

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

Forty-fifth Legislative Day

Friday, February 20, 2009

1 Prayer by Father Curtiss Dwyer, St. John Vianney Theological Seminary,
2 Denver.

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

5
6 Pledge of Allegiance led by Desiree Stratton and John Hedlund,
7 Advanced Placement Government Class, Sterling.

8
9 The roll was called with the following result:

10
11 Present--61.
12 Excused--Representative(s) McCann, McGihon, Pace,
13 Stephens--4.
14 Present after roll call--Representative(s) McCann, McGihon.

15
16 The Speaker declared a quorum present.

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

22 _____
23
24
25 On motion of Representative Rice, the House resolved itself into
26 Committee of the Whole for consideration of General Orders, and he was
27 called to the Chair to act as Chairman.

28 _____
29
30
31 **GENERAL ORDERS--SECOND READING OF BILLS**

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

37
38 (Amendments to the committee amendment are to the printed committee
39 report which was printed and placed in the members' bill file.)

40

1 **HB09-1018** by Representative(s) Bradford--Concerning the removal
 2 of obsolete language in statutory provisions implementing
 3 the statewide voter registration and election system for
 4 purposes of compliance with the federal "Help America
 5 Vote Act" .
 6

7 Rereferred to the Committee on State, Veterans, & Military Affairs.
 8

9 **HB09-1254** by Representative(s) Judd, Rice; also Senator(s) Harvey--
 10 Concerning additional consumer protections relating to
 11 like-kind exchanges mediated by exchange facilitators.
 12

13 Amendment No. 1, Judiciary Report, dated February 12, 2009, and
 14 placed in member's bill file; Report also printed in House Journal,
 15 February 13, pages 337-338.
 16

17 As amended, ordered engrossed and placed on the Calendar for Third
 18 Reading and Final Passage.
 19

20 **HB09-1186** by Representative(s) Levy--Concerning elections in which
 21 an elector is casting a ballot by mail.
 22

23 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 24 February 12, 2009, and placed in member's bill file; Report also printed
 25 in House Journal, February 13, page 341.
 26

27 As amended, ordered engrossed and placed on the Calendar for Third
 28 Reading and Final Passage.
 29

30 **HB09-1216** by Representative(s) Murray--Concerning voting by
 31 electors, and, in connection therewith, amending the
 32 election code to reflect changes brought about by the
 33 implementation of the statewide voter registration system
 34 and permanent mail-in voting.
 35

36 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 37 February 12, 2009, and placed in member's bill file; Report also printed
 38 in House Journal, February 13, pages 341-342.
 39

40 Amendment No. 2, by Representative Summers.
 41

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

43 "SECTION 1. 1-1-104 (19.5) (a) (II), (V), (VI) (VII), (VIII),
 44 (IX), (X), and (XI), Colorado Revised Statutes, are amended to read:
 45

46 **1-1-104. Definitions.** As used in this code, unless the context
 47 otherwise requires:
 48

49 (19.5) (a) "Identification" means:
 50

51 (II) A valid identification card issued by the department of
 52 revenue in accordance with ~~the requirements of part 3 of article 2 of title~~
 53 42, C.R.S.;
 54

55 (V) ~~A valid pilot's license issued by the federal aviation~~
 56 ~~administration or other authorized agency of the United States;~~

1 (VI) A valid United States military identification card with a
2 photograph of the eligible elector; OR

3
4 ~~(VII) A copy of a current utility bill, bank statement, government~~
5 ~~check, paycheck, or other government document that shows the name and~~
6 ~~address of the elector;~~

7
8 ~~(VIII) A valid medicare or medicaid card issued by the United~~
9 ~~States health care financing administration;~~

10
11 ~~(IX) A certified copy of a birth certificate for the elector issued in~~
12 ~~the United States;~~

13
14 ~~(X) Certified documentation of naturalization; or~~

15
16 (XI) A valid student identification card with a photograph of the
17 eligible elector issued by an institution of higher education in Colorado,
18 as defined in section 23-3.1-102 (5), C.R.S. ESTABLISHED AND EXISTING
19 BY LAW AS AN AGENCY OF THE STATE OF COLORADO."

20
21 As amended, ordered engrossed and placed on the Calendar for Third
22 Reading and Final Passage.
23 (For change in action, see Amendments to Report, page 449.)

24
25 **HB09-1236** by Representative(s) Primavera, Casso, Peniston; also
26 Senator(s) Hodge--Concerning the distance at which an
27 operator of a motor vehicle shall stop when a school bus
28 signals a stop.

29
30 Amendment No. 1, by Representative Primavera.
31 Amend printed bill, page 2, line 5, strike "TWENTY-FIVE" and substitute
32 "TWENTY".

33
34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.

36
37 **HB09-1214** by Representative(s) Benefield, Massey, Middleton,
38 Miklosi, Scanlan, Schafer S., Summers, Todd; also
39 Senator(s) Bacon--Concerning education data reporting
40 requirements.

41
42 Amendment No. 1, Education Report, dated February 16, 2009, and
43 placed in member's bill file; Report also printed in House Journal,
44 February 17, pages 379-380.

45
46 As amended, ordered engrossed and placed on the Calendar for Third
47 Reading and Final Passage.

48
49 **HB09-1264** by Representative(s) Benefield, Apuan, Court, Gardner B.,
50 Kerr A., Levy, McCann, Miklosi, Pace, Roberts, Ryden,
51 Solano; also Senator(s) Hudak--Concerning the costs
52 associated with college-level academic programs for state
53 inmates.

54
55 Ordered engrossed and placed on the Calendar for Third Reading and
56 Final Passage.

1 **HB09-1190** by Representative(s) Levy--Concerning the enactment of
2 the "Uniform Unsworn Foreign Declarations Act".
3

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

7 **HB09-1253** by Representative(s) Pace, Apuan, Levy, McKinley,
8 Miklosi, Vigil; also Senator(s) Tapia--Concerning
9 processes for involuntary mental health treatment for
10 defendants committed under title 16, Colorado Revised
11 Statutes.
12

13 Laid over until February 24, retaining place on Calendar.
14

15 **HB09-1260** by Representative(s) Ferrandino; also Senator(s) Veiga--
16 Concerning designated beneficiary agreements.
17

18 Amendment No. 1, Judiciary Report, dated February 16, 2009, and placed
19 in member's bill file; Report also printed in House Journal, February 17,
20 pages 382-384.
21

22 Amendment No. 2, by Representative Ferrandino.
23

24 Amend printed bill, page 14, strike line 11 and substitute the following:
25

26 "15-22-111;".
27

28 Page 15, strike lines 2 through 17.
29

30 Renumber succeeding C.R.S. sections accordingly.
31

32 Page 17, line 22, strike "15-22-122," and substitute "15-22-111,".
33

34 Page 33, line 12, strike "15-22-112," and substitute "15-22-111,".
35

36 Amendment No. 3, by Representative Ferrandino.
37

38 Amend printed bill, page 11, line 9, strike "TREATMENT" and substitute
39 "CARE".
40

41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.
43

44 **HB09-1249** by Representative(s) Pommer, Ferrandino, Marostica; also
45 Senator(s) White, Keller, Tapia--Concerning the
46 consolidation of certain cash funds created for the
47 department of agriculture.
48

49 Ordered engrossed and placed on the Calendar for Third Reading and
50 Final Passage.
51

52
53 **HB09-1108** by Representative(s) Kerr A.; also Senator(s) Boyd--
54 Concerning the failure of an employer's bank to honor an
55 employee's paycheck upon presentment.
56

1 Amendment No. 1, Business Affairs & Labor Report, dated
2 February 17, 2009, and placed in member's bill file; Report also printed
3 in House Journal, February 18, page 401.

