

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

Thirtieth Legislative Day

Thursday, February 5, 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 Austin and Addie Glass, Stanley British
6 Primary School, Denver.

7

8 The roll was called with the following result:

9

10 Present--61.

11 Excused--Representatives C. Gardner, Looper, Middleton,
12 Pommer--4.

13 Present after roll call--Representatives C. Gardner, Middleton,
14 Pommer.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Bradford, the reading of the journal of
20 February 4, 2009, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22

23

24

25

26

THIRD READING OF BILL--FINAL PASSAGE

27

28 The following bill was considered on Third Reading. The title was
29 publicly read. Reading of the bill at length was dispensed with by
30 unanimous consent.

31

32 **HB09-1093** by Representative(s) Levy, McGihon, Benefield, Judd,
33 Miklosi, Ferrandino, Fischer, Gagliardi, Green,
34 Merrifield, Pommer, Solano; also Senator(s) Veiga,
35 Carroll M.--Concerning additional income tax reporting
36 requirements for a corporate taxpayer.

37

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

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

42

43

	YES	48	NO	15	EXCUSED	2	ABSENT	0
1								
2	Acree	N	Green	Y	McFadyen	Y	Roberts	N
3	Apuan	Y	Hullingerhorst	Y	McGihon	Y	Ryden	Y
4	Balmer	N	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	N	Kerr J.	N	Middleton	Y	Sonnenberg	N
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	N
10	Curry	Y	Lambert	N	Nikkel	N	Summers	N
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
13	Frangas	Y	Looper	E	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	N
15	Gardner B.	Y	Massey	Y	Priola	N	Vigil	Y
16	Gardner C.	E	May	Y	Rice	Y	Waller	N
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Kerr A., Labuda,
20 McFadyen, Middleton, Pace, Primavera, Ryden

21

22

23

24

25

CONSIDERATION OF RESOLUTION

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

HJR09-1009 by Representative(s) Weissmann, May; also Senator(s) Shaffer B.--Concerning authorization for adjournment for more than three days during the 2009 regular session of the general assembly.

(Printed and placed in members file)

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

	YES	60	NO	3	EXCUSED	2	ABSENT	0
37	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
38	Apuan	Y	Hullingerhorst	N	McGihon	Y	Ryden	Y
39	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
40	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
41	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
42	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
43	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
44	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
45	Curry	N	Lambert	Y	Nikkel	Y	Summers	Y
46	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
47	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
48	Frangas	Y	Looper	E	Pommer	Y	Todd	Y
49	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
50	Gardner B.	Y	Massey	Y	Priola	N	Vigil	Y
51	Gardner C.	E	May	Y	Rice	Y	Waller	Y
52	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
53							Speaker	Y

54 Co-sponsor(s) added: Representative(s) Acree, Benefield, Court, Fischer,
55 Frangas, Kefalas, Kerr A., Labuda, McCann, Merrifield, Middleton, Scanlan,
56 Todd, Vigil

1 **MESSAGE FROM THE SENATE**

2
3 The Senate has adopted and transmits herewith: SJR09-010, and
4 SJR09-011.

5
6
7
8 **INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

9
10 On motion of Representative Weissmann, the rules were suspended and
11 the following resolutions were given immediate consideration.

12
13 **SJR09-010** by Senator(s) Williams, Boyd, Carroll M., Foster, Hodge,
14 Hudak, Sandoval, Schwartz, Spence, Tochtrop, Veiga;
15 also Representative(s) Todd, Acree, Benefield, Bradford,
16 Court, Curry, Gagliardi, Gerou, Green, Hullinghorst,
17 Labuda, Levy, Looper, McCann, McFadyen, McGihon,
18 Middleton, Murray, Nikkel, Peniston, Primavera, Roberts,
19 Ryden, Scanlan, Schafer S., Solano, Stephens--Concerning
20 the designation of February 2009 as "American Heart
21 Month", and, in connection therewith, declaring
22 February 6 to be "National Wear Red Day".

23
24 (Printed and placed in member's file).

