

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

Ninety-eighth Legislative Day

Tuesday, April 14, 2009

1 Prayer by the Reverend Paul Howard, Redemption Fellowship Church,
2 Denver.

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

5
6 Pledge of Allegiance led by Ryland, Britton, Molly, and Colton
7 Lancaster, Arvada.

8
9 The roll was called with the following result:

10
11 Present--50.
12 Excused--Representative(s) Ferrandino, Gardner B., Gardner C.,
13 Judd, Kefalas, Kerr A., Kerr J., Marostica, McCann, McFadyen,
14 Pace, Pommer, Riesberg, Sonnenberg, Vaad--15.
15 Present after roll call--Representative(s) Ferrandino, Gardner B.,
16 Gardner C., Judd, Kefalas, Kerr A., Kerr J., Marostica, McCann,
17 McFadyen, Pace, Pommer, Riesberg, Sonnenberg, Vaad.

18
19 The Speaker declared a quorum present.

20 _____
21
22 On motion of Representative Schafer, the reading of the journal of
23 April 13, 2009, was declared dispensed with and approved as corrected
24 by the Chief Clerk.

25 _____
26
27
28 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

29
30 **EDUCATION**

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

33
34 **HJR09-1013** be postponed indefinitely.

35 _____
36
37
38 **PRINTING REPORT**

39
40 The Chief Clerk reports the following bill has been correctly printed:
41 **HB09-1345.**

42 _____
43

1 House in recess. House reconvened.
2
3
4

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

6
7 **HEALTH & HUMAN SERVICES**

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

10
11 **HB09-1332** be referred to the Committee of the Whole with favorable
12 recommendation.
13

14
15 **HB09-1339** be referred to the Committee of the Whole with favorable
16 recommendation.
17

18
19 **SB09-251** be referred to the Committee of the Whole with favorable
20 recommendation.
21

22
23
24 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

25
26 The Speaker has signed: **HB09-1108, 1110, 1216, 1279.**
27

28
29
30 **DELIVERY OF BILLS TO GOVERNOR**

31
32 The Chief Clerk of the House of Representatives reports the following
33 bills have been delivered to the Office of the Governor: **HB09-1139,**
34 **1207, 1241, 1272, 1292** at 8:54 a.m. on April 14, 2009.
35

36
37 House in recess. House reconvened.
38

39
40 **MEMORANDUM**
41 **REPORT FROM THE HOUSE AND SENATE**
42 **COMMITTEES ON DELAYED BILLS**
43

44 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
45 Delayed Bills, acting jointly, extend the following deadline for Senate
46 Bill 09-256, Concerning the Financing of Public Schools:
47

48 The Friday, March 13 deadline (the 66th legislative day) for final
49 passage, including any conference committee report, for any bill
50 prescribing all or a substantial portion of the total funding for public
51 schools pursuant to the "Public School Finance Act of 1994", article 54
52 of title 22, Colorado Revised Statutes, as extended until Friday, March
53 27, 2009 (the 80th legislative day), Friday, April 10, 2009 (the 94th
54 legislative day), and subsequently until Friday, April 17, 2009 (the 101st
55 legislative day), is further extended until Monday, April 27, 2009 (the
56 111th legislative day).

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

3

4 Representative Terrance D. Carroll

5 Representative Paul Weissmann

Senator Brandon Shaffer

6 Representative Mike May

Senator Josh Penry

7

8

9

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

11

12 **APPROPRIATIONS**

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

15

16 **SB09-260** be referred to the Committee of the Whole with favorable
17 recommendation.

18

19

20 **SB09-261** be referred to the Committee of the Whole with favorable
21 recommendation.

22

23

24 **SB09-262** be referred to the Committee of the Whole with favorable
25 recommendation.

26

27

28 **SB09-263** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31

32 Amend reengrossed bill, page 3, line 17, strike "COST OF";

33

34 line 18, after "FOOD", insert "COSTS";

35

36 line 20, strike "OR AFTER";

37

38 strike lines 21 and 22 and substitute the following:

39

40 "BE BASED ON THE DIRECT AND INDIRECT HEALTH CARE SERVICES AND
41 RAW FOOD COSTS IN THE AS-FILED FACILITY'S COST REPORTS UP TO AND
42 INCLUDING JUNE 30, 2009. FOR THE PURPOSES OF CALCULATING THE
43 EIGHT-PERCENT LIMITATION FOR RATES EFFECTIVE AFTER JULY 1, 2009,
44 THE LIMITATION SHALL BE DETERMINED AND INDEXED FROM THE DIRECT
45 AND INDIRECT HEALTH CARE SERVICES AND RAW FOOD COSTS AS
46 REPORTED AND AUDITED FOR THE RATES EFFECTIVE JULY 1, 2009."

47

48 Page 4, after line 24, insert the following:

49

50 "(II) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2009,
51 THROUGH THE FISCAL YEAR COMMENCING JULY 1, 2014, IF A
52 REALLOCATION OF MANAGEMENT COSTS BETWEEN THE ADMINISTRATIVE
53 AND GENERAL COSTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION
54 (3) AND THE DIRECT AND INDIRECT HEALTH CARE COSTS DESCRIBED IN
55 SUBSECTION (1) OF THIS SECTION CAUSES A NURSING FACILITY PROVIDER'S
56 ADMINISTRATIVE AND GENERAL COSTS TO EXCEED THE REASONABLE PRICE

- 1 ESTABLISHED BY THE STATE DEPARTMENT PURSUANT TO PARAGRAPH (a)
2 OF THIS SUBSECTION (3), PURSUANT TO RULES ADOPTED BY THE STATE
3 BOARD, A NURSING FACILITY PROVIDER MAY RECEIVE A HIGHER PER DIEM
4 PAYMENT FOR ADMINISTRATIVE AND GENERAL SERVICES THAN PROVIDED
5 FOR IN PARAGRAPH (a) OF THIS SUBSECTION (3)."
6
7 Renumber succeeding subparagraph accordingly.
8
9 Page 4, line 26, after the first "THE", insert "PRIORITY OF THE";
10
11 line 27, strike "25.5-6-203," and substitute "25.5-6-203 (2) (b),".
12
13 Page 5, line 10, strike "five-tenths" and substitute "~~five-tenths~~
14 TWENTY-FIVE HUNDREDTHS";
15
16 line 12, after the period, add "DURING EACH STATE FISCAL YEAR, THE
17 STATE DEPARTMENT MAY DISCONTINUE THE SUPPLEMENTAL MEDICAID
18 PAYMENT ESTABLISHED PURSUANT TO THIS SUBSECTION (5) TO ANY
19 NURSING FACILITY PROVIDER THAT FAILS TO COMPLY WITH THE
20 ESTABLISHED PERFORMANCE MEASURES DURING THE STATE FISCAL YEAR,
21 AND THE STATE DEPARTMENT MAY INITIATE THE SUPPLEMENTAL MEDICAID
22 PAYMENT ESTABLISHED PURSUANT TO THIS SUBSECTION (5) TO ANY
23 PROVIDER WHO COMES INTO COMPLIANCE WITH THE ESTABLISHED
24 PERFORMANCE MEASURES DURING THE STATE FISCAL YEAR.";
25
26 line 13, after the first "THE", insert "PRIORITY OF THE";
27
28 line 14, strike "25.5-6-203," and substitute "25.5-6-203 (2) (b),".
29
30 Page 6, line 13, after the first "THE", insert "PRIORITY OF THE";
31
32 line 14, strike "25.5-6-203," and substitute "25.5-6-203 (2) (b),".
33
34 Page 8, line 2, before "USES", insert "PRIORITY OF THE", and strike
35 "25.5-6-203," and substitute "25.5-6-203 (2) (b),";
36
37 line 10, after "SECTION,", insert "SUBJECT TO THE PRIORITY OF THE USES
38 OF THE PROVIDER FEE ESTABLISHED PURSUANT TO SECTION 25.5-6-203 (2)
39 (b),".
40
41 Page 9, line 25, after "SPECIFIED", insert "BY THE PRIORITY OF THE USES
42 OF THE PROVIDER FEE".
43
44 Page 10, after line 10, insert the following:
45
46 "(III) IN CALCULATING THE AMOUNT OF THE PROVIDER FEE
47 PORTION OF THE SUPPLEMENTAL MEDICAID PAYMENTS ESTABLISHED
48 UNDER SECTION 25.5-6-202 (5), THE STATE DEPARTMENT MAY INCLUDE AN
49 ADDITIONAL AMOUNT OF UP TO FIVE PERCENT OF THE PROVIDER FEE
50 PORTION OF SAID SUPPLEMENTAL MEDICAID PAYMENTS TO INITIATE THE
51 PAYMENT TO ANY PROVIDER WHO COMPLIES WITH THE ESTABLISHED
52 PERFORMANCE MEASURES DURING THE STATE FISCAL YEAR.";
53
54 line 17, strike "EXPECT" and substitute "EXCEPT".
55
56 Page 11, line 6, strike "(5) AND";

1 after line 13, insert the following:
2

3 "(II.3) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF
4 THIS SUBPARAGRAPH (II.3), AFTER THE PAYMENT OF THE AMOUNTS
5 DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b), THE
6 MONEYS REMAINING IN THE FUND SHALL BE SUBJECT TO FEDERAL
7 MATCHING AS AUTHORIZED UNDER FEDERAL LAW AND SUBJECT TO
8 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSE
9 OF PAYING THE SUPPLEMENTAL MEDICAID PAYMENTS ESTABLISHED UNDER
10 SECTION 25.5-6-202 (5).
11

12 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
13 PARAGRAPH (b), THE SUPPLEMENTAL MEDICAID PAYMENTS ESTABLISHED
14 PURSUANT TO SECTION 25.5-6-202 (5) SHALL NOT BE LESS THAN TEN
15 PERCENT OF THE SUPPLEMENTAL MEDICAID PAYMENTS ESTABLISHED
16 UNDER SECTION 25.5-6-202 (7) IN THE PRIOR STATE FISCAL YEAR.";
17

18 line 15, strike "AND (II)" and substitute "TO (II.3)".
19

20 Page 18, line 7, strike "thirty-one million four hundred fifteen thousand
21 one hundred";
22

23 line 8, strike "sixty-nine dollars (\$31,415,169)." and substitute "thirty
24 million three hundred sixty-eight thousand sixty-nine dollars
25 (\$30,368,069).";
26

