

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

Forty-fourth Legislative Day

Thursday, February 19, 2009

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.
 2

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

5 Pledge of Allegiance led by Alexandria Riesberg, Joshua Hollis,
 6 Samantha Lihzis, Brandon Hulsey, Catie Lihzis, Knowledge Quest
 7 Academy, Milliken; Asael Amaya, Rifle.
 8

9 The roll was called with the following result:
 10

11 Present--61.
 12 Excused--Representative(s) Balmer, Gagliardi, Pommer, Priola--4.
 13 Present after roll call--Representative(s) Pommer, Priola.
 14

15 The Speaker declared a quorum present.
 16
 17

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

THIRD READING OF BILLS--FINAL PASSAGE

23
 24
 25
 26 The following bills were considered on Third Reading. The titles were
 27 publicly read. Reading of the bill at length was dispensed with by
 28 unanimous consent.
 29

30 **HB09-1240** by Representative(s) Miklosi; also Senator(s) Foster--Con-
 31 cerning creating the Colorado teacher of the year program.
 32

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

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

	YES	62	NO	0	EXCUSED	3	ABSENT	0
39	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
41	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y

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

13 Co-sponsor(s) added: Representative(s) Apuan, Baumgardner, Bradford, Casso,
14 Court, Fischer, Frangas, Gerou, Green, Kerr A., Labuda, McGihon, McNulty,
15 Murray, Nikkel, Pace, Primavera, Priola, Ryden, Scanlan, Schafer S., Solano,
16 Stephens, Summers, Tipton, Todd, Vigil, Waller, Weissmann

17
18 **HB09-1121** by Representative(s) King S.; also Senator(s) Renfroe--
19 Concerning the disposition of evidence collected in
20 criminal cases.

21
22 The question being "Shall the bill pass?".

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

26	YES	63	NO	0	EXCUSED	2	ABSENT	0
28	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
29	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
30	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	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	Y
36	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
38	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
39	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
40	Gagliardi	E	Marostica	Y	Primavera	Y	Vaad	Y
41	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
42	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
43	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Acree, Apuan, Baumgardner,
46 Benefield, Bradford, Casso, Kerr J., Labuda, Lambert, Middleton, Priola,
47 Stephens, Tipton, Vaad, Waller

48
49 **HB09-1207** by Representative(s) Gardner C.; also Senator(s) Veiga--
50 Concerning procedures to enforce a lien related to real
51 property.

52
53 The question being "Shall the bill pass?".

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	Y
4	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
10	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
14	Gagliardi	E	Marostica	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Baumgardner, Gardner B., Middleton,
 20 Murray, Nikkel, Priola, Stephens, Todd

21
 22 **HB09-1223** by Representative(s) Marostica, Ferrandino, Pommer; also
 23 Senator(s) Tapia, Keller, White--Concerning the extension
 24 of the deadline for expending moneys for the Colorado
 25 benefits management system from the health care
 26 supplemental appropriations and overexpenditures account
 27 of the tobacco litigation settlement cash fund.
 28

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
34								
35	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
36	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	Y
37	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
38	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
39	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
40	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
41	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
42	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
43	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
44	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
45	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
46	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
47	Gagliardi	E	Marostica	Y	Primavera	Y	Vaad	Y
48	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
49	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
50	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Priola, Ryden, Todd

53
 54
 55

1 **HB09-1241** by Representative(s) Roberts; also Senator(s) Morse--
 2 Concerning title 15 of the Colorado Revised Statutes.
 3

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
10	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
11	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	Y
12	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
13	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
14	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
15	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
16	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
17	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
18	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
19	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
20	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
21	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
22	Gagliardi	E	Marostica	Y	Primavera	Y	Vaad	Y
23	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
24	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
25	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
26							Speaker	Y

27 Co-sponsor(s) added: Representative(s) Ferrandino, Kerr J., McGihon, Tipton,
 28 Waller
 29

30 **HB09-1272** by Representative(s) Massey and Pommer, Gardner C.,
 31 McKinley, McNulty, Merrifield, Scanlan, Summers, Todd;
 32 also Senator(s) Tapia, Brophy, Heath, Kester, Penry,
 33 Williams--Concerning statutory amendments required to
 34 implement locally approved changes to the parameters for
 35 limited gaming under section 9 (7) of article XVIII of the
 36 Colorado constitution, adopted by voters at the 2008
 37 general election.
 38

39 The question being "Shall the bill pass?".
 40 A roll call vote was taken. As shown by the following recorded vote, a
 41 majority of those elected to the House voted in the affirmative and the bill
 42 was declared **passed**.
 43

	YES	63	NO	0	EXCUSED	2	ABSENT	0
45	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
46	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	Y
47	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
48	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
49	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
50	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
51	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
52	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
53	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
54	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
55	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
56	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y

1	Gagliardi	E	Marostica	Y	Primavera	Y	Vaad	Y
2	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
3	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
4	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
5							Speaker	Y

6 Co-sponsor(s) added: Representative(s) Fischer, Gardner B., Hullinghorst,
7 Labuda, McFadyen, Middleton, Nikkel, Pace, Priola, Ryden, Schafer S., Solano,
8 Stephens, Vaad, Vigil

9

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CONSIDERATION OF RESOLUTIONS

15 **HR09-1006** by Representative(s) Benefield, Court, Massey, Vaad--
16 Concerning the appointment of an employee for the House
17 of Representatives of the Sixty-seventh General Assembly.

18

19 (Printed and placed in members file)

20

21 On motion of Representative Benefield, the resolution was **adopted** by
22 the following roll call vote:

23

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41

	YES	63	NO	0	EXCUSED	2	ABSENT	0
25	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
26	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
27	Balmer	E	Judd	Y	McKinley	Y	Scanlan	Y
28	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
29	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
30	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
31	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
32	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
33	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
34	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
35	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
36	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
37	Gagliardi	E	Marostica	Y	Primavera	Y	Vaad	Y
38	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
39	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
40	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
41							Speaker	Y

42 Co-sponsor(s) added: Representative(s) Baumgardner, Kerr J., Labuda,
43 Lambert, McNulty, Nikkel, Priola, Ryden, Schafer S., Solano, Soper, Todd,
44 Vigil, Waller

45

46

47 **SJR09-012** by Senator(s) Scheffel, Penry, Kopp, Cadman, King K.,
48 White, Harvey, Schultheis, Groff, Brophy, Kester,
49 Lundberg, Renfroe; also Representative(s) McNulty--
50 Concerning the 200th anniversary of the birth of former
51 President Abraham Lincoln.

52

53 (Printed and placed in members file)

54

55

1 On motion of Representative McNulty, the resolution was **adopted** by
2 **viva voce** vote.

3
4 Co-sponsor(s) added: Representative(s) Acree, Apuan, Baumgardner,
5 Benefield, Bradford, Casso, Court, Curry, Ferrandino, Fischer, Frangas,
6 Gardner B., Gardner C., Gerou, Green, Hullinghorst, Judd, Kefalas,
7 Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper,
8 Marostica, Massey, May, McCann, McFadyen, McGihon, McKinley,
9 Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston,
10 Pommer, Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan,
11 Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm,
12 Tipton, Todd, Vaad, Vigil, Waller, Weissmann, Speaker

13
14
15
16 **REPORTS OF COMMITTEES OF REFERENCE**

17
18 **BUSINESS AFFAIRS & LABOR**

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

21
22 **HB09-1202** be amended as follows, and as so amended, be referred to
23 the Committee on Appropriations with favorable
24 recommendation:

25
26 Amend printed bill, page 4, line 4, strike "who, for compensation," and
27 substitute "who ~~for compensation,~~";

28
29 strike lines 10 through 14.

30
31 Page 6, after line 11, insert the following:

32
33 **"SECTION 3.** 12-54-104 (1), Colorado Revised Statutes, is
34 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

35
36 **12-54-104. Unlawful acts.** (1) It is unlawful:

37
38 (n) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT
39 NEGLIGENCE IN THE PRACTICE OF EMBALMING, FUNERAL DIRECTING, OR
40 PROVIDING FOR FINAL DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR
41 IS LIKELY TO DEFRAUD OR CAUSE INJURY."

42
43 Renumber succeeding sections accordingly.

44
45 Page 7, line 1, strike "three hundred sixty-five" and substitute "~~three~~
46 ~~hundred sixty-five~~ ONE HUNDRED EIGHTY".

47
48 Page 9, line 10, strike "RENEWED AT LEAST ANNUALLY," and substitute
49 "RENEWED,".

50
51 Page 10, strike lines 2 through 6.

52
53 Renumber succeeding subsections accordingly.

54
55 Page 10, strike lines 12 through 14;

56

1 line 23, strike "SUCCESSOR;" and substitute "SUCCESSOR, IF THE
2 SUCCESSOR IS APPROVED BY THE DIRECTOR;";

3

4 line 26, after "SUCCESSOR,", insert "IF THE SUCCESSOR IS APPROVED BY
5 THE DIRECTOR,".

6

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

8

9 **"12-54-112. Standards of practice - embalming - transporting.**

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

11

12 (a) MAINTAIN A SANITARY PREPARATION ROOM WITH SANITARY
13 FLOORING, DRAINAGE, AND VENTILATION;

14

15 (b) EMPLOY UNIVERSAL BIOLOGICAL HAZARD PRECAUTIONS;

16

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

19

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

23

24 (e) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
25 MANNER.

26

27 (2) A FUNERAL ESTABLISHMENT THAT TRANSPORTS DEAD HUMAN
28 BODIES SHALL:

29

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

32

33 (b) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
34 MANNER.

35

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

39

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

41

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

45

46 Page 14, after line 1, insert the following:

47

48 "(1) TO ENGAGE IN WILLFULLY DISHONEST CONDUCT OR COMMIT
49 NEGLIGENCE IN THE PRACTICE OF CREMATION OR PROVIDING FOR FINAL
50 DISPOSITION THAT DEFRAUDS OR CAUSES INJURY OR IS LIKELY TO DEFRAUD
51 OR CAUSE INJURY.".

52

53 Page 16, line 17, strike "RENEWED AT" and substitute "RENEWED,";

54

55 line 18, strike "LEAST ANNUALLY,".

56

1 Page 17, strike lines 8 through 12.

2

3 Renumber succeeding subsection accordingly.

4

5 Page 19, after line 4, insert the following:

6

7 **"12-54-307. Standards of practice - cremating. (1) A**

8 CREMATORY SHALL:

9

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

12

13 (b) EMPLOY REASONABLE CARE TO MINIMIZE THE RISK OF
14 TRANSMITTING COMMUNICABLE DISEASES FROM DEAD HUMAN BODIES;

15

16 (c) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO
17 PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE
18 CREMATORY; AND

19

20 (d) TRANSPORT DEAD HUMAN BODIES IN A SAFE AND SANITARY
21 MANNER.

22

23 (2) (a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY
24 UNLESS THE CREMATORY HAS OBTAINED A STATEMENT CONTAINING THE
25 FOLLOWING FROM A FUNERAL ESTABLISHMENT, FUNERAL DIRECTOR,
26 MORTUARY SCIENCE PRACTITIONER, OR THE PERSON WITH THE RIGHT OF
27 FINAL DISPOSITION:

28

29 (I) THE IDENTITY OF THE DECEDENT;

30

31 (II) THE DATE OF DEATH;

32

33 (III) AUTHORIZATION TO CREMATE THE DEAD HUMAN BODY;

34

35 (IV) THE NAME OF THE PERSON AUTHORIZING CREMATION AND AN
36 AFFIDAVIT OR OTHER DOCUMENT IN COMPLIANCE WITH ARTICLE 19 OF
37 TITLE 15, C.R.S., THAT THE AUTHORIZATION COMPLIES WITH ARTICLE 19
38 OF TITLE 15, C.R.S.;

39

40 (V) A STATEMENT THAT THE DEAD HUMAN BODY DOES NOT
41 CONTAIN AN IMPLANTED DEVICE;

42

43 (VI) THE NAME OF THE PERSON AUTHORIZED TO RECEIVE THE
44 CREMAINS;

45

46 (VII) A LIST OF ITEMS DELIVERED TO THE CREMATORY ALONG
47 WITH THE DEAD HUMAN BODY;

48

49 (VIII) A STATEMENT AS TO WHETHER THE NEXT OF KIN HAS MADE
50 ARRANGEMENTS FOR A VIEWING OR SERVICE BEFORE CREMATION AND THE
51 DATE AND TIME OF ANY VIEWING OR SERVICE;

52

53 (IX) A COPY OF THE DEATH CERTIFICATE; AND

54

55 (X) A SIGNATURE OF A REPRESENTATIVE OF ANY FUNERAL
56 ESTABLISHMENT OR THE NEXT OF KIN MAKING ARRANGEMENTS FOR

1 CREMATION THAT THE REPRESENTATIVE HAS NO ACTUAL KNOWLEDGE
2 THAT CONTRADICTS ANY INFORMATION REQUIRED BY THIS PARAGRAPH (a).

3
4 (b) A PERSON WHO SIGNS THE STATEMENT REQUIRED BY
5 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL WARRANT THE
6 TRUTHFULNESS OF THE FACTS CONTAINED THEREIN. A PERSON WHO SIGNS
7 THE STATEMENT WITH ACTUAL KNOWLEDGE TO THE CONTRARY SHALL BE
8 CIVILLY LIABLE.

9
10 (3) (a) THE DEAD HUMAN BODY SHALL BE HELD IN A CREMATION
11 CONTAINER AND SHALL NOT BE REMOVED.

12
13 (b) THE DEAD HUMAN BODY SHALL BE CREMATED IN A CREMATION
14 CONTAINER.

15
16 (c) A CREMATION CONTAINER SHALL:

17
18 (I) BE COMPOSED OF COMBUSTIBLE MATERIALS SUITABLE FOR
19 CREMATION;

20
21 (II) BE ABLE TO BE CLOSED IN ORDER TO PROVIDE A COMPLETE
22 COVERING FOR THE DEAD HUMAN BODY;

23
24 (III) BE RESISTANT TO LEAKING OR SPILLING;

25
26 (IV) BE RIGID ENOUGH TO HANDLE WITH EASE; AND

27
28 (V) PROVIDE REASONABLE PROTECTION FOR THE HEALTH AND
29 SAFETY OF CREMATORY EMPLOYEES.

30
31 (4) A CREMATORY SHALL NOT CREMATE MORE THAN ONE DEAD
32 HUMAN BODY WITHIN THE SAME CREMATION CHAMBER OR OTHERWISE
33 COMMINGLE THE CREMAINS OF MULTIPLE DEAD HUMAN BODIES UNLESS
34 THE NEXT OF KIN HAS SIGNED A WRITTEN AUTHORIZATION. NO
35 CREMATORY SHALL BE HELD CIVILLY LIABLE FOR COMMINGLING THE
36 CREMAINS OF DEAD HUMAN BODIES IF THE NEXT OF KIN HAS SIGNED SUCH
37 WRITTEN AUTHORIZATION.

38
39 (5) (a) A CREMATORY SHALL USE A TAG TO IDENTIFY A DEAD
40 HUMAN BODY AND CREMAINS. THE TAG SHALL BE VERIFIED, REMOVED,
41 AND PLACED NEAR THE CREMATION CHAMBER CONTROL PANEL PRIOR TO
42 CREMATION. THE TAG SHALL REMAIN NEXT TO THE CREMATION CHAMBER
43 UNTIL THE CREMATION IS COMPLETE.

44
45 (b) AFTER CREMATION IS COMPLETE, ALL OF THE CREMAINS AND
46 REASONABLE RECOVERABLE RESIDUE SHALL BE REMOVED FROM THE
47 CREMATION CHAMBER AND PROCESSED AS NECESSARY. ANYTHING OTHER
48 THAN THE CREMAINS SHALL BE DISPOSED OF UNLESS THE NEXT OF KIN
49 AUTHORIZES OTHERWISE.

50
51 (c) THE PROCESSED CREMAINS SHALL BE PLACED IN A TEMPORARY
52 CONTAINER OR URN. ANY CREMAINS THAT DO NOT FIT WITHIN SUCH
53 ENCLOSURE SHALL BE PLACED IN A SEPARATE TEMPORARY CONTAINER OR
54 URN. EACH CONTAINER SHALL BE MARKED WITH THE DECEDENT'S
55 IDENTITY AND THE NAME OF THE CREMATORY. IF A TEMPORARY
56 CONTAINER IS USED, THE CREMATORY SHALL DISCLOSE THAT THE

1 TEMPORARY CONTAINER SHOULD NOT BE USED FOR PERMANENT STORAGE.

2

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

6

7 (6) CREMAINS SHALL NOT BE COMMINGLED WITH OTHER CREMAINS
8 IN FINAL DISPOSITION OR SCATTERING WITHOUT WRITTEN AUTHORIZATION
9 FROM THE NEXT OF KIN UNLESS THE DISPOSITION OR SCATTERING OCCURS
10 WITHIN A DEDICATED CEMETERY OR CONSECRATED GROUNDS USED
11 EXCLUSIVELY FOR SUCH PURPOSES.

12

13 (7) (a) A CREMATORY SHALL NOT CREMATE A DEAD HUMAN BODY
14 CONTAINING AN IMPLANTED DEVICE. IF THE FUNERAL ESTABLISHMENT
15 THAT HAD CONTROL OF THE DEAD HUMAN BODY FAILED TO ENSURE THAT
16 A DEVICE WAS REMOVED, THE FUNERAL ESTABLISHMENT SHALL BE
17 RESPONSIBLE FOR REMOVING THE DEVICE.

18

19 (b) IF THE PERSON AUTHORIZING CREMATION FAILS TO INFORM THE
20 CREMATORY OF THE PRESENCE OF AN IMPLANTED DEVICE, THE PERSON
21 SHALL BE SOLELY LIABLE FOR ANY RESULTING DAMAGE TO THE
22 CREMATORY.";

23

24 strike lines 7 through 27.

25

26 Strike pages 20 and 21.

27

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

29

30 **"12-54-401. Powers and duties of the director - rules.** (1) THE
31 DIRECTOR MAY DENY, SUSPEND, REFUSE TO RENEW, ISSUE A LETTER OF
32 ADMONITION OR CONFIDENTIAL LETTER OF CONCERN TO, REVOKE, PLACE
33 ON PROBATION, OR LIMIT THE SCOPE OF PRACTICE OF A REGISTRATION
34 APPLICATION OR THE REGISTRATION OF A FUNERAL ESTABLISHMENT OR
35 CREMATORY UNDER THIS ARTICLE THAT HAS:

36

37 (a) FILED AN APPLICATION WITH THE DIRECTOR CONTAINING
38 MATERIAL MISSTATEMENTS OF FACT OR HAS OMITTED ANY DISCLOSURE
39 REQUIRED BY THIS ARTICLE;

40

41 (b) HAD A REGISTRATION ISSUED BY COLORADO, OR AN
42 EQUIVALENT LICENSE, REGISTRATION, OR CERTIFICATION ISSUED BY
43 ANOTHER STATE, TO PRACTICE MORTUARY SCIENCE OR TO EMBALM OR
44 CREMATE A DEAD HUMAN BODY REVOKED; OR

45

46 (c) VIOLATED THIS ARTICLE OR ANY RULE OF THE DIRECTOR
47 ADOPTED UNDER THIS ARTICLE.

48

49 (2) (a) THE DIRECTOR MAY REVOKE A REGISTRATION IF THE
50 FUNERAL ESTABLISHMENT, CREMATORY, OR THE DESIGNEE THEREOF HAS
51 BEEN CONVICTED OF A FELONY RELATED TO ANOTHER ACTIVITY
52 REGULATED UNDER THIS ARTICLE OR A FELONY OF MORAL TURPITUDE.
53 THE DIRECTOR SHALL PROMPTLY NOTIFY THE FUNERAL ESTABLISHMENT
54 OR CREMATORY OF SUCH REVOCATION.

55

1 (b) A CREMATORY OR FUNERAL ESTABLISHMENT WHOSE
2 REGISTRATION HAS BEEN REVOKED SHALL NOT BE ELIGIBLE FOR A
3 REGISTRATION FOR TWO YEARS AFTER THE EFFECTIVE DATE OF THE
4 REVOCATION.

5
6 (3) THE DIRECTOR MAY INVESTIGATE THE ACTIVITIES OF A
7 FUNERAL ESTABLISHMENT OR CREMATORY UPON HIS OR HER OWN
8 INITIATIVE OR UPON RECEIPT OF A COMPLAINT OR A SUSPECTED OR
9 ALLEGED VIOLATION OF THIS ARTICLE. THE DIRECTOR MAY ENTER THE
10 PREMISES IN WHICH VIOLATIONS ARE ALLEGED TO HAVE OCCURRED
11 DURING BUSINESS HOURS.

12
13 (4) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED
14 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., SHALL
15 CONDUCT DISCIPLINARY HEARINGS CONCERNING A REGISTRATION ISSUED
16 UNDER THIS ARTICLE. SUCH HEARINGS SHALL CONFORM TO ARTICLE 4 OF
17 TITLE 24, C.R.S.

18
19 (5) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
20 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
21 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
22 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
23 EVIDENCE, AND MATERIALS IN ANY HEARING OR INVESTIGATION
24 CONDUCTED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

25
26 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR
27 SERVICE OF PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE
28 SUBPOENAED WITNESS RESIDES OR CONDUCTS BUSINESS MAY ISSUE AN
29 ORDER REQUIRING THE WITNESS TO APPEAR BEFORE THE DIRECTOR OR
30 ADMINISTRATIVE LAW JUDGE AND PRODUCE THE RELEVANT PAPERS,
31 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, TESTIMONY, OR MATERIALS
32 IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE
33 PUNISHED AS A CONTEMPT OF COURT. THE DIRECTOR OR AN
34 ADMINISTRATIVE LAW JUDGE MAY APPLY FOR SUCH ORDER.

35
36 (6) THE DIRECTOR SHALL KEEP RECORDS OF REGISTRATIONS AND
37 DISCIPLINARY PROCEEDINGS. THE RECORDS KEPT BY THE DIRECTOR SHALL
38 BE OPEN TO PUBLIC INSPECTION IN A REASONABLE TIME AND MANNER
39 DETERMINED BY THE DIRECTOR.

40
41 (7) WHEN THE DIRECTOR OR ADMINISTRATIVE LAW JUDGE DEEMS
42 IT APPROPRIATE AND USEFUL, THE DIRECTOR OR ADMINISTRATIVE LAW
43 JUDGE SHALL CONSULT WITH OR OBTAIN A WRITTEN OPINION FROM AN
44 APPROPRIATE PROFESSIONAL ORGANIZATION OR ASSOCIATION OF
45 BUSINESSES WHO OFFER SERVICES REQUIRING REGISTRATION UNDER THIS
46 ARTICLE FOR THE PURPOSE OF INVESTIGATING POSSIBLE VIOLATIONS OR
47 WEIGHING THE APPROPRIATE STANDARD OF CARE TO BE APPLIED TO
48 SPECIFIC EVENTS OR THE FACTS IN A HEARING BEING HELD UNDER THIS
49 ARTICLE.

50
51 (8) (a) THE DIRECTOR MAY PROMULGATE REASONABLE RULES
52 NECESSARY TO IMPLEMENT THIS SECTION, SECTIONS 12-54-110,
53 12-54-111, 12-54-303, AND 12-54-304, AND THIS PART 4.

54
55 (b) BEFORE PROMULGATING RULES, THE DIRECTOR SHALL SEEK
56 INPUT AND ADVICE FROM A PERSON, OR ANY STATE PROFESSIONAL

1 ORGANIZATION OF PERSONS, OFFERING SERVICES THAT REQUIRE
2 REGISTRATION PURSUANT TO THIS ARTICLE."

3

4 Page 23, strike lines 14 through 27.

5

6 Strike pages 24 and 25.

7

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

9

10 **"12-54-404. Letters of concern.** THE DIRECTOR MAY ISSUE AND
11 SEND A CONFIDENTIAL LETTER OF CONCERN TO THE FUNERAL
12 ESTABLISHMENT OR CREMATORY WHEN A COMPLAINT OR INVESTIGATION
13 DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL
14 ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE
15 COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED
16 INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE FUNERAL
17 ESTABLISHMENT OR CREMATORY THAT COULD LEAD TO SERIOUS
18 CONSEQUENCES IF NOT CORRECTED.

19

20 **12-54-405. Letters of admonition - funeral homes and**
21 **crematories.** (1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
22 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
23 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
24 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY
25 BE ISSUED AND SENT TO A PERSON BY CERTIFIED MAIL.

26

27 (2) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR,
28 THE SUBJECT SHALL BE ADVISED OF THE RIGHT TO REQUEST THAT FORMAL
29 DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY
30 OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. THE
31 SUBJECT SHALL MAKE THE REQUEST IN WRITING WITHIN TWENTY DAYS
32 AFTER RECEIPT OF THE LETTER.

33

34 (3) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
35 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER
36 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

37

38 **12-54-406. Cease-and-desist orders - procedure.** (1) (a) IF IT
39 APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS
40 PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON IS ACTING IN A
41 MANNER THAT CREATES AN IMMINENT THREAT TO THE HEALTH AND
42 SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT
43 THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO
44 CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE
45 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS
46 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT
47 THAT ALL UNLAWFUL ACTS OR UNAUTHORIZED PRACTICES IMMEDIATELY
48 CEASE.

49

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

56

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

8
9 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
10 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL
11 BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE
12 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
13 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
14 HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL
15 SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS
16 MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS
17 ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT
18 PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF
19 TO THE PERSON.

20
21 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE
22 COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
23 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
24 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS
25 SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF
26 ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
27 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
28 BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY
29 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
30 NOTIFICATION.

31
32 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
33 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
34 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
35 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON
36 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER
37 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
38 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
39 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
40 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME
41 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL
42 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

43
44 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
45 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
46 HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS ENGAGED IN
47 ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE OR RULES
48 PROMULGATED UNDER THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER
49 MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM
50 FURTHER VIOLATIONS.

51
52 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
53 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
54 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
55 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
56 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER

1 SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR
2 PURPOSES OF JUDICIAL REVIEW.

3
4 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
5 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN
6 AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
7 PROMULGATED PURSUANT TO THIS ARTICLE, AN ORDER ISSUED PURSUANT
8 TO THIS ARTICLE, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
9 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR
10 MAY ENTER INTO A STIPULATION WITH THE PERSON.

11
12 (4) IF A PERSON FAILS TO COMPLY WITH A FINAL
13 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
14 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
15 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
16 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
17 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
18 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

19
20 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER
21 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF
22 THE DIRECTOR'S FINAL ORDER.

23
24 **12-54-407. Civil penalty - fine.** (1) ON MOTION OF THE
25 DIRECTOR, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN
26 ONE THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE OR A RULE
27 PROMULGATED UNDER THIS ARTICLE. THE PENALTY SHALL BE
28 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE GENERAL
29 FUND.

30
31 (2) IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED
32 PURSUANT TO THIS SECTION, A FUNERAL ESTABLISHMENT OR CREMATORY
33 VIOLATING THIS ARTICLE OR A RULE PROMULGATED PURSUANT TO THIS
34 ARTICLE MAY BE FINED NO LESS THAN ONE HUNDRED DOLLARS AND NO
35 MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION PROVEN BY
36 THE DIRECTOR. ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (2)
37 SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT
38 SUCH MONEYS TO THE GENERAL FUND."

39
40 Renumber succeeding C.R.S. sections accordingly.

41
42
43
44 **HB09-1208** be postponed indefinitely.

45
46
47 **HB09-1226** be postponed indefinitely.

48
49
50 **HB09-1228** be postponed indefinitely.

51
52
53 **HB09-1256** be amended as follows, and as so amended, be referred to
54 the Committee on Appropriations with favorable
55 recommendation:
56

1 Amend printed bill, page 2, strike lines 6 and 7 and substitute the
2 following:

3

4 **"states - multistate agreements - study - legislative declaration.**
5 (1) THE GENERAL ASSEMBLY HEREBY FINDS,".

6

7 Page 3, strike lines 5 through 27 and substitute the following:

8

9 "(2) (a) THE COMMISSIONER SHALL UNDERTAKE A REVIEW OF THE
10 EXISTING LAWS AND RULES PERTAINING TO THE BUSINESS OF HEALTH
11 INSURANCE IN THIS STATE AND IN OTHER STATES TO DETERMINE HOW TO
12 ALLOW COLORADO RESIDENTS THE ABILITY TO PURCHASE HEALTH
13 INSURANCE PRODUCTS SOLD IN OTHER STATES BY CARRIERS NOT
14 OTHERWISE SUBJECT TO COLORADO INSURANCE LAWS AND RULES.

15

16 (b) ON OR BEFORE DECEMBER 1, 2009, THE COMMISSIONER SHALL
17 SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON WHAT CHANGES TO
18 COLORADO LAWS AND RULES WOULD BE NECESSARY IN ORDER TO ENABLE
19 COLORADANS TO PURCHASE OUT-OF-STATE HEALTH INSURANCE
20 PRODUCTS. THE REPORT SHALL ADDRESS AT LEAST THE FOLLOWING:

21

22 (I) THE MECHANISM BY WHICH THE COMMISSIONER CAN REGULATE
23 THE PURCHASE OF OUT-OF-STATE HEALTH INSURANCE PRODUCTS AND THE
24 CARRIERS OFFERING SUCH PRODUCTS IN ORDER TO PROTECT COLORADO
25 CONSUMERS, EITHER THROUGH MULTISTATE AGREEMENTS WITH OTHER
26 STATES OR A SIMILAR MECHANISM WHEREBY THE COMMISSIONER AND THE
27 OTHER STATES THAT PARTICIPATE IN THE AGREEMENT DELINEATE THEIR
28 RESPECTIVE ROLES AND RESPONSIBILITIES FOR OVERSIGHT, REGULATION,
29 AND ENFORCEMENT OF APPLICABLE LAWS AND RULES AND SPECIFY WHICH
30 STATE'S LAWS AND RULES APPLY;

31

32 (II) THE RESPONSIBILITIES OF OUT-OF-STATE CARRIERS WITH
33 REGARD TO INFORMING COLORADO CONSUMERS ABOUT THE IMPACT OF
34 PURCHASING A HEALTH INSURANCE PRODUCT THAT IS REGULATED BY THE
35 LAWS OF ANOTHER STATE, INCLUDING INFORMATION ABOUT WHETHER
36 COVERAGES THAT ARE MANDATED BY COLORADO LAW ARE INCLUDED IN
37 THE OUT-OF-STATE PRODUCT, WHETHER COLORADO LAWS OR
38 RESTRICTIONS ON RATE CHANGES APPLY, AND WHETHER THE PRODUCT IS
39 MORE OR LESS EXPENSIVE THAN OTHER PRODUCTS REGULATED UNDER
40 COLORADO LAWS AND RULES;

41

42 (III) THE BARRIERS, IF ANY, TO ALLOWING COLORADO CONSUMERS
43 TO PURCHASE OUT-OF-STATE HEALTH INSURANCE PRODUCTS; AND

44

45 (IV) A PROPOSED TIMELINE FOR IMPLEMENTING CHANGES
46 NECESSARY TO ENABLE THE INTERSTATE PURCHASE OF HEALTH
47 INSURANCE."

48

49 Strike pages 4 through 19 and substitute the following:

50

51 **"SECTION 2. Safety clause.** The general assembly hereby finds,
52 determines, and declares that this act is necessary for the immediate
53 preservation of the public peace, health, and safety."

54

55

56

1 **FINANCE**

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

4
5 **HB09-1152** be postponed indefinitely.
6
7
8
9

10 **TRANSPORTATION & ENERGY**

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

13
14 **SB09-108** be amended as follows, and as so amended, be referred to
15 the Committee on Appropriations with favorable
16 recommendation:
17

18 Amend reengrossed bill, page 5, line 16, after "FEES", insert "AT RATES
19 REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THE
20 PERSONS PAYING THE FEES".

21
22 Page 8, line 7, strike "SURPLUS FUNDS" and substitute "SURPLUS FUNDS,".
23

24 Page 10, line 27, strike the second "43-4-805".
25

26 Page 11, line 9, after "FACILITIES,", insert "TRAFFIC DEMAND
27 MANAGEMENT FACILITIES AND SERVICES,".
28

29 Page 14, line 15, after "IMPOSED", insert "FOR ANY REGISTRATION PERIOD
30 THAT COMMENCES ON OR AFTER JULY 1, 2009,".
31

32 Page 18, line 6, strike "ARRANGEMENTS," and substitute
33 "ARRANGEMENT,";
34

35 line 16, strike "TWELVE HOURS OR LESS; AND" and substitute "SIX HOURS
36 OR LESS;"
37

38 line 17, strike "ONE-HALF" and substitute "THREE-QUARTERS";
39

40 line 21, strike "COUNTY." and substitute "COUNTY";
41

42 (E) FUEL AND FULL INSURANCE COVERAGE ARE INCLUDED IN THE
43 MEMBER USAGE RATES; AND
44

45 (F) PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION ARE
46 STATIONED IN SELF-SERVE LOCATIONS THROUGHOUT THE COUNTY OR
47 MUNICIPALITY IN WHICH THE ORGANIZATION DOES BUSINESS."
48

49 Page 19, line 8, strike "DEPARTMENT OF REVENUE," and substitute
50 "DEPARTMENT,";
51

52 line 9, strike "OF REVENUE";
53

54 line 15, strike "THIRTY" and substitute "NINETY";
55

56 line 22, strike "THIRTY-DAY" and substitute "NINETY-DAY".

- 1 Page 20, line 20, strike "IN AN";
2
3 line 21, strike "EQUITABLE MANNER AMONG PERSONS" and substitute "IN
4 A MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE
5 FEES AND".
6
7 Page 23, strike line 6 and substitute the following:
8
9 "IMPOSED AND AT RATES REASONABLY CALCULATED BASED ON THE
10 BENEFITS RECEIVED BY SUCH PERSONS."
11
12 Page 25, line 5, strike "WHEN" and substitute "As";
13
14 line 6, strike "BOND PROCEEDS OR REVENUES," and substitute "REVENUES
15 IN EXCESS OF EXPENSES,";
16
17 line 7, strike "FULL" and substitute "PRINCIPAL".
18
19 Page 26, line 16, after "2009," insert "FOR ANY REGISTRATION PERIOD
20 THAT COMMENCES ON OR AFTER JULY 1, 2009,";
21
22 line 17, after "ENTERPRISE," insert "FOR ANY REGISTRATION PERIOD THAT
23 COMMENCES ON OR AFTER THE LATER DATE,".
24
25 Page 30, line 24, strike "RECEIVED BY THE STATE FROM";
26
27 strike line 25 and substitute the following:
28
29 "LOAN CONTRACTS ENTERED INTO BY THE STATE AND THE BRIDGE
30 ENTERPRISE PURSUANT".
31
32 Page 31, line 6, after "(5)", insert "AND ANY OTHER LEGALLY AVAILABLE
33 MONEYS OF THE BRIDGE ENTERPRISE";
34
35 strike line 7 and substitute the following:
36
37 "BORROWED AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS OF
38 THE LOAN CONTRACT.";
39
40 line 17, strike "ENTERPRISE" and substitute "ENTERPRISE, OR LENDING A
41 LESSER AMOUNT OF MONEYS TO THE ENTERPRISE,";
42
43 line 19, strike "PERSONNEL," and substitute "PERSONNEL AND THE STATE
44 TREASURER,";
45
46 line 21, after "SELL", insert "OR LEASE";
47
48 line 25, after "(r).", add "WHEN PROVIDING THE LIST, THE GOVERNOR
49 SHALL ALSO SPECIFY TO THE STATE TREASURER THE MAXIMUM PERMITTED
50 PRINCIPAL AMOUNT OF ANY LOAN THAT MAY BE MADE TO THE BRIDGE
51 ENTERPRISE UNDER THE TERMS OF ANY LOAN CONTRACT THAT THE STATE,
52 ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO
53 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
54 PARAGRAPH (r).";
55
56 line 26, strike "TREASURER, IN THE STATE TREASURER'S";

1 strike line 27.

2

3 Page 32, strike lines 1 through 6 and substitute the following:

4

5 "TREASURER RECEIVES A LIST FROM THE GOVERNOR PURSUANT TO
6 SUBPARAGRAPH (II) OF THIS PARAGRAPH (r), THE STATE, ACTING BY AND
7 THROUGH THE STATE TREASURER, MAY ENTER INTO A LOAN CONTRACT
8 WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE MONEY NEEDED TO
9 MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN CONTRACT BY
10 SELLING OR LEASING ONE OR MORE OF THE";

11

12 line 7, strike "LIST";

13

14 strike lines 8 and 9 and substitute the following:

15

16 "LIST. THE STATE TREASURER SHALL HAVE SOLE DISCRETION TO ENTER
17 INTO A LOAN CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE
18 AMOUNT OF A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN
19 SHALL NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR
20 PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE
21 TREASURER SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE
22 TIMING OF THE ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE
23 SALE OR LEASE OF ONE OR MORE STATE BUILDINGS OR OTHER STATE
24 CAPITAL FACILITIES. THE LOAN CONTRACT SHALL";

25

26 line 10, strike "ENTERPRISE TO PLEDGE", and substitute "BRIDGE
27 ENTERPRISE TO PLEDGE TO THE STATE";

28

29 line 13, after "PLEDGE", insert "TO THE STATE";

30

31 line 14, after "ENTERPRISE.", add "ANY LOAN CONTRACT ENTERED INTO
32 BY THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE
33 BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY
34 PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN
35 CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY
36 BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT
37 LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT
38 OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR
39 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS
40 SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS
41 TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER
42 SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY
43 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r),
44 A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO
45 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO
46 ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO
47 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH
48 (r).";

49

50 line 15, strike "STATE" and substitute "STATE, ACTING BY AND THROUGH
51 THE STATE TREASURER,";

52

53 strike line 16 and substitute the following:

54

55 "AGREEMENTS WITH RESPECT TO THE STATE BUILDINGS OR OTHER CAPITAL
56 FACILITIES SOLD OR LEASED PURSUANT TO SUB-SUBPARAGRAPH (A) OF

1 THIS";
2
3 line 18, strike "LESSOR,";
4
5 strike lines 19 and 20 and substitute the following:
6
7 "LESSOR.";
8
9 line 22, strike "(A)" and substitute "(B)";
10
11 line 27, strike "(A)" and substitute "(B)".
12
13 Page 33, line 10, strike "(A)" and substitute "(B)";
14
15 line 14, strike "(A)" and substitute "(B)";
16
17 line 21, strike "AGREEMENT." and substitute "LEASE-PURCHASE
18 AGREEMENT UPON PAYMENT OF ALL AMOUNTS PAYABLE UNDER THE
19 TERMS OF THE LEASE-PURCHASE AGREEMENT AND ANY AMOUNT REQUIRED
20 TO BE PAID TO REMOVE LIENS OR ENCUMBRANCES ON OR CLAIMS WITH
21 RESPECT TO THE PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE
22 AGREEMENT, INCLUDING, BUT NOT LIMITED TO, LIENS, ENCUMBRANCES, OR
23 CLAIMS RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT
24 ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH
25 (VII) OF THIS PARAGRAPH (r).";
26
27 line 26, strike "(A)" and substitute "(B)".
28
29 Page 34, line 17, strike "(A)" and substitute "(B)";
30
31 line 23, strike "(A)" and substitute "(B)";
32
33 line 25, strike "GROUND".
34
35 Page 35, line 1, strike "SECTION." and substitute "PARAGRAPH (r).";
36
37 line 4, strike "(A)" and substitute "(B)";
38
39 line 5, after "INSTRUMENT", insert "OR INTEREST RATE EXCHANGE
40 AGREEMENT";
41
42 line 6, after "(V)", insert "OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH
43 (VII)";
44
45 line 9, strike "AGREEMENT";
46
47 strike line 10 and substitute the following:
48
49 "AGREEMENT, ANCILLARY AGREEMENT OR INSTRUMENT, OR INTEREST
50 RATE EXCHANGE AGREEMENT MAY BE WAIVED BY THE";
51
52 line 13, strike "(A)" and substitute "(B)";
53
54 line 15, after "INCREASES,", insert "THE LESSOR UNDER ANY
55 LEASE-PURCHASE AGREEMENT OR";
56

- 1 line 17, strike "PURSUANT TO" and substitute "IN ACCORDANCE WITH";
2
3 line 19, strike "(A)" and substitute "(B)".
4
5 Page 36, line 8, strike "(r); AND" and substitute "(r)".
6
7 Page 39, line 7, strike "09-____," and substitute "09-108,".
8
9 Page 42, line 22, strike "BRIDGE" and substitute "TRANSPORTATION";
10
11 line 24, strike "WHEN" and substitute "As";
12
13 line 25, strike "BOND PROCEEDS OR REVENUES," and substitute "REVENUES
14 IN EXCESS OF EXPENDITURES,";
15
16 line 26, strike "FULL" and substitute "PRINCIPAL".
17
18 Page 43, line 18, strike "TO PAY A PROPORTIONAL";
19
20 strike line 19 and substitute the following:
21
22 "FROM EACH SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT IN
23 PROPORTION TO THE TOTAL AMOUNT OF SUCH REVENUES GENERATED BY
24 THE PROJECT TO PAY OVERHEAD OF THE TRANSPORTATION ENTERPRISE."
25
26 Page 58, line 23, before "EITHER", insert "OR THE ENTERPRISE'S
27 COLLECTION DESIGNEE".
28
29 Page 66, line 15, strike "LANES." and substitute "LANES";
30
31 after line 22, insert the following:
32
33 "(4) BEFORE IMPOSING A USER FEE ON A HIGHWAY SEGMENT OR
34 HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON
35 A TOLL-FREE BASIS, THE TRANSPORTATION ENTERPRISE SHALL PREPARE OR
36 CAUSE TO BE PREPARED A LOCAL AIR QUALITY IMPACT STATEMENT AND A
37 LOCAL COMMUNITY TRAFFIC SAFETY ASSESSMENT THAT SPECIFICALLY
38 TAKE INTO ACCOUNT ANY DIVERSION OF VEHICULAR TRAFFIC FROM THE
39 HIGHWAY SEGMENT OR HIGHWAY LANES ONTO OTHER HIGHWAYS, ROADS,
40 OR STREETS THAT IS EXPECTED TO RESULT FROM THE IMPOSITION OF THE
41 USER FEE."
42
43 Page 67, strike lines 20 and 21 and substitute the following:
44
45 "(5) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY";
46
47 line 23, strike "ENTERPRISE, INCLUDING BUT NOT" and substitute
48 "ENTERPRISE.";
49
50 strike lines 24 through 27.
51
52 Page 68, strike lines 1 through 3.
53
54 Page 69, line 3, strike "09-____," and substitute "09-108,";
55
56 line 11, strike "thirty" and substitute "thirty NINETY".

1 Page 72, after line 3, insert the following:

2

3 "SECTION 8. 42-12-102 (1) (a), Colorado Revised Statutes, is
4 amended to read:

5

6 **42-12-102. Registration of collectors' items - fees.** (1) Except
7 for those motor vehicles that are entitled to registration under the
8 provisions of section 42-3-219, collectors' items shall be titled, registered,
9 and a specific ownership tax shall be paid thereon in the same manner as
10 provided in this title for other motor vehicles, with the following
11 exceptions:

12

13 (a) Such collectors' items shall be registered for periods of five
14 years. The taxes and fees imposed for registration of a collector's item for
15 each five-year registration period shall be equal to five times the annual
16 taxes and fees which would otherwise be imposed for the registration of
17 such motor vehicle under this title and under title 43, C.R.S.; EXCEPT
18 THAT THE AMOUNT OF A SURCHARGE IMPOSED PURSUANT TO SECTION
19 43-4-804 (1) (a) OR 43-4-805 (5) (g), C.R.S., SHALL BE THE AMOUNT
20 SPECIFIED IN THE APPLICABLE SECTION. In addition to any other such
21 taxes and fees, if a collector's item is registered in a county which is a
22 member of one or more highway authorities and such authority or
23 authorities have imposed an annual motor vehicle registration fee or fees
24 pursuant to the provisions of section 43-4-506 (1) (k), C.R.S., then five
25 times such annual motor vehicle registration fee or fees shall be imposed
26 and remitted to such authority or authorities."

27

28 Renumber succeeding sections accordingly.

29

30 Page 73, strike lines 16 through 26 and substitute the following:

31

32 "SECTION 10. The introductory portion to 43-1-1103 (5),
33 Colorado Revised Statutes, is amended, and the said 43-1-1103 (5) is
34 further amended BY THE ADDITION OF THE FOLLOWING NEW
35 PARAGRAPHS, to read:

36

37 **43-1-1103. Transportation planning.** (5) The department shall
38 integrate and consolidate the regional transportation plans for the
39 transportation planning regions into a comprehensive statewide
40 transportation plan. The formation of such state plan shall be
41 accomplished through a statewide planning process set by rules and
42 regulations promulgated by the commission. The state plan shall ~~include~~
43 ADDRESS but shall not be limited to the following factors:

44

45 (d) THE TARGETING OF INFRASTRUCTURE INVESTMENTS,
46 INCLUDING PRESERVATION OF THE EXISTING TRANSPORTATION SYSTEM
47 COMMONLY KNOWN AS "FIXING IT FIRST" TO SUPPORT THE ECONOMIC
48 VITALITY OF THE STATE AND REGION;"

49

50 Reletter succeeding paragraphs accordingly.

51

52 Page 74, strike lines 4 and 5.

53

54 Reletter succeeding paragraphs accordingly.

55

56 Page 74, after line 24, insert the following:

1 **"SECTION 12.** 43-1-1402 (3), Colorado Revised Statutes, is
2 amended to read:

3
4 **43-1-1402. Definitions.** As used in this part 14:

5
6 (3) "Design-build contract" means the procurement of both the
7 design and the construction of a transportation project in a single contract
8 with a single design-build firm or a combination of such firms that are
9 capable of providing the necessary design and construction services. A
10 DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE
11 PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE
12 PROJECT."

13
14 Renumber succeeding sections accordingly.

15
16 Page 77, after line 12, insert the following:

17
18 **"SECTION 17. Effective date - applicability.** (1) Except as
19 otherwise provided in subsection (2) of this section, this act shall take
20 effect upon passage.

21
22 (2) Section 5 of this act shall take effect January 1, 2010, and shall
23 apply to overweight permits issued on or after said date."

24
25 Renumber succeeding section accordingly.

26
27
28
29 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

30
31 The Speaker has signed: **HB09-1014.**

32
33
34 House in recess. House reconvened.
35
36

37
38 **REPORTS OF COMMITTEES OF REFERENCE**

39
40 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

43
44 **HB09-1231** be postponed indefinitely.

45
46
47 **HB09-1233** 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, strike lines 12 through 27.

52
53 Strike pages 5 through 9.

54
55 Page 10, strike lines 1 through 11 and substitute the following:

56

1 **"SECTION 2.** Article 42 of title 7, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW SECTION to read:

3
4 **7-42-101.5. Acequia mutual ditch - definition - powers.**

5 (1) FOR PURPOSES OF THIS SECTION, "ACEQUIA" MEANS A DITCH THAT:

6
7 (a) ORIGINATED PRIOR TO COLORADO'S STATEHOOD;

8
9 (b) HAS HISTORICALLY TREATED WATER DIVERTED BY THE
10 ACEQUIA AS A COMMUNITY RESOURCE AND HAS THEREFORE ATTEMPTED
11 TO ALLOCATE WATER IN THE ACEQUIA BASED UPON EQUITY IN ADDITION
12 TO PRIORITY;

13
14 (c) RELIES ESSENTIALLY ON GRAVITY-FED SURFACE WATER
15 DIVERSIONS;

16
17 (d) SUPPLIES IRRIGATION WATER TO LONG LOTS THAT ARE
18 PERPENDICULAR TO THE STREAM OR DITCH TO MAXIMIZE THE NUMBER OF
19 LANDOWNERS WHO HAVE ACCESS TO WATER;

20
21 (e) HAS HISTORICALLY BEEN OPERATED PURSUANT TO A ONE
22 LANDOWNER-ONE VOTE SYSTEM; AND

23
24 (f) HAS HISTORICALLY RELIED ON LABOR SUPPLIED BY THE
25 OWNERS OF IRRIGATED LAND SERVED BY THE ACEQUIA.

26
27 (2) SUBJECT TO ANY CONTRARY PROVISION OF SUBSECTION (3) OF
28 THIS SECTION, THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS OF
29 THIS ARTICLE OTHER THAN THIS SECTION THAT APPLY TO THE CREATION,
30 POWERS, DUTIES, AND GOVERNANCE OF A DITCH CORPORATION SUBJECT
31 TO THIS ARTICLE SHALL BE DEEMED TO APPLY TO THE CREATION, POWERS,
32 DUTIES, AND GOVERNANCE OF AN ACEQUIA DITCH CORPORATION.

33
34 (3) AN ACEQUIA DITCH CORPORATION MAY BE ORGANIZED
35 PURSUANT TO THIS ARTICLE, AND A DITCH CORPORATION ORGANIZED
36 PURSUANT TO THIS ARTICLE MAY CONVERT TO AN ACEQUIA DITCH
37 CORPORATION, IF:

38
39 (a) AT LEAST TWO-THIRDS OF THE IRRIGATED LAND SERVED BY THE
40 DITCH IS PLATTED OR ORGANIZED INTO LONG LOTS, THE LONGEST AXES OF
41 WHICH ARE PERPENDICULAR TO THE STREAM OR DITCH;

42
43 (b) SURFACE WATER RIGHTS PROVIDE ALL OF THE WATER RIGHTS
44 USED FOR IRRIGATION IN THE DITCH, AND SUCH WATER RIGHTS HAVE HAD
45 SUBSTANTIALLY UNINTERRUPTED USE SINCE BEFORE COLORADO'S
46 STATEHOOD;

47
48 (c) THE IRRIGATED LAND SERVED BY THE DITCH IS LOCATED
49 WHOLLY IN ONE OR MORE OF THE COUNTIES OF COSTILLA, CONEJOS,
50 HUERFANO, AND LAS ANIMAS; AND

51
52 (d) AS REQUIRED PURSUANT TO SECTION 7-42-101, THE
53 STOCKHOLDERS OF THE DITCH FILE ARTICLES OF INCORPORATION, OR AN
54 AMENDMENT TO THE ARTICLES OF INCORPORATION, THAT STATE THE
55 STOCKHOLDERS' INTENTION TO CREATE OR CONVERT TO AN ACEQUIA
56 DITCH CORPORATION.

1 (4) AN ACEQUIA DITCH CORPORATION, IF ITS ARTICLES OF
2 INCORPORATION SO STATE, MAY SPECIFY IN ITS BYLAWS THAT:

3
4 (a) ITS ELECTIONS MAY BE HELD PURSUANT TO A ONE
5 LANDOWNER-ONE VOTE SYSTEM;

6
7 (b) OWNERS OF LAND IRRIGATED BY THE DITCH CAN BE REQUIRED
8 TO CONTRIBUTE LABOR TO THE MAINTENANCE AND REPAIR OF THE
9 ACEQUIA OR, IN THE ALTERNATIVE, TO PAY AN ASSESSMENT IN LIEU OF
10 SUCH LABOR;

11
12 (c) WATER IN THE DITCH MAY BE ALLOCATED ON A BASIS OTHER
13 THAN PRO RATA OWNERSHIP OF THE CORPORATION; AND

14
15 (d) THE CORPORATION HAS A RIGHT OF FIRST REFUSAL REGARDING
16 THE SALE, LEASE, OR EXCHANGE OF ANY SURFACE WATER RIGHT THAT HAS
17 HISTORICALLY BEEN USED TO IRRIGATE LONG-LOT LAND BY THE
18 ACEQUIA."

19
20 Renumber succeeding section accordingly.

21
22 Page 1, line 102, strike "WATER DISTRICTS." and substitute "DITCH
23 CORPORATIONS."

24
25
26
27 **SB09-001** be referred to the Committee of the Whole with favorable
28 recommendation.

29
30
31
32

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

36
37 **HB09-1061** be referred to the Committee of the Whole with favorable
38 recommendation.

39
40
41 **HB09-1259** be postponed indefinitely.

42
43
44 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

45
46 The Speaker has signed: **HR09-1006**.

47
48
49 **MESSAGES FROM THE SENATE**

50
51 The Senate has passed on Third Reading and transmitted to the Revisor
52 of Statutes: SB09-119, SB09-183, SB09-184, SB09-186, SB09-188,
53 SB09-190, SB09-191, SB09-193, SB09-194, SB09-195, SB09-196,
54 SB09-197, SB09-198, SB09-199, SB09-200, SB09-201, SB09-202,
55 SB09-203, SB09-204, SB09-213, SB09-214, SB09-218, and SB09-219.
56

- 1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:
3
4 SB09-057 amended as printed in Senate Journal, February 17, 2009,
5 page 306, and on Third Reading, February 19, 2009, as
6 printed in the Senate Journal,
7 SB09-185 amended as printed in Senate Journal, February 18, 2009,
8 pages 371-372,
9 SB09-187 amended as printed in Senate Journal, February 18, 2009,
10 pages 372-375,
11 SB09-189 amended as printed in Senate Journal, February 18, 2009,
12 pages 375- 377, and 385-386,
13 SB09-206 amended as printed in Senate Journal, February 18, 2009,
14 page 378,
15 SB09-207 amended as printed in Senate Journal, February 18, 2009,
16 pages 378-379,
17 SB09-209 amended as printed in Senate Journal, February 18, 2009,
18 page 379,
19 SB09-210 amended as printed in Senate Journal, February 18, 2009,
20 page 379,
21 SB09-211 amended as printed in Senate Journal, February 18, 2009,
22 page 379,
23 SB09-208 amended as printed in Senate Journal, February 18, 2009,
24 pages 381-382, and 383-385
25 SB09-212 amended as printed in Senate Journal, February 18, 2009,
26 page 382, and 385-386,
27 SB09-215 amended as printed in Senate Journal, February 18, 2009,
28 page 382,
29 SB09-217 amended as printed in Senate Journal, February 18, 2009,
30 page 382-383,
31 SB09-216 amended as printed in Senate Journal, February 18, 2009,
32 page 383. _____
33

- 34 The Senate has passed on Third Reading and transmitted to the Revisor
35 of Statutes:
36
37 SB09-192 amended on Third Reading, February 19, 2009, as printed in
38 the Senate Journal.
39 _____
40

41 The Senate has adopted and transmits herewith: SJR09-014.
42
43 _____
44
45

46 **MESSAGE FROM THE REVISOR**
47

48 We herewith transmit:
49 Without comment, SB09-119, 183, 184, 186, 188, 190, 191, 193, 194,
50 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 213, 214, 218, and 219.
51 Without comment, as amended, SB09-057, 185, 187, 189, 206, 207, 209,
52 210, 211, 208, 212, 215, 217, 216, and 192.
53
54 _____
55
56

INTRODUCTION OF BILLS
First Reading

- 1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **HB09-1290** by Representative(s) Nikkel and Apuan; also Senator(s)
8 Harvey, Bacon--Concerning increasing the maximum
9 amount of money that the Colorado commission on higher
10 education may allocate for the purpose of providing tuition
11 assistance to members of the National Guard.
12 Committee on Education
13
14 **HB09-1291** by Representative(s) Nikkel, Casso, Court, Gardner C.,
15 Hullinghorst, Kerr J., Labuda, Lambert, Massey, Miklosi,
16 Murray, Stephens, Todd; also Senator(s) Shaffer B.,
17 Bacon, Boyd, Cadman, Lundberg, Schultheis, Williams--
18 Concerning providing information regarding resources
19 available to veterans of the United States armed forces.
20 Committee on State, Veterans, & Military Affairs
21
22 **SB09-012** by Senator(s) Morse and Kopp, Boyd; also
23 Representative(s) Frangas and Massey, Riesberg--
24 Concerning professional review of facilities designated by
25 the department of public health and environment as trauma
26 care facilities.
27 Committee on Health and Human Services
28
29 **SB09-013** by Senator(s) Gibbs and Schwartz, Penry; also
30 Representative(s) Levy and King S.--Concerning the
31 extension of civil immunity to persons engaged in
32 emergency response activities.
33 Committee on Judiciary
34
35 **SB09-016** by Senator(s) Kopp and Penry, Gibbs, Schwartz; also
36 Representative(s) King S. and Scanlan, Lundberg--
37 Concerning measures to encourage the restoration of forest
38 areas affected by bark beetle infestation.
39 Committee on Agriculture, Livestock, & Natural Resources
40 Committee on Finance
41
42 **SB09-030** by Senator(s) Keller; also Representative(s) Schafer S.--
43 Concerning the "Child Mental Health Treatment Act".
44 Committee on Health and Human Services
45
46 **SB09-035** by Senator(s) Renfroe; also Representative(s) Sonnenberg--
47 -Concerning a penalty for a violation of certain proscribed
48 acts for government officials.
49 Committee on Judiciary
50
51 **SB09-069** by Senator(s) Boyd; also Representative(s) McCann--
52 Concerning court-appointed parenting coordinators.
53 Committee on Judiciary
54
55 **SB09-092** by Senator(s) Kopp, Romer, Brophy, White, Penry, King
56 K., Renfroe; also Representative(s) Marostica, King S.,

- 1 Sonnenberg, Stephens, Waller--Concerning the
2 requirement that state-owned motor vehicles operate on
3 compressed natural gas.
4 Committee on State, Veterans, & Military Affairs
5
- 6 **SB09-100** by Senator(s) Newell, Mitchell, Carroll M., Foster, Heath,
7 Hodge, Morse; also Representative(s) Frangas, Primavera,
8 Rice--Concerning amending the definition of
9 "noncustodial parent" in the "Colorado Works Program
10 Act" to enable a noncustodial parent to receive
11 employment assistance regardless of whether the
12 noncustodial parent's child is receiving assistance under
13 the Colorado works program.
14 Committee on Health and Human Services
15
- 16 **SB09-101** by Senator(s) White; also Representative(s) Levy--
17 Concerning the requirement for the creation of an
18 independent historic preservation commission by any city
19 receiving moneys from the state historical fund for historic
20 preservation purposes when the city is not a certified local
21 government, and, in connection therewith, establishing the
22 composition and operation of such a commission.
23 Committee on Local Government
24
- 25 **SB09-104** by Senator(s) Sandoval; also Representative(s) Gagliardi--
26 Concerning the provision of verifiable documents to youth
27 leaving foster care.
28 Committee on Health and Human Services
29
- 30 **SB09-107** by Senator(s) Kester; also Representative(s) Looper--
31 Concerning the time during which a notarized bill of sale
32 will exempt a vehicle that is at least twenty-five years old
33 from being required to have a bonded title.
34 Committee on Transportation & Energy
35
- 36 **SB09-111** by Senator(s) Bacon, Boyd, Schultheis; also
37 Representative(s) Court--Concerning continuation of the
38 "Notaries Public Act".
39 Committee on State, Veterans, & Military Affairs
40
- 41 **SB09-113** by Senator(s) Brophy, Hodge, Isgar; also Representative(s)
42 Sonnenberg--Concerning the continuation of the authority
43 of the department of agriculture to regulate measurement
44 standards.
45 Committee on Agriculture, Livestock, & Natural Resources
46
- 47 **SB09-114** by Senator(s) Kester, Hodge, Isgar; also Representative(s)
48 Sonnenberg--Concerning the continuation of the authority
49 of the department of agriculture to regulate the sale of
50 agricultural products, and, in connection therewith,
51 regulating farm products and commodity warehouses.
52 Committee on Agriculture, Livestock, & Natural Resources
53
54
55

- 1 **SB09-115** by Senator(s) Brophy, Hodge, Isgar; also Representative(s)
2 Curry--Concerning the continuation of the regulation of
3 public livestock markets.
4 Committee on Agriculture, Livestock, & Natural Resources
5
- 6 **SB09-117** by Senator(s) Isgar, Hodge; also Representative(s) Vigil--
7 Concerning the continuation of the regulation by the
8 department of agriculture of persons selling processed
9 meat, and, in connection therewith, clarifying the statutory
10 distinction between custom meat processors and the sellers
11 of home food service plans, amending terms to comport
12 with current business practices, and increasing consumer
13 protections.
14 Committee on Agriculture, Livestock, & Natural Resources
15
- 16 **SB09-119** by Senator(s) Harvey; also Representative(s) McNulty--
17 Concerning a clarification of the enforcement of water
18 quality laws relating to the discharge of certain hazardous
19 pollutants.
20 Committee on Agriculture, Livestock, & Natural Resources
21
- 22 **SB09-127** by Senator(s) Schwartz, Hodge, Isgar; also
23 Representative(s) Fischer--Concerning the continuation of
24 the regulation of egg quality.
25 Committee on Agriculture, Livestock, & Natural Resources
26
- 27 **SB09-141** by Senator(s) Tapia; also Representative(s) Looper and
28 Pace, Vigil--Concerning the creation of the Fountain creek
29 watershed, flood control, and greenway district.
30 Committee on Agriculture, Livestock, & Natural Resources
31
- 32 **SB09-148** by Senator(s) Brophy, Gibbs; also Representative(s)
33 Merrifield, Carroll T., Kerr A., Marostica, McNulty--
34 Concerning revisions to the rules governing the safe
35 interaction of bicycles with other vehicles on roadways.
36 Committee on Transportation & Energy
37
- 38 **SB09-151** by Senator(s) Isgar, Hodge; also Representative(s) Curry--
39 Concerning the regulation of slaughterers of livestock
40 through the department of agriculture, and, in connection
41 therewith, allowing such function to expire on schedule
42 and reassigning certain regulatory functions to the state
43 board of stock inspection commissioners.
44 Committee on Agriculture, Livestock, & Natural Resources
45
- 46 **SB09-157** by Senator(s) Sandoval; also Representative(s)
47 Hullinghorst--Concerning the retirement plan eligibility of
48 specified employees of the university of Colorado.
49 Committee on Finance
50
- 51 **SB09-169** by Senator(s) Tochtrop; also Representative(s) Riesberg--
52 Concerning the continuation of the board of examiners of
53 nursing home administrators.
54 Committee on Health and Human Services
55

- 1 **SB09-183** by Senator(s) Keller, Tapia, White; also Representative(s)
2 Pommer, Ferrandino, Marostica--Concerning a
3 supplemental appropriation to the department of
4 agriculture.
5 Committee on Appropriations
6
- 7 **SB09-184** by Senator(s) Keller, Tapia, White; also Representative(s)
8 Pommer, Ferrandino, Marostica--Concerning a
9 supplemental appropriation to the department of
10 corrections.
11 Committee on Appropriations
12
- 13 **SB09-185** by Senator(s) Keller, Tapia, White; also Representative(s)
14 Pommer, Ferrandino, Marostica--Concerning a
15 supplemental appropriation to the department of
16 education.
17 Committee on Appropriations
18
- 19 **SB09-186** by Senator(s) Keller, Tapia, White; also Representative(s)
20 Pommer, Ferrandino, Marostica--Concerning a
21 supplemental appropriation to the offices of the governor,
22 lieutenant governor, and state planning and budgeting.
23 Committee on Appropriations
24
- 25 **SB09-187** by Senator(s) Keller, Tapia, White; also Representative(s)
26 Pommer, Ferrandino, Marostica--Concerning a
27 supplemental appropriation to the department of health
28 care policy and financing.
29 Committee on Appropriations
30
- 31 **SB09-188** by Senator(s) Keller, Tapia, White; also Representative(s)
32 Pommer, Ferrandino, Marostica--Concerning a
33 supplemental appropriation to the department of higher
34 education.
35 Committee on Appropriations
36
- 37 **SB09-189** by Senator(s) Keller, Tapia, White; also Representative(s)
38 Pommer, Ferrandino, Marostica--Concerning a
39 supplemental appropriation to the department of human
40 services.
41 Committee on Appropriations
42
- 43 **SB09-190** by Senator(s) Keller, Tapia, White; also Representative(s)
44 Pommer, Ferrandino, Marostica--Concerning a
45 supplemental appropriation to the judicial department.
46 Committee on Appropriations
47
- 48 **SB09-191** by Senator(s) Keller, Tapia, White; also Representative(s)
49 Pommer, Ferrandino, Marostica--Concerning a
50 supplemental appropriation to the department of labor and
51 employment.
52 Committee on Appropriations
53
54
55

- 1 **SB09-192** by Senator(s) Keller, Tapia, White; also Representative(s)
2 Pommer, Ferrandino, Marostica--Concerning a
3 supplemental appropriation to the department of law.
4 Committee on Appropriations
5
- 6 **SB09-193** by Senator(s) Keller, Tapia, White; also Representative(s)
7 Pommer, Ferrandino, Marostica--Concerning a
8 supplemental appropriation to the department of local
9 affairs.
10 Committee on Appropriations
11
- 12 **SB09-194** by Senator(s) Keller, Tapia, White; also Representative(s)
13 Pommer, Ferrandino, Marostica--Concerning a
14 supplemental appropriation to the department of military
15 and veterans affairs.
16 Committee on Appropriations
17
- 18 **SB09-195** by Senator(s) Keller, Tapia, White; also Representative(s)
19 Pommer, Ferrandino, Marostica--Concerning a
20 supplemental appropriation to the department of natural
21 resources.
22 Committee on Appropriations
23
- 24 **SB09-196** by Senator(s) Keller, Tapia, White; also Representative(s)
25 Pommer, Ferrandino, Marostica--Concerning a
26 supplemental appropriation to the department of personnel
27 and administration.
28 Committee on Appropriations
29
- 30 **SB09-197** by Senator(s) Keller, Tapia, White; also Representative(s)
31 Pommer, Ferrandino, Marostica--Concerning a
32 supplemental appropriation to the department of public
33 health and environment.
34 Committee on Appropriations
35
- 36 **SB09-198** by Senator(s) Keller, Tapia, White; also Representative(s)
37 Pommer, Ferrandino, Marostica--Concerning a
38 supplemental appropriation to the department of public
39 safety.
40 Committee on Appropriations
41
- 42 **SB09-199** by Senator(s) Keller, Tapia, White; also Representative(s)
43 Pommer, Ferrandino, Marostica--Concerning a
44 supplemental appropriation to the department of regulatory
45 agencies.
46 Committee on Appropriations
47
- 48 **SB09-200** by Senator(s) Keller, Tapia, White; also Representative(s)
49 Pommer, Ferrandino, Marostica--Concerning a
50 supplemental appropriation to the department of revenue.
51 Committee on Appropriations
52
- 53 **SB09-201** by Senator(s) Keller, Tapia, White; also Representative(s)
54 Pommer, Ferrandino, Marostica--Concerning a
55 supplemental appropriation to the department of state.
56 Committee on Appropriations

- 1 **SB09-202** by Senator(s) Keller, Tapia, White; also Representative(s)
2 Pommer, Ferrandino, Marostica--Concerning a
3 supplemental appropriation to the department of
4 transportation.
5 Committee on Appropriations
6
- 7 **SB09-203** by Senator(s) Keller, Tapia, White; also Representative(s)
8 Pommer, Ferrandino, Marostica--Concerning a
9 supplemental appropriation to the department of the
10 treasury.
11 Committee on Appropriations
12
- 13 **SB09-204** by Senator(s) White, Keller, Tapia; also Representative(s)
14 Ferrandino, Pommer, Marostica--Concerning changes to
15 the designation of funds constituting the state emergency
16 reserve for state fiscal year 2008-09.
17 Committee on Appropriations
18
- 19 **SB09-206** by Senator(s) Keller, Tapia, White; also Representative(s)
20 Pommer, Ferrandino, Marostica--Concerning the repeal of
21 the waiting list navigator pilot program, and repealing an
22 appropriation therefor.
23 Committee on Appropriations
24
- 25 **SB09-207** by Senator(s) White, Keller, Tapia; also Representative(s)
26 Marostica, Ferrandino, Pommer--Concerning delaying
27 implementation of the child welfare and mental health
28 services pilot program, and repealing an appropriation
29 therefor.
30 Committee on Appropriations
31
- 32 **SB09-208** by Senator(s) Tapia, Keller, White; also Representative(s)
33 Pommer, Ferrandino, Marostica--Concerning the
34 augmentation of the general fund through transfers of
35 certain moneys in the 2008-09 fiscal year.
36 Committee on Appropriations
37
- 38 **SB09-209** by Senator(s) White, Keller, Tapia; also Representative(s)
39 Marostica, Ferrandino, Pommer--Concerning the repeal of
40 the inmate assistance demonstration grant program, and
41 repealing an appropriation therefor.
42 Committee on Appropriations
43
- 44 **SB09-210** by Senator(s) Tapia, Keller, White; also Representative(s)
45 Ferrandino, Pommer, Marostica--Concerning transfers for
46 health programs from the tobacco litigation funds, and, in
47 connection therewith, making modifications to
48 appropriations.
49 Committee on Appropriations
50
- 51 **SB09-211** by Senator(s) Keller, Tapia, White; also Representative(s)
52 Ferrandino, Pommer, Marostica--Concerning a delay in
53 the expansion of eligibility for the children's basic health
54 plan, and making modifications to an appropriation
55 therefor.
56 Committee on Appropriations

- 1 **SB09-212** by Senator(s) White, Keller, Tapia; also Representative(s)
2 Pommer, Ferrandino, Marostica--Concerning a temporary
3 limitation on the maximum amount of state sales and use
4 tax revenues that may be retained by a retail vendor to
5 compensate for the vendor's expenses incurred in the
6 collection and remittance of the tax revenues to the state.
7 Committee on Appropriations
8
- 9 **SB09-213** by Senator(s) Tapia, Keller, White; also Representative(s)
10 Pommer, Ferrandino, Marostica--Concerning
11 appropriations for the alternative teacher compensation
12 plan grant program.
13 Committee on Appropriations
14
- 15 **SB09-214** by Senator(s) Tapia, Keller, White; also Representative(s)
16 Pommer, Ferrandino, Marostica--Concerning
17 appropriations for the quality teacher program created in
18 2008.
19 Committee on Appropriations
20
- 21 **SB09-215** by Senator(s) Keller, Tapia, White; also Representative(s)
22 Pommer, Ferrandino, Marostica--Concerning
23 modifications to appropriations to achieve a reduction in
24 the state expenditures for the financing of public schools.
25 Committee on Appropriations
26
- 27 **SB09-216** by Senator(s) Tapia, Keller, White; also Representative(s)
28 Pommer, Ferrandino, Marostica--Concerning increases in
29 the fees paid to the division of water resources in the
30 department of natural resources, and, in connection
31 therewith, modifying appropriations made to the division
32 of water resources in the fiscal year 2008-09 long
33 appropriations bill.
34 Committee on Appropriations
35
- 36 **SB09-217** by Senator(s) White, Keller, Tapia; also Representative(s)
37 Ferrandino, Pommer, Marostica--Concerning the reduction
38 of moneys transferred to certain funds from the portion of
39 limited gaming fund moneys that would otherwise be
40 transferred to the general fund after the transfer to the
41 local government limited gaming impact fund.
42 Committee on Appropriations
43
- 44 **SB09-218** by Senator(s) White, Keller, Tapia; also Representative(s)
45 Ferrandino, Pommer, Marostica--Concerning an increase
46 in the amount of moneys appropriated from the state
47 general fund to the controlled maintenance trust fund for
48 the fiscal year beginning July 1, 2007.
49 Committee on Appropriations
50
- 51 **SB09-219** by Senator(s) Tapia, Keller, White; also Representative(s)
52 Ferrandino, Pommer, Marostica--Concerning the general
53 fund reserve required for the 2008-09 state fiscal year.
54 Committee on Appropriations
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INTRODUCTION OF RESOLUTION

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

SJR09-014 by Senator(s) Heath; also Representative(s) Miklosi--
Concerning recognition of career and technical education month.

On motion of Representative Weissmann, the following bill(s) will be calendared for February 24, 2009: HB09-1233, SB09-001, HB09-1061.

LAY OVER OF CALENDAR ITEM

On motion of Representative Weissmann, the following item on the Calendar was laid over until February 20, retaining place on Calendar:

Consideration of Senate Amendments--**HB09-1002**.

On motion of Representative Weissmann, the House adjourned until 9:00 a.m., February 20, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk