 Committee on Health and Human Services
42
- 43 **HB09-1253** by Representative(s) Pace, Apuan, Levy, McKinley,
44 Miklosi, Vigil; also Senator(s) Tapia--Concerning
45 processes for involuntary mental health treatment for
46 defendants committed under title 16, Colorado Revised
47 Statutes.
48 Committee on Judiciary
49
- 50 **HB09-1254** by Representative(s) Judd, Rice; also Senator(s) Harvey--
51 Concerning additional consumer protections relating to
52 like-kind exchanges mediated by exchange facilitators.
53 Committee on Judiciary
54
55

1 **HB09-1255** by Representative(s) Gardner C., McKinley, Baumgardner,
2 Bradford, Looper, McNulty, Sonnenberg, Tipton; also
3 Senator(s) Kopp, Brophy--Concerning limitations on the
4 conditions imposed by the Colorado oil and gas
5 conservation commission on oil and gas operations to
6 implement recommendations made by state entities other
7 than the commission.

8 Committee on Agriculture, Livestock, & Natural Resources
9

10 **HB09-1256** by Representative(s) Acree, Gardner C.--Concerning the
11 ability of the commissioner of insurance to enter into
12 multistate agreements with other states for the purpose of
13 allowing Colorado consumers to purchase out-of-state
14 health insurance products.

15 Committee on Business Affairs and Labor
16 Committee on Appropriations
17

18
19 **LAY OVER OF CALENDAR ITEM**

20
21 On motion of Representative Ferrandino, the following item on the
22 Calendar was laid over until February 2, retaining place on Calendar:
23

24 Consideration of Resolution--**HJR09-1004**.
25

26
27 On motion of Representative Ferrandino, the House adjourned until
28 10:00 a.m., February 2, 2009.
29

30 Approved:
31 TERRANCE D. CARROLL,
32 Speaker

33 Attest:
34 MARILYN EDDINS,
35 Chief Clerk