27 line 10, strike "fourteen million two hundred seventy-five thousand";
28

29 line 11, strike "eighty dollars (\$14,275,080)" and substitute "thirteen
30 million two hundred twenty-seven thousand nine hundred seventy-nine
31 dollars (\$13,227,979).";
32

33 line 13, strike "two million eight hundred sixty-five thousand nine
34 dollars";
35

36 line 14, strike "(\$2,865,009)." and substitute "three million nine hundred
37 twelve thousand one hundred fourteen dollars (\$3,912,114).";
38

39 line 15, strike "Statutes." and substitute "Statutes, and shall be subject to
40 the (H) notation as defined in the general appropriation act."
41
42
43

44 **SB09-281** be referred to the Committee of the Whole with favorable
45 recommendation.
46
47
48
49

50 **JUDICIARY**

51 After consideration on the merits, the Committee recommends the
52 following:
53

54 **HB09-1321** 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, line 3, after "OR", insert "OTHER";
2
3 line 4, after "COURT", insert "MAY PROCEED BY OFFER OF PROOF AND";
4
5 strike line 7.
6
7 Renumber succeeding subparagraphs accordingly.
8
9 Page 3, line 10, after "DELINQUENT", insert "OR CRIMINAL";
10
11 strike lines 11 through 14.
12
13 Renumber succeeding subparagraphs accordingly.
14
15 Page 3, strike lines 18 through 20 and substitute the following:
16
17 "(V) WHETHER DETENTION IN A JUVENILE FACILITY WILL
18 NEGATIVELY IMPACT THE FUNCTIONING OF THE JUVENILE FACILITY BY
19 COMPROMISING THE GOALS OF DETENTION TO MAINTAIN A SAFE, POSITIVE
20 AND SECURE ENVIRONMENT FOR ALL JUVENILES WITHIN THE FACILITY;";
21
22 after line 23, insert the following:
23
24 "(VII) WHETHER THE JUVENILE PRESENTS AN IMMINENT RISK OF
25 HARM TO HIMSELF OR OTHERS WITHIN A JUVENILE FACILITY;
26
27 (VIII) THE PHYSICAL MATURITY OF THE JUVENILE;
28
29 (IX) THE CURRENT MENTAL STATE OR MATURITY OF THE JUVENILE
30 AS EVIDENCED BY RELEVANT MENTAL HEALTH OR PSYCHOLOGICAL
31 ASSESSMENTS OR SCREENINGS THAT ARE MADE AVAILABLE TO BOTH THE
32 DISTRICT ATTORNEY AND COUNSEL FOR THE DEFENDANT; AND".
33
34 Renumber succeeding subparagraph accordingly.
35
36 Page 3, after line 24, insert the following:
37
38 "(c) THE AMOUNT OF WEIGHT TO BE GIVEN TO EACH OF THE
39 FACTORS LISTED IN PARAGRAPH (b) OF THIS SUBSECTION (4) IS
40 DISCRETIONARY WITH THE COURT."
41
42 Reletter succeeding paragraphs accordingly.
43
44 Page 4, line 2, strike "19-2-517." and substitute "19-2-517; EXCEPT THAT
45 A HEARING SHALL NOT BE HELD IF THE JUVENILE IS CHARGED WITH A
46 CLASS 1 FELONY, IN SUCH CASE, THE JUVENILE SHALL BE HELD IN THE JAIL,
47 UNLESS THE DISTRICT ATTORNEY STIPULATES TO THE JUVENILE REMAINING
48 IN A JUVENILE FACILITY."
49
50 Page 6, line 1, strike "(i)" and substitute "(j)";
51
52 line 4, strike "(i)" and substitute "(j)";
53
54 line 6, strike "(i)." and substitute "(j).";
55
56 line 16, strike "(j)," and substitute "(k),".

1 Page 7, line 11, strike "(i)." and substitute "(j).";
2
3 line 21, strike "(i)," and substitute "(j).";
4
5 after line 26, insert the following:
6

7 **"SECTION 4.** Title 18, Colorado Revised Statutes, is amended
8 **BY THE ADDITION OF A NEW ARTICLE** to read:
9

10 **ARTICLE 25**
11 **Juvenile Confinement Cost and Surcharge**
12

13 **18-25-101. Juvenile confinement cost and surcharge.** (1)(a) A
14 COST OF ONE DOLLAR AND FIFTY CENTS IS HEREBY LEVIED ON EACH
15 CRIMINAL ACTION RESULTING IN A CONVICTION OR IN A DEFERRED
16 JUDGMENT AND SENTENCE, AS PROVIDED IN SECTION 18-1.3-102 FOR A
17 FELONY, A MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE, CHARGED
18 PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE COSTS TO
19 THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEYS TO
20 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL
21 FUND.
22

23 (b) THE PROVISIONS OF SECTIONS 18-1.3-701 AND 18-1.3-702
24 SHALL APPLY AS TO THE COLLECTION OF COSTS LEVIED PURSUANT TO THIS
25 SUBSECTION (1).
26

27 (2) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
28 LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT
29 TO SECTION 42-4-1701, C.R.S., FOR A MISDEMEANOR OR A CLASS 1 OR
30 CLASS 2 MISDEMEANOR TRAFFIC OFFENSE UNDER STATE STATUTE THAT
31 RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE
32 COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY
33 THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBSECTION (2) SHALL
34 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
35 SAME TO THE GENERAL FUND.
36

37 (3) A COST OF ONE DOLLAR AND FIFTY CENTS IS HEREBY LEVIED
38 AGAINST EACH CIVIL ACTION RESULTING IN AN ADMISSION OF LIABILITY OR
39 A JUDGMENT AGAINST THE DEFENDANT FOR A CLASS A OR CLASS B
40 TRAFFIC INFRACTION CHARGED PURSUANT TO STATE STATUTE. THE
41 DEFENDANT SHALL PAY THE COST TO THE CLERK OF THE COURT. EACH
42 CLERK SHALL TRANSMIT THE MONEYS TO THE STATE TREASURER, WHO
43 SHALL CREDIT THE SAME TO THE GENERAL FUND.
44

45 (4) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
46 LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT
47 TO SECTION 42-4-1701, C.R.S., FOR A CLASS A OR CLASS B TRAFFIC
48 INFRACTION UNDER STATE STATUTE THAT RESULTS IN PAYMENT OF THE
49 PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CIVIL ACTION.
50 ALL MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO
51 THIS SUBSECTION (4) SHALL BE TRANSMITTED TO THE STATE TREASURER,
52 WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.
53

54 (5) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
55 LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO
56 SECTION 33-6-104, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY

1 ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL
2 MONEYS COLLECTED BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT
3 OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (5) SHALL BE
4 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
5 TO THE GENERAL FUND.

6
7 (6) A SURCHARGE OF ONE DOLLAR AND FIFTY CENTS IS HEREBY
8 LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO
9 SECTION 33-15-102, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY
10 ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL
11 MONEYS COLLECTED BY THE DIVISION OF PARKS AND OUTDOOR
12 RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO
13 THIS SUBSECTION (6) SHALL BE TRANSMITTED TO THE STATE TREASURER,
14 WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.

15
16 (7) THE COURT MAY WAIVE A COST OR SURCHARGE LEVIED
17 PURSUANT TO THIS SECTION IF THE COURT DETERMINES THE DEFENDANT
18 IS INDIGENT.

19
20 (8) THE MONEY TRANSFERRED TO THE GENERAL FUND PURSUANT
21 TO THIS SECTION SHALL BE USED TO FOR THE COST OF IMPLEMENTING
22 SECTION 19-2-508, C.R.S.

23
24 **SECTION 5.** 42-4-1701, Colorado Revised Statutes, is amended
25 BY THE ADDITION OF A NEW SUBSECTION to read:

26
27 **42-4-1701. Traffic offenses and infractions classified -**
28 **penalties - penalty and surcharge schedule.** (8) THE SURCHARGES
29 DESCRIBED IN SUBSECTIONS (4) TO (6) OF THIS SECTION ARE SEPARATE
30 AND DISTINCT FROM A SURCHARGE LEVIED PURSUANT TO SECTION
31 18-25-101, C.R.S.

32
33 **SECTION 6.** 42-4-1707 (3) (a) and (6), Colorado Revised
34 Statutes, are amended to read:

35
36 **42-4-1707. Summons and complaint or penalty assessment**
37 **notice for misdemeanors, petty offenses, and misdemeanor traffic**
38 **offenses - release - registration.** (3) (a) Whenever a penalty assessment
39 notice for a misdemeanor, petty offense, or misdemeanor traffic offense
40 is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment
41 notice ~~which~~ THAT shall be served upon the defendant by the peace
42 officer shall contain the name and address of the defendant, the license
43 number of the vehicle involved, if any, the number of the defendant's
44 driver's license, if any, a citation of the statute alleged to have been
45 violated, a brief description of the offense, the date and approximate
46 location thereof, the amount of the penalty prescribed for the offense, the
47 amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections
48 ~~24-4.1-119 (1) (f) and 24-4.2-104 (1)~~ 18-25-101, 24-4.1-119 (1) (f), AND
49 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for the
50 offense pursuant to section 42-2-127, and the date the penalty assessment
51 notice is served on the defendant; shall direct the defendant to appear in
52 a specified county court at a specified time and place in the event the
53 penalty and ~~surcharge~~ SURCHARGES thereon are not paid; shall be signed
54 by the peace officer; and shall contain a place for the defendant to elect
55 to execute a signed acknowledgment of guilt and an agreement to pay the
56 penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty

1 days, as well as such other information as may be required by law to
 2 constitute the penalty assessment notice to be a summons and complaint,
 3 should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be
 4 paid within the time allowed in section 42-4-1701.