25
26 On motion of Representative Todd, the resolution was read at length and
27 the following roll call vote:

28
29

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

47 Co-sponsor(s) added: Representative(s) Apuan, Balmer, Baumgardner, Casso,
48 Ferrandino, Fischer, Frangas, Gardner B., Gardner C., Judd, Kefalas, Kerr A.,
49 Kerr J., King S., Lambert, Liston, Marostica, Massey, May, McKinley,
50 McNulty, Merrifield, Miklosi, Pace, Pommer, Priola, Rice, Riesberg,
51 Sonnenberg, Soper, Summers, Swalm, Tipton, Vaad, Vigil, Waller,
52 Weissmann, Speaker

53
54 **SJR09-011** by Senator(s) Keller; also Representative(s) Todd--
55 Concerning recognition of community mental health
56 centers and behavioral health organizations in Colorado.

1 (Printed and placed in member's file).

2

3 On motion of Representative Todd, the resolution was **adopted** by **viva**
4 **voce** vote.

5

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

15

16

17

18 **REPORTS OF COMMITTEES OF REFERENCE**

19

20 **FINANCE**

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

23

24 **HB09-1001** be referred favorably to the Committee on Appropriations.

25

26

27 **HB09-1051** be postponed indefinitely.

28

29

30 **HB09-1095** be postponed indefinitely.

31

32

33 **HB09-1127** be postponed indefinitely.

34

35

36

37

38 **TRANSPORTATION & ENERGY**

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

41

42 **HB09-1094** be amended as follows, and as so amended, be referred to
43 the Committee on Appropriations with favorable
44 recommendation:

45

46 Amend printed bill, page 2, strike lines 7 through 15 and substitute the
47 following:

48

~~"(a) "Emergency" means a situation in which a person:~~

49

50 ~~(I) Has reason to fear for such person's life or safety or believes~~
51 ~~that a criminal act may be perpetrated against such person or another~~
52 ~~person, requiring the use of a mobile communication device WIRELESS~~
53 ~~TELEPHONE while the car is moving; or~~

54

55 ~~(II) Reports a fire, a traffic accident in which one or more injuries~~
56 ~~are apparent, a serious road hazard, a medical or hazardous materials~~

1 ~~emergency, or a person who is driving in a reckless, careless, or otherwise~~
2 ~~unsafe manner.~~ "COMMERCIAL DRIVER" MEANS A PERSON HOLDING A
3 VALID COMMERCIAL DRIVER'S LICENSE AS DEFINED BY SECTION 42-2-402
4 (1).

5
6 (b) "EMERGENCY" MEANS A SITUATION IN WHICH A PERSON:

7
8 (I) HAS REASON TO FEAR FOR SUCH PERSON'S LIFE OR SAFETY OR
9 BELIEVES THAT A CRIMINAL ACT MAY BE PERPETRATED AGAINST SUCH
10 PERSON OR ANOTHER PERSON, REQUIRING THE USE OF A WIRELESS
11 TELEPHONE WHILE THE CAR IS MOVING; OR

12
13 (II) REPORTS A FIRE, A TRAFFIC ACCIDENT IN WHICH ONE OR MORE
14 INJURIES ARE APPARENT, A SERIOUS ROAD HAZARD, A MEDICAL OR
15 HAZARDOUS MATERIALS EMERGENCY, OR A PERSON WHO IS DRIVING IN A
16 RECKLESS, CARELESS, OR OTHERWISE UNSAFE MANNER."

17
18 Reletter succeeding paragraphs accordingly.

19
20 Page 4, line 9, after "COURT", insert "OR THE DEPARTMENT OF REVENUE";

21
22 line 13, after "COURT", insert "OR THE DEPARTMENT OF REVENUE".

23
24 Page 5, line 2, strike "OR";

25
26 strike line 3 and substitute the following:

27
28 "(c) THE OPERATOR OF AN AUTHORIZED EMERGENCY VEHICLE AS
29 DEFINED IN SECTION 42-1-102 (6);

30
31 (d) THE OPERATOR OF AN AUTHORIZED SERVICE VEHICLE AS
32 DEFINED IN SECTION 42-1-102 (7);

33
34 (e) A MEMBER OF AN AMBULANCE SERVICE AS DEFINED IN SECTION
35 25-3.5-103 (3), C.R.S.; OR

36
37 (f) A MEMBER OF A RESCUE UNIT AS DEFINED IN SECTION 25-3.5-
38 103 (11), C.R.S.

