

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

Ninety-second Legislative Day

Wednesday, April 8, 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 Haley Heidemann, Lauren Bock, Katy  
 7 Hirano, Erica Walters, Claire Ryan, Girl Scout Troupe 480, Niwot

8  
 9 The roll was called with the following result:

10  
 11 Present--61.  
 12 Excused--Representative(s) Balmer, Kerr A., McFadyen,  
 13 Sonnenberg--4.  
 14 Present after roll call--Representative(s) Kerr A., McFadyen,  
 15 Sonnenberg.

16  
 17 The Speaker declared a quorum present.

18  
 19  
 20 On motion of Representative Ryden, the reading of the journal of  
 21 April 7, 2009, was declared dispensed with and approved as corrected by  
 22 the Chief Clerk.

23  
 24  
 25  
 26 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

27  
 28 Representative Levy moved that the First Conference Committee on  
 29 **SB09-013** be granted permission to go beyond the scope of the difference  
 30 between the House and the Senate. The motion was passed by the  
 31 following roll call vote:

	YES	63	NO	0	EXCUSED	2	ABSENT	0
34	Acree	Y	Green	Y	McCann	Y	Roberts	Y
35	Apuan	Y	Hullinghorst	Y	McFadyen	E	Ryden	Y
36	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
37	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
38	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
39	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
40	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
41	Court	Y	King S.	Y	Murray	Y	Stephens	Y
42	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
43	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y

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

**THIRD READING OF BILLS--FINAL PASSAGE**

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

**HB09-1073** by Representative(s) Massey, Frangas, Kerr J., Riesberg; also Senator(s) Boyd and Kopp, Morse--Concerning electronic prescriptions in the medical assistance program.

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

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

Co-sponsor(s) added: Representative(s) Green, Labuda, Merrifield, Summers

**HB09-1094** by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon--Concerning wireless telephone

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

	YES	39	NO	25	EXCUSED	1	ABSENT	0
55	Acree	N	Green	Y	McCann	Y	Roberts	N
56	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y

1	Balmer	E	Judd	Y	McKinley	N	Scanlan	Y
2	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
3	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
4	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
5	Casso	N	Kerr J.	N	Miklosi	Y	Soper	Y
6	Court	Y	King S.	Y	Murray	N	Stephens	N
7	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
8	Ferrandino	Y	Lambert	N	Pace	N	Swalm	N
9	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
10	Frangas	Y	Liston	N	Pommer	N	Todd	Y
11	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
12	Gardner B.	N	Marostica	Y	Priola	N	Vigil	N
13	Gardner C.	N	Massey	N	Rice	Y	Waller	N
14	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Green, Labuda, Schafer S., Todd,  
17 Peniston

18  
19 **HB09-1111** by Representative(s) Massey, Swalm; also Senator(s) Boyd  
20 and Schwartz--Concerning measures to increase the  
21 availability of health resources in designated areas in  
22 Colorado, and, in connection therewith, creating the  
23 primary care office in the prevention services division in  
24 the department of public health and environment to  
25 maximize state and federal programs that provide health  
26 resources, and making an appropriation.

27  
28 The question being "Shall the bill pass?".  
29 A roll call vote was taken. As shown by the following recorded vote, a  
30 majority of those elected to the House voted in the affirmative and the bill  
31 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
34	Acree	Y	Green	Y	McCann	Y	Roberts	Y
35	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
36	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
37	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
38	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
39	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
40	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
41	Court	Y	King S.	Y	Murray	Y	Stephens	Y
42	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
43	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
44	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
45	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
46	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
47	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
48	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
49	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Acree, Curry, Gardner C., Gerou,  
52 Kerr J., Labuda, Merrifield, Riesberg, Roberts, Scanlan, Schafer S., Stephens,  
53 Summers, Todd

54  
55

1 **HB09-1310** by Representative(s) Levy, Apuan, Court, McCann, Pace,  
 2 Ryden; also Senator(s) Heath--Concerning the  
 3 misclassification of employees as independent contractors  
 4 for purposes of the "Colorado Employment Security Act".  
 5

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

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

29 Co-sponsor(s) added: Representative(s) Casso, Fischer, Frangas, Gagliardi,  
 30 Green, Merrifield, Middleton, Scanlan, Soper  
 31

32 **HB09-1273** by Representative(s) Kefalas, Green, Frangas, Court,  
 33 Fischer, Hullinghorst, Labuda, Levy, Miklosi, Pace, Vigil,  
 34 Apuan, McCann, Ryden, Schafer S.; also Senator(s)  
 35 Foster, Bacon, Carroll M.--Concerning the creation of a  
 36 health care authority to develop a health care system that  
 37 shall be the administrator for health care services in  
 38 Colorado.  
 39

40 Laid over until April 9, retaining place on Calendar.  
 41  
 42

43 **HB09-1137** by Representative(s) Judd; also Senator(s) Newell--  
 44 Concerning intercepts, and, in connection therewith,  
 45 intercepting gambling winnings to pay outstanding  
 46 criminal court obligations, restitution, and requiring the  
 47 department of revenue to provide specified information to  
 48 state agencies in conjunction with intercepts of tax  
 49 refunds, and making an appropriation.  
 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	37	NO	27	EXCUSED	1	ABSENT	0
1								
2	Acree	N	Green	Y	McCann	Y	Roberts	N
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	E	Judd	Y	McKinley	N	Scanlan	Y
5	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
8	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
9	Court	Y	King S.	N	Murray	N	Stephens	N
10	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
11	Ferrandino	Y	Lambert	N	Pace	N	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
13	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
15	Gardner B.	N	Marostica	N	Priola	N	Vigil	N
16	Gardner C.	N	Massey	N	Rice	Y	Waller	N
17	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Benefield, Frangas, Green, Ryden,  
20 Todd

21  
22 **SB09-061** by Senator(s) Carroll M.; also Representative(s)  
23 Primavera--Concerning the qualifications of health care  
24 professionals who review claims for medical treatment  
25 under insurance policies.

26  
27 Laid over until April 9, retaining place on Calendar.

28  
29 **SB09-098** by Senator(s) Schwartz, Isgar, Brophy, Gibbs; also  
30 Representative(s) Vigil--Concerning blending diesel fuels  
31 after withdrawal at the rack, and making an appropriation  
32 in connection therewith.

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
38								
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
44	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
45	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
46	Court	Y	King S.	Y	Murray	Y	Stephens	Y
47	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
48	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
49	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
50	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
51	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
52	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
53	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
54	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
55							Speaker	Y

56 Co-sponsor(s) added: Representative(s) Priola, Stephens

1 **HB09-1317** by Representative(s) Pace and McKinley, McFadyen,  
 2 Curry, Gagliardi, Hulinghorst, Massey, Merrifield,  
 3 Miklosi, Scanlan, Sonnenberg, Tipton, Vigil, Weissmann;  
 4 also Senator(s) Kester, Isgar--Concerning state lands  
 5 sought to be acquired by the federal government  
 6 associated with the expansion of the Pinon Canyon  
 7 maneuver site.

8  
 9 The question being "Shall the bill pass?".  
 10 A roll call vote was taken. As shown by the following recorded vote, a  
 11 majority of those elected to the House voted in the affirmative and the bill  
 12 was declared **passed**.

	YES	47	NO	17	EXCUSED	1	ABSENT	0
15	Acree	Y	Green	Y	McCann	Y	Roberts	Y
16	Apuan	N	Hullinghorst	Y	McFadyen	Y	Ryden	Y
17	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
18	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
21	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
22	Court	Y	King S.	Y	Murray	N	Stephens	N
23	Curry	Y	Labuda	N	Nikkel	N	Summers	N
24	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
26	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
27	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
28	Gardner B.	N	Marostica	N	Priola	Y	Vigil	Y
29	Gardner C.	Y	Massey	Y	Rice	N	Waller	N
30	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
31							Speaker	Y

32 Co-sponsor(s) added: Representative(s) Fischer, Gardner C., Green, Soper

33  
 34  
 35 On motion of Representative Weissmann, **HB09-1313, 1280** were added  
 36 to the Special Orders Calendar on Wednesday, April 8, 2009.

37  
 38  
 39 On motion of Representative Riesberg, the House resolved itself into  
 40 Committee of the Whole for consideration of Special Orders and he was  
 41 called to the Chair to act as Chairman.

#### 42 43 44 **SPECIAL ORDERS--SECOND READING OF BILLS**

45  
 46 The Committee of the Whole having risen, the Chairman reported the  
 47 titles of the following bills had been read (reading at length had been  
 48 dispensed with by unanimous consent), the bills considered and action  
 49 taken thereon as follows:

50  
 51 (Amendments to the committee amendment are to the printed committee  
 52 report which was printed and placed in the members' bill file.)

53  
 54 **HB09-1010** by Representative(s) Massey and McGihon; also  
 55 Senator(s) Gibbs and Spence--Concerning the promotion  
 56 of Colorado as a location for film production activities.

1 Amendment No. 1, Appropriations Report, dated April 3, 2009, and  
 2 placed in member's bill file; Report also printed in House Journal, April 6.

3  
 4 Amendment No. 2, by Representative(s) Massey.

5  
 6 Amend the Appropriations Committee Report, dated April 3, 2009, page  
 7 1, strike lines 3 through 5 and substitute the following:

8  
 9 ""Amended printed bill, page 5, strike lines 23 through 27."."

10  
 11 As amended, ordered engrossed and placed on the Calendar for Third  
 12 Reading and Final Passage.

13  
 14 **HB09-1313** by Representative(s) Merrifield, Apuan, Benefield, Casso,  
 15 Ferrandino, Fischer, Hulinghorst, Kefalas, Kerr A.,  
 16 Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi,  
 17 Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil,  
 18 Green, Pace, Pommer; also Senator(s) Bacon, Gibbs,  
 19 Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller,  
 20 Morse, Romer, Shaffer B.--Concerning expanding civic  
 21 engagement options through student-directed programs at  
 22 institutions of higher education.

23  
 24 Amendment No. 1, Education Report, dated April 2, 2009, and placed in  
 25 member's bill file; Report also printed in House Journal, April 3,  
 26 pages 1023-1024.

27  
 28 Amendment No. 2, by Representative(s) Merrifield.

29  
 30 Amend the Education Committee Report, dated April 2, 2009, page 1,  
 31 line 10, strike "ELECTION." and substitute "ELECTION. EACH PROPOSED  
 32 OPTIONAL FEE MAY BE SUBJECT TO A SEPARATE VOTE."."

33  
 34 As amended, laid over until April 9, retaining place on Calendar.

35  
 36 On motion of Representative Weissmann, the remainder of the Special  
 37 Orders Calendar (**HB09-1280**) was laid over until April 9, retaining place  
 38 on Calendar.

39  
 40  
 41  
 42 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

43  
 44 Representative(s) Massey and Priola moved to amend the Report of the  
 45 Committee of the Whole to reverse the action taken by the Committee in  
 46 not adopting the following Massey amendment, to **HB09-1313**, to show  
 47 that said amendment passed, and that **HB09-1313**, as amended, was laid  
 48 over to Thursday, April 9, 2009.

49  
 50 Amend the Education Committee Report, dated April 2, 2009, page 1,  
 51 line 10, strike "ELECTION." and substitute "ELECTION. EACH  
 52 INSTITUTION SHALL ADOPT A POLICY THAT REQUIRES EACH STUDENT TO  
 53 AFFIRMATIVELY CHOOSE TO PAY EACH APPROVED OPTIONAL FEE BEFORE  
 54 THE STUDENT IS BILLED FOR THE FEE."."

55  
 56 The amendment was declared **lost** by the following roll call vote:

	YES	27	NO	37	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	N	McCann	N	Roberts	Y
3	Apuan	N	Hullingerhorst	N	McFadyen	N	Ryden	N
4	Balmer	E	Judd	N	McKinley	N	Scanlan	N
5	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
6	Benefield	N	Kefalas	N	Merrifield	N	Solano	N
7	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	Y
8	Casso	N	Kerr J.	Y	Miklosi	N	Soper	N
9	Court	N	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	N	Nikkel	Y	Summers	Y
11	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
12	Fischer	N	Levy	N	Peniston	N	Tipton	Y
13	Frangas	N	Liston	Y	Pommer	N	Todd	N
14	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
16	Gardner C.	Y	Massey	Y	Rice	N	Waller	Y
17	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
18							Speaker	N
19								

20 Representative(s) Murray moved to amend the Report of the Committee  
 21 of the Whole to reverse the action taken by the Committee in not adopting  
 22 the following Murray amendment, to HB09-1313, to show that said  
 23 amendment passed, and that **HB09-1313**, as amended, was laid over to  
 24 April 9, 2009.

25

26 Amend the Education Committee Report, dated April 2, 2009, page 1,  
 27 line 10, strike "ELECTION." and substitute "ELECTION. AN INSTITUTION  
 28 MAY ONLY ESTABLISH AN OPTIONAL FEE PURSUANT TO THIS PARAGRAPH  
 29 (i) IF AN ORGANIZATION THAT IS SET TO RECEIVE A PORTION OR ALL OF THE  
 30 FEE IS AN ORGANIZATION THAT IS RECOGNIZED BY THE INSTITUTION AND  
 31 THE ORGANIZATION HAS INFORMATION REGARDING ITSELF, INCLUDING ITS  
 32 MISSION STATEMENT, ON THE INSTITUTION'S WEB SITE.".

33

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

35

	YES	27	NO	37	EXCUSED	1	ABSENT	0
36								
37	Acree	Y	Green	N	McCann	N	Roberts	Y
38	Apuan	N	Hullingerhorst	N	McFadyen	N	Ryden	N
39	Balmer	E	Judd	N	McKinley	N	Scanlan	N
40	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
41	Benefield	N	Kefalas	N	Merrifield	N	Solano	N
42	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	Y
43	Casso	N	Kerr J.	Y	Miklosi	N	Soper	N
44	Court	N	King S.	Y	Murray	Y	Stephens	Y
45	Curry	N	Labuda	N	Nikkel	Y	Summers	Y
46	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
47	Fischer	N	Levy	N	Peniston	N	Tipton	Y
48	Frangas	N	Liston	Y	Pommer	Y	Todd	N
49	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
50	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
51	Gardner C.	Y	Massey	Y	Rice	N	Waller	Y
52	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
53							Speaker	N
54								

54

55

56





1 This memorandum shall be printed in the journal of each house as is  
2 required by said Joint Rule 23 (c).

3

4 (signed)

5 Representative Terrance D. Carroll

6 Representative Paul Weissmann

7 Representative Mike May

(signed)

Senator Peter Groff

Senator Brandon Shaffer

Senator Josh Penry

8

9

10

11

12

13

14

**MEMORANDUM  
REPORT FROM THE HOUSE AND SENATE  
COMMITTEES ON DELAYED BILLS**

15 Pursuant to Joint Rule 23 (c), the House and Senate Committees on  
16 Delayed Bills, acting jointly, extend the following deadline for LLS No.  
17 09-0384, the Long Appropriation Bill:

18

19 The Friday, March 27 deadline (the 80th legislative day) for passage of the  
20 long appropriation bill in the Senate as extended until Friday, April 3, 2009  
21 (the 87th legislative day), and subsequently extended until Thursday,  
22 April 9, 2009 (the 93rd legislative day), is further extended until Monday,  
23 April 13, 2009 (the 97th legislative day).

24

25 This memorandum shall be printed in the journal of each house as is  
26 required by said Joint Rule 23 (c).

27

28 (signed)

29 Representative Terrance D. Carroll

30 Representative Paul Weissmann

31 Representative Mike May

(signed)

Senator Peter Groff

Senator Brandon Shaffer

Senator Josh Penry

32

33

34

35

**REPORT(S) OF COMMITTEE(S) OF REFERENCE**

36

**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

39

40 **HB09-1330** be referred favorably to the Committee on Appropriations.

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Strike the Business Affairs and Labor Committee Report, dated February  
18, 2009, and substitute the following:

1 "Amend printed bill, page 4, line 4, strike "who, for compensation," and  
2 substitute "who for compensation,";  
3

4 strike lines 10 through 14.  
5

6 Page 6, after line 11, insert the following:  
7

8 **"SECTION 3.** 12-54-104 (1), Colorado Revised Statutes, is  
9 amended BY THE ADDITION OF THE FOLLOWING NEW  
10 PARAGRAPHS to read:  
11

12 **12-54-104. Unlawful acts.** (1) It is unlawful:  
13

14 (n) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT  
15 NEGLIGENCE IN THE PRACTICE OF EMBALMING, FUNERAL DIRECTING, OR  
16 PROVIDING FOR FINAL DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR  
17 IS LIKELY TO DEFRAUD OR CAUSE INJURY;  
18

19 (o) TO FAIL TO INCLUDE IN A CONTRACT FOR FUNERAL SERVICES  
20 THE FOLLOWING STATEMENT: "INQUIRIES REGARDING YOUR  
21 FUNERAL AGREEMENT MAY BE DIRECTED TO THE  
22 DEPARTMENT OF REGULATORY AGENCIES", ALONG WITH THE  
23 CURRENT ADDRESS OR TELEPHONE NUMBER OF THE DEPARTMENT OF  
24 REGULATORY AGENCIES."  
25

26 Renumber succeeding sections accordingly.  
27

28 Page 7, line 1, strike "three hundred sixty-five" and substitute "~~three~~  
29 ~~hundred sixty-five~~ ONE HUNDRED EIGHTY".  
30

31 Page 9, line 10, strike "RENEWED AT LEAST ANNUALLY," and substitute  
32 "RENEWED,".  
33

34 Page 10, line 1, after the period, add "A DESIGNEE SHALL:  
35

36 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;  
37

38 (b) HAVE AT LEAST TWO YEARS' EXPERIENCE WORKING FOR A  
39 FUNERAL ESTABLISHMENT;  
40

41 (c) BE EMPLOYED BY THE REGISTERED FUNERAL ESTABLISHMENT  
42 THAT THE DESIGNEE REPRESENTS;  
43

44 (d) HAVE THE AUTHORITY WITHIN THE FUNERAL ESTABLISHMENT'S  
45 ORGANIZATION TO REQUIRE THAT PERSONNEL COMPLY WITH THIS ARTICLE;  
46 AND  
47

48 (e) NOT BE DESIGNATED FOR MORE THAN ONE FUNERAL  
49 ESTABLISHMENT UNLESS THE ADDITIONAL ESTABLISHMENT IS OPERATED  
50 UNDER COMMON OWNERSHIP AND MANAGEMENT AND NO FUNERAL  
51 ESTABLISHMENT IS MORE THAN SIXTY MILES FROM ANOTHER  
52 ESTABLISHMENT HELD UNDER THE SAME OWNERSHIP CONDITIONS."  
53

54 strike lines 2 through 6.  
55

56 Renumber succeeding subsections accordingly.

1 Page 10, strike lines 12 through 14;

2

3 line 23, strike "SUCCESSOR;" and substitute "SUCCESSOR, IF THE  
4 SUCCESSOR IS APPROVED BY THE DIRECTOR;"

5

6 line 26, after "SUCCESSOR,", insert "IF THE SUCCESSOR IS APPROVED BY  
7 THE DIRECTOR,".

8

9 Page 11, after line 16, insert the following:

10

11 **"12-54-112. Standards of practice - embalming - transporting.**

12 (1) A FUNERAL ESTABLISHMENT THAT PERFORMS EMBALMING SHALL:

13

14 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY  
15 FLOORING, DRAINAGE, AND VENTILATION;

16

17 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

18

19 (c) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF  
20 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

21

22 (d) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO  
23 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE  
24 FUNERAL ESTABLISHMENT; AND

25

26 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY  
27 MANNER.

28

29 (2) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN  
30 BODIES SHALL:

31

32 (a) USE A MOTOR VEHICLE THAT IS APPROPRIATE FOR THE  
33 TRANSPORTATION OF A DEAD HUMAN BODY; AND

34

35 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY  
36 MANNER.

37

38 (3) A FUNERAL ESTABLISHMENT SHALL REMOVE ANY IMPLANTED  
39 DEVICE IN A DEAD HUMAN BODY BEFORE TRANSPORTING THE BODY TO A  
40 CREMATORY.";

41

42 line 24, after "COLOR,", insert "RELIGION, SEX, MARITAL STATUS,".

43

44 Page 13, line 9, strike "PAID;" and substitute "PAID, UNLESS THERE IS A  
45 GOOD FAITH DISPUTE OVER WHO CONTROLS THE RIGHT OF FINAL  
46 DISPOSITION;".

47

48 Page 14, line 1, strike "EDUCATION." and substitute "EDUCATION;"

49

50 after line 1, insert the following:

51

52 "(1) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT  
53 NEGLIGENCE IN THE PRACTICE OF CREMATION OR PROVIDING FOR FINAL  
54 DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR IS LIKELY TO DEFRAUD  
55 OR CAUSE INJURY.".

56

1 Page 16, line 17, strike "RENEWED AT" and substitute "RENEWED,";  
2  
3 line 18, strike "LEAST ANNUALLY,".

4  
5 Page 17, line 7, after the period, add "A DESIGNEE SHALL:

6  
7 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;

8  
9 (b) HAVE AT LEAST TWO YEARS' EXPERIENCE WORKING FOR A  
10 CREMATORY;

11  
12 (c) BE EMPLOYED BY THE REGISTERED CREMATORY THAT THE  
13 DESIGNEE REPRESENTS;

14  
15 (d) HAVE THE AUTHORITY WITHIN THE CREMATORY'S  
16 ORGANIZATION TO REQUIRE THAT PERSONNEL COMPLY WITH THIS ARTICLE;  
17 AND

18  
19 (e) NOT BE DESIGNATED FOR MORE THAN ONE CREMATORY UNLESS  
20 THE ADDITIONAL ESTABLISHMENT IS OPERATED UNDER COMMON  
21 OWNERSHIP AND MANAGEMENT AND NO CREMATORY IS MORE THAN SIXTY  
22 MILES FROM ANOTHER ESTABLISHMENT HELD UNDER THE SAME  
23 OWNERSHIP CONDITIONS.";

24  
25 strike lines 8 through 12.

26  
27 Renumber succeeding subsection accordingly.

28  
29 Page 19, after line 4, insert the following:

30  
31 **"12-54-307. Standards of practice - cremating. (1) A**  
32 **CREMATORY SHALL:**

33  
34 (a) MAINTAIN A RETORT OR CREMATORY CHAMBER THAT IS  
35 OPERATED AT ALL TIMES IN A SAFE AND SANITARY MANNER;

36  
37 (b) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF  
38 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

39  
40 (c) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO  
41 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE  
42 CREMATORY; AND

43  
44 (d) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY  
45 MANNER.

46  
47 (2) (a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY  
48 UNLESS THE CREMATORY HAS OBTAINED A STATEMENT CONTAINING THE  
49 FOLLOWING FROM A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,  
50 MORTUARY SCIENCE PRACTITIONER, OR THE PERSON WITH THE RIGHT OF  
51 FINAL DISPOSITION:

52  
53 (I) THE IDENTITY OF THE DECEDENT;

54  
55 (II) THE DATE OF DEATH;

56

- 1 (III) AUTHORIZATION TO CREMATE THE DEAD HUMAN BODY;  
2
- 3 (IV) THE NAME OF THE PERSON AUTHORIZING CREMATION AND AN  
4 AFFIDAVIT OR OTHER DOCUMENT IN COMPLIANCE WITH ARTICLE 19 OF  
5 TITLE 15, C.R.S., THAT THE AUTHORIZATION COMPLIES WITH ARTICLE 19  
6 OF TITLE 15, C.R.S.;
- 7
- 8 (V) A STATEMENT THAT THE DEAD HUMAN BODY DOES NOT  
9 CONTAIN AN IMPLANTED DEVICE;
- 10
- 11 (VI) THE NAME OF THE PERSON AUTHORIZED TO RECEIVE THE  
12 CREMAINS;
- 13
- 14 (VII) A LIST OF ITEMS DELIVERED TO THE CREMATORY ALONG  
15 WITH THE DEAD HUMAN BODY;
- 16
- 17 (VIII) A STATEMENT AS TO WHETHER THE NEXT OF KIN HAS MADE  
18 ARRANGEMENTS FOR A VIEWING OR SERVICE BEFORE CREMATION AND THE  
19 DATE AND TIME OF ANY VIEWING OR SERVICE;
- 20
- 21 (IX) A COPY OF THE DEATH CERTIFICATE; AND
- 22
- 23 (X) A SIGNATURE OF A REPRESENTATIVE OF ANY FUNERAL  
24 ESTABLISHMENT OR THE NEXT OF KIN MAKING ARRANGEMENTS FOR  
25 CREMATION THAT THE REPRESENTATIVE HAS NO ACTUAL KNOWLEDGE  
26 THAT CONTRADICTS ANY INFORMATION REQUIRED BY THIS PARAGRAPH (a).  
27
- 28 (b) A PERSON WHO SIGNS THE STATEMENT REQUIRED BY  
29 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL WARRANT THE  
30 TRUTHFULNESS OF THE FACTS CONTAINED THEREIN. A PERSON WHO SIGNS  
31 THE STATEMENT WITH ACTUAL KNOWLEDGE TO THE CONTRARY SHALL BE  
32 CIVILLY LIABLE.  
33
- 34 (3) (a) THE DEAD HUMAN BODY SHALL BE HELD IN A CREMATION  
35 CONTAINER AND SHALL NOT BE REMOVED.  
36
- 37 (b) THE DEAD HUMAN BODY SHALL BE CREMATED IN A CREMATION  
38 CONTAINER.  
39
- 40 (c) A CREMATION CONTAINER SHALL:
- 41
- 42 (I) BE COMPOSED OF COMBUSTIBLE MATERIALS SUITABLE FOR  
43 CREMATION;  
44
- 45 (II) BE ABLE TO BE CLOSED IN ORDER TO PROVIDE A COMPLETE  
46 COVERING FOR THE DEAD HUMAN BODY;  
47
- 48 (III) BE RESISTANT TO LEAKING OR SPILLING;  
49
- 50 (IV) BE RIGID ENOUGH TO HANDLE WITH EASE; AND  
51
- 52 (V) PROVIDE REASONABLE PROTECTION FOR THE HEALTH AND  
53 SAFETY OF CREMATORY EMPLOYEES.  
54
- 55 (4) A CREMATORY SHALL NOT CREMATE MORE THAN ONE DEAD  
56 HUMAN BODY WITHIN THE SAME CREMATION CHAMBER OR OTHERWISE

1 COMMINGLE THE CREMAINS OF MULTIPLE DEAD HUMAN BODIES UNLESS  
2 THE NEXT OF KIN HAS SIGNED A WRITTEN AUTHORIZATION. NO  
3 CREMATORY SHALL BE HELD CIVILLY LIABLE FOR COMMINGLING THE  
4 CREMAINS OF DEAD HUMAN BODIES IF THE NEXT OF KIN HAS SIGNED SUCH  
5 WRITTEN AUTHORIZATION.

6  
7 (5) (a) A CREMATORY SHALL USE A TAG TO IDENTIFY A DEAD  
8 HUMAN BODY AND CREMAINS. THE TAG SHALL BE VERIFIED, REMOVED,  
9 AND PLACED NEAR THE CREMATION CHAMBER CONTROL PANEL PRIOR TO  
10 CREMATION. THE TAG SHALL REMAIN NEXT TO THE CREMATION CHAMBER  
11 UNTIL THE CREMATION IS COMPLETE.

12  
13 (b) AFTER CREMATION IS COMPLETE, ALL OF THE CREMAINS AND  
14 REASONABLE RECOVERABLE RESIDUE SHALL BE REMOVED FROM THE  
15 CREMATION CHAMBER AND PROCESSED AS NECESSARY. ANYTHING OTHER  
16 THAN THE CREMAINS SHALL BE DISPOSED OF UNLESS THE NEXT OF KIN  
17 AUTHORIZES OTHERWISE.

18  
19 (c) THE PROCESSED CREMAINS SHALL BE PLACED IN A TEMPORARY  
20 CONTAINER OR URN. ANY CREMAINS THAT DO NOT FIT WITHIN SUCH  
21 ENCLOSURE SHALL BE PLACED IN A SEPARATE TEMPORARY CONTAINER OR  
22 URN. EACH CONTAINER SHALL BE MARKED WITH THE DECEDENT'S  
23 IDENTITY AND THE NAME OF THE CREMATORY. IF A TEMPORARY  
24 CONTAINER IS USED, THE CREMATORY SHALL DISCLOSE THAT THE  
25 TEMPORARY CONTAINER SHOULD NOT BE USED FOR PERMANENT STORAGE.

26  
27 (d) IF CREMATED REMAINS ARE SHIPPED, THE CREMATORY SHALL  
28 USE A METHOD THAT EMPLOYS AN INTERNAL TRACKING SYSTEM AND  
29 OBTAINS A SIGNED RECEIPT FROM THE PERSON ACCEPTING DELIVERY.

30  
31 (6) CREMAINS SHALL NOT BE COMMINGLED WITH OTHER CREMAINS  
32 IN FINAL DISPOSITION OR SCATTERING WITHOUT WRITTEN AUTHORIZATION  
33 FROM THE NEXT OF KIN UNLESS THE DISPOSITION OR SCATTERING OCCURS  
34 WITHIN A DEDICATED CEMETERY OR CONSECRATED GROUNDS USED  
35 EXCLUSIVELY FOR SUCH PURPOSES.

36  
37 (7) (a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY  
38 CONTAINING AN IMPLANTED DEVICE. IF THE FUNERAL ESTABLISHMENT  
39 THAT HAD CONTROL OF THE DEAD HUMAN BODY FAILED TO ENSURE THAT  
40 A DEVICE WAS REMOVED, THE FUNERAL ESTABLISHMENT SHALL BE  
41 RESPONSIBLE FOR REMOVING THE DEVICE.

42  
43 (b) IF THE PERSON AUTHORIZING CREMATION FAILS TO INFORM THE  
44 CREMATORY OF THE PRESENCE OF AN IMPLANTED DEVICE, THE PERSON  
45 SHALL BE SOLELY LIABLE FOR ANY RESULTING DAMAGE TO THE  
46 CREMATORY.";

47  
48 strike lines 7 through 27.

49  
50 Strike pages 20 and 21.

51  
52 Page 22, strike lines 1 through 12 and substitute the following:

53  
54 **"12-54-401. Powers and duties of the director - rules.** (1) THE  
55 DIRECTOR MAY DENY, SUSPEND, REFUSE TO RENEW, ISSUE A LETTER OF  
56 ADMONITION OR CONFIDENTIAL LETTER OF CONCERN TO, REVOKE, PLACE

1 ON PROBATION, OR LIMIT THE SCOPE OF PRACTICE OF THE REGISTRATION  
2 OF A FUNERAL ESTABLISHMENT OR CREMATORY UNDER THIS ARTICLE THAT  
3 HAS:

4  
5 (a) FILED AN APPLICATION WITH THE DIRECTOR CONTAINING  
6 MATERIAL MISSTATEMENTS OF FACT OR HAS OMITTED ANY DISCLOSURE  
7 REQUIRED BY THIS ARTICLE;

8  
9 (b) HAD A REGISTRATION ISSUED BY COLORADO, OR AN  
10 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY  
11 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR  
12 CREMATE A DEAD HUMAN BODY REVOKED; OR

13  
14 (c) VIOLATED THIS ARTICLE OR ANY RULE OF THE DIRECTOR  
15 ADOPTED UNDER THIS ARTICLE.

16  
17 (2) (a) THE DIRECTOR MAY DENY OR REVOKE A REGISTRATION IF  
18 THE FUNERAL ESTABLISHMENT, CREMATORY, OR THE DESIGNEE THEREOF  
19 HAS BEEN CONVICTED OF A FELONY RELATED TO ANOTHER ACTIVITY  
20 REGULATED UNDER THIS ARTICLE OR A FELONY OF MORAL TURPITUDE.  
21 THE DIRECTOR SHALL PROMPTLY NOTIFY THE FUNERAL ESTABLISHMENT  
22 OR CREMATORY OF SUCH REVOCATION.

23  
24 (b) A CREMATORY OR FUNERAL ESTABLISHMENT WHOSE  
25 REGISTRATION HAS BEEN REVOKED SHALL NOT BE ELIGIBLE FOR A  
26 REGISTRATION FOR TWO YEARS AFTER THE EFFECTIVE DATE OF THE  
27 REVOCATION.

28  
29 (3) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A  
30 FUNERAL ESTABLISHMENT OR CREMATORY UPON HIS OR HER OWN  
31 INITIATIVE OR UPON RECEIPT OF A COMPLAINT OR A SUSPECTED OR  
32 ALLEGED VIOLATION OF THIS ARTICLE.

33  
34 (4) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED  
35 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL  
36 CONDUCT DISCIPLINARY HEARINGS CONCERNING A REGISTRATION ISSUED  
37 UNDER THIS ARTICLE. SUCH HEARINGS SHALL CONFORM TO ARTICLE 4 OF  
38 TITLE 24, C.R.S.

39  
40 (5) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY  
41 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE  
42 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
43 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
44 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION  
45 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

46  
47 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR  
48 SERVICE OF PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE  
49 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN  
50 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR  
51 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS,  
52 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS  
53 IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE  
54 PUNISHED AS A CONTEMPT OF COURT. THE DIRECTOR OR AN  
55 ADMINISTRATIVE LAW JUDGE MAY APPLY FOR SUCH ORDER.

56



1 (6) THE DIRECTOR SHALL KEEP RECORDS OF REGISTRATIONS AND  
2 DISCIPLINARY PROCEEDINGS. THE RECORDS KEPT BY THE DIRECTOR SHALL  
3 BE OPEN TO PUBLIC INSPECTION IN A REASONABLE TIME AND MANNER  
4 DETERMINED BY THE DIRECTOR.

5  
6 (7) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS  
7 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW  
8 JUDGE MAY CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN  
9 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF  
10 BUSINESSES WHO OFFER SERVICES REQUIRING REGISTRATION UNDER THIS  
11 ARTICLE FOR THE PURPOSE OF INVESTIGATING POSSIBLE VIOLATIONS OR  
12 WEIGHING THE APPROPRIATE STANDARD OF CARE TO BE APPLIED TO  
13 SPECIFIC EVENTS OR THE FACTS IN A HEARING BEING HELD UNDER THIS  
14 ARTICLE.

15  
16 (8) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES  
17 NECESSARY TO IMPLEMENT THIS SECTION, SECTIONS 12-54-110,  
18 12-54-111, 12-54-303, AND 12-54-304, AND THIS PART 4.

19  
20 (b) BEFORE PROMULGATING RULES, THE DIRECTOR SHALL SEEK  
21 INPUT AND ADVICE FROM A PERSON, OR ANY STATE PROFESSIONAL  
22 ORGANIZATION OF PERSONS, OFFERING SERVICES THAT REQUIRE  
23 REGISTRATION PURSUANT TO THIS ARTICLE."

24  
25 Page 23, strike lines 14 through 27.

26  
27 Strike pages 24 and 25.

28  
29 Page 26, strike lines 1 through 24 and substitute the following:

30  
31 **"12-54-404. Letters of concern.** THE DIRECTOR MAY ISSUE AND  
32 SEND A CONFIDENTIAL LETTER OF CONCERN TO THE FUNERAL  
33 ESTABLISHMENT OR CREMATORY WHEN A COMPLAINT OR INVESTIGATION  
34 DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL  
35 ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE  
36 COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED  
37 INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE FUNERAL  
38 ESTABLISHMENT OR CREMATORY THAT COULD LEAD TO SERIOUS  
39 CONSEQUENCES IF NOT CORRECTED.

40  
41 **12-54-405. Letters of admonition - funeral homes and**  
42 **crematories.** (1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
43 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
44 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT  
45 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY  
46 BE ISSUED AND SENT TO A PERSON BY CERTIFIED MAIL.

47  
48 (2) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR,  
49 THE SUBJECT SHALL BE ADVISED OF THE RIGHT TO REQUEST THAT FORMAL  
50 DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY  
51 OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. THE  
52 SUBJECT SHALL MAKE THE REQUEST IN WRITING WITHIN TWENTY DAYS  
53 AFTER RECEIPT OF THE LETTER.

54  
55 (3) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE  
56 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER

1 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

2

3 **12-54-406. Cease-and-desist orders - procedure.** (1) (a) IF IT  
4 APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS  
5 PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON IS ACTING IN A  
6 MANNER THAT CREATES AN IMMINENT THREAT TO THE HEALTH AND  
7 SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT  
8 THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO  
9 CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE  
10 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS  
11 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT  
12 THAT ALL UNLAWFUL ACTS OR UNAUTHORIZED PRACTICES IMMEDIATELY  
13 CEASE.

14

15 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
16 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE  
17 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
18 THE ALLEGED ACTS OR PRACTICES HAVE OCCURRED. SUCH HEARING  
19 SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,  
20 C.R.S.

21

22 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
23 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS  
24 VIOLATED THIS ARTICLE OR RULES PROMULGATED UNDER THIS ARTICLE,  
25 THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS  
26 ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW  
27 CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER  
28 DIRECTING SUCH PERSON TO CEASE AND DESIST FROM SUCH VIOLATIONS.

29

30 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
31 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL  
32 BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE  
33 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL  
34 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A  
35 HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL  
36 SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS  
37 MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS  
38 ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT  
39 PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF  
40 TO THE PERSON.

41

42 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE  
43 COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE  
44 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
45 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS  
46 SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF  
47 ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF  
48 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,  
49 BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY  
50 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
51 NOTIFICATION.

52

53 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
54 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES  
55 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE  
56 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON

1 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER  
2 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS  
3 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS  
4 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE  
5 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME  
6 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL  
7 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

8  
9 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON  
10 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR  
11 HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS ENGAGED IN  
12 ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE OR RULES  
13 PROMULGATED UNDER THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER  
14 MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM  
15 FURTHER VIOLATIONS.

16  
17 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
18 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL  
19 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
20 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
21 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER  
22 SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR  
23 PURPOSES OF JUDICIAL REVIEW.

24  
25 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
26 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN  
27 AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE  
28 PROMULGATED PURSUANT TO THIS ARTICLE, AN ORDER ISSUED PURSUANT  
29 TO THIS ARTICLE, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR  
30 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR  
31 MAY ENTER INTO A STIPULATION WITH THE PERSON.

32  
33 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL  
34 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
35 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
36 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,  
37 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A  
38 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
39 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

40  
41 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER  
42 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF  
43 THE DIRECTOR'S FINAL ORDER.

44  
45 **12-54-407. Civil penalty - fine.** (1) ON MOTION OF THE  
46 DIRECTOR, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN  
47 ONE THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE OR A RULE  
48 PROMULGATED UNDER THIS ARTICLE. THE PENALTY SHALL BE  
49 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE GENERAL  
50 FUND.

51  
52 (2) IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED  
53 PURSUANT TO THIS SECTION, A FUNERAL ESTABLISHMENT OR CREMATORY  
54 VIOLATING THIS ARTICLE OR A RULE PROMULGATED PURSUANT TO THIS  
55 ARTICLE MAY BE FINED NO LESS THAN ONE HUNDRED DOLLARS AND NO  
56 MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION PROVEN BY

1 THE DIRECTOR. ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (2)  
2 SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT  
3 SUCH MONEYS TO THE GENERAL FUND."

4

5 Renumber succeeding C.R.S. sections accordingly.

6

7 Page 28, line 9, strike "offenses committed on or after said" and substitute  
8 "offenses committed, including failure to register as required by this act,  
9 on or after January 1, 2010.";

10

11 strike line 10."

12

13

14

15

16 **STATE, VETERANS, & MILITARY AFFAIRS**

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

19

20 **SB09-242** be postponed indefinitely.

21

22

23

24

25 **TRANSPORTATION & ENERGY**

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

28

29 **HB09-1323** be amended as follows, and as so amended, be referred to  
30 the Committee on Appropriations with favorable  
31 recommendation:

32

33 Amend printed bill, page 3, line 18, strike "THAT" and substitute "THAT,  
34 AS OF THE EFFECTIVE DATE OF THIS SECTION,";

35

36 line 19, strike "CUSTOMERS." and substitute "METERS.";

37

38 line 22, strike "THAT" and substitute "THAT, AS OF THE EFFECTIVE DATE OF  
39 THIS SECTION,";

40

41 strike lines 24 through 26 and substitute the following:

42

43 "METERS."

44

45 Page 5, strike line 5 and substitute the following:

46

47 "(2), AND (3) OF THIS SECTION, A UTILITY SHALL:

48

49 (a) ACHIEVE AT LEAST EIGHTY";

50

51 after line 11, insert the following:

52

53 "(b) ENSURE THAT ITS ENERGY EFFICIENCY PROGRAM GIVES ALL  
54 CLASSES OF CUSTOMERS AN OPPORTUNITY TO PARTICIPATE AND GIVE DUE  
55 CONSIDERATION TO THE IMPACT OF ITS ENERGY EFFICIENCY PROGRAM ON  
56 NONPARTICIPANTS AND ON LOW-INCOME CUSTOMERS."

1 Page 7, strike line 16, and substitute the following:

2

3 "ELECTRIC ASSOCIATIONS THAT, AS OF THE EFFECTIVE DATE OF THIS  
4 SUBSECTION (2), PROVIDE RETAIL ELECTRIC SERVICE TO ONE HUNDRED  
5 THOUSAND OR MORE METERS,";

6

7 line 17, strike "OR MORE MEMBERS,".

8

9

10

11 **SB09-094** be amended as follows, and as so amended, be referred to  
12 the Committee of the Whole with favorable  
13 recommendation:

14

15 Amend reengrossed bill, page 3, line 14, strike "RAIL" and substitute  
16 "RAIL, INCLUDING, WHERE APPROPRIATE, ADVANCED GUIDEWAY  
17 SYSTEMS,";

18

19 line 16, strike "PROMOTE" and substitute "PLAN, PROMOTE,";

20

21 after line 18, insert the following:

22

23 "(I) TO DEVELOP, IN ACCORDANCE WITH PART 11 OF THIS ARTICLE  
24 AND CONSISTENT WITH THE REQUIREMENTS OF 23 U.S.C. SECS. 134 AND  
25 135, A STATEWIDE TRANSIT AND PASSENGER RAIL PLAN THAT SHALL BE  
26 INTEGRATED BY THE DEPARTMENT AS AN ELEMENT OF THE STATEWIDE  
27 TRANSPORTATION PLAN. THE PLAN SHALL IDENTIFY LOCAL,  
28 INTERREGIONAL, AND STATEWIDE TRANSIT AND PASSENGER RAIL NEEDS  
29 AND PRIORITIES."

30

31 Renumber succeeding subparagraphs accordingly.

32

33 Page 3, line 21, strike "BUS AND PASSENGER RAIL" and substitute "BUS,  
34 PASSENGER RAIL, AND ADVANCED GUIDEWAY SYSTEMS";

35

36 line 23, strike "TRANSIT" and substitute "TRANSIT, PASSENGER RAIL, AND  
37 ADVANCED GUIDEWAY";

38

39 line 25, after "EXPEND", insert "STATE AND FEDERAL".

40

41 Page 4, strike line 2 and substitute the following:

42

43 "INTERREGIONAL TRANSIT, ADVANCED GUIDEWAY, AND PASSENGER RAIL  
44 SERVICES; AND";

45

46 line 3, after "TO,", insert "FACILITIES, EQUIPMENT, SERVICES, AND";

47

48 line 7, strike "SERVICES." and substitute "SERVICES;

49

50 (VI) TO SUPPORT THE DEPARTMENT IN REPRESENTING THE STATE  
51 WITH RESPECT TO THE DEVELOPMENT OF INTERCITY RAIL FACILITIES,  
52 INCLUDING BUT NOT LIMITED TO SUBMISSION OF APPLICATIONS TO THE  
53 UNITED STATES DEPARTMENT OF TRANSPORTATION FOR APPROVAL AND  
54 FUNDING OF HIGH-SPEED RAIL PROJECTS, COMMISSIONING OF ANY  
55 NECESSARY STUDIES, AND COORDINATION WITH OTHER STATES TO  
56 FACILITATE SUCH APPLICATIONS; AND

1 (VII) TO COORDINATE AND COOPERATE WITH REGIONAL  
 2 TRANSPORTATION AUTHORITIES CREATED PURSUANT TO PART 6 OF  
 3 ARTICLE 4 OF THIS TITLE AND OTHER REGIONAL OR CORRIDOR-SPECIFIC  
 4 ENTITIES CONCERNED WITH THE PLANNING, DEVELOPMENT, OPERATION,  
 5 AND INTEGRATION OF TRANSIT, PASSENGER RAIL, OR ADVANCED  
 6 GUIDEWAY SYSTEMS IN THE STATEWIDE TRANSPORTATION SYSTEM.";  
 7  
 8 line 18, after "USURP", insert "OR DUPLICATE".  
 9  
 10 Page 5, line 9, after "A", insert "SPECIAL INTERIM";  
 11  
 12 line 10, strike "TRANSPORTATION ADVISORY";  
 13  
 14 strike line 11 and substitute the following:  
 15  
 16 "COMMISSION AND THE EXECUTIVE DIRECTOR REGARDING THE INITIAL  
 17 FOCUS OF THE TRANSIT AND RAIL DIVISION CREATED IN SECTION  
 18 43-1-117.5 AND TO RECOMMEND A LONG-TERM ADVISORY STRUCTURE,  
 19 INCLUDING THE ADVISORY STRUCTURE'S PURPOSE AND ROLE, IN SUPPORT  
 20 OF THE TRANSIT AND RAIL-RELATED FUNCTIONS OF THE DEPARTMENT.  
 21 THE SPECIAL INTERIM TRANSIT AND";  
 22  
 23 line 13, after "ISSUES", insert "AND SUCH OTHER INDIVIDUALS";  
 24  
 25 line 16, strike "MINIMUM:" and substitute "MINIMUM, ONE OR MORE:";  
 26  
 27 line 17, strike "TWO REPRESENTATIVES" and substitute  
 28 "REPRESENTATIVES";  
 29  
 30 line 18, strike "TWO REPRESENTATIVES" and substitute  
 31 "REPRESENTATIVES";  
 32  
 33 line 19, strike "ONE REPRESENTATIVE" and substitute  
 34 "REPRESENTATIVES";  
 35  
 36 line 20, strike "ONE REPRESENTATIVE" and substitute  
 37 "REPRESENTATIVES".

38  
 39  
 40  
 41 **SB09-133** be amended as follows, and as so amended, be referred to  
 42 the Committee on Appropriations with favorable  
 43 recommendation:  
 44

45 Amend reengrossed bill, page 4, strike line 11 and substitute the  
 46 following:  
 47

48 "to implement the Colorado traumatic brain injury program, as described  
 49 in part 3 of article 1 of title 26, Colorado Revised Statutes."  
 50

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## 51 PRINTING REPORT

52  
 53  
 54 The Chief Clerk reports the following bills have been correctly printed:  
 55 **HB09-1335, 1336, 1337, 1338.**  
 56

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **SB09-005, 014, 047, 053, 054, 059, 060, 084, 092, 107, 109, 137, 157, 181, 182, 208, 222 and 231; SJR09-026 and 029.**

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

On motion of Representative Scanlan, the following item(s) on the Calendar were laid over until April 9, retaining place on Calendar:

- Consideration of General Orders--**SB09-176, HB09-1327.**
  - Consideration of Conference Committee Report(s)--**HB09-1162, 1153.**
  - Consideration of Resolution(s)--**SJR09-034, HJR09-1014.**
  - Consideration of Memorial(s)--**SJM09-002.**
  - Consideration of Senate Amendment(s)--**HB09-1149, 1217, 1222, 1230, 1248, 1293.**
- 

On motion of Representative Scanlan, the House adjourned until 9:00 a.m., April 9, 2009.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