5
 6 (6) If the defendant is otherwise eligible to be issued a summons
 7 and complaint or a penalty assessment notice for a violation of this title
 8 punishable as a misdemeanor, petty offense, or misdemeanor traffic
 9 offense and if the defendant does not possess a valid Colorado driver's
 10 license, the defendant, in order to secure release, as provided in this
 11 section, must either consent to be taken by the officer to the nearest
 12 mailbox and to mail the amount of the penalty and ~~surcharge~~
 13 SURCHARGES thereon to the department or must execute a promise to
 14 appear in court on the penalty assessment notice or on the summons and
 15 complaint. If the defendant does possess a valid Colorado driver's
 16 license, the defendant shall not be required to execute a promise to appear
 17 on the penalty assessment notice or on the summons and complaint. The
 18 peace officer shall not require any person who is eligible to be issued a
 19 summons and complaint or a penalty assessment notice for a violation of
 20 this title to produce or divulge such person's social security number.

21
 22 **SECTION 7.** 42-4-1709 (1), Colorado Revised Statutes, is
 23 amended to read:

24
 25 **42-4-1709. Penalty assessment notice for traffic infractions -**
 26 **violations of provisions by officer - driver's license.** (1) Whenever a
 27 penalty assessment notice for a traffic infraction is issued pursuant to
 28 section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall
 29 be served upon the defendant by the peace officer shall contain the name
 30 and address of the defendant, the license number of the vehicle involved,
 31 if any, the number of the defendant's driver's license, if any, a citation of
 32 the statute alleged to have been violated, a brief description of the traffic
 33 infraction, the date and approximate location thereof, the amount of the
 34 penalty prescribed for the traffic infraction, the amount of the ~~surcharge~~
 35 SURCHARGES thereon pursuant to sections ~~24-4.1-119 (1) (f) and~~
 36 ~~24-4.2-104(1)~~ 18-25-101, 24-4.1-119 (1) (f), AND 24-4.2-104 (1), C.R.S.,
 37 the number of points, if any, prescribed for the traffic infraction pursuant
 38 to section 42-2-127, and the date the penalty assessment notice is served
 39 on the defendant; shall direct the defendant to appear in a specified
 40 county court at a specified time and place in the event the penalty and
 41 ~~surcharge~~ SURCHARGES thereon ~~is~~ ARE not paid; shall be signed by the
 42 peace officer; and shall contain a place for the defendant to elect to
 43 execute a signed acknowledgment of liability and an agreement to pay the
 44 penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty
 45 days, as well as such other information as may be required by law to
 46 constitute the penalty assessment notice to be a summons and complaint,
 47 should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be
 48 paid within the time allowed in section 42-4-1701.

49
 50 **SECTION 8.** 33-6-104, Colorado Revised Statutes, is amended
 51 to read:

52
 53 **33-6-104. Imposition of penalty - procedures.** (1) Any person
 54 who violates any of the provisions of articles 1 to 6 of this title or any rule
 55 ~~or regulation~~ of the commission that does not have a specific penalty
 56 listed is guilty of a misdemeanor and, upon conviction thereof, shall be

1 punished by a fine of fifty dollars, A SURCHARGE AS DESCRIBED IN
2 SECTION 18-25-101, C.R.S., and an assessment of five license suspension
3 points.
4

5 (2) At the time that any person is charged with violating any
6 misdemeanor provisions of articles 1 to 6 of this title or any rule ~~or~~
7 ~~regulation~~ of the commission, the officer shall issue a summons and
8 complaint to the alleged offender or, in the case of a violation for which
9 a fine of a fixed amount is prescribed, may give the alleged offender an
10 opportunity to voluntarily pay the fine AND SURCHARGE in the form of a
11 penalty assessment. Penalty assessments shall not be issued for violations
12 for which minimum and maximum fines have been established. The
13 penalty assessment notice given to the alleged offender shall contain the
14 information required in and be in the form of a summons and complaint
15 and shall specify in dollars the amount of the penalty to be assessed for
16 the alleged offense and the amount of the ~~surcharge~~ SURCHARGES to be
17 collected pursuant to ~~section 24-4.2-104 (1)~~ SECTIONS 18-25-101 AND
18 24-4.2-104 (1), C.R.S. If the alleged offender accepts such notice and
19 pays the fine and the ~~surcharge~~ SURCHARGES entered thereon to the
20 division within fifteen days of issuance of the notice, such acceptance and
21 payment shall constitute an acknowledgment of guilt by such person of
22 the violation set forth in the penalty assessment notice. Any person who
23 accepts a penalty assessment notice but who does not furnish satisfactory
24 evidence of identity or who the officer has reasonable and probable
25 grounds to believe will disregard a written promise to pay the specified
26 fine and ~~surcharge~~ SURCHARGES may be taken by the officer to the nearest
27 known post-office facility and BE required to remit the amount of the
28 specified fine and ~~surcharge~~ SURCHARGES to the division immediately by
29 mail in United States currency or other legal tender by money order or
30 personal check. Refusal or inability to remit the specified fine and
31 ~~surcharge~~ SURCHARGES by mail when required shall constitute a refusal
32 to accept a penalty assessment notice. The officer shall advise the person
33 arrested of the license suspension points to be assessed in accordance
34 with section 33-6-106. Checks tendered by the violator to and accepted
35 by the division and on which payment is received by the division shall be
36 deemed sufficient receipt. If the fine and ~~surcharge~~ SURCHARGES are not
37 so paid, then the officer who issued the penalty assessment notice shall
38 docket the summons and complaint with a court of competent jurisdiction
39 for appearance by the person to answer the charges therein contained at
40 such time and place as is specified in the summons and complaint.
41

42 **SECTION 9.** 33-15-102 (2), Colorado Revised Statutes, is
43 amended to read:
44

45 **33-15-102. Imposition of penalty - procedures.** (2) At the time
46 that any person is charged with violating any petty offense or
47 misdemeanor provisions of articles 10 to 15 or 32 of this title or any rule
48 of the board, the officer shall issue a summons and complaint to the
49 alleged offender or, in the case of a violation for which a fine of a fixed
50 amount is prescribed, may give the alleged offender an opportunity to
51 voluntarily pay the fine AND SURCHARGE in the form of a penalty
52 assessment. Penalty assessments shall not be issued for violations for
53 which minimum and maximum fines have been established. The penalty
54 assessment notice given to the alleged offender shall contain the
55 information required in and be in the form of a summons and complaint
56 and shall specify in dollars the amount of the penalty to be assessed for

1 the alleged offense AND THE AMOUNT OF THE SURCHARGE TO BE
2 COLLECTED PURSUANT TO SECTION 18-25-101, C.R.S. If the alleged
3 offender accepts such notice and pays the fine AND SURCHARGE entered
4 thereon to the division within twenty days of issuance of the notice, such
5 acceptance and payment shall constitute an acknowledgment of guilt by
6 such person of the violation set forth in the penalty assessment notice.
7 Any person who accepts a penalty assessment notice but who does not
8 furnish satisfactory evidence of identity or who the officer has reasonable
9 and probable grounds to believe will disregard a written promise to pay
10 the specified fine AND SURCHARGE may be taken by the officer to the
11 nearest known post-office facility and BE required to remit the amount of
12 the specified fine AND SURCHARGE to the division immediately by mail in
13 United States currency or other legal tender or by money order or
14 personal check. Refusal or inability to remit the specified fine AND
15 SURCHARGE by mail when required shall constitute a refusal to accept a
16 penalty assessment notice. Checks tendered by the violator to and
17 accepted by the division and on which payment is received by the division
18 shall be deemed sufficient receipt. If the fine ~~is~~ AND SURCHARGE ARE not
19 so paid, then the officer who issued the penalty assessment notice shall
20 docket the summons and complaint with a court of competent jurisdiction
21 for appearance by the person to answer the charges therein contained at
22 such time and place as is specified in the summons and complaint."

23
24 Renumber succeeding section accordingly.
25
26
27

28 **HB09-1324** be postponed indefinitely.
29
30
31

32 MESSAGE(S) FROM THE SENATE

33
34 The Senate failed to pass HB09-1042 on Second Reading. The bill is
35 returned herewith.
36
37

38 On motion of Representative Fischer, the House resolved itself into
39 Committee of the Whole for consideration of Special Orders and he was
40 called to the Chair to act as Chairman.
41
42

43 SPECIAL ORDERS--SECOND READING OF BILLS

44
45 The Committee of the Whole having risen, the Chairman reported the
46 titles of the following bills had been read (reading at length had been
47 dispensed with by unanimous consent), the bills considered and action
48 taken thereon as follows:
49

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

53 **HB09-1313** by Representative(s) Merrifield, Apuan, Benefield, Casso,
54 Ferrandino, Fischer, Hulinghorst, Kefalas, Kerr A.,
55 Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi,
56 Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil,

1 Green, Pace, Pommer; also Senator(s) Bacon, Gibbs,
 2 Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller,
 3 Morse, Romer, Shaffer B.--Concerning expanding civic
 4 engagement options through student-directed programs at
 5 institutions of higher education.

6
 7 (Previously amendment as printed in House Journal, April 8, page 1105.)

8
 9 As amended, ordered engrossed and placed on the Calendar for Third
 10 Reading and Final Passage.

11
 12 **HB09-1280** by Representative(s) Looper--Concerning the adoption of
 13 a youth challenge corps program in Colorado.

14
 15 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 16 March 3, 2009, and placed in member's bill file; Report also printed in
 17 House Journal, March 4, page 609.

18
 19 Amendment No. 2, Health & Human Services Report, dated
 20 March 12, 2009, and placed in member's bill file; Report also printed in
 21 House Journal, March 13, pages 728-729.

22
 23 As amended, ordered engrossed and placed on the Calendar for Third
 24 Reading and Final Passage.

25
 26
 27 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

28
 29 Representative(s) Priola and Balmer moved to amend the Report of the
 30 Committee of the Whole to reverse the action taken by the Committee in
 31 not adopting the following Priola amendment, to HB09-1313, to show
 32 that said amendment passed, and that **HB09-1313**, as amended, passed.

33
 34 Amend printed bill, page 2, line 20 strike "A" and substitute "EACH"; and
 35 strike "BALLOT" and substitute "BALLOT, ON AN INDIVIDUAL BASIS,".