39
40 (9) THIS SECTION DOES NOT RESTRICT OPERATION OF AN AMATEUR
41 RADIO STATION BY A PERSON WHO HOLDS A VALID AMATEUR RADIO
42 OPERATOR LICENSE ISSUED BY THE FEDERAL COMMUNICATIONS
43 COMMISSION.

44
45 (10) THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION SHALL
46 NOT APPLY TO A COMMERCIAL DRIVER OPERATING A WIRELESS TELEPHONE
47 FOR A USE OTHER THAN TEXT MESSAGING OR OTHER FORMS OF MANUAL
48 DATA ENTRY OR TRANSMISSION WHILE DRIVING A VEHICLE WITH A GROSS
49 WEIGHT VEHICLE RATING OF 10,001 OR MORE POUNDS THAT IS
50 TRANSPORTATION FREIGHT AND NOT TRANSPORTING PERSONS."

51
52 Renumber succeeding subsection accordingly.

53
54 Page 5, strike lines 6 and 7 and substitute the following:

55
56 "CONCERN."

PRINTING REPORT1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

The Chief Clerk reports the following bills have been correctly printed:
HB09-1270, 1271, 1272, 1273, 1274, 1275.

House in recess. House reconvened.

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

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

HB09-1152 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 11, line 9, strike "AND";

line 12, change the period to a semicolon;

after line 12, insert the following:

"(c) A CLASS B TRACK IS CURRENTLY LICENSED TO CONDUCT A RACE MEET OF AT LEAST FORTY-FIVE DAYS WITHIN THE NEXT TWELVE MONTHS; AND

(d) THE APPLICATION OF THE PERSON DESIRING TO CONDUCT ADVANCE DEPOSIT ACCOUNT WAGERING IS SUPPORTED BY ALL CURRENTLY LICENSED HORSE TRACKS IN COLORADO AND BY THE ORGANIZATION REPRESENTING THE MAJORITY OF HORSEMEN IN COLORADO."

Page 12, line 21, strike "AND" and substitute "AND, AFTER DEDUCTING THE DIVISION'S DIRECT AND INDIRECT COSTS OF REGULATING HORSE RACING UNDER THIS ARTICLE, THE REMAINDER SHALL BE".

Page 13, strike lines 7 through 9 and substitute the following:

"(d) FIFTEEN PERCENT SHALL BE PAID INTO THE TRUST ACCOUNT ESTABLISHED BY THE LICENSEE PURSUANT TO SECTION 12-60-701 (2) (b);".

Page 14, strike lines 8 through 10 and substitute the following:

"(b) ONE-HALF SHALL BE PAID INTO THE TRUST ACCOUNT ESTABLISHED BY THE LICENSEE PURSUANT TO SECTION 12-60-701 (2) (b).".

HB09-1159 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 **"SECTION 1.** 37-90-121 (1) (b), Colorado Revised Statutes, is
2 amended to read:

3
4 **37-90-121. Management districts - petition - contents - minor**
5 **defects - amendment.** (1) The petition referred to in section 37-90-120
6 shall set forth:

7
8 (b) A proposed division of the district into divisions as nearly
9 equal in size as may be practicable, and considering the population
10 thereof, each of which is to be represented by a director, who ~~is~~ SHALL BE
11 a resident taxpaying elector in such division OR RESIDE WITHIN THE
12 DESIGNATED GROUND WATER BASIN WITHIN WHICH THE DISTRICT IS
13 LOCATED AND BE A RESIDENT AGRICULTURIST WHO OWNS AND ACTIVELY
14 FARMS OR RANCHES LAND LOCATED WITHIN SUCH DIVISION;"

15
16 Renumber succeeding sections accordingly.

17
18 Page 2, line 4, after "shall", insert "EITHER";

19
20 strike lines 5 and 6 and substitute the following:

21
22 "resident taxpaying electors within the district OR RESIDE WITHIN THE
23 DESIGNATED GROUND WATER BASIN WITHIN WHICH THE DISTRICT IS
24 LOCATED AND BE A RESIDENT AGRICULTURIST WHO OWNS AND ACTIVELY
25 FARMS OR RANCHES LAND LOCATED WITHIN THE DISTRICT. Each
26 member".

27
28 Page 1, line 102, strike "CERTAIN" and substitute "GROUND WATER
29 MANAGEMENT".

30
31
32
33 **HB09-1172** be postponed indefinitely.

34
35
36
37
38 **BUSINESS AFFAIRS & LABOR**

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

41
42 **HB09-1077** be postponed indefinitely.

43
44
45 **HB09-1109** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48
49 Amend printed bill, page 2, line 11, after "IS", insert "AT LEAST THIRTY
50 DAYS".

51
52 Page 1, line 102, strike "PURCHASERS" and substitute "OWNERS".

53
54
55

1 **HB09-1141** be amended as follows, and as so amended, be referred to
 2 the Committee of the Whole with favorable
 3 recommendation:
 4

5 Amend printed bill, page 4, strike lines 9 through 19 and substitute the
 6 following:
 7

8 ~~"(2) Persons required to file notification who are sellers or lessors
 9 shall pay an additional nonrefundable annual volume fee on or before
 10 January 31 of each year in the amount of twelve dollars for each one
 11 hundred thousand dollars, or part thereof, in excess of one hundred
 12 thousand dollars, of the original unpaid balances arising from consumer
 13 credit sales or consumer leases made in this state within the preceding
 14 calendar year and held either by the creditor for more than thirty days
 15 after the inception of the sale or lease giving rise to the obligations or by
 16 an assignee who has not filed notification. A refinancing of a sale or
 17 lease resulting in an increase in the amount of an obligation is considered
 18 a new sale or lease to the extent of the amount of the increase.";~~
 19

20 line 26, strike "year," and substitute "year.";

21
 22 strike line 27 and substitute the following:
 23

24 ~~"but an assignee need not pay a volume fee with respect to an obligation
 25 on which the assignor or other person has already paid a volume fee.".~~
 26

27 Page 5, strike line 1.
 28

29 Page 6, line 14, strike "person" and substitute "person, INCLUDING A
 30 NONPROFIT ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501
 31 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986",".
 32

33 Page 8, line 9, strike "date." and substitute "date; except that sections 3,
 34 4, and 5 of this act shall take effect January 1, 2010, and shall apply to
 35 acts occurring on or after said date."
 36
 37
 38

39 **HB09-1143** be amended as follows, and as so amended, be referred to
 40 the Committee of the Whole with favorable
 41 recommendation:
 42

43 Amend printed bill, page 2, after line 17, insert the following:

44 **"SECTION 3.** 10-16-407, Colorado Revised Statutes, is amended
 45 **BY THE ADDITION OF A NEW SUBSECTION** to read:
 46

47 **10-16-407. Information to enrollees.** (3) (a) A HEALTH
 48 MAINTENANCE ORGANIZATION THAT OFFERS BASIC HEALTH CARE SERVICES
 49 TO ENROLLEES THROUGH A LIMITED BENEFIT PLAN PURSUANT TO SECTION
 50 10-16-403 (1) (h) SHALL CLEARLY STATE IN ITS BROCHURES, CONTRACTS,
 51 POLICY MANUALS, AND PRINTED MATERIALS DISTRIBUTED TO ENROLLEES
 52 THE FOLLOWING INFORMATION:
 53

54 (I) THAT A LIMITED BENEFIT PLAN MAY IMPOSE A LIMIT ON THE
 55 TOTAL MAXIMUM BENEFIT AMOUNT AVAILABLE TO THE ENROLLEE ON AN
 56 ANNUAL BASIS AND ON THE TOTAL MAXIMUM BENEFIT AMOUNTS

1 AVAILABLE FOR PARTICULAR HEALTH CARE SERVICES PROVIDED DURING
2 A GIVEN YEAR;

3

4 (II) THE SPECIFIC AMOUNT OF THE ANNUAL TOTAL MAXIMUM
5 BENEFIT AMOUNT AND THE ANNUAL TOTAL MAXIMUM AMOUNT FOR
6 PARTICULAR HEALTH CARE SERVICES COVERED BY THE LIMITED BENEFIT
7 PLAN; AND

8

9 (III) THAT ONCE THE ENROLLEE RECEIVES THE TOTAL MAXIMUM
10 AMOUNT OF BENEFITS UNDER THE LIMITED BENEFIT PLAN IN ANY GIVEN
11 YEAR, OR RECEIVES THE TOTAL MAXIMUM AMOUNT OF BENEFITS FOR A
12 PARTICULAR HEALTH CARE SERVICE IN A GIVEN YEAR, THE ENROLLEE IS
13 RESPONSIBLE FOR PAYING OUT-OF-POCKET FOR THE COSTS OF ANY HEALTH
14 CARE SERVICES PROVIDED TO THE ENROLLEE DURING THAT YEAR THAT
15 EXCEED THE TOTAL ANNUAL MAXIMUM BENEFIT AMOUNT OR THE TOTAL
16 MAXIMUM BENEFIT AMOUNT FOR A PARTICULAR HEALTH CARE SERVICE,
17 AS APPLICABLE.

18

19 (b) THE HEALTH MAINTENANCE ORGANIZATION SHALL ENSURE
20 THAT THE INFORMATION REQUIRED BY THIS SUBSECTION (3) IS
21 PROMINENTLY DISPLAYED, IN BOLD-FACED FONT IN AT LEAST FOURTEEN-
22 POINT TYPE, ON ANY MATERIALS PROVIDED TO ENROLLEES. IF THE HEALTH
23 MAINTENANCE ORGANIZATION ISSUES A BENEFIT PLAN INFORMATION CARD
24 TO ENROLLEES, THE HEALTH MAINTENANCE ORGANIZATION SHALL
25 SPECIFY, ON THE FACE OF THE CARD, IF THE PLAN IS A LIMITED BENEFIT
26 PLAN AND THE AMOUNT OF ANY LIMIT ON TOTAL MAXIMUM BENEFITS FOR
27 HEALTH CARE SERVICES COVERED UNDER THE PLAN."

28

29 Renumber succeeding section accordingly.

30

31

32

33 **HB09-1166** be postponed indefinitely.

34

35

36

37

38 **EDUCATION**

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

41

42 **HB09-1057** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45

46 Amend printed bill, page 2, line 10, after "school", insert "or in a
47 nonpublic home-based educational program pursuant to section 22-33-
48 104.5, C.R.S.,".

49

50 Page 3, strike lines 16 through 20 and substitute the following:

51

52 "(1) "ACADEMIC ACTIVITY" MEANS THE FOLLOWING MEETINGS OR
53 CONFERENCES REGARDING THE EMPLOYEE'S CHILD OR ANY CHILD FOR
54 WHOM THE EMPLOYEE HAS PRIMARY LEGAL RESPONSIBILITY:

55

56 (a) A PARENT-TEACHER CONFERENCE; OR

- 1 (b) A MEETING RELATED TO: SPECIAL EDUCATION SERVICES, AS
2 DEFINED IN SECTION 22-20-103, C.R.S.; RESPONSE TO INTERVENTION, AS
3 DEFINED IN SECTION 22-2-133 (4) (b), C.R.S.; DROPOUT PREVENTION;
4 ATTENDANCE; TRUANCY; OR DISCIPLINARY ISSUES.";
5
6 line 27, after "SCHOOL", insert "OR IN A NONPUBLIC HOME-BASED
7 EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-33-104.5, C.R.S.",
8
9 Page 4, line 3, after "HOMES,", insert "SEASONAL WORKERS,";
10
11 strike lines 5 through 8 and substitute the following:
12
13 "(4) "EMPLOYER" MEANS AN EMPLOYER, AS DEFINED IN THE
14 FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993", PUB.L. 103-3, AS
15 AMENDED.";
16
17 line 9, strike "**Unpaid leave**" and substitute "**Leave**";
18
19 line 10, after "(1)", insert "(a)";
20
21 line 11, strike "UNPAID";
22
23 line 12, strike "FORTY" and substitute "EIGHTEEN";
24
25 line 17, strike "AT ANOTHER TIME." and substitute "WITHIN THE SAME
26 WORK WEEK.";
27
28 after line 17, insert the following:
29
30 "(b) AN EMPLOYEE WHO WORKS LESS THAN A FULL-TIME
31 SCHEDULE SHALL BE ELIGIBLE FOR A PORTION OF THE LEAVE SPECIFIED IN
32 PARAGRAPH (a) OF THIS SUBSECTION (1) BASED ON THE PERCENT OF A
33 FULL-TIME SCHEDULE THE EMPLOYEE WORKS.
34
35 (c) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),
36 AN EMPLOYER MAY LIMIT THE ABILITY OF AN EMPLOYEE TO TAKE LEAVE
37 PURSUANT TO THIS SECTION IN CASES OF EMERGENCY OR OTHER
38 SITUATIONS THAT MAY ENDANGER A PERSON'S HEALTH OR SAFETY AND
39 THAT NECESSITATE THE PRESENCE OF THE EMPLOYEE."
40
41 Page 5, line 4, strike "THREE DAYS" and substitute "ONE CALENDAR WEEK"
42 and, strike "ACTIVITY." and substitute "ACTIVITY, AND THE NOTICE SHALL
43 INCLUDE THE WRITTEN VERIFICATION SPECIFIED IN SUBSECTION (2) OF THIS
44 SECTION IF REQUIRED BY THE EMPLOYER.";
45
46 line 6, strike "THREE DAYS" and substitute "ONE CALENDAR WEEK";
47
48 line 8, strike "LEAVE. THE NOTICE TO THE" and substitute "LEAVE AND
49 SHALL PROVIDE THE EMPLOYER WITH WRITTEN VERIFICATION, AS
50 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, UPON RETURN TO WORK.";
51
52 strike lines 9 and 10;
53
54 line 16, after "EMPLOYEE", insert "OR EMPLOYER";
55
56 line 17, after "VACATION LEAVE,", insert "SICK LEAVE,";

1 line 18, strike "SECTION." and substitute "SECTION, AND THE EMPLOYER
2 SHALL ALLOW THE EMPLOYEE TO USE SUCH ACCRUED PAID LEAVE FOR THE
3 SAME PURPOSES AS, AND WITH NOTICE REQUIREMENTS NO MORE
4 STRINGENT THAN, THOSE APPLICABLE TO LEAVE UNDER THIS ARTICLE.";

5
6 line 22, strike "LEAVE" and substitute "PAID OR UNPAID LEAVE, INCLUDING
7 VACATION LEAVE, SICK LEAVE, OR PERSONAL LEAVE,";

8
9 line 23, strike "OF SUBSECTION (1)";

10
11 strike line 26 and substitute the following:

12
13 "PURPOSES AS, AND WITH NOTICE REQUIREMENTS NO MORE STRINGENT
14 THAN, THOSE APPLICABLE TO";

15
16 after line 27, insert the following:

17
18 **"8-13.3-104. Repeal.** THIS ARTICLE IS REPEALED, EFFECTIVE
19 SEPTEMBER 1, 2015.".

20
21
22
23

24 **FINANCE**

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

27
28 **HB09-1071** be rereferred favorably to the Committee on
29 Appropriations.

30
31
32
33

34 **LOCAL GOVERNMENT**

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

37
38 **HB09-1106** be postponed indefinitely.

39
40
41 **HB09-1138** be postponed indefinitely.

42
43
44
45 On motion of Representative Weissmann, the following bill will be
46 calendared for February 6, 2009: HB09-1057.

47
48
49

50 **MESSAGE FROM THE SENATE**

51
52 The Senate has passed on Third Reading and transmitted to the Revisor
53 of Statutes: SB09-060.

54

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:
3
4 SB09-108 amended as printed in Senate Journal, February 4, pages 167-
5 171, and 173-176.

6
7
8
9 **MESSAGE FROM THE REVISOR**

10
11 We herewith transmit:
12 Without comment, SB09-060.
13 Without comment, as amended, SB09-108.

14
15
16
17 On motion of Representative Weissmann, the House adjourned until
18 9:00 a.m., February 6, 2009.

19
20 Approved:
21 TERRANCE D. CARROLL,
22 Speaker

23 Attest:
24 MARILYN EDDINS,
25 Chief Clerk