4

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

7

8 **HB09-1224** by Representative(s) Schafer S., McGihon, Labuda,
9 Frangas, Ryden, Green, Ferrandino, Court, Hullinghorst,
10 Kefalas, Middleton, Peniston, Solano, Todd, Vigil; also
11 Senator(s) Carroll M., Hodge--Concerning a prohibition
12 on the consideration of gender in setting rates for
13 individual health insurance policies.

14

15 Amendment No. 1, Business Affairs & Labor Report, dated
16 February 17, 2009, and placed in member's bill file; Report also printed
17 in House Journal, February 18, page 402.

18

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

21

22 **HB09-1217** by Representative(s) Murray; also Senator(s) Scheffel--
23 Concerning the creation of local improvement districts for
24 the purpose of improving public utilities.

25

26 Amendment No. 1, Local Government Report, dated February 17, 2009,
27 and placed in member's bill file; Report also printed in House Journal,
28 February 18, pages 403-404.

29

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

32

33 **HB09-1220** by Representative(s) Scanlan; also Senator(s) Gibbs--
34 Concerning an amendment to the "Colorado Common
35 Interest Ownership Act" to permit a unit owner to
36 prescribe specified conditions in connection with the use
37 of such owner's property that promote affordable housing.

38

39 Amendment No. 1, Local Government Report, dated February 17, 2009,
40 and placed in member's bill file; Report also printed in House Journal,
41 February 18, pages 404-405.

42

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

45

46 **HB09-1200** by Representative(s) Stephens, King S., Liston, Waller;
47 also Senator(s) Scheffel, King K., Kopp--Concerning a
48 requirement that the staff of the legislative council
49 consider certain factors relating to counties in the local
50 government impact section of a fiscal note.

51

52 Laid over until February 24, retaining place on Calendar.

53

54 **HB09-1218** by Representative(s) Soper, Marostica; also Senator(s)
55 Bacon--Concerning capital lease agreements entered into
56 by the state.

1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 2 February 17, 2009, and placed in member's bill file; Report also printed
 3 in House Journal, February 18, page 407.

4
 5 As amended, ordered engrossed and placed on the Calendar for Third
 6 Reading and Final Passage.

7
 8 **HB09-1229** by Representative(s) Kerr J., Miklosi, Primavera; also
 9 Senator(s) Isgar, Tochtrop--Concerning the designation of
 10 auxiliary facilities of institutions of higher education as
 11 enterprises.

12
 13 Ordered engrossed and placed on the Calendar for Third Reading and
 14 Final Passage.

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 18 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

19
 20 Representative(s) Murray and Balmer moved to amend the Report of the
 21 Committee of the Whole to reverse the action taken by the Committee in
 22 not adopting the following Murray and Balmer amendment, to
 23 HB09-1186, to show that said amendment passed, and that **HB09-1186**,
 24 as amended, passed.

25
 26 Amend printed bill, page 3, line 5, strike "~~an early voters'~~ ANY" and
 27 substitute "an early voters";

28
 29 line 6, strike "vote." and substitute "vote; EXCEPT THAT NO MAIL-IN
 30 BALLOT SHALL BE REFUSED AT ANY POLLING PLACE.".

31
 32 The amendment was declared **lost** by the following roll call vote:

| | YES | 28 | NO | 34 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 35 | Acree | Y | Green | N | McFadyen | N | Roberts | Y |
| 36 | Apuan | N | Hullinghorst | N | McGihon | N | Ryden | N |
| 37 | Balmer | Y | Judd | N | McKinley | N | Scanlan | N |
| 38 | Baumgardner | Y | Kefalas | N | McNulty | Y | Schafer S. | N |
| 39 | Benefield | N | Kerr A. | N | Merrifield | N | Solano | N |
| 40 | Bradford | E | Kerr J. | Y | Middleton | N | Sonnenberg | Y |
| 41 | Casso | Y | King S. | Y | Miklosi | N | Soper | Y |
| 42 | Court | N | Labuda | N | Murray | Y | Stephens | E |
| 43 | Curry | N | Lambert | Y | Nikkel | Y | Summers | Y |
| 44 | Ferrandino | N | Levy | N | Pace | E | Swalm | Y |
| 45 | Fischer | N | Liston | Y | Peniston | N | Tipton | Y |
| 46 | Frangas | N | Looper | Y | Pommer | N | Todd | N |
| 47 | Gagliardi | N | Marostica | Y | Primavera | N | Vaad | Y |
| 48 | Gardner B. | Y | Massey | Y | Priola | Y | Vigil | N |
| 49 | Gardner C. | Y | May | Y | Rice | N | Waller | Y |
| 50 | Gerou | Y | McCann | N | Riesberg | N | Weissmann | Y |
| 51 | | | | | | | Speaker | N |

52
 53 Representative(s) Gardner B. moved to amend the Report of the Com-
 54 mittee of the Whole to reverse the action taken by the Committee in not
 55 adopting the following Gardner B. amendment, to HB09-1260, to show
 56 that said amendment passed, and that **HB09-1260**, as amended, passed.

1 Amend printed bill, page 33, strike lines 14 through 18 and substitute the
2 following:

3

4 **"SECTION 19. Act subject to petition - effective date.**

5 (1) This act shall take effect September 1, 2009.

6

7 (2) However, if a referendum petition is filed against this act or
8 an item, section, or part of this act during the ninety-day period after final
9 adjournment of the general assembly that is allowed for submitting a
10 referendum petition pursuant to article V, section 1 (3) of the state
11 constitution, then the act, item, section, or part, shall not take effect unless
12 approved by the people at a biennial regular general election and shall
13 take effect on the date specified in subsection (1) or on the date of the
14 official declaration of the vote thereon by proclamation of the governor,
15 whichever is later."

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

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| | YES | 28 | NO | 34 | EXCUSED | 3 | ABSENT | 0 |
|-------------|-----|--------------|----|------------|---------|------------|--------|---|
| Acree | Y | Green | N | McFadyen | N | Roberts | Y | |
| Apuan | Y | Hullinghorst | N | McGihon | N | Ryden | N | |
| Balmer | Y | Judd | N | McKinley | Y | Scanlan | N | |
| Baumgardner | Y | Kefalas | N | McNulty | Y | Schafer S. | N | |
| Benefield | N | Kerr A. | N | Merrifield | N | Solano | N | |
| Bradford | E | Kerr J. | Y | Middleton | N | Sonnenberg | Y | |
| Casso | N | King S. | Y | Miklosi | N | Soper | Y | |
| Court | N | Labuda | N | Murray | Y | Stephens | E | |
| Curry | N | Lambert | Y | Nikkel | Y | Summers | Y | |
| Ferrandino | N | Levy | N | Pace | E | Swalm | Y | |
| Fischer | N | Liston | Y | Peniston | N | Tipton | Y | |
| Frangas | N | Looper | Y | Pommer | N | Todd | N | |
| Gagliardi | N | Marostica | Y | Primavera | N | Vaad | Y | |
| Gardner B. | Y | Massey | Y | Priola | Y | Vigil | N | |
| Gardner C. | Y | May | Y | Rice | N | Waller | Y | |
| Gerou | Y | McCann | N | Riesberg | N | Weissmann | N | |
| | | | | | | Speaker | N | |

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38 Representative(s) Weissmann, T. Carroll, and Todd moved to amend the
39 Report of the Committee of the Whole to reverse the action taken by the
40 Committee in adopting HB09-1216, to show that **HB09-1216** laid over
41 unamended until Tuesday, February 24, 2009.