36
 37 The amendment was declared **lost** by the following roll call vote:

38
 39

	YES	28	NO	36	EXCUSED	1	ABSENT	0
40	Acree	Y	Green	N	McCann	N	Roberts	Y
41	Apuan	N	Hullinghorst	N	McFadyen	N	Ryden	N
42	Balmer	Y	Judd	N	McKinley	N	Scanlan	N
43	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
44	Benefield	N	Kefalas	N	Merrifield	N	Solano	N
45	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	Y
46	Casso	N	Kerr J.	Y	Miklosi	N	Soper	N
47	Court	N	King S.	Y	Murray	Y	Stephens	Y
48	Curry	Y	Labuda	N	Nikkel	Y	Summers	Y
49	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
50	Fischer	N	Levy	N	Peniston	N	Tipton	Y
51	Frangas	N	Liston	Y	Pommer	E	Todd	N
52	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
53	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
54	Gardner C.	Y	Massey	Y	Rice	N	Waller	Y
55	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
56							Speaker	N

1 Representative(s) Nikkel, Stephens, and McNulty moved to amend the
 2 Report of the Committee of the Whole to reverse the action taken by the
 3 Committee in not adopting the following Nikkel amendment, to
 4 HB09-1313, to show that said amendment passed, and that **HB09-1313**,
 5 as amended, passed.

6
 7 Amend printed bill, page 2, line 9, after "(i)", insert "(A)";
 8
 9 after line 24, insert the following:

10
 11 "(B) EACH ENTITY RECEIVING AN OPTIONAL FEE PURSUANT THIS
 12 PARAGRAPH (i) SHALL PUBLISH ON ITS WEB SITE A LIST OF THE ALL
 13 MONEYS COLLECTED PURSUANT TO THE FEES IT COLLECTS AND THE USES
 14 OF SUCH MONEYS."
 15

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

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

37
 38
 39 Passed Second Reading: **HB09-1313 amended, 1280 amended.**

40
 41
 42
 43 The Chairman moved the adoption of the Committee of the Whole
 44 Report. As shown by the following roll call vote, a majority of those
 45 elected to the House voted in the affirmative, and the Report was
 46 **adopted.**

	YES	62	NO	3	EXCUSED	0	ABSENT	0
49	Acree	Y	Green	Y	McCann	Y	Roberts	Y
50	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
51	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
52	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
53	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
54	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
55	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
56	Court	Y	King S.	Y	Murray	Y	Stephens	Y

1	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
2	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	N
3	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
4	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
5	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
6	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
7	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
8	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
9							Speaker	Y

10

11

12

13 On motion of Representative Fischer, the House resolved itself into
 14 Committee of the Whole for consideration of General Orders, and he was
 15 called to the Chair to act as Chairman.

16

17

18 **GENERAL ORDERS--SECOND READING OF BILLS**

19

20 The Committee of the Whole having risen, the Chairman reported the
 21 titles of the following bills had been read (reading at length had been
 22 dispensed with by unanimous consent), the bills considered and action
 23 taken thereon as follows:

24

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

27

28 **SB09-176** by Senator(s) Spence; also Representative(s) Casso and
 29 Massey--Concerning charter school participation in school
 30 district bond elections.

31

32 Amendment No. 1, Education Report, dated April 2, 2009, and placed in
 33 member's bill file; Report also printed in House Journal, April 3,
 34 page 1028.

35

36 Amendment No. 2, by Representative(s) Merrifield.

37

38 Amend reengrossed bill, page 5, after line 8, insert the following:

39

40 "(B) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY
 41 REQUIRE A CHARTER SCHOOL TO CERTIFY THAT SCHOOL CONSTRUCTION TO
 42 BE FINANCED WITH BOND PROCEEDS IN ACCORDANCE WITH THIS SECTION
 43 WILL REMEDIATE A SHORTCOMING IN THE CHARTER SCHOOL'S FACILITIES
 44 IDENTIFIED PURSUANT TO SECTION 22-43.7-108, AND THAT ANY
 45 CONSTRUCTION WILL CONFORM TO ANY CONSTRUCTION GUIDELINES
 46 ESTABLISHED PURSUANT TO 22-43.7-107."

47

48 Reletter succeeding sub-subparagraph accordingly.

49

50 Amendment No. 3, by Representative(s) Merrifield.

51

52 Amend reengrossed bill, page 7, line 14, after "PROCEEDS", insert "AND
 53 INVESTMENT AND INTEREST EARNINGS ON SUCH PROCEEDS".

54

55 As amended, ordered revised and placed on the Calendar for Third
 56 Reading and Final Passage.

1 **HB09-1327** by Representative(s) Hullinghorst, Court, Fischer,
2 Gagliardi, Levy, McCann, Peniston, Pommer, Rice,
3 Sonnenberg, Vigil, Weissmann; also Senator(s) Tochtrop,
4 Heath--Concerning modifications to the urban renewal law
5 to address impacts to specified taxing entities arising from
6 the use of tax increment financing mechanisms to support
7 urban renewal projects.
8

9 Laid over until April 17, retaining place on Calendar.
10

11 **SB09-094** by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz,
12 Shaffer B.; also Representative(s) Levy, Green, Marostica,
13 Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan--
14 Concerning the creation of a transit and rail division
15 within the department of transportation.
16

17 Amendment No. 1, Transportation & Energy Report, dated April 7, 2009,
18 and placed in member's bill file; Report also printed in House Journal,
19 April 8, pages 1119-1120.
20

21 Amendment No. 2, by Representative(s) Gardner C.
22

23 Amend reengrossed bill, page 4, after line 20, insert the following:
24

25 "(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NEITHER
26 THE EXECUTIVE DIRECTOR NOR THE DIRECTOR OF THE TRANSIT AND RAIL
27 DIVISION SHALL HAVE ANY POWER TO EXPEND FINANCIAL OR HUMAN
28 RESOURCES ON THE CONDEMNATION OF PROPERTY FOR THE PURPOSE OF
29 IMPLEMENTING THE COLORADO RAIL RELOCATION IMPLEMENTATION
30 STUDY COMPLETED BY THE DEPARTMENT IN JANUARY 2009."
31

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

35 **HB09-1017** by Representative(s) Pace; also Senator(s) Hodge--
36 Concerning the water efficiency grant program cash fund,
37 and, in connection therewith, giving the Colorado water
38 conservation board continuous authority to spend moneys
39 transferred to the water efficiency grant program cash fund
40 from the operational account of the severance tax trust
41 fund.
42

43 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
44 dated January 21, 2009, and placed in member's bill file; Report also
45 printed in House Journal, January 22, pages 114-115.
46

47 As amended, ordered engrossed and placed on the Calendar for Third
48 Reading and Final Passage.
49

50 **HB09-1105** by Representative(s) Kefalas--Concerning the creation of
51 the Colorado innovation investment tax credit to be
52 applied against state income taxes.
53

54 Amendment No. 1, Finance Report, dated February 18, 2009, and placed
55 in member's bill file; Report also printed in House Journal, February 20,
56 page 460-462.

1 Amendment No. 2, Appropriations Report, dated April 9, 2009, and
2 placed in member's bill file; Report also printed in House Journal, April 9,
3 pages 1134-1136.

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

7
8 **HB09-1298** by Representative(s) McFadyen and Gardner C., Liston,
9 Rice, Solano; also Senator(s) Mitchell, Heath, Scheffel,
10 Schwartz--Concerning economic development for the
11 trucking industry in Colorado.

12
13 Amendment No. 1, Appropriations Report, dated April 9, 2009, and
14 placed in member's bill file; Report also printed in House Journal, April 9,
15 pages 1138-1139.

16
17 Amendment No. 2, by Representative(s) McFadyen.

18
19 Amend printed bill, page 8, line 9, strike "42-4-1802, OR A SCRAP METAL
20 BUSINESS," and substitute "42-4-2201 (1), OR A SCRAP METAL RECYCLER,".

21
22 Page 9, after line 24, insert the following:

23
24 **"SECTION 4.** 42-4-2201, Colorado Revised Statutes, is amended
25 to read:

26
27 **42-4-2201. Definitions.** As used in this part 22, unless the
28 context otherwise requires:

29
30 (1) "AUTO PARTS RECYCLER" MEANS ANY PERSON THAT
31 PURCHASES MOTOR VEHICLES FOR THE PURPOSE OF DISMANTLING AND
32 SELLING THE COMPONENTS THEREOF AND THAT COMPLIES WITH ALL
33 FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.

34
35 ~~(1)~~ (2) "Licensed motor vehicle dealer" means a motor vehicle
36 dealer that is licensed pursuant to part 1 of article 6 of title 12, C.R.S.

37
38 ~~(2)~~ (3) "Operator" means a person or a firm licensed by the public
39 utilities commission as a towing carrier.

40
41 ~~(3)~~ (4) "Recycling" means:

42
43 (a) Crushing or shredding a motor vehicle to produce scrap metal
44 that may be used to produce new products; or

45
46 (b) Dismantling a motor vehicle to remove reusable parts prior to
47 recycling the remainder of the vehicle.

48
49 ~~(4)~~ (5) "System" means the Colorado motor vehicle verification
50 system created in section 42-4-2203."

51
52 Renumber succeeding sections accordingly.

53
54
55

1 Amendment No. 3, by Representative(s) McFadyen.

2

3 Amend printed bill, page 9, after line 7, insert the following:

4

5 "(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
6 OR RESTRICT THE ABILITY OF AN AUTO PARTS RECYCLER, AS DEFINED IN
7 SECTION 42-4-2201 (1), FROM RECYCLING ANY PART OF A SCRAPPED
8 VEHICLE FOR USE AS A REPLACEMENT PART."

9

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

12

13 HB09-1157 by Representative(s) Waller, Baumgardner, Bradford,
14 King S., Liston, Stephens--Concerning the designation of
15 N-benzylpiperazine as a schedule I controlled substance,
16 and, in connection therewith, making an appropriation.

17

18 Amendment No. 1, Judiciary Report, dated January 26, 2009, and placed
19 in member's bill file; Report also printed in House Journal, January 27,
20 pages 139-140.

21

22 Amendment No. 2, Appropriations Report, dated April 9, 2009, and
23 placed in member's bill file; Report also printed in House Journal, April 9,
24 pages 1137-1138.

25

26 Amendment No. 3, by Representative(s) Pace.

27

28 Amend printed bill, page 2, strike lines 11 through 27.

29

30 Strike pages 3 through 5 and substitute the following:

31

32 "SECTION 2. 18-18-404, Colorado Revised Statutes, is amended
33 BY THE ADDITION OF A NEW SUBSECTION to read:

34

35 **18-18-404. Unlawful use of a controlled substance.**
36 (1.5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
37 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, A PERSON WHO
38 VIOLATES THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION WITH
39 REGARD TO N-BENZYLPIPERAZINE (BZP) COMMITS A CLASS 1
40 MISDEMEANOR.

41

42 **SECTION 3.** 18-18-405, Colorado Revised Statutes, is amended
43 BY THE ADDITION OF A NEW SUBSECTION to read:

44

45 **18-18-405. Unlawful distribution, manufacturing, dispensing,**
46 **sale, or possession.** (2.7) NOTWITHSTANDING THE PROVISIONS OF
47 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS
48 SECTION, A PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTION (1) OF
49 THIS SECTION WITH REGARD TO N-BENZYLPIPERAZINE (BZP) COMMITS A
50 CLASS 1 MISDEMEANOR."

51

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

54

55

1 **HB09-1318** by Representative(s) Sonnenberg and McFadyen; also
2 Senator(s) Brophy and Shaffer B.--Concerning the
3 issuance of overweight permits based on axle
4 configuration for vehicles weighing more than the eighty-
5 five thousand pound nonoverweight vehicle gross vehicle
6 weight limit, and, in connection therewith, repealing
7 before it takes effect a newly enacted increase in the limit
8 from eighty-five thousand pounds to ninety-two thousand
9 pounds, making an overweight vehicle permit available for
10 a vehicle that is operated in combination with a trailer or
11 semitrailer if the trailer has a tandem or triple axle
12 grouping and the vehicle weighs up to ninety-seven
13 thousand pounds, and specifying overweight vehicle
14 permit fees for such a vehicle of five hundred dollars for
15 an annual permit, two hundred fifty dollars for a six-month
16 permit, and fifteen dollars plus ten dollars per axle for a
17 single trip permit.

18
19 Ordered engrossed and placed on the Calendar for Third Reading and
20 Final Passage.

21
22 **HB09-1319** by Representative(s) Merrifield and Massey, Todd,
23 Baumgardner, Benefield, Carroll T., Casso, Ferrandino,
24 Fischer, Green, Kerr A., Levy, Middleton, Miklosi,
25 Murray, Peniston, Primavera, Priola, Riesberg, Scanlan,
26 Schafer S., Solano, Summers; also Senator(s) Williams,
27 King K., Hudak, Penry, Bacon, Boyd, Heath, Romer,
28 Scheffel, Schwartz, Shaffer B., Tapia--Concerning
29 concurrent enrollment of public high school students in
30 courses offered by institutions of higher education.

31
32 Amendment No. 1, Education Report, dated April 2, 2009, and placed in
33 member's bill file; Report also printed in House Journal, April 3,
34 pages 1024-1027.

35
36 Amendment No. 2, Appropriations Report, dated April 9, 2009, and
37 placed in member's bill file; Report also printed in House Journal, April 9,
38 page 1140.

39
40 Amendment No. 3, by Representative(s) Merrifield.

41
42 Amend the House Education Committee Report, dated April 2, 2009,
43 page 1, strike line 4 and substitute the following:

44
45 "line 19, strike "COLLEGE" and substitute "COLLEGE, LOCAL DISTRICT
46 COLLEGE, OR AREA VOCATIONAL".

47
48 Page 2 of the committee report, strike lines 31 and 32 and substitute the
49 following:

50
51 "Page 17, strike lines 14 through 16 and substitute the following:

52
53 "WHO REPRESENTS A COMMUNITY COLLEGE, ONE MEMBER WHO
54 REPRESENTS A PUBLIC, FOUR-YEAR INSTITUTION OF HIGHER EDUCATION,
55 AND ONE MEMBER WHO REPRESENTS A LOCAL DISTRICT COLLEGE; AND".

56

1 Page 3 of the committee report, strike line 1.

2

3 Amendment No. 4, by Representative(s) Peniston.

4

5 Amend the Education Committee Report, dated April 2, 2009, page 2,
6 strike line 15 and substitute the following:

7

8 "(8) A STUDENT WHO CONCURRENTLY ENROLLS AT AN INSTITUTION
9 OF HIGHER EDUCATION PURSUANT TO THIS ARTICLE SHALL NOT BE
10 DISQUALIFIED OR OTHERWISE RENDERED INELIGIBLE FOR ANY
11 STATE-BASED FINANCIAL ASSISTANCE FOR WHICH HE OR SHE WOULD
12 OTHERWISE BE ELIGIBLE AS AN ENTERING STUDENT AT THE INSTITUTION.

13

14 (9) (a) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IS".

15

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

18

19 **HB09-1320** by Representative(s) Marostica, Ferrandino, Pommer; also
20 Senator(s) White, Keller, Tapia--Concerning an increase
21 in fees paid for certain dairy licenses.

22

23 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
24 dated March 31, 2009, and placed in member's bill file; Report also
25 printed in House Journal, April 1, pages 985-987.

26

27 Amendment No. 2, Appropriations Report, dated April 9, 2009, and
28 placed in member's bill file; Report also printed in House Journal, April 9,
29 pages 1140-1141.

30

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

33

34 **HB09-1326** by Representative(s) Carroll T. and Court, Apuan,
35 Benefield, Casso, Curry, Ferrandino, Fischer, Green,
36 Hullinghorst, Kefalas, Kerr A., Levy, May, McCann,
37 McFadyen, Merrifield, Middleton, Miklosi, Peniston,
38 Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens,
39 Todd, Vigil; also Senator(s) Shaffer B., Bacon, Boyd,
40 Groff, Heath, Penry, Williams--Concerning the integrity of
41 the statewide citizen-initiated petition process.

42

43 Amendment No. 1, Appropriations Report, dated April 9, 2009, and
44 placed in member's bill file; Report also printed in House Journal, April 9,
45 page 1141.

46

47 Amendment No. 2, by Representative(s) Carroll T.

48

49 Amend printed bill, page 4, line 2, after "(5)", insert "(5.3), and (5.4),"
50 and, strike "is" and substitute "are";

51

52 line 7, strike "Constitutional issues" and substitute "~~Constitutional issues~~
53 INITIATED AMENDMENTS";

54

55 line 8, strike "statewide issues and questions," and substitute "~~statewide~~
56 ~~issues and questions~~ REFERRED AMENDMENTS, INITIATED PROPOSITIONS,

1 REFERRED PROPOSITIONS,";

2

3 strike lines 12 through 14.

4

5 Page 5, strike lines 1 and 2 and substitute the following:

6

7 "subdivisions which are wholly within a county. ~~The measures in each~~
8 ~~category shall be placed in the following order: Measures to increase~~
9 ~~taxes; measures to retain revenues in excess of a district's fiscal year~~
10 ~~spending limit; measures to increase debt; citizen petitions; and referred~~
11 ~~measures.~~

12

13 (5.3) (a) Commencing with the general election held in ~~November~~
14 ~~2000~~ NOVEMBER 2010, each statewide measure initiated by the people
15 THAT IS A PROPOSED CHANGE TO THE STATE CONSTITUTION shall be
16 numbered consecutively in regular numerical order beginning with the
17 number ~~twenty~~ SIXTY. Such consecutive numbering of measures shall
18 continue at any odd-year or general election held after such election at
19 which any such measure is on the ballot beginning with the number
20 following the highest number utilized in the previous election until the
21 number ninety-nine is utilized at an election for any such measure. Such
22 measures shall again be numbered consecutively in regular numerical
23 order beginning with the number one and in accordance with this
24 ~~subsection (5.3)~~ PARAGRAPH (a) following the utilization of the number
25 ninety-nine for any such measure. The secretary of state may promulgate
26 rules as may be necessary to administer this ~~subsection (5.3) including,~~
27 ~~but not limited to, rules specifying the grouping of such measures for~~
28 ~~purposes of such numbering or reserving specific sequences of numbers~~
29 ~~for certain categories of measures~~ PARAGRAPH (a). Such rules shall be
30 promulgated in accordance with article 4 of title 24, C.R.S.

31

32 (b) COMMENCING WITH THE GENERAL ELECTION HELD IN
33 NOVEMBER 2010, EACH STATEWIDE MEASURE INITIATED BY THE PEOPLE
34 THAT IS A PROPOSED CHANGE TO THE COLORADO REVISED STATUTES
35 SHALL BE NUMBERED CONSECUTIVELY IN REGULAR NUMERICAL ORDER
36 BEGINNING WITH THE NUMBER ONE HUNDRED ONE. SUCH CONSECUTIVE
37 NUMBERING OF MEASURES SHALL CONTINUE AT ANY ODD-YEAR OR
38 GENERAL ELECTION HELD AFTER SUCH ELECTION AT WHICH ANY SUCH
39 MEASURE IS ON THE BALLOT BEGINNING WITH THE NUMBER FOLLOWING
40 THE HIGHEST NUMBER UTILIZED IN THE PREVIOUS ELECTION UNTIL THE
41 NUMBER ONE HUNDRED NINETY-NINE IS UTILIZED AT AN ELECTION FOR
42 ANY SUCH MEASURE. SUCH MEASURES SHALL AGAIN BE NUMBERED
43 CONSECUTIVELY IN REGULAR NUMERICAL ORDER BEGINNING WITH THE
44 NUMBER ONE HUNDRED ONE AND IN ACCORDANCE WITH THIS PARAGRAPH
45 (B) FOLLOWING THE UTILIZATION OF THE NUMBER ONE HUNDRED
46 NINETY-NINE FOR ANY SUCH MEASURE. THE SECRETARY OF STATE MAY
47 PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER THIS
48 PARAGRAPH (b). SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE
49 WITH ARTICLE 4 OF TITLE 24, C.R.S.

50

51 (5.4) (a) Commencing with the general election held in ~~November~~
52 ~~2004~~ NOVEMBER 2010, each statewide measure referred to the people by
53 the general assembly THAT IS A PROPOSED CHANGE TO THE STATE
54 CONSTITUTION shall be lettered consecutively in regular alphabetical order
55 beginning with the ~~letter A~~ LETTER P. The consecutive lettering of SUCH
56 statewide referred measures shall continue at any odd-year or general

1 election held after the election at which any statewide referred measure
2 is on the ballot beginning with the letter following the last letter utilized
3 in the previous election until the letter Z is utilized at an election for SUCH
4 a statewide referred measure. SUCH statewide referred measures shall
5 again be lettered consecutively in regular alphabetical order beginning
6 with the letter A and in accordance with this ~~subsection (5.4)~~ PARAGRAPH
7 (a) following the utilization of the letter Z for any SUCH statewide referred
8 measure. The secretary of state may promulgate rules as may be
9 necessary to administer this ~~subsection (5.4)~~ including but not limited to
10 rules specifying the grouping of statewide referred measures for purposes
11 of lettering or reserving specific sequences of letters for certain categories
12 of measures PARAGRAPH (a). Any rules shall be promulgated in
13 accordance with article 4 of title 24, C.R.S.
14

15 (b) COMMENCING WITH THE GENERAL ELECTION HELD IN
16 NOVEMBER 2010, EACH STATEWIDE MEASURE REFERRED TO THE PEOPLE
17 BY THE GENERAL ASSEMBLY THAT IS A PROPOSED CHANGE TO THE
18 COLORADO REVISED STATUTES SHALL BE DOUBLE-LETTERED
19 CONSECUTIVELY IN REGULAR ALPHABETICAL ORDER BEGINNING WITH THE
20 LETTERS AA. THE CONSECUTIVE LETTERING OF SUCH STATEWIDE
21 REFERRED MEASURES SHALL CONTINUE AT ANY ODD-YEAR OR GENERAL
22 ELECTION HELD AFTER THE ELECTION AT WHICH ANY STATEWIDE
23 REFERRED MEASURE IS ON THE BALLOT BEGINNING WITH THE LETTERS
24 FOLLOWING THE LAST LETTERS UTILIZED IN THE PREVIOUS ELECTION UNTIL
25 THE LETTERS ZZ ARE UTILIZED AT AN ELECTION FOR SUCH A STATEWIDE
26 REFERRED MEASURE. SUCH STATEWIDE REFERRED MEASURES SHALL
27 AGAIN BE LETTERED CONSECUTIVELY IN REGULAR ALPHABETICAL ORDER
28 BEGINNING WITH THE LETTERS AA AND IN ACCORDANCE WITH THIS
29 PARAGRAPH (b) FOLLOWING THE UTILIZATION OF THE LETTERS ZZ FOR ANY
30 SUCH STATEWIDE REFERRED MEASURE. THE SECRETARY OF STATE MAY
31 PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER THIS
32 PARAGRAPH (b). ANY RULES SHALL BE PROMULGATED IN ACCORDANCE
33 WITH ARTICLE 4 OF TITLE 24, C.R.S."
34

35 page 5, after line 11, insert the following:
36

37 "SECTION 2. 1-40-101, Colorado Revised Statutes, is amended
38 to read:
39

40 **1-40-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
41 DECLARES THAT it is not the intention of this article to limit or abridge in
42 any manner the powers reserved to the people in the initiative and
43 referendum, but rather to properly safeguard, protect, and preserve
44 inviolate for them these modern instrumentalities of democratic
45 government.
46

47 (2) (a) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND
48 DECLARES THAT:
49

50 (I) THE INITIATIVE PROCESS RELIES UPON THE TRUTHFULNESS OF
51 CIRCULATORS WHO OBTAIN THE PETITION SIGNATURES TO QUALIFY A
52 BALLOT ISSUE FOR THE STATEWIDE BALLOT AND THAT DURING THE 2008
53 GENERAL ELECTION, THE HONESTY OF MANY PETITION CIRCULATORS WAS
54 AT ISSUE BECAUSE OF PRACTICES THAT INCLUDED: USING THIRD PARTIES
55 TO CIRCULATE PETITION SECTIONS, EVEN THOUGH THE THIRD PARTIES DID
56 NOT SIGN THE CIRCULATOR'S AFFIDAVIT, WERE NOT OF LEGAL AGE TO ACT

1 AS A CIRCULATOR, AND WERE PAID IN CASH TO CONCEAL THEIR IDENTITIES;
2 PROVIDING FALSE NAMES OR RESIDENTIAL ADDRESSES IN THE
3 CIRCULATOR'S AFFIDAVITS, A PRACTICE THAT PERMITS CIRCULATORS TO
4 EVADE DETECTION BY PERSONS CHALLENGING THE SECRETARY OF STATE'S
5 SUFFICIENCY DETERMINATION; CIRCULATING PETITION SECTIONS WITHOUT
6 EVEN A RUDIMENTARY UNDERSTANDING OF THE LEGAL REQUIREMENTS
7 RELATING TO PETITION CIRCULATION; AND OBTAINING THE SIGNATURES OF
8 PERSONS WHO PURPORTED TO NOTARIZE CIRCULATOR AFFIDAVITS, EVEN
9 THOUGH SUCH PERSONS WERE NOT LEGALLY AUTHORIZED TO ACT AS
10 NOTARIES OR ADMINISTER THE REQUIRED OATH;

11

12 (II) THE PER SIGNATURE COMPENSATION SYSTEM USED BY MANY
13 PETITION ENTITIES PROVIDES AN INCENTIVE FOR CIRCULATORS TO COLLECT
14 AS MANY SIGNATURES AS POSSIBLE, WITHOUT REGARD FOR WHETHER ALL
15 PETITION SIGNERS ARE REGISTERED ELECTORS; AND

16

17 (III) MANY PETITION CIRCULATOR AFFIDAVITS ARE THUS
18 EXECUTED WITHOUT REGARD FOR SPECIFIC REQUIREMENTS OF LAW THAT
19 ARE DESIGNED TO ASSIST IN THE PREVENTION OF FRAUD, ABUSE, AND
20 MISTAKE IN THE INITIATIVE PROCESS.

21

22 (b) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
23 DECLARES THAT:

24

25 (I) BECAUSE PETITION CIRCULATORS WHO RESIDE IN OTHER STATES
26 TYPICALLY LEAVE COLORADO IMMEDIATELY AFTER PETITIONS ARE
27 SUBMITTED TO THE SECRETARY OF STATE FOR VERIFICATION, A FULL AND
28 FAIR EXAMINATION OF FRAUD IN THE PETITION CIRCULATION PROCESS IS
29 FRUSTRATED, AND AS A RESULT, THE SECRETARY OF STATE HAS BEEN
30 FORCED TO GIVE EFFECT TO CERTAIN CIRCULATOR AFFIDAVITS THAT WERE
31 NOT PROPERLY VERIFIED AND THUS WERE NOT PRIMA FACIE EVIDENCE OF
32 THE VALIDITY OF PETITION SIGNATURES ON AFFECTED PETITION SECTIONS;
33 AND

34

35 (II) THE COURTS HAVE NOT HAD AUTHORITY TO EXERCISE
36 JURISDICTION OVER FRAUDULENT ACTS BY CIRCULATORS AND NOTARIES
37 PUBLIC IN CONNECTION WITH PETITION SIGNATURES REVIEWED AS PART OF
38 THE SECRETARY OF STATE'S RANDOM SAMPLE.

39

40 (c) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND
41 DECLARES THAT:

42

43 (I) AS A RESULT OF THE PROBLEMS IDENTIFIED IN PARAGRAPHS (a)
44 AND (b) OF THIS SUBSECTION (2), ONE OR MORE BALLOT MEASURES
45 APPEARED ON STATEWIDE BALLOTS IN ELECTIONS PRIOR TO AND
46 INCLUDING THE 2008 GENERAL ELECTION EVEN THOUGH SIGNIFICANT
47 NUMBERS OF THE UNDERLYING PETITION SIGNATURES WERE OBTAINED IN
48 DIRECT VIOLATION OF COLORADO LAW AND THE ACCURACY OF THE
49 SECRETARY OF STATE'S DETERMINATION OF SUFFICIENCY COULD NOT BE
50 FULLY EVALUATED BY THE DISTRICT COURT; AND

51

52 (II) FOR THE INITIATIVE PROCESS TO OPERATE AS AN HONEST
53 EXPRESSION OF THE VOTERS' RESERVED LEGISLATIVE POWER, IT IS
54 ESSENTIAL THAT CIRCULATORS TRUTHFULLY VERIFY ALL ELEMENTS OF
55 THEIR CIRCULATOR AFFIDAVITS AND MAKE THEMSELVES AVAILABLE TO
56 PARTICIPATE IN CHALLENGES TO THE SECRETARY OF STATE'S

1 DETERMINATION OF PETITION SUFFICIENCY."

2

3 Page 10, strike line 11 and substitute the following:

4

5 "A PROTEST SHALL INVALIDATE THE PETITION SECTION IF IT IS
6 CHALLENGED ON THE GROUNDS OF CIRCULATOR FRAUD."

7

8 Page 11, line 9, strike "not accept for filing" and substitute "~~not accept for~~
9 filing REJECT";

10

11 line 15, after "(3)", insert "(a)";

12

13 line 20, strike "THE" and substitute "EXCEPT AS SET FORTH IN PARAGRAPH
14 (b) OF THIS SUBSECTION (3), THE";

15

16 line 23, strike "SUBSECTION (3)" and substitute "PARAGRAPH (a)";

17

18 line 24, strike "ANY OF THE FOLLOWING:" and substitute "CIRCULATOR
19 FRAUD THAT IS PLEAD WITH PARTICULARITY REGARDING:";

20

21 line 25, strike "(a)" and substitute "(I)";

22

23 line 26, strike "(b)" and substitute "(II)".

24

25 Page 12, line 2, strike "(c)" and substitute "(III)";

26

27 line 3, after "AFFIDAVIT;" add "OR";

28

29 line 4, strike "(d)" and substitute "(IV)";

30

31 strike lines 6 through 9 and substitute the following:

32

33 "PETITION.

34

35 (b) UPON THE FINDING BY A DISTRICT COURT OR THE SECRETARY
36 OF STATE THAT THE CIRCULATOR OF A PETITION SECTION IS UNABLE TO BE
37 DEPOSED OR TO TESTIFY AT TRIAL OR A HEARING CONDUCTED BY THE
38 SECRETARY OF STATE BECAUSE THE CIRCULATOR HAS DIED, BECOME
39 MENTALLY INCOMPETENT, OR BECOME MEDICALLY INCAPACITATED AND
40 PHYSICALLY UNABLE TO TESTIFY BY ANY MEANS WHATSOEVER, THE
41 PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY
42 TO INVALIDATE A PETITION SECTION CIRCULATED BY THE CIRCULATOR.";

43

44 line 27, strike "A NEW SUBSECTION" and substitute "THE
45 FOLLOWING NEW SUBSECTIONS".

46

47 Page 13, line 4, strike "POTENTIAL FRAUDULENT ACTIVITIES IN";

48

49 line 5, strike "PETITION CIRCULATION," and substitute "FRAUD, ABUSE,
50 AND MISTAKE IN THE PETITION CIRCULATION PROCESS,";

51

52 line 7, strike "THE TRAINING MAY BE CONDUCTED" and substitute "A
53 CIRCULATOR MAY BE TRAINED EITHER";

54

55 line 12, after "TRAINING.", insert "THE PROPONENTS OF ANY BALLOT
56 PETITION FOR WHICH CIRCULATORS OF PETITIONS CONTAINING MORE THAN

1 ONE HUNDRED SIGNATURES ARE TRAINED PURSUANT TO THIS SECTION
2 SHALL MAINTAIN, EITHER DIRECTLY OR THROUGH A PETITION ENTITY,
3 RECORDS THAT DOCUMENT THE DATE, TIME, AND PLACE OF EACH
4 CIRCULATOR'S TRAINING, AS WELL AS THE NAME AND ADDRESS OF THE
5 INDIVIDUAL WHO CONDUCTED THE TRAINING. THE SECRETARY OF STATE
6 SHALL PROVIDE TRAINING BY ANY MEANS, INCLUDING ELECTRONIC AND
7 REMOTE ACCESS, THAT ARE DEEMED EFFECTIVE BY THE SECRETARY OF
8 STATE AND THAT FACILITATE THE PROPONENTS' OR A PETITION ENTITY'S
9 RECORD KEEPING RESPONSIBILITIES UNDER THIS SUBSECTION (3).";

10

11 after line 13, insert the following:

12

13 "(4) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PAY A
14 CIRCULATOR MORE THAN TWENTY PERCENT OF HIS OR HER COMPENSATION
15 FOR CIRCULATING PETITIONS ON A PER SIGNATURE OR PETITION SECTION
16 BASIS.".

17

18 Page 14, line 7, after "(2)", insert "(a)";

19

20 strike lines 19 through 24 and substitute the following:

21

22 "ballot title shall appear on the official ballot but once. and FOR EACH
23 BALLOT TITLE THAT IS AN AMENDMENT, THE AMENDMENT NUMBER OR
24 LETTER SHALL BE IMMEDIATELY FOLLOWED BY THE DESCRIPTION
25 "(CONSTITUTIONAL)". FOR EACH BALLOT TITLE THAT IS A
26 PROPOSITION, THE PROPOSITION NUMBER OR LETTERS SHALL BE
27 IMMEDIATELY FOLLOWED BY THE DESCRIPTION "(STATUTORY)". EACH
28 BALLOT TITLE shall be separated from the other ballot titles next to".

29

30 Page 15, after line 2, insert the following:

31

32 "(b) FOR PURPOSES OF PREPARING AN AUDIO BALLOT AS PART OF
33 AN ACCESSIBLE VOTING SYSTEM:

34

35 (I) IN LIEU OF THE PARENTHETICAL DESCRIPTION PRECEDING A
36 BALLOT TITLE THAT IS AN AMENDMENT REQUIRED BY PARAGRAPH (a) OF
37 THIS SUBSECTION (2), THE AUDIO BALLOT SHALL INCLUDE THE FOLLOWING:
38 "THE FOLLOWING BALLOT ISSUE PROPOSES A CHANGE TO THE COLORADO
39 CONSTITUTION."; AND

40

41 (II) IN LIEU OF THE PARENTHETICAL DESCRIPTION PRECEDING A
42 BALLOT TITLE THAT IS A PROPOSITION REQUIRED BY PARAGRAPH (a) OF
43 THIS SUBSECTION (2), THE AUDIO BALLOT SHALL INCLUDE THE FOLLOWING:
44 "THE FOLLOWING BALLOT ISSUE PROPOSES A CHANGE TO THE COLORADO
45 REVISED STATUTES."".

46

47 Page 16, line 25, strike "specifically";

48

49 line 26, strike "allege" and substitute "~~specifically allege~~ SET FORTH WITH
50 PARTICULARITY".

51

52 Page 17, line 1, strike "SECTIONS." and substitute "SECTIONS, AS WELL AS
53 INDIVIDUAL SIGNATURES OR PETITIONS SECTIONS PROTESTED.".

54

55 Page 18, line 24, strike "PRESENT IN THE STATE" and substitute
56 "AVAILABLE".

1 Page 20, strike lines 23 through 27.

2

3 Page 21, strike lines 1 through 8 and substitute the following:

4

5 "WITHOUT FIRST OBTAINING A LICENSE THEREFOR FROM THE SECRETARY
6 OF STATE. THE SECRETARY OF STATE MAY DENY A LICENSE IF HE OR SHE
7 FINDS THAT THE PETITION ENTITY OR ANY OF ITS PRINCIPALS HAVE BEEN
8 FOUND, IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING, TO HAVE
9 VIOLATED THE PETITION LAWS OF COLORADO OR ANY OTHER STATE AND
10 SUCH VIOLATION INVOLVES AUTHORIZING OR KNOWINGLY PERMITTING
11 ANY OF THE ACTS SET FORTH IN PARAGRAPHS (I), (II), (III), (IV), AND (VII)
12 OF SUBSECTION (c) OF THIS SECTION. THE SECRETARY OF STATE SHALL
13 DENY A LICENSE IF:

14

15 (I) THE PETITION ENTITY FAILS TO AGREE THAT CIRCULATORS
16 SHALL NOT BE PAID ON A PER SIGNATURE OR PER PETITION BASIS; OR

17

18 (II) NO CURRENT REPRESENTATIVE OF THE PETITION ENTITY HAS
19 COMPLETED THE TRAINING REQUIREMENTS RELATED TO POTENTIAL
20 FRAUDULENT ACTIVITIES IN PETITION CIRCULATION, AS ESTABLISHED BY
21 THE SECRETARY OF STATE, PURSUANT TO SECTION 1-40-112 (3).";

22

23 line 11, strike "(II)" and substitute "(I)";

24

25 line 13, after "PETITION", insert "ENTITY";

26

27 line 15, strike "NO LONGER" and substitute "DETERMINED TO NO LONGER
28 BE";

29

30 line 26, after "CIRCULATOR", insert "OF MORE THAN TWENTY PERCENT OF
31 HIS OR HER COMPENSATION", and, after "OR", insert "PER".

32

33 Page 22, after line 7, insert the following:

34

35 (3) (a) ANY PROCEDURES BY WHICH ALLEGED VIOLATIONS
36 INVOLVING PETITION ENTITIES ARE HEARD AND ADJUDICATED SHALL BE
37 GOVERNED BY THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
38 4 OF TITLE 24, C.R.S. IF THE SECRETARY FINDS THAT A PETITION ENTITY
39 VIOLATED A PROVISION OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS
40 SECTION, THE SECRETARY SHALL REVOKE THE ENTITY'S LICENSE FOR NOT
41 LESS THAN NINETY DAYS OR MORE THAN ONE HUNDRED EIGHTY DAYS.
42 UPON FINDING ANY SUBSEQUENT VIOLATION OF A PROVISION OF
43 PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, THE SECRETARY
44 SHALL REVOKE THE PETITION ENTITY'S LICENSE FOR NOT LESS THAN ONE
45 HUNDRED EIGHTY DAYS OR MORE THAN ONE YEAR. THE SECRETARY
46 SHALL CONSIDER ALL CIRCUMSTANCES SURROUNDING THE VIOLATIONS IN
47 FIXING THE LENGTH OF THE REVOCATIONS.

48

49 (b) A PETITION ENTITY WHOSE LICENSE HAS BEEN REVOKED MAY
50 APPLY FOR REINSTATEMENT TO BE EFFECTIVE UPON EXPIRATION OF THE
51 TERM OF REVOCATION.

52

53 (c) IN DETERMINING WHETHER TO REINSTATE A LICENSE, THE
54 SECRETARY MAY CONSIDER:

55

56 (I) THE ENTITY'S OWNERSHIP BY, EMPLOYMENT OF, OR CONTRACT

1 WITH ANY PERSON WHO SERVED AS A DIRECTOR, OFFICER, OWNER, OR
2 PRINCIPAL OF A PETITION ENTITY WHOSE LICENSE WAS REVOKED, THE ROLE
3 OF SUCH INDIVIDUAL IN THE FACTS UNDERLYING THE PRIOR LICENSE
4 REVOCATION, AND THE ROLE OF SUCH INDIVIDUAL IN A PETITION ENTITY'S
5 POST-REVOCATION ACTIVITIES; AND

6
7 (II) ANY OTHER FACTS THE ENTITY CHOOSES TO PRESENT TO THE
8 SECRETARY, INCLUDING BUT NOT LIMITED TO REMEDIAL STEPS, IF ANY,
9 THAT HAVE BEEN IMPLEMENTED TO AVOID FUTURE ACTS THAT WOULD
10 VIOLATE THIS ARTICLE."

11
12 Renumber succeeding subsections accordingly.

13
14 Page 22, line 24, strike "(4)." and substitute "(5)."

15
16 Amendment No. 3, by Representative(s) Murray.

17
18 Amend printed bill, page 13, strike lines 9 through 11;

19
20 line 12, strike "THE COST OF THE TRAINING."

21
22 Page 19, after line 18, insert the following:

23
24 "(i) FOR ANY PERSON TO PAY MONEY OR OTHER THINGS OF VALUE
25 TO A REGISTERED ELECTOR FOR THE PURPOSE OF INDUCING THE ELECTOR
26 TO WITHDRAW HIS OR HER NAME FROM A PETITION FOR A BALLOT ISSUE;"

27
28 Reletter succeeding paragraphs accordingly.

29
30 Page 21, line 25, after "SIGN", insert "OR WITHDRAW HIS OR HER NAME
31 FROM".

32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.

35
36 **HB09-1329** by Representative(s) Marostica, Ferrandino, Pommer; also
37 Senator(s) White, Keller, Tapia--Concerning the
38 percentage of moneys transferred from the tobacco
39 litigation settlement cash fund to the Colorado state
40 veterans trust fund that are subject to annual appropriation.

41
42 Amendment No. 1, Appropriations Report, dated April 9, 2009, and
43 placed in member's bill file; Report also printed in House Journal, April 9,
44 pages 1141-1142.

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

48
49
50 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

51
52 Representative(s) Levy moved to amend the Report of the Committee of
53 the Whole to reverse the action taken by the Committee in adopting
54 Amendment No. 2, by Representative Gardner C., (printed in House
55 Journal page 1169, lines 21-30), to SB09-094, to show that said
56 amendment lost, and that **SB09-094**, as amended, passed.

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

	YES	30	NO	34	EXCUSED	1	ABSENT	0
4	Acree	N	Green	Y	McCann	Y	Roberts	N
5	Apuan	N	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
6	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
7	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
8	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
9	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	E
10	Casso	N	Kerr J.	N	Miklosi	Y	Soper	N
11	Court	Y	King S.	N	Murray	N	Stephens	N
12	Curry	N	Labuda	Y	Nikkel	N	Summers	N
13	Ferrandino	Y	Lambert	N	Pace	N	Swalm	N
14	Fischer	Y	Levy	Y	Peniston	N	Tipton	N
15	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
16	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
17	Gardner B.	N	Marostica	N	Priola	N	Vigil	N
18	Gardner C.	N	Massey	N	Rice	Y	Waller	N
19	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
20							Speaker	Y

21
22 Representative(s) Stephens moved to amend the Report of the Committee
23 of the Whole to reverse the action taken by the Committee in not adopting
24 the following Stephens amendment, to HB09-1326, to show that said
25 amendment passed, and that **HB09-1326**, as amended, passed.

26
27 Amend printed bill, page 20, line 7, after "**petition.**", insert "(1)";

28
29 after line 14, insert the following:

30
31 "(2) (a) (I) IT IS UNLAWFUL FOR ANY PERSON, DIRECTLY OR
32 INDIRECTLY, OR THROUGH ANY OTHER PERSON:

33
34 (A) TO PAY, LOAN, OR CONTRIBUTE, OR OFFER OR PROMISE TO PAY,
35 LOAN, OR CONTRIBUTE, ANY MONEY OR VALUABLE CONSIDERATION TO OR
36 FOR THE PROPONENTS, OR THE DESIGNATED REPRESENTATIVES OF THE
37 PROPONENTS, OF AN INITIATIVE PETITION, OR TO OR FOR ANY OTHER
38 PERSON, TO COMPEL, INDUCE, OR PREVAIL UPON THE PROPONENTS OR
39 DESIGNATED REPRESENTATIVES TO WITHDRAW THE PETITION FROM
40 CONSIDERATION AS A BALLOT ISSUE; OR

41
42 (B) TO RECEIVE, AGREE TO ACCEPT, OR CONTRACT FOR ANY
43 MONEY, GIFT, LOAN, OR OTHER VALUABLE CONSIDERATION FOR
44 WITHDRAWING OR AGREEING TO WITHDRAW AN INITIATIVE PETITION FROM
45 CONSIDERATION AS A BALLOT ISSUE.

46
47 (II) FOR PURPOSES OF THIS PARAGRAPH (a), "PERSON" MEANS ANY
48 NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION,
49 CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER
50 ORGANIZATION OR GROUP OF PERSONS.

51
52 (b) EACH OFFENSE SET FORTH IN PARAGRAPH (a) OF THIS
53 SUBSECTION (2) IS A CLASS 1 MISDEMEANOR PUNISHABLE AS PROVIDED IN
54 SECTION 18-1.3-501, C.R.S."

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

1 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

2
3 Representative Levy moved that the First Conference Committee on
4 **SB09-101** be granted permission to go beyond the scope of the difference
5 between the House and the Senate. The motion was passed by the
6 following roll call vote:

	YES	64	NO	0	EXCUSED	1	ABSENT	0
9 Acree	Y		Green	Y	McCann	Y	Roberts	Y
10 Apuan	Y		Hullingerhorst	Y	McFadyen	Y	Ryden	Y
11 Balmer	Y		Judd	Y	McKinley	Y	Scanlan	Y
12 Baumgardner	Y		Kagan	Y	McNulty	Y	Schafer S.	Y
13 Benefield	Y		Kefalas	Y	Merrifield	Y	Solano	Y
14 Bradford	Y		Kerr A.	Y	Middleton	Y	Sonnenberg	E
15 Casso	Y		Kerr J.	Y	Miklosi	Y	Soper	Y
16 Court	Y		King S.	Y	Murray	Y	Stephens	Y
17 Curry	Y		Labuda	Y	Nikkel	Y	Summers	Y
18 Ferrandino	Y		Lambert	Y	Pace	Y	Swalm	Y
19 Fischer	Y		Levy	Y	Peniston	Y	Tipton	Y
20 Frangas	Y		Liston	Y	Pommer	Y	Todd	Y
21 Gagliardi	Y		Looper	Y	Primavera	Y	Vaad	Y
22 Gardner B.	Y		Marostica	Y	Priola	Y	Vigil	Y
23 Gardner C.	Y		Massey	Y	Rice	Y	Waller	Y
24 Gerou	Y		May	Y	Riesberg	Y	Weissmann	Y
25							Speaker	Y

26
27
28
29 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

30
31 **BUSINESS AFFAIRS & LABOR**

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

34
35 **HB09-1338** be referred to the Committee of the Whole with favorable
36 recommendation.

37
38
39 **SB09-037** be amended as follows, and as so amended, be referred to
40 the Committee on Appropriations with favorable
41 recommendation:

42
43 Amend reengrossed bill, page 2, strike lines 18 and 19 and substitute the
44 following:

45
46 "~~until the balance in either or both funds exceeds the estimated actuarial~~
47 ~~present value of future claim payments~~ DETERMINED BY THE DIRECTOR TO
48 GENERATE SUFFICIENT REVENUE FOR CLAIM PAYMENTS AND DIRECT AND
49 INDIRECT COSTS OF ADMINISTRATION";

50
51 line 21, strike "fund is" and substitute "~~fund is~~ FUNDS ARE";

52
53 line 24, after "section:", insert "IN DETERMINING THE RATE, THE DIRECTOR
54 SHALL, IN ADDITION TO REVENUE FOR CLAIM PAYMENTS AND DIRECT AND
55 INDIRECT COSTS OF ADMINISTRATION THAT ARE ANTICIPATED TO BE DUE
56 IN THE FOLLOWING STATE FISCAL YEAR, MAINTAIN A CASH BALANCE IN

1 BOTH THE MAJOR MEDICAL INSURANCE FUND AND THE SUBSEQUENT
2 INJURY FUND OF AN AMOUNT OF OTHERWISE UNRESTRICTED REVENUES
3 EQUAL TO APPROXIMATELY ONE YEAR'S WORTH OF CLAIM PAYMENTS AND
4 DIRECT AND INDIRECT ADMINISTRATIVE COSTS."

5

6 Page 3, strike lines 2 through 10 and substitute the following:

7

8 "~~(1) (b), based upon the direct and indirect costs of administration of such~~
9 ~~fund and projections of benefit payments and settlements of benefit~~
10 ~~claims. The remaining revenue~~ AND A PORTION shall be deposited into the
11 major medical insurance fund, established in section 8-46-202 (1). IN
12 ADDITION, THE DIRECTOR MAY MOVE REVENUE BETWEEN THE FUNDS
13 WHEN THE DIRECTOR DETERMINES THAT DOING SO IS NECESSARY. THE
14 DIRECTOR SHALL CONTINUE TO ESTABLISH A SURCHARGE RATE PURSUANT
15 TO SUBSECTION (2) OF THIS SECTION until the balance in BOTH such ~~fund~~
16 ~~exceeds the estimated actuarial present value of~~ FUNDS IS SUFFICIENT TO
17 MEET THE future claim payments plus the amount necessary to pay the
18 direct and indirect costs of administration of the ~~fund, at which time such~~
19 ~~revenue shall be deposited into the subsequent injury fund. Revenue~~
20 ~~shall~~";

21

22 strike lines 13 and 14 and substitute the following:

23

24 "~~payments~~ FUNDS, at which time the surcharge rate established in
25 paragraph (a) of subsection (2) of this section shall be reduced to zero."

26

27

28

29 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

30

31 The Speaker has signed: **SB09-030, 036, 039, 042, 050, 056, 078, 080,**
32 **111, 129, 150, 165, 168, 177 and 237.**

33

34

35

36 **MESSAGE(S) FROM THE SENATE**

37

38 In response to the request of the House for a Conference Committee on
39 HB09-1281, the President appoints Senators Carroll-Chair, Newell and
40 Cadman as conferees on the First Conference Committee on HB09-1281.

41

42 The Senate has granted permission to the First Conference Committee on
43 SB09-101 to go beyond the scope of the differences between the two
44 houses.

45

46 The Senate has granted permission to the First Conference Committee on
47 SB09-013 to go beyond the scope of the differences between the two
48 houses.

49

50

51

52

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55

INTRODUCTION OF BILL
First Reading

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The following bill was read by title and referred to the committee indicated:

HB09-1346 by Representative(s) Carroll T.; also Senator(s) Shaffer B.-
-Concerning authorization for public entities in the state to
fully utilize the financing instruments available to them
under the federal economic stimulus act known as the
"American Recovery and Reinvestment Act of 2009".
Committee on Local Government

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Weissmann, the following item(s) on the Calendar were laid over until April 15, retaining place on Calendar:

- Consideration of Third Reading--**HB09-1273, SB09-061.**
 - Consideration of Conference Committee Report(s)--**SB09-148.**
 - Consideration of Resolution(s)--**SJR09-034, HJR09-1014, 1016.**
 - Consideration of Memorial(s)--**SJM09-002.**
 - Consideration of Senate Amendment(s)--**HB09-1213, 1001.**
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On motion of Representative Weissmann, the House adjourned until 9:00 a.m., April 15, 2009.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