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

| | YES | 38 | NO | 24 | EXCUSED | 3 | ABSENT | 0 |
|-------------|-----|--------------|----|------------|---------|------------|--------|---|
| Acree | N | Green | Y | McFadyen | Y | Roberts | N | |
| Apuan | Y | Hullinghorst | Y | McGihon | Y | Ryden | Y | |
| Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y | |
| Baumgardner | N | Kefalas | Y | McNulty | N | Schafer S. | Y | |
| Benefield | Y | Kerr A. | Y | Merrifield | Y | Solano | Y | |
| Bradford | E | Kerr J. | N | Middleton | Y | Sonnenberg | N | |
| Casso | Y | King S. | N | Miklosi | Y | Soper | Y | |
| Court | Y | Labuda | Y | Murray | N | Stephens | E | |
| Curry | Y | Lambert | N | Nikkel | N | Summers | N | |
| Ferrandino | Y | Levy | Y | Pace | E | Swalm | N | |
| Fischer | Y | Liston | N | Peniston | Y | Tipton | N | |

| | | | | | | | | |
|---|------------|---|-----------|---|-----------|---|-----------|---|
| 1 | Frangas | Y | Looper | N | Pommer | Y | Todd | Y |
| 2 | Gagliardi | Y | Marostica | N | Primavera | Y | Vaad | N |
| 3 | Gardner B. | N | Massey | N | Priola | Y | Vigil | Y |
| 4 | Gardner C. | N | May | N | Rice | Y | Waller | N |
| 5 | Gerou | N | McCann | Y | Riesberg | Y | Weissmann | Y |
| 6 | | | | | | | Speaker | Y |

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ADOPTION OF COMMITTEE OF THE WHOLE REPORT

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12 Passed Second Reading: **HB09-1254 amended, 1186 amended,**
13 **1216 amended, 1236 amended, 1214 amended, 1264, 1190,**
14 **1260 amended, 1249, 1108 amended, 1224 amended, 1217 amended,**
15 **1220 amended, 1218 amended, 1229.**

16
17 Laid over until date indicated retaining place on Calendar: **HB09-1253,**
18 **1200, 1216 unamended**--February 24, 2009.

19
20 Rereferred to Committee indicated: **HB09-1018**--State, Veterans, &
21 Military Affairs.

22
23 The Chairman moved the adoption of the Committee of the Whole
24 Report. As shown by the following roll call vote, a majority of those
25 elected to the House voted in the affirmative, and the Report was
26 **adopted.**

| 27 | YES | 59 | NO | 3 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 28 | Acree | N | Green | Y | McFadyen | Y | Roberts | Y |
| 29 | Apuan | Y | Hullinghorst | Y | McGihon | Y | Ryden | Y |
| 30 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 31 | Baumgardner | N | Kefalas | Y | McNulty | Y | Schafer S. | Y |
| 32 | Benefield | Y | Kerr A. | Y | Merrifield | Y | Solano | Y |
| 33 | Bradford | E | Kerr J. | Y | Middleton | Y | Sonnenberg | Y |
| 34 | Casso | Y | King S. | Y | Miklosi | Y | Soper | Y |
| 35 | Court | Y | Labuda | Y | Murray | Y | Stephens | E |
| 36 | Curry | Y | Lambert | Y | Nikkel | Y | Summers | Y |
| 37 | Ferrandino | Y | Levy | Y | Pace | E | Swalm | Y |
| 38 | Fischer | Y | Liston | Y | Peniston | Y | Tipton | Y |
| 39 | Frangas | Y | Looper | Y | Pommer | Y | Todd | Y |
| 40 | Gagliardi | Y | Marostica | Y | Primavera | Y | Vaad | Y |
| 41 | Gardner B. | Y | Massey | Y | Priola | Y | Vigil | Y |
| 42 | Gardner C. | N | May | Y | Rice | Y | Waller | Y |
| 43 | Gerou | Y | McCann | Y | Riesberg | Y | Weissmann | Y |
| 44 | | | | | | | Speaker | Y |

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49 On motion of Representative Weissmann, the following bill(s) will be
50 calendared for third reading on February 24, 2009: **HB09-1076, 1135,**
51 **1254, 1186, 1236, 1214, 1264, 1190, 1260, 1249, 1108, 1224, 1217,**
52 **1220, 1218, 1229.**

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REPORTS OF COMMITTEES OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

HB09-1199 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

"(2) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY DECLARES THAT ADDRESSING THE WILDFIRE RISK IN COLORADO AND THE DEVELOPMENT OF COMMUNITY WILDFIRE PROTECTION PLANS TO BRING TOGETHER FEDERAL, STATE, AND LOCAL INTERESTS, INCLUDING NONGOVERNMENTAL ENTITIES SUCH AS ELECTRIC, GAS, AND WATER UTILITIES, TO ADDRESS WILDFIRE RISK TO LIFE, PROPERTY, AND INFRASTRUCTURE IN COLORADO IS A MATTER OF STATEWIDE CONCERN."

Renumber succeeding subsections accordingly.

Page 3, line 20, strike "REPRESENTATIVES" and substitute "REPRESENTATIVES, INCLUDING CONSERVATION DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS";

line 21, after "PARTIES," insert "INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE AFFECTED AREA,".

Page 5, line 8, after "WITH", insert "CONSERVATION DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS AND OTHER";

line 9, strike "PARTNERS" and substitute "PARTNERS, INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE AFFECTED AREA,".

Page 6, line 16, after "LANDOWNERS", insert "OR UTILITY EASEMENT OWNERS";

line 20, strike "(3)" and substitute "(4)".

Page 7, line 12, after "**restoration.**", insert "(a)";

line 18, strike "(a) (I)" and substitute "(I) (A)";

line 21, strike "(II)" and substitute "(B)";

line 27, strike "(b)" and substitute "(II)".

Page 8, strike line 1 and substitute the following:

"LANDOWNERS, LOCAL GOVERNMENTS, INCLUDING CONSERVATION DISTRICTS CREATED PURSUANT TO ARTICLE 70 OF TITLE 35, C.R.S., AND COUNTY NOXIOUS WEED PROGRAM ADMINISTRATORS AND OTHER APPROPRIATE PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER UTILITIES IN THE AFFECTED AREA,";

- 1 line 3, after "INCREASED", insert "RESPONSIBLE";
2
3 after line 8, insert the following:
4 "(b) THE FOREST SERVICE MAY USE UP TO ONE MILLION DOLLARS
5 ANNUALLY UNTIL JULY 1, 2012, FROM THE FOREST RESTORATION PILOT
6 PROGRAM CASH FUND CREATED IN SECTION 23-31-310 (8.5) FOR THE
7 PURPOSE OF COMPLYING WITH THIS SUBSECTION (5).";
8
9 line 15, strike "(7)" and substitute "(8)".
10
11 Page 9, line 16, strike "(7)" and substitute "(8)";
12
13 line 17, strike "(7)." and substitute "(8).";
14
15 line 24, strike "(7)." and substitute "(8).".
16
17 Page 10, line 11, after "THE", insert "RESPONSIBLE";
18
19 line 16, strike "ENTITIES;" and substitute "ENTITIES AND OTHER
20 INTERESTED PARTIES, INCLUDING ANY ELECTRIC, GAS, AND WATER
21 UTILITIES IN THE AFFECTED AREA;".
22
23 Page 11, line 4, strike "(9)." and substitute "(10) AND SHALL REMAIN
24 AVAILABLE UNTIL EXPENDED.";
25
26 line 11, strike "(9)." and substitute "(10).";
27
28 line 16, strike "(3)" and substitute "(4)";
29
30 line 18, strike "(4)" and substitute "(5)";
31
32 line 19, strike "MILLION ONE";
33
34 line 20, strike "(5)" and substitute "(6)";
35
36 line 22, strike "(6)" and substitute "(7)";
37
38 line 24, strike "(7)" and substitute "(8)";
39
40 line 27, strike "(8)" and substitute "(9)".
41
42 Page 12, line 16, strike "(12)," and substitute "(13),";
43
44 strike line 27.
45
46 Page 13, strike line 1 and substitute the following:
47 "(n) (I) FOR THREE FISCAL YEARS COMMENCING ON OR AFTER JULY
48 1, 2009, THE STATE TREASURER SHALL TRANSFER:
49
50 (A) ONE MILLION NINE HUNDRED FIFTY";
51
52 line 4, strike "(9)," and substitute "(10),";
53
54 strike lines 5 through 8 and substitute the following:
55
56 "(B) FIFTY THOUSAND DOLLARS";

1 after line 10, insert the following:

2 "(II) THIS PARAGRAPH (n) IS REPEALED, EFFECTIVE JULY 1, 2012.";

3

4 line 14, after "(5)", insert "(a)";

5

6 strike line 27.

7

8 Page 14, strike lines 1 through 3 and substitute the following:

9

10 "in the state treasury. All interest derived from the";

11

12 strike lines 7 through 24 and substitute the following:

13 "(b) (I) THE GENERAL ASSEMBLY SHALL APPROPRIATE NOT MORE
14 THAN FIFTY THOUSAND DOLLARS FROM THE WILDLAND-URBAN INTERFACE
15 TRAINING FUND EACH YEAR FOR THE PURPOSES OF THIS SUBSECTION (5).

16

17 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

18

19 **SECTION 4.** 25-7-111, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21

22 **25-7-111. Administration of air quality control programs -**
23 **directive - prescribed fire - review - repeal.** (5) (a) THE DIVISION
24 SHALL CONFER WITH APPROPRIATE FEDERAL AND STATE LAND
25 MANAGEMENT AGENCY REPRESENTATIVES, INCLUDING THE FOREST
26 SERVICE AS DEFINED IN SECTION 23-31-310 (2), C.R.S., AND OTHER
27 ENTITIES, WHICH MAY INCLUDE, AS APPROPRIATE, LOCAL AGENCY
28 REPRESENTATIVES AND PRIVATE LAND MANAGERS, TO EVALUATE EXISTING
29 PRESCRIBED FIRE PERMIT PROGRAM RULES AND IMPLEMENTATION SO AS TO
30 SUPPORT, AND INCREASE WHERE POSSIBLE, APPROPRIATE RESPONSIBLE USE
31 OF PRESCRIBED FIRE CONSISTENT WITH SECTION 25-7-106 (7) AND (8).

32

33 (b) THE EVALUATION REQUIRED BY THIS SUBSECTION (5) SHALL
34 INCLUDE CONSIDERATION OF THE BALANCE BETWEEN THE ATTAINMENT
35 AND MAINTENANCE OF NATIONAL AMBIENT AIR QUALITY STANDARDS AND
36 THE ACHIEVEMENT OF FEDERAL AND STATE VISIBILITY GOALS, WITH THE
37 IMPORTANT BENEFITS OF PRESCRIBED FIRE USE AS A LAND MANAGEMENT
38 TOOL, INCLUDING WILDFIRE RISK MITIGATION, WATERSHED PROTECTION,
39 FOREST HEALTH, AND REDUCED TREATMENT COST. THE DIVISION SHALL
40 PROVIDE A REPORT TO THE COMMISSION BY JUNE 30, 2010, TO INCLUDE
41 ANY RECOMMENDATIONS FROM THE EVALUATION UNDERTAKEN PURSUANT
42 TO THIS SUBSECTION (5).

43

44 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2011.".

45

46

47

48

49 **APPROPRIATIONS**

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

52

53 **HB09-1001** be referred to the Committee of the Whole with favorable
54 recommendation.

55

56

1 **HB09-1053** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 10, after line 11, insert the following:
6

7 **"SECTION 14. Appropriation - adjustments to the 2009 long**
8 **bill.** For the implementation of this act, appropriations made in the
9 annual general appropriation act for the fiscal year beginning July 1,
10 2009, to the department of regulatory agencies, division of banking, are
11 decreased by fifty-five thousand seven hundred twenty-eight dollars
12 (\$55,728) cash funds and 0.5 FTE. Said sum shall be from the division
13 of banking cash fund created in section 11-102-307 (1), Colorado Revised
14 Statutes."
15

16 Renumber succeeding section accordingly.
17

18 Page 1, line 102, strike "BOARD." and substitute "BOARD, AND MAKING
19 AN APPROPRIATION THEREFOR."
20
21
22

23 **HB09-1085** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:
26

27 Amend printed bill, page 51, after line 1, insert the following:
28

29 **"SECTION 5. Appropriation.** In addition to any other
30 appropriation, there is hereby appropriated, out of any moneys in the
31 mortgage loan originator licensing cash fund created in section
32 12-61-908, Colorado Revised Statutes, not otherwise appropriated, to the
33 department of regulatory agencies, for allocation to the division of real
34 estate, for the fiscal year beginning July 1, 2009, the sum of ninety
35 thousand six hundred thirty-six dollars (\$90,636) and 1.0 FTE, or so
36 much thereof as may be necessary, for the implementation of this act."
37

38 Renumber succeeding section accordingly.
39

40 Page 1, line 105, strike "2008" AND" and substitute "2008",";
41

42 line 107, strike "ACT." and substitute "ACT, AND MAKING AN
43 APPROPRIATION."
44
45
46

47 **HB09-1100** 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 4, after line 9, insert the following:
52

53 **"SECTION 3. Appropriation.** In addition to any other
54 appropriation, there is hereby appropriated, out of any moneys in the
55 license plate cash fund created in Section 42-3-301 (1) (b), Colorado
56 Revised Statutes, not otherwise appropriated, to the department of

1 revenue, for allocation to the division of motor vehicles, for the fiscal
2 year beginning July 1, 2009, the sum of sixteen thousand eighty dollars
3 (\$16,080), or so much thereof as may be necessary, for the
4 implementation of this act."

5

6 Renumber succeeding section accordingly.

7

8 Page 1, line 102, strike "PLATE." and substitute "PLATE, AND MAKING AN
9 APPROPRIATION THEREFOR."

10

11

12

13 **HB09-1110** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17 **HB09-1116** be referred to the Committee of the Whole with favorable
18 recommendation.

19

20

21 **SB09-108** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:

24

25 Amend the Transportation & Energy Committee Report, dated February
26 17, 2009, page 1, after line 7, insert the following:

27

28 "Page 14, line 14, strike "SUBPARAGRAPH (III)" and substitute
29 "SUBPARAGRAPHS (III) AND (VI)";";

30

31 line 8, strike "Page 14,";

32

33 after line 9, insert the following:

34

35 "Page 16, after line 14, insert the following:

36

37 "(VI) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
38 ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A
39 HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION
40 42-3-219 (1) (a), C.R.S."

41

42 Renumber succeeding subparagraph accordingly."

43

44 Page 2, after line 21, insert the following:

45

46 "Page 26, line 15, strike "SUBPARAGRAPH (III)" and substitute
47 "SUBPARAGRAPHS (III) AND (VII)";";

48

49 line 22, strike "Page 26,";

50

51 after line 25, insert the following:

52

53 "Page 28, after line 25, insert the following:

54

55 "(VII) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
56 ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A

1 HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION
2 42-3-219 (1) (a), C.R.S."

3

4 Renumber succeeding subparagraph accordingly."

5

6 Page 7, line 22, strike "NINETY"." and substitute "NINETY";

7

8 line 25 of the reengrossed bill, strike "THIRTY-DAY" and substitute
9 "EXPIRATION OF THE";

10

11 line 26, strike "42-3-113 (2) (e) FOR WHICH THE VEHICLE IS
12 UNREGISTERED." and substitute "42-3-114 FOR WHICH THE VEHICLE IS
13 UNREGISTERED; EXCEPT THAT THE AMOUNT OF THE LATE FEE SHALL NOT
14 EXCEED ONE HUNDRED DOLLARS."";

15

16 after line 22 of the committee report, insert the following:

17

18 "Page 70, after line 13, insert the following:

19

20 "(3) THE LATE FEE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
21 SHALL NOT BE IMPOSED ON A VEHICLE SUBJECT TO TAXATION UNDER THIS
22 ARTICLE IF:

23

24 (a) THE PERSON WHO OWNS THE VEHICLE USES THE VEHICLE IN
25 OPERATING A COMMERCIAL BUSINESS AND, AS PART OF THE NORMAL
26 OPERATION OF THE BUSINESS, IDLES THE VEHICLE SO THAT IT IS NOT
27 OPERATED ON ANY PUBLIC HIGHWAY IN THIS STATE FOR AT LEAST ONE
28 FULL REGISTRATION PERIOD. NOTHING IN THIS PARAGRAPH (a) SHALL BE
29 CONSTRUED TO EXEMPT THE OWNER OF AN IDLED VEHICLE FROM PAYING
30 ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE
31 BEFORE AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS
32 STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

33

34 (b) THE PERSON WHO OWNS THE VEHICLE IS IN THE ACTIVE
35 MILITARY SERVICE OF THE UNITED STATES AND IS SERVING OUTSIDE THE
36 STATE WHEN A REGISTRATION PERIOD AND GRACE PERIOD FOR RENEWAL
37 OF REGISTRATION FOR THE VEHICLE END AND THE VEHICLE IS NOT
38 OPERATED ON ANY PUBLIC HIGHWAY OF THE STATE BETWEEN THE TIME
39 THE REGISTRATION PERIOD AND GRACE PERIOD END AND THE TIME THE
40 VEHICLE IS REREGISTERED. NOTHING IN THIS PARAGRAPH (b) SHALL BE
41 CONSTRUED TO EXEMPT THE OWNER OF SUCH A VEHICLE FROM PAYING
42 ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE
43 BEFORE AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS
44 STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS
45 ARTICLE."".

46

47

48

49

50 **EDUCATION**

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

53

54 **HB09-1243** be amended as follows, and as so amended, be referred to
55 the Committee on Appropriations with favorable
56 recommendation:

1 Amend printed bill, page 3, strike line 24 and substitute the following:

2

3 "THE GRADUATION RATE FOR COLORADO STUDENTS WITH DISABILITIES IS
4 SIXTY-THREE AND SEVEN-TENTHS PERCENT, COMPARED WITH A
5 STATEWIDE GRADUATION RATE OF SEVENTY-FIVE PERCENT."

6

7 Page 4, strike lines 1 through 3.

8

9 Page 5, line 17, after "PROVIDERS,", insert "ADULT BASIC EDUCATION,
10 GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, AND
11 ENGLISH-AS-A-SECOND-LANGUAGE PROGRAMS,";

12

13 line 19, strike "AFTER-SCHOOL" and substitute "EXTENDED LEARNING
14 OPPORTUNITY".

15

16 Page 6, after line 6, insert the following:

17

18 "(4) "EXTENDED LEARNING OPPORTUNITY PROGRAMS" MEANS
19 PROGRAMS THAT PROVIDE KINDERGARTEN-THROUGH-TWELFTH-GRADE
20 SUPERVISED LEARNING ACTIVITIES THAT MAY INCLUDE, BUT NEED NOT BE
21 LIMITED TO, AFTER-SCHOOL PROGRAMS, BEFORE-SCHOOL PROGRAMS,
22 SUMMER SCHOOL PROGRAMS, WEEKEND PROGRAMS, AND EXTENDED-DAY
23 AND EXTENDED-YEAR PROGRAMS."

24

25 Renumber succeeding subsections accordingly.

26

27 Page 6, line 17, after "TITLE,", insert "OR";

28

29 strike lines 18 and 19 and substitute the following:

30

31 "TO SECTION 22-30.5-503.";

32

33 after line 22, insert the following:

34

35 "(10) "PARENT" MEANS A STUDENT'S BIOLOGICAL OR ADOPTIVE
36 PARENT OR THE STUDENT'S LEGAL GUARDIAN OR LEGAL CUSTODIAN."

37

38 Renumber succeeding subsections accordingly.

39

40 Page 8, after line 25, insert the following:

41

42 "(c) THE DEPARTMENT IS STRONGLY ENCOURAGED TO DIRECT, TO
43 THE EXTENT POSSIBLE, ANY INCREASES IN THE AMOUNT OF FEDERAL
44 MONEYS RECEIVED BY THE DEPARTMENT FOR PROGRAMS UNDER TITLE I,
45 PART A OF THE "ELEMENTARY AND SECONDARY EDUCATION ACT OF
46 1965", 20 U.S.C. SEC. 6301 ET SEQ., PROGRAMS UNDER THE "INDIVIDUALS
47 WITH DISABILITIES EDUCATION ACT", 20 U.S.C., SEC. 1400, ET SEQ., OR
48 OTHER FEDERAL PROGRAMS TO ASSIST IN FUNDING THE ACTIVITIES OF THE
49 OFFICE AS SPECIFIED IN THIS ARTICLE.

50

51 (d) THE DEPARTMENT SHALL SEEK AND MAY ACCEPT AND EXPEND
52 GIFTS, GRANTS, AND DONATIONS FROM PUBLIC OR PRIVATE ENTITIES TO
53 FUND THE OPERATIONS OF THE OFFICE, INCLUDING THE PERSONNEL FOR
54 THE OFFICE AND EXECUTION OF THE DUTIES AND RESPONSIBILITIES
55 SPECIFIED IN THIS ARTICLE. NOTWITHSTANDING ANY PROVISION OF THIS
56 ARTICLE TO THE CONTRARY, THE DEPARTMENT IS NOT REQUIRED TO

1 IMPLEMENT THE PROVISIONS OF THIS ARTICLE UNTIL SUCH TIME AS THE
2 DEPARTMENT HAS RECEIVED AN AMOUNT IN GIFTS, GRANTS, AND
3 DONATIONS FROM PUBLIC OR PRIVATE ENTITIES THAT THE DEPARTMENT
4 DEEMS SUFFICIENT TO ADEQUATELY FUND THE OPERATIONS OF THE
5 OFFICE.".

6

7 Page 10, after line 7, insert the following:

8

9 "(III) THE PREVENTION SERVICES DIVISION IN THE DEPARTMENT OF
10 PUBLIC HEALTH AND ENVIRONMENT;".

11

12 Renumber succeeding subparagraphs accordingly.

13

14 Page 10, line 14, strike "AFTER-SCHOOL" and substitute "EXTENDED
15 LEARNING OPPORTUNITY";

16

17 after line 14, insert the following:

18

19 "(X) ADULT BASIC EDUCATION AND
20 ENGLISH-AS-A-SECOND-LANGUAGE PROGRAMS;".

21

22 Renumber succeeding subparagraphs accordingly.

23

24 Page 12, line 16, strike "SHALL" and substitute "MAY";

25

26 line 23, strike "LOCAL EDUCATION PROVIDERS SHALL" and substitute
27 "HIGH PRIORITY AND PRIORITY LOCAL EDUCATION PROVIDERS MAY";

28

29 strike lines 25 and 26 and substitute the following:

30

31 "STRATEGIES, AND TO CREATE AND EVALUATE THEIR STUDENT".

32

33 Page 15, line 15, strike "TO ITS AUTHORIZER FOR TRANSMITTAL".

34

35 Page 17, after line 1, insert the following:

36

37 "(VIII) EXTENDED LEARNING OPPORTUNITY PROGRAMS;".

38

39 Renumber succeeding subparagraphs accordingly.

40

41 Page 17, line 27, strike "IN ADDITION, EACH".

42

43 Page 18, strike lines 1 through 3;

44

45 line 6, strike "FEBRUARY 1, 2011," and substitute "A DATE SPECIFIED BY
46 RULE OF THE STATE BOARD, BUT NOT LATER THAN OCTOBER 1, 2010,";

47

48 line 11, strike "FEBRUARY 1, 2012." and substitute "A DATE SPECIFIED BY
49 RULE OF THE STATE BOARD, BUT NOT LATER THAN OCTOBER 1, 2011.";

50

51 line 15, after the period, add "IN SETTING THE DATES FOR ADOPTION OF
52 THE INITIAL STUDENT GRADUATION AND COMPLETION PLANS AND THE
53 TIMELINES FOR REVIEWING AND UPDATING THE STUDENT GRADUATION
54 AND COMPLETION PLANS, THE STATE BOARD SHALL ENSURE THAT THE
55 DATES COINCIDE WITH THE DATES BY WHICH EACH LOCAL EDUCATION
56 PROVIDER IS REQUIRED TO ADOPT THE PLAN REQUIRED BY ITS

1 ACCREDITATION CATEGORY OR ITS ANNUAL PERFORMANCE REVIEW."

2

3 Page 19, line 2, strike "TO ITS";

4

5 line 3, strike "AUTHORIZER FOR TRANSMITTAL".

6

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

8

9 "(f) A DESCRIPTION OF THE SUPPORTS THAT THE HIGH PRIORITY OR
10 PRIORITY LOCAL EDUCATION PROVIDER WILL PROVIDE TO A STUDENT WHO
11 LEAVES A PUBLIC SCHOOL PRIOR TO GRADUATION OR COMPLETION,
12 INCLUDING AN EXPLANATION OF THE EDUCATIONAL ALTERNATIVES
13 AVAILABLE TO THE STUDENT TO ASSIST HIM OR HER IN RE-ENGAGING IN
14 SCHOOL AND OTHER INFORMATION TO ASSIST WITH HIS OR HER TRANSITION
15 INTO OTHER EDUCATIONAL SETTINGS, INCLUDING BUT NOT LIMITED TO AN
16 ADULT BASIC EDUCATION, GENERAL EDUCATIONAL DEVELOPMENT, OR
17 ENGLISH-AS-A-SECOND-LANGUAGE PROGRAM, OR INTO THE WORKFORCE
18 OR JOB TRAINING.";

19

20 line 15, strike "RE-ENGAGEMENT;" and substitute "RE-ENGAGEMENT,
21 INCLUDING POLICIES AND PROGRAMS THAT CREATE ALTERNATIVE
22 PATHWAYS TO HIGH SCHOOL GRADUATION;"

23

24 Page 21, line 15, strike "IN ADDITION, EACH";

25

26 strike lines 16 through 18.

27

28 Page 22, line 25, before "PARENT", insert "STUDENT AND HIS OR HER".

29

30 Page 23, strike lines 4 through 12.

31

32 Page 26, after line 8, insert the following:

33

34 "(e) THE DEPARTMENT IS ENCOURAGED TO DIRECT TO THE FUND
35 ANY FEDERAL MONEYS RECEIVED BY THE DEPARTMENT THAT MAY BE USED
36 FOR THE PURPOSES SPECIFIED IN THIS SECTION."

37

38 Page 31, line 16, strike "absence," and substitute "absence.";

39

40 strike lines 17 and 18 and substitute the following:

41

42 "~~including, but not limited to, the imposition of academic penalty for~~
43 ~~classes missed while unexcused.~~"

44

45

46

47 **HB09-1270** be postponed indefinitely.

48

49

50 **SB09-086** be referred to the Committee of the Whole with favorable
51 recommendation.

52

53

54

55

1 **FINANCE**

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

4
5 **HB09-1105** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Strike the Business Affairs and Labor Committee Report, dated January
10 28, 2009, and substitute the following:

11
12 "Amend printed bill, page 3, strike line 3;

13
14 line 4, strike "industries";

15
16 line 8, after "**credit**", insert "**- cash fund - created**";

17
18 strike lines 19 and 20.

19
20 Reletter succeeding paragraphs accordingly.

21
22 Page 3, strike lines 24 and 25.

23
24 Reletter succeeding paragraphs accordingly.

25
26 Page 4, line 6, after "EQUITY SECURITY,", insert "A CONVERTIBLE DEBT
27 INVESTMENT,".

28
29 Page 5, strike lines 8 through 13 and substitute the following:

30
31 "TECHNOLOGIES, PRODUCTS, OR PROCESSES.";

32
33 line 16, strike "TWO" and substitute "FIVE";

34
35 strike line 27.

36
37 Page 6, strike lines 1 through 3 and substitute the following:

38
39 "AN APPLICATION SHALL BE MADE IN THE MANNER AND FORM PRESCRIBED
40 BY THE OFFICE. THE OFFICE SHALL NOTE THE TIME AND DATE OF EACH
41 APPLICATION RECEIVED. IN ADDITION TO ANY OTHER REQUIREMENTS
42 ESTABLISHED BY THE OFFICE, THE APPLICATION SHALL INCLUDE:";

43
44 after line 5, insert the following:

45
46 "(II) THE NUMBER OF NEW EMPLOYEES HIRED BY THE QUALIFIED
47 SMALL BUSINESS AS A RESULT OF THE QUALIFIED INVESTMENT;".

48
49 Renumber succeeding subparagraphs accordingly.

50
51 Page 6, after line 8, insert the following:

52 "(IV) THE AMOUNT OF THE QUALIFIED INVESTMENT;

53
54 (V) THE NAME OF ANY PARTNER, MEMBER, OR SUBCHAPTER S
55 SHAREHOLDER ENTITY, IF ANY, AND THE FEDERAL INCOME TAX
56 IDENTIFICATION NUMBER OF SUCH PERSON OR ENTITY;".

1 Renumber succeeding subparagraphs accordingly.
2
3 Page 8, line 3, strike "SECTION 39-22-531 (6), C.R.S.," and substitute
4 "SECTION 39-22-531 (5), C.R.S.",
5
6 line 19, strike "FIRST AND SECOND TAXABLE YEARS";
7
8 line 20, strike "AFTER THE INVESTMENT IS MADE;" and substitute
9 "TAXABLE YEAR DURING WHICH THE INVESTMENT IS MADE AND THE FIRST
10 TAXABLE YEAR THEREAFTER;";
11
12 line 22, strike "DOLLARS." and substitute "DOLLARS AND THE CREDIT MAY
13 BE AUTHORIZED FOR LATER TAXABLE YEARS AS SET FORTH IN PARAGRAPH
14 (b) OF SUBSECTION (4) OF THIS SECTION."
15
16 Page 9, line 2, strike "THE CERTIFICATE," and substitute "THE CREDIT,";
17
18 line 21, strike "STAMPED ON THE APPLICATION BY THE OFFICE." and
19 substitute "THAT THE OFFICE RECEIVED THE APPLICATION.";
20
21 line 25, after "LIMIT.", add "IF AN APPLICATION IS NOT GRANTED BECAUSE
22 THE THREE MILLION DOLLAR LIMIT HAS BEEN EXCEEDED, THE OFFICE
23 SHALL AUTHORIZE THE CREDIT FOR THE NEXT TWO TAXABLE YEARS IN
24 WHICH THE LIMIT HAS NOT BEEN EXCEEDED.";
25
26 line 26, strike "THE OFFICE" and substitute "NO LATER THAN JANUARY 30,
27 2011, AND EACH JANUARY 30 THEREAFTER, THE OFFICE";
28
29 line 27, strike "NECESSARY" and substitute "AN ELECTRONIC REPORT THAT
30 INCLUDES THE INFORMATION SET FORTH IN PARAGRAPH (b) OF SUBSECTION
31 (2) OF THIS SECTION AND ANY OTHER".
32
33 Page 10, after line 14, insert the following:
34 "(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
35 CONTRARY, THE OFFICE SHALL NOT AUTHORIZE COLORADO INNOVATION
36 INVESTMENT TAX CREDITS FOR TAX YEARS COMMENCING ON OR AFTER
37 JANUARY 1, 2016.
38
39 (7) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
40 COLORADO INNOVATION INVESTMENT TAX CREDIT CASH FUND, REFERRED
41 TO IN THIS SUBSECTION (7) AS THE "FUND", TO PROVIDE FOR THE DIRECT
42 AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THE TAX
43 CREDIT. THE OFFICE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS,
44 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES. ALL PRIVATE AND
45 PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL
46 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
47 SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO
48 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
49 INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS SECTION.
50 ANY MONEYS IN THE FUND NOT EXPENDED FOR SUCH PURPOSE MAY BE
51 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
52 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
53 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
54 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
55 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
56 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND."

1 Page 11, strike lines 25 through 27.

2

3 Page 12, strike line 1.

4

5 Renumber succeeding subsections accordingly."

6

7

8

9

10 **HEALTH & HUMAN SERVICES**

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

13

14 **HB09-1191** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:

17

18 Amend printed bill, page 2, line 2, strike "(a)," and substitute "(a) and (5)
19 (c)," and, strike "is" and substitute "are";

20

21 after line 17, insert the following:

22

23 "(c) Except as otherwise provided in this article, the entire amount
24 of any judgment, award, or settlement of the recipient's action or claim,
25 with or without suit, regardless of how characterized by the parties ~~or~~
26 ~~whether the amount includes medical costs~~, shall be subject to the state
27 department's lien."

28

29

30

31 **HB09-1196** be amended as follows, and as so amended, be referred to
32 the Committee on Finance with favorable
33 recommendation:

34

35 Amend printed bill, page 7, strike lines 1 through 3 and substitute the
36 following:

37

38 "(A) CONSUMER EDUCATION TO PROMOTE RESIDENT-CENTERED
39 CARE IN NURSING FACILITIES";

40

41 line 6, strike "CULTURE";

42

43 line 7, strike "CHANGE" and substitute "RESIDENT-CENTERED CARE";

44

45 line 9, strike "THE CULTURE CHANGE" and substitute
46 "RESIDENT-CENTERED CARE";

47

48 line 12, strike "CULTURE CHANGE" and substitute "RESIDENT-CENTERED
49 CARE";

50

51 line 15, strike "ON A";

52

53 line 16, strike "QUARTERLY BASIS";

54

55 line 22, after "TO", insert "THE LESSER OF THE AMOUNT SPECIFIED IN A
56 BUDGET APPROVED BY THE ACCOUNTABILITY BOARD OR";

1 after line 24, insert the following:

2

3 "(II) THE DEPARTMENTS MAY ALLOCATE THE MONEYS SPECIFIED
4 IN THIS PARAGRAPH (d) ON A QUARTERLY BASIS, BUT IN NO CASE SHALL
5 THE TOTAL AMOUNT DISTRIBUTED IN ANY GIVEN FISCAL YEAR EXCEED THE
6 AMOUNT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)."

7

8 Renumber succeeding subparagraph accordingly.

9

10 Page 8, line 6, strike "(II)." and substitute "(III).";

11

12 line 10, strike "fund." and substitute "fund OR FOR ANY ADMINISTRATION
13 COSTS ASSOCIATED WITH ANY SPECIFIC MOVEMENT, ASSOCIATION, OR
14 ORGANIZATION.";

15

16 strike lines 23 and 24 and substitute the following:

17 "(A) THREE MEMBERS CURRENTLY EMPLOYED IN LONG-TERM CARE
18 NURSING FACILITIES;"

19

20 Page 9, line 1, strike "TWO MEMBERS" and substitute "ONE MEMBER".

21

22

23

24 **HB09-1232** be postponed indefinitely.

25

26

27 **HB09-1252** be referred to the Committee of the Whole with favorable
28 recommendation.

29

30

31

32

33 **JUDICIARY**

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

36

37 **HB09-1087** be postponed indefinitely.

38

39

40 **HB09-1180** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:

43

44 Amend printed bill, page 2, strike lines 2 through 26.

45

46 Page 3, strike lines 1 through 3.

47

48 Renumber succeeding sections accordingly.

49

50 Page 4, strike lines 20 through 27.

51

52 Page 5, strike lines 1 through 12.

53

54 Renumber succeeding section accordingly.

55

56

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HB09-1227 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 2 through 19.

Renumber succeeding sections accordingly.

Page 4, line 10, strike "of section 2".

Page 1, strike lines 101 and 102 and substitute the following:

"CONCERNING EQUITY SKIMMING OF REAL PROPERTY."

HB09-1262 be referred to the Committee of the Whole with favorable recommendation.

HB09-1263 be referred to the Committee of the Whole with favorable recommendation.

HB09-1266 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 4, after line 15, insert the following:

"SECTION 7. 10-3-1104 (4) (a), Colorado Revised Statutes, is amended to read:

10-3-1104. Unfair methods of competition and unfair or deceptive acts or practices. (4) The following is defined as an unfair practice in the business of insurance: For an insurer to deny, refuse to issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate a motor vehicle insurance policy, to restrict motor vehicle insurance coverage on any person, or to add any surcharge or rating factor to a premium of a motor vehicle insurance policy solely because of:

(a) A conviction under section 12-47-901 (1) (b), C.R.S., or section 18-13-122 (2), C.R.S., or any counterpart municipal charter or ordinance offense or because of any driver's license revocation resulting from such conviction. This paragraph (a) includes, but is not limited to, a driver's license revocation imposed under section 42-2-125 (1) (m), C.R.S., AS IT EXISTED PRIOR TO ITS REPEAL ON THE EFFECTIVE DATE OF HOUSE BILL 09-1266, ENACTED IN 2009."

Renumber succeeding sections accordingly.

Page 5, after line 3, insert the following:

"SECTION 9. 42-1-206 (6), Colorado Revised Statutes, is amended to read:

1 **42-1-206. Records open to inspection - furnishing of copies.**
 2 (6) The record of conviction ENTERED BEFORE THE EFFECTIVE DATE OF
 3 HOUSE BILL 09-1266, ENACTED IN 2009, and actions taken by the
 4 department for violating section 18-13-122 or 12-47-901 (1) (c), C.R.S.,
 5 held by the department of revenue, shall not be a public record after the
 6 period of revocation imposed under such sections has been concluded;
 7 except that this subsection (6) shall not prevent the department from
 8 sharing such information with a criminal justice agency as defined in
 9 section 24-72-302 (3), C.R.S."

10

11 Renumber succeeding sections accordingly.

12

13 Page 5, line 4, after "42-2-125", insert "(1) (m)," and, after "(3)," insert
14 "(6) (a),";

15

16 after line 9, insert the following:

17 "~~(m) Been convicted of violating section 12-47-901 (1) (b) or (1)~~
18 ~~(e), C.R.S., or section 18-13-122 (2), C.R.S., or any counterpart municipal~~
19 ~~charter or ordinance offense to such sections;"~~;

20

21 strike lines 23 through 26 and substitute the following:

22

23 ~~"in section 42-2-119 (2). Where a minor driver's license is revoked under~~
24 ~~paragraph (m) or (n) of subsection (1) of this section, such revocation~~
25 ~~shall not run concurrently with any previous or subsequent suspension,~~
26 ~~revocation, cancellation, or denial that is provided for by law.~~

27

28 ~~(6) (a) Any person who has a license revoked pursuant to~~
29 ~~paragraph (m) of subsection (1) of this section shall be subject to a~~
30 ~~revocation period that shall continue for the period of time described~~
31 ~~hereafter:~~

32

33 ~~(I) After one conviction, twenty-four hours of public service if~~
34 ~~ordered by the court, or three months;~~

35

36 ~~(II) After a second conviction, six months;~~

37

38 ~~(III) After any third or subsequent conviction, one year."~~

39

40 Page 11, after line 13, insert the following:

41 "**SECTION 14. Repeal.** 42-2-131, Colorado Revised Statutes,
42 is repealed as follows:

43

44 **42-2-131. Revocation of license or permit for nondriving**
45 **alcohol convictions.** ~~Upon a plea of guilty or nolo contendere or a~~
46 ~~verdict of guilty by the court or a jury to an offense for which revocation~~
47 ~~of a license or permit is mandatory pursuant to section 42-2-125 (1) (m),~~
48 ~~the court shall forward to the department a notice of plea or verdict on the~~
49 ~~form prescribed by the department. Any revocation pursuant to section~~
50 ~~42-2-125 (1) (m) shall begin when the department gives notice of such~~
51 ~~revocation to the person in accordance with section 42-2-119 (2)."~~

52

53 Renumber succeeding sections accordingly.

54

55 Page 12, line 25, strike "revoked pursuant" and substitute "revoked
56 pursuant";

1 line 26, strike "to section 42-2-125 (1) (m), or" and substitute "~~to section~~
2 ~~42-2-125 (1) (m), or~~".

3
4 Page 13, line 18, after "sentences", insert "for convictions".

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7
8
9 **LOCAL GOVERNMENT**

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

12
13 **HB09-1070** be postponed indefinitely.

14
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16
17
18 **STATE, VETERANS, & MILITARY AFFAIRS**

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

21
22 **HB09-1184** be postponed indefinitely.

23
24
25 **HB09-1221** be postponed indefinitely.

26
27
28 **HB09-1258** be postponed indefinitely.

29
30
31 **HB09-1281** be referred to the Committee of the Whole with favorable
32 recommendation.

33
34
35
36
37 **TRANSPORTATION & ENERGY**

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

40
41 **HB09-1234** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:

44
45 Amend printed bill, page 2, line 7, strike "HOLDER OF THE LICENSE" and
46 substitute "DRIVER";

47
48 strike lines 17 through 27 and substitute the following:

49
50 "~~given to the licensee as provided in section 42-2-119 (2). The~~
51 ~~notification of suspension or revocation shall recite therein that the~~
52 ~~licensee may apply for a hearing at any time within twenty days after the~~
53 ~~date of notification of the order of suspension or revocation, and the~~
54 ~~licensee shall be advised that, if a hearing is applied for, the effective date~~
55 ~~of the order will be extended until after the hearing is held. Such hearing~~
56 ~~shall be held within sixty days after application is made, and, at said~~

1 ~~hearing, it shall be determined whether the order of suspension or~~
2 ~~revocation shall be entered in the same manner as if the licensee had~~
3 ~~originally appeared after first notice.~~ A DRIVER WHO FAILED TO APPEAR
4 MAY REQUEST A SUBSEQUENT HEARING, BUT THE REQUEST SHALL NOT
5 POSTPONE THE EFFECTIVENESS OF THE RESTRAINT.

6

7 **SECTION 2.** 42-2-203, Colorado Revised Statutes, is amended
8 to read:

9

10 **42-2-203. Authority to revoke license of habitual offender.**

11 The department ~~has the authority to~~ SHALL IMMEDIATELY revoke the
12 license of any person whose record brings such person within the
13 definition of an habitual offender in section 42-2-202. ~~except that~~ The
14 ~~hearing~~ procedure as specified in section ~~42-2-127 (7) to (13)~~ 42-2-125
15 (3) AND (4), shall be employed ~~prior to any such~~ FOR THE revocation.

16

17 **SECTION 3. Act subject to petition - effective date.** This act

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

27

28 Strike page 3.

29

30

31

32 **HB09-1244** be referred favorably to the Committee on Appropriations.

33

34

35 **HB09-1245** be postponed indefinitely.

36

37

38 **HB09-1247** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41

42 Amend printed bill, page 2, line 12, strike "PROPERTY," and substitute
43 "PROPERTY IF THE SELLER HAS LEGAL ACCESS TO SUCH HISTORIES,";

44

45 line 17, strike "AND" and substitute "OR";

46

47 strike lines 19 through 23 and substitute the following:

48

49 "SUBSECTION (1) THE SELLER DID NOT HAVE LAWFUL ACCESS TO THE
50 UTILITY HISTORY OF THE RESIDENTIAL REAL PROPERTY, A STATEMENT TO
51 THAT EFFECT."

52

53 Page 3, line 2, strike "IF THE";

54

55 strike lines 3 through 5 and substitute the following:

56

1 "THE PURCHASER SHALL NOT HAVE ANY CLAIM UNDER THIS SECTION FOR
2 RELIEF AGAINST ANY PERSON FOR ANY";
3
4 line 8, after "SECTION", insert "OTHER THAN THIS PARAGRAPH (a)";
5
6 line 11, strike "SELLER," and substitute "SELLER WHO HAS LEGAL
7 ACCESS,";
8
9 line 20, after "INCLUDE", insert "A NEW RESIDENTIAL IMPROVEMENT OR".

10
11
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13

HB09-1268 be postponed indefinitely.

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PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:
HB09-1290, 1291.

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21
22

MESSAGE FROM THE SENATE

23
24

The Senate has passed on Third Reading and transmitted to the Revisor
of Statutes:

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26
27

HB09-1091 amended as printed in Senate Journal, February 19, 2009,
page 393, and on Third Reading, February 20, 2009, as
printed in the Senate Journal.

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29
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31

MESSAGE FROM THE REVISOR

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34

We herewith transmit:
Without comment, as amended, HB09-1091.

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38

LAY OVER OF CALENDAR ITEMS

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40

On motion of Representative Weissmann, the following items on the
Calendar were laid over until February 23, retaining place on Calendar:

41
42
43

Consideration of Resolution--**SJR09-014**.
Consideration of Senate Amendments--**HB09-1002**.

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45
46
47

On motion of Representative Weissmann, the House adjourned until
10:00 a.m., February 23, 2009.

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Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk