

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

Ninetieth Legislative Day

Monday, April 6, 2009

1 Prayer by M. Catherine Volland, St. Thomas Episcopal Church, Denver.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Taughfeek McDonald, Columbine
6 elementary, Denver.

7

8 The roll was called with the following result:

9

10 Present--61.

11 Excused--Representative(s) Labuda, May, McFadyen, Pace--4.

12 Present after roll call--Representative(s) McFadyen.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Ryden, the reading of the journal of
18 April 3, 2009, was declared dispensed with and approved as corrected by
19 the Chief Clerk.

20

21

22

23

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

25

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

29

30 **HB09-1204** by Representative(s) Massey, McGihon; also Senator(s)
31 Boyd--Concerning health insurance coverage for
32 preventive health care services, and, in connection
33 therewith, expanding required coverage for certain
34 preventive health care services that receive high
35 recommendations from the United States preventive
36 services task force and the national commission on
37 prevention priorities.

38

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

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

43

	YES	59	NO	3	EXCUSED	3	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	E	Nikkel	N	Summers	Y
11	Ferrandino	Y	Lambert	N	Pace	E	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	E	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Acree, Casso, Fischer, Frangas, Green,
20 Kefalas, Kerr A., Merrifield, Middleton, Primavera, Priola, Ryden, Scanlan

21
22 **HB09-1322** by Representative(s) Benefield, Massey, McFadyen,
23 Miklosi, Scanlan, Todd; also Senator(s) Schwartz--
24 Concerning access by motor vehicle repair shops to an
25 electronic system implemented by the department of
26 revenue for purposes of determining ownership and
27 lienholders of abandoned motor vehicles abandoned at
28 motor vehicle repair shops.

29
30 The question being "Shall the bill pass?".

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

	YES	62	NO	0	EXCUSED	3	ABSENT	0
36	Acree	Y	Green	Y	McCann	Y	Roberts	Y
37	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
38	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
39	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
40	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
41	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
42	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
43	Court	Y	King S.	Y	Murray	Y	Stephens	Y
44	Curry	Y	Labuda	E	Nikkel	Y	Summers	Y
45	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
46	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
47	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
48	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
49	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
50	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
51	Gerou	Y	May	E	Riesberg	Y	Weissmann	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Schafer S.

54
55

1 **HB09-1325** by Representative(s) Todd; also Senator(s) Bacon--
 2 Concerning the governor's authority to activate the
 3 National Guard.
 4

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

	YES	62	NO	0	EXCUSED	3	ABSENT	0
11	Acree	Y	Green	Y	McCann	Y	Roberts	Y
12	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
13	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
14	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
15	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
16	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
17	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
18	Court	Y	King S.	Y	Murray	Y	Stephens	Y
19	Curry	Y	Labuda	E	Nikkel	Y	Summers	Y
20	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	Y
21	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
22	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
23	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
24	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
25	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
26	Gerou	Y	May	E	Riesberg	Y	Weissmann	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Apuan, Gardner B., Kerr A., Nikkel,
 29 Ryden, Stephens, Vigil, Waller
 30
 31

32 **SB09-031** by Senator(s) Heath; also Representative(s) Riesberg--
 33 Concerning the creation of the clean technology discovery
 34 evaluation grant program.
 35

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

	YES	51	NO	11	EXCUSED	3	ABSENT	0
42	Acree	N	Green	Y	McCann	Y	Roberts	Y
43	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
44	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
45	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
46	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
47	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
48	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
49	Court	Y	King S.	Y	Murray	N	Stephens	Y
50	Curry	Y	Labuda	E	Nikkel	N	Summers	N
51	Ferrandino	Y	Lambert	N	Pace	E	Swalm	Y
52	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
53	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
54	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
55	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
56	Gardner C.	N	Massey	Y	Rice	Y	Waller	N

1	Gerou	Y	May	E	Riesberg	Y	Weissmann	Y
2							Speaker	Y

3 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Ryden, Todd, Vigil,
4 Fischer

5
6 **SB09-171** by Senator(s) Schwartz, Heath, Veiga; also
7 Representative(s) Todd and Vigil, Liston, McFadyen,
8 Rice, Solano--Concerning the use of moneys in the
9 Colorado customized training program.

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

16	YES	58	NO	4	EXCUSED	3	ABSENT	0
17	Acree	Y	Green	Y	McCann	Y	Roberts	Y
18	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
19	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
20	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
21	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
22	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
23	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
24	Court	Y	King S.	Y	Murray	Y	Stephens	Y
25	Curry	Y	Labuda	E	Nikkel	N	Summers	Y
26	Ferrandino	Y	Lambert	N	Pace	E	Swalm	Y
27	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
28	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
29	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
30	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
31	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
32	Gerou	Y	May	E	Riesberg	Y	Weissmann	Y
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Ryden

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36
37
38 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

39
40 **APPROPRIATIONS**

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

43
44 **HB09-1010** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47
48 Strike the Finance Committee Report, dated February 11, 2009, and
49 substitute the following:

50
51 "Amend printed bill, page 5, line 17, after "COLORADO;", insert "AND";

52
53 line 22, strike "COMMUNITY;" and substitute "COMMUNITY.";

54
55 strike lines 23 through 27.
56

1 Page 7, line 3, after "(A)," insert "(4) (a) (V) (B), and (4) (a) (V) (C),";
2
3 line 4, strike "is" and substitute "are".

4
5 Page 8, after line 14, insert the following:

6
7 "(V) (B) If, based on the March revenue forecast prepared by the
8 legislative council, the joint budget committee determines that the amount
9 of general fund revenues for the fiscal year in which the forecast is
10 prepared will be insufficient to allow the maximum amount of general
11 fund appropriations permitted by section 24-75-201.1 (1) (a) (II), C.R.S.,
12 to be made for that fiscal year, the joint budget committee, acting by bill,
13 shall determine the amount of limited gaming fund moneys, if any, that
14 should be transferred to the film incentives cash fund OR THE COLORADO
15 OFFICE OF FILM, TELEVISION, AND MEDIA OPERATIONAL ACCOUNT CASH
16 FUND pursuant to sub-subparagraph (A) of this subparagraph (V) at the
17 end of that fiscal year.

18
19 (C) If the joint budget committee, pursuant to sub-subparagraph
20 (B) of this subparagraph (V), does not determine the amount of limited
21 gaming fund moneys, if any, to be transferred to the film incentives cash
22 fund OR THE COLORADO OFFICE OF FILM, TELEVISION, AND MEDIA
23 OPERATIONAL ACCOUNT CASH FUND specified in sub-subparagraph (A) of
24 this subparagraph (V) and if, based on the June revenue forecast prepared
25 by the legislative council, the state treasurer determines that the amount
26 of general fund revenues for the fiscal year in which the forecast is
27 prepared will be insufficient to allow the maximum amount of general
28 fund appropriations permitted by section 24-75-201.1 (1) (a) (II), C.R.S.,
29 to be made for that fiscal year, the state treasurer shall transfer to the
30 general fund from the moneys that would otherwise be transferred to the
31 film incentives cash fund OR THE COLORADO OFFICE OF FILM, TELEVISION,
32 AND MEDIA OPERATIONAL ACCOUNT CASH FUND pursuant to sub-
33 subparagraph (A) of this subparagraph (V) at the end of the fiscal year an
34 amount equal to the lesser of the full amount that would otherwise be
35 transferred to the film incentives cash fund OR THE COLORADO OFFICE OF
36 FILM, TELEVISION, AND MEDIA OPERATIONAL ACCOUNT CASH FUND or the
37 amount necessary to allow the maximum amount of general fund
38 appropriations to be made for the fiscal year. Any reduction in the
39 amount transferred to the film incentives cash fund OR THE COLORADO
40 OFFICE OF FILM, TELEVISION, AND MEDIA OPERATIONAL ACCOUNT CASH
41 FUND required by this sub-subparagraph (C) and the amounts transferred
42 to the state council on the arts cash fund, the new jobs incentives cash
43 fund, and the Colorado travel and tourism promotion fund required by
44 sub-subparagraph (B) of subparagraph (IV) of this paragraph (a) shall be
45 pro-rated based on the amounts otherwise required to be transferred to
46 said funds pursuant to sub-subparagraph (A) of this subparagraph (V) and
47 sub-subparagraph (A) of subparagraph (IV) of this paragraph (a)."

48
49 Page 9, strike lines 11 through 27 and substitute the following:

50
51 **"SECTION 4. Appropriation - adjustments to the 2009 long**
52 **bill.** (1) In addition to any other appropriation, there is hereby
53 appropriated, out of any moneys in the Colorado office of film, television,
54 and media operational account cash fund created in section 24-48.5-203
55 (1), Colorado Revised Statutes, not otherwise appropriated, to the
56 department of governor – lieutenant governor – state planning and

1 budgeting, for allocation to the economic development programs division,
2 for Colorado office of film, television, and media, for the fiscal year
3 beginning July 1, 2009, the sum of five hundred eighty thousand eight
4 dollars (\$580,008) cash funds and 6.0 FTE, or so much thereof as may be
5 necessary, for the implementation of this act.

6
7 (2) In addition to any other appropriation, there is hereby
8 appropriated to the department of revenue, for allocation to the
9 information technology division, for programming costs for 2009 session
10 legislation, for the fiscal year beginning July 1, 2009, the sum of fifty-five
11 thousand eight hundred fifty-two dollars (\$55,852), or so much thereof as
12 may be necessary, for the implementation of this act. Said sum shall be
13 from reappropriated funds received from the department of governor –
14 lieutenant governor – state planning and budgeting out of the
15 appropriation made in subsection (1) of this section.

16
17 (3) For the implementation of this act, the appropriation made in
18 the annual general appropriation act for the fiscal year beginning July 1,
19 2009, for the department of governor – lieutenant governor – state
20 planning and budgeting, division of economic development programs, for
21 film incentives, from the film incentives cash fund, is decreased by four
22 hundred eighty thousand eleven dollars (\$480,011) cash funds."

23
24 Strike pages 10 through 16.

25
26 Page 17, strike lines 1 through 23.

27
28 Page 1, line 102, strike "ACTIVITIES." and substitute "ACTIVITIES, AND
29 MAKING AN APPROPRIATION THEREFOR."."

30
31
32
33 **HB09-1020** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:

36
37 Amend printed bill, page 2, line 4, strike "TO THE EXTENT" and substitute
38 "(I) IN COLLABORATION WITH AND TO AUGMENT THE STATE
39 DEPARTMENT'S EFFORTS TO SIMPLIFY ELIGIBILITY DETERMINATIONS FOR
40 BENEFITS UNDER THE STATE MEDICAL ASSISTANCE PROGRAM AND THE
41 CHILDREN'S BASIC HEALTH PLAN,";

42
43 line 5, strike "PERMITTED BY FEDERAL LAW,";

44
45 line 6, strike "RECIPIENT ENROLLEE" and substitute "RECIPIENT,
46 ENROLLEE,";

47
48 line 7, after "RECIPIENT", insert "OR ENROLLEE";

49
50 after line 8, insert the following:

51
52 "(II) (A) SUBJECT TO RECEIPT OF FEDERAL AUTHORIZATION AND
53 SPENDING AUTHORITY, THE STATE DEPARTMENT MAY IMPLEMENT A PILOT
54 PROGRAM THAT ALLOWS A LIMITED NUMBER OF RECIPIENTS OR ENROLLEES
55 TO APPLY FOR REENROLLMENT EITHER OVER THE TELEPHONE OR THROUGH
56 THE INTERNET DURING A TRANSITION TO A PROCESS THAT WILL SERVE

1 RECIPIENTS AND ENROLLEES STATEWIDE. THE PILOT PROGRAM SHALL NOT
2 SERVE AS A REPLACEMENT FOR A STATEWIDE PROCESS.
3

4 (B) NOTWITHSTANDING ANY OTHER PROVISION IN THIS
5 PARAGRAPH (e), THE STATE DEPARTMENT SHALL NOT IMPLEMENT THIS
6 PARAGRAPH (e) UNTIL IT CAN VERIFY THE ELIGIBILITY OF A RECIPIENT OR
7 ENROLLEE OVER THE TELEPHONE OR THROUGH THE INTERNET AS
8 AUTHORIZED BY RULES OF THE STATE DEPARTMENT AND FEDERAL LAW.
9

10 (C) NOTWITHSTANDING ANY OTHER PROVISION IN THIS
11 PARAGRAPH (e), THE STATE DEPARTMENT SHALL NOT IMPLEMENT OR
12 ADMINISTER ANY PORTION OF THIS PARAGRAPH (e) UNTIL SPENDING
13 AUTHORITY HAS BEEN RECEIVED IN THE GENERAL APPROPRIATION ACT OR
14 ANY SUPPLEMENTAL APPROPRIATION AND SHALL ONLY IMPLEMENT AND
15 ADMINISTER THIS PARAGRAPH (e) TO THE EXTENT OF SUCH SPENDING
16 AUTHORITY.
17

18 (III) THE STATE DEPARTMENT MAY SOLICIT AND ACCEPT GIFTS,
19 GRANTS, AND DONATIONS FROM PUBLIC OR PRIVATE SOURCES FOR THE
20 DEVELOPMENT OR IMPLEMENTATION OF REENROLLMENT EITHER OVER THE
21 TELEPHONE OR THROUGH THE INTERNET PROCESS DESCRIBED IN THIS
22 PARAGRAPH (e); EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT
23 A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE
24 INCONSISTENT WITH THIS PARAGRAPH (e) OR ANY OTHER LAW. ANY GIFTS,
25 GRANTS, OR DONATIONS RECEIVED BY THE STATE DEPARTMENT SHALL BE
26 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
27 TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND
28 CREATED PURSUANT TO SECTION 25.5-1-109.";
29

30 line 12, strike "TO THE EXTENT PERMITTED BY FEDERAL LAW," and
31 substitute "SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF SECTION
32 25.5-4-205 (3) (e)."
33

34
35

36 **HB09-1022** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39

40 Amend printed bill, page 5, line 19, strike "THE FUNDING FOR THE GRANT
41 PROGRAM SHALL";
42

43 strike line 20;
44

45 after line 23, insert the following:
46

47 "(8) THE DIVISION SHALL ONLY ACCEPT APPLICATIONS PURSUANT
48 TO SUBSECTION (6) OF THIS SECTION AND AWARD GRANTS PURSUANT TO
49 SUBSECTION (7) OF THIS SECTION IF THE DIVISION DETERMINES THAT THE
50 RECIDIVISM REDUCTION GRANT PROGRAM FUND CREATED IN SUBSECTION
51 (10) OF THIS SECTION HAS RECEIVED SUFFICIENT GIFTS, GRANTS, AND
52 DONATIONS TO MAKE A GRANT AWARD PURSUANT TO SUBSECTION (7) OF
53 THIS SECTION."
54

55 Renumber succeeding section accordingly.
56

1 Page 6, line 1, strike "PROGRAM." and substitute "PROGRAM IF THE
2 DIVISION HAS AWARDED ANY GRANTS PURSUANT TO SUBSECTION (7) OF
3 THIS SECTION.
4

5 (10) THE DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS, GRANTS,
6 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
7 IMPLEMENTING THIS SECTION; EXCEPT THAT NO GIFT, GRANT, OR
8 DONATION MAY BE ACCEPTED BY THE DEPARTMENT IF IT IS SUBJECT TO
9 CONDITIONS THAT ARE INCONSISTENT WITH ANY LAW OF THE STATE. ALL
10 MONEYS RECEIVED PURSUANT TO THIS SUBSECTION (10) SHALL BE
11 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
12 TO THE RECIDIVISM REDUCTION GRANT PROGRAM FUND, WHICH FUND IS
13 HEREBY CREATED AND REFERRED TO IN THIS SUBSECTION (10) AS THE
14 "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
15 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
16 INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS
17 SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
18 THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
19 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
20 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
21 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
22 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
23 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
24 FUND."

25
26 Renumber succeeding section accordingly.
27

28
29
30 **HB09-1028** be postponed indefinitely.
31

32
33 **HB09-1029** be postponed indefinitely.
34

35
36 **HB09-1031** be postponed indefinitely.
37

38
39 **HB09-1035** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:
42

43 Amend the Finance Committee Report, dated January 27, 2009, page 3,
44 line 35, strike "CREDIT" and substitute "REFUND".
45

46 Page 4, line 1, strike "CREDIT" and substitute "REFUND";
47

48 line 2, strike "CREDIT" and substitute "REFUND";
49

50 line 3, strike "CREDIT" and substitute "REFUND";
51

52 line 4, strike "CREDIT." and substitute "REFUND.";
53

54 line 6, strike "CREDIT" and substitute "REFUND".
55

56

1 **HB09-1039** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Strike the State, Veterans, & Military Affairs Committee Report, dated
6 January 20, 2009, and the Appropriations Committee Report, dated
7 March 6, 2009, and substitute the following:
8

9 "Amend printed bill, page 2, strike lines 6 through 8 and substitute the
10 following:
11

12 "COLORADO AND WHO ENROLLS IN A STATE INSTITUTION OF HIGHER
13 EDUCATION IN THIS STATE, OR A DEPENDENT OF SAID HONORABLY
14 DISCHARGED MEMBER OF THE ARMED FORCES WHO ENROLLS IN A STATE
15 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, MAY RECEIVE IN-STATE
16 TUITION STATUS. SAID";
17

18 line 9, strike "SHALL" and substitute "MAY";
19

20 line 15, strike "CLASSIFICATION." and substitute "CLASSIFICATION,
21 INCLUDING BUT NOT LIMITED TO ELIGIBILITY TO RECEIVE A STIPEND FROM
22 THE COLLEGE OPPORTUNITY FUND PURSUANT TO PART 2 OF ARTICLE 18 OF
23 THIS TITLE.";
24

25 before line 16, insert the following:
26

27 **"SECTION 2. Adjustment to the 2009 long bill.** For the
28 implementation of this act, appropriations made in the annual general
29 appropriation act for the fiscal year beginning July 1, 2009, shall be
30 adjusted as follows:
31

32 (1) The appropriation from the general fund to the department of
33 higher education, college opportunity fund program, for stipends for
34 students attending state-operated institutions of higher education, is
35 decreased by two million eight hundred fifty-nine thousand three hundred
36 sixty dollars (\$2,859,360), based on a projected decrease in the stipend-
37 eligible population of 1,036 student full-time equivalents as a result of the
38 implementation of this bill.
39

40 (2) The appropriation from reappropriated funds to the department
41 of higher education, governing boards, is decreased by two million eight
42 hundred fifty-nine thousand three hundred sixty dollars (\$2,859,360),
43 based on a projected decrease in the stipend-eligible population of 1,036
44 student full-time equivalents as a result of the implementation of this
45 bill."
46

47 Renumber succeeding section accordingly.
48

49 Page 1, line 102, strike "VETERANS." and substitute "VETERANS, AND
50 MAKING AN APPROPRIATION THEREFOR."."
51

52
53
54 **HB09-1040** be postponed indefinitely.
55
56

1 **HB09-1043** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **HB09-1047** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend printed bill, page 6, after line 1, insert the following:
10

11 **"SECTION 2. Appropriation.** In addition to any other
12 appropriation, there is hereby appropriated, to the department of health
13 care policy and financing, executive director's office, general
14 administration, for the fiscal year beginning July 1, 2009, the sum of fifty-
15 three thousand four hundred eighty dollars (\$53,480) and 0.8 FTE, or so
16 much thereof as may be necessary, for the implementation of this act. Of
17 said sum, twenty-six thousand seven hundred forty dollars (\$26,740) shall
18 be from the general fund and twenty-six thousand seven hundred forty
19 dollars (\$26,740) shall be from federal funds."
20

21 Renumber succeeding section accordingly.
22

23 Page 1, line 103, strike "**MEDICAID.**" and substitute "**MEDICAID, AND**
24 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".
25

26
27
28 **HB09-1073** be referred to the Committee of the Whole with favorable
29 recommendation.
30

31
32 **HB09-1075** be postponed indefinitely.
33

34
35 **HB09-1094** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:
38

39 Amend printed bill, page 6, after line 5, insert the following:
40

41 **"SECTION 3.** 42-1-217 (1), Colorado Revised Statutes, is
42 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
43

44 **42-1-217. Disposition of fines and surcharges.** (1) All judges,
45 clerks of a court of record, or other officers imposing or receiving fines,
46 penalties, or forfeitures, except those moneys received pursuant to
47 sections 42-4-313 (3), 42-4-413, 42-4-1409, 42-4-1701 (5) (a), 42-8-105,
48 and 42-8-106, collected pursuant to or as a result of a conviction of any
49 persons for a violation of articles 1 to 4 (except part 3 of article 2) of this
50 title, shall transmit, within ten days after the date of receipt of any such
51 fine, penalty, or forfeiture, all such moneys so collected in the following
52 manner:
53

54 (f) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
55 CONTRARY, TEN PERCENT OF ANY FINE, PENALTY, OR FORFEITURE FOR A
56 VIOLATION OF SECTION 42-4-239 SHALL BE TRANSMITTED TO THE STATE

1 TREASURER, CREDITED TO THE GENERAL FUND, AND ALLOCATED AND
2 EXPENDED TO COVER THE DEPARTMENT OF REVENUE'S PERSONAL
3 SERVICES, OPERATING EXPENSES, AND CAPITAL OUTLAY COSTS
4 ASSOCIATED WITH SECTION 42-4-239. THE REMAINING NINETY PERCENT
5 OF ANY FINE, PENALTY, OR FORFEITURE FOR A VIOLATION OF SECTION 42-
6 4-239 SHALL BE TRANSMITTED TO THE STATE TREASURER, CREDITED TO
7 THE HIGHWAY USERS TAX FUND, AND ALLOCATED AND EXPENDED AS
8 SPECIFIED IN SECTION 43-4-205 (5.5) (a), C.R.S."

9
10 Renumber succeeding sections accordingly.

11
12 Page 6, after line 5, insert the following:

13
14 **"SECTION 3. Appropriation.** (1) In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 general fund not otherwise appropriated, to the department of corrections,
17 for allocation to the management division, executive director's office
18 subprogram for the fiscal year beginning July 1, 2009 , the sum of forty-
19 two thousand dollars (\$42,000) , or so much thereof as may be necessary
20 for handsfree headsets.

21
22 (2) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the general fund not otherwise
24 appropriated, to the department of revenue, for allocation to the division,
25 of motor vehicles, for the fiscal year beginning July 1, 2009, the sum of
26 forty-seven thousand nine hundred seventy-seven dollars (\$47,977) and
27 1.2 FTE, or so much thereof as may be necessary, for the implementation
28 of this act.

29
30 (3) In addition to any other appropriation, there is hereby
31 appropriated, out of any moneys in the state highway fund created in
32 section 43-4-205 (5) (a), Colorado Revised Statutes, not otherwise
33 appropriated, to the department of transportation, for allocation to the
34 administration division, for the fiscal year beginning July 1, 2009, the
35 sum of two thousand one hundred dollars (\$2,100) cash funds, or so much
36 thereof as may be necessary for handsfree headsets."

37
38 Renumber succeeding sections accordingly.

39
40 Page 1, line 101, strike "**DRIVERS.**" and substitute "**DRIVERS, AND**
41 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**"

42
43
44
45 **HB09-1111** 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 18, after line 16, insert the following:

50
51 **"SECTION 7.** 25-4-1415, Colorado Revised Statutes, is amended
52 **BY THE ADDITION OF A NEW SUBSECTION** to read:

53
54 **25-4-1415. Cash fund - administration - limitation.**
55 (4) EFFECTIVE JULY 1, 2009, THERE IS HEREBY TRANSFERRED FROM THE
56 FUND TO THE GENERAL FUND NINETY-THREE THOUSAND SIX HUNDRED

1 FORTY-SEVEN DOLLARS FOR APPROPRIATION BY THE GENERAL ASSEMBLY
2 TO THE PRIMARY CARE OFFICE IN THE PREVENTION SERVICES DIVISION OF
3 THE DEPARTMENT FOR THE PURPOSES OF OFFSETTING THE COSTS INCURRED
4 BY THE OFFICE AND IMPLEMENTING THE STATE HEALTH CARE
5 PROFESSIONAL LOAN REPAYMENT PROGRAM CREATED IN PART 7 OF
6 ARTICLE 20.5 OF THIS TITLE FOR THE 2009-10 FISCAL YEAR.

7
8 **SECTION 8. Appropriation.** (1) In addition to any other
9 appropriation, there is hereby appropriated, to the department of public
10 health and environment, for allocation to the prevention services division,
11 for the fiscal year beginning July 1, 2009, the sum of one hundred thirteen
12 thousand six hundred forty-seven dollars (\$113,647) and 1.5 FTE, or so
13 much thereof as may be necessary, for the implementation of this act. Of
14 said sum, ninety-three thousand six hundred forty-seven dollars (\$93,647)
15 shall be out of any moneys in the general fund not otherwise appropriated
16 and twenty thousand dollars (\$20,000) shall be from the health care
17 professional loan repayment fund created in section 25-30.5-706 (1),
18 Colorado Revised Statutes.

19
20 (2) The general assembly anticipates that, for the fiscal year
21 beginning July 1, 2009, the department of public health and environment
22 will receive the sum of eighty thousand dollars (\$80,000) in federal funds
23 for the implementation of this act. Although these funds are not
24 appropriated in this act, they are noted for the purpose of indicating the
25 assumptions used relative to these funds."

26
27 Renumber succeeding section accordingly.

28
29 Page 1, strike line 107 and substitute "**HEALTH RESOURCES, AND MAKING**
30 **AN APPROPRIATION.**".

31
32
33
34 **HB09-1119** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:

37
38 Amend the Health and Human Services Committee Report, dated
39 February 5, 2009, page 1, line 6, strike "**youth**";

40 line 10, strike "YOUTH";

41
42 strike line 12 and substitute the following:

43
44
45 "PURSUANT TO SUBSECTION (2) OF THIS SECTION THAT SHALL CONSIST OF
46 THE RURAL YOUTH ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND
47 TREATMENT PROJECT AND THE RURAL DETOXIFICATION PROJECT."

48
49 Page 2, line 1, after "(a)", insert "(I)" and strike "YOUTH";

50
51 strike lines 3 through 5 and substitute the following:

52
53 "THE DIVISION TO PROVIDE:

54
55 (A) PREVENTION AND TREATMENT SERVICES TO YOUTH IN RURAL
56 AREAS, WHICH SERVICES MAY INCLUDE BUT NEED NOT BE LIMITED TO

1 PROVIDING ALTERNATIVE ACTIVITIES FOR YOUTH THROUGH THE RURAL
2 YOUTH ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT
3 PROJECT; AND

4

5 (B) TREATMENT SERVICES TO PERSONS ADDICTED TO ALCOHOL OR
6 DRUGS THROUGH THE RURAL DETOXIFICATION PROJECT.

7

8 (II) THE";

9

10 line 15, strike "YOUTH" and substitute "PERSONS";

11

12 line 21, strike "YOUTH";

13

14 line 22, strike ""FUND"." and substitute ""FUND", THAT SHALL CONSIST OF
15 THE RURAL YOUTH ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND
16 TREATMENT ACCOUNT, REFERRED TO IN THIS SECTION AS THE "YOUTH
17 ACCOUNT", AND THE RURAL DETOXIFICATION ACCOUNT, REFERRED TO IN
18 THIS SECTION AS THE "DETOXIFICATION ACCOUNT".";

19

20 line 25, after "C.R.S.", insert "WHICH MONEYS SHALL BE DIVIDED
21 EQUALLY BETWEEN THE YOUTH ACCOUNT AND THE DETOXIFICATION
22 ACCOUNT,";

23

24 line 26, strike "(3)." and substitute "(3), WHICH MONEYS SHALL BE DIVIDED
25 EQUALLY BETWEEN THE YOUTH ACCOUNT AND THE DETOXIFICATION
26 ACCOUNT UNLESS THE GRANTEE OR DONOR SPECIFIES TO WHICH ACCOUNT
27 THE GRANT, GIFT, OR DONATION SHALL BE CREDITED.".

28

29 Page 3, line 16, strike "YOUTH";

30

31 line 30, strike "YOUTH" and substitute "PERSONS".

32

33 Page 4, line 3, strike "YOUTH";

34

35 line 7, strike "YOUTH";

36

37 line 18, strike "YOUTH";

38

39 line 28, strike "YOUTH";

40

41 line 34, strike "YOUTH".

42

43 Page 6, line 1, strike "**youth**";

44

45 line 16, strike "YOUTH";

46

47 line 25, strike "YOUTH".

48

49

50

51 **HB09-1123** be referred to the Committee of the Whole with favorable
52 recommendation.

53

54

55

1 **HB09-1132** 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 3, after line 26, insert the following:
6

7 "SECTION 5. Article 18 of title 17, Colorado Revised Statutes,
8 is amended BY THE ADDITION OF A NEW SECTION to read:
9

10 **17-18-105. Appropriation to comply with section 2-2-703 - HB**
11 **09-1132 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
12 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
13 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-1132,
14 ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH
15 GENERAL ASSEMBLY:
16

17 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
19 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
20 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
21 SECTION 17-1-116, C.R.S., THE SUM OF THREE HUNDRED ONE THOUSAND
22 FIVE HUNDRED FORTY-SIX DOLLARS (\$301,546).
23

24 (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO
25 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
26 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
27 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY THOUSAND
28 SEVEN HUNDRED SEVENTY-TWO DOLLARS (\$60,772).
29

30 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
31 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
32 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
33 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIFTY-FOUR THOUSAND
34 EIGHTY-SEVEN DOLLARS (\$54,087).
35

36 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
37 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
38 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
39 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY THOUSAND
40 THREE HUNDRED EIGHTY-SIX DOLLARS (\$30,386).
41

42 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
43 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
44 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
45 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE THOUSAND FIVE
46 HUNDRED NINETEEN DOLLARS (\$1,519).
47

48 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.
49

50 **SECTION 6.** 24-75-302 (2) (v), Colorado Revised Statutes, is
51 amended to read:
52

53 **24-75-302. Capital construction fund - capital assessment fees**
54 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
55 through July 1, 2012, a sum as specified in this subsection (2) shall accrue
56 to the capital construction fund. The state treasurer and the controller

1 shall transfer such sum out of the general fund and into the capital
 2 construction fund as moneys become available in the general fund during
 3 the fiscal year beginning on said July 1. Transfers between funds
 4 pursuant to this subsection (2) shall not be deemed to be appropriations
 5 subject to the limitations of section 24-75-201.1. The amount that shall
 6 accrue pursuant to this subsection (2) shall be as follows:

7
 8 (v) On July 1, 2009, five hundred twenty-three thousand one
 9 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
 10 regular session of the sixty-fifth general assembly; plus five hundred
 11 twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-
 12 207, enacted at the second regular session of the sixty-fifth general
 13 assembly; plus forty-three thousand five hundred ninety-seven dollars
 14 pursuant to H.B. 06-1145, enacted at the second regular session of the
 15 sixty-fifth general assembly; plus five hundred twenty-three thousand one
 16 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
 17 second regular session of the sixty-fifth general assembly; plus one
 18 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
 19 07-096, enacted at the first regular session of the sixty-sixth general
 20 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
 21 07-1326, enacted at the first regular session of the sixty-sixth general
 22 assembly; plus one hundred twenty-five thousand one hundred sixty-five
 23 dollars pursuant to S.B. 08-239, enacted at the second regular session of
 24 the sixty-sixth general assembly; plus twelve thousand five hundred
 25 seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular
 26 session of the sixty-sixth general assembly; PLUS THREE HUNDRED ONE
 27 THOUSAND FIVE HUNDRED FORTY-SIX DOLLARS PURSUANT TO H.B. 09-
 28 1132, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH
 29 GENERAL ASSEMBLY;

30
 31 **SECTION 7. Appropriation.** In addition to any other
 32 appropriation, there is hereby appropriated, out of any moneys in the
 33 general fund not otherwise appropriated, to the judicial department, for
 34 allocation to the probation division, for cases charged under the newly
 35 defined internet luring of a child, internet sexual exploitation of a child,
 36 and harassment, for the fiscal year beginning July 1, 2009, the sum of one
 37 hundred sixty-nine thousand three hundred seventy-three dollars
 38 (\$169,373) and 2.8 FTE, or so much thereof as may be necessary, for the
 39 implementation of this act."

40
 41 Renumber succeeding sections accordingly.

42
 43 Page 1, line 102, strike "ACTIVITY." and substitute "ACTIVITY, AND
 44 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

45
 46
 47 **HB09-1137** be amended as follows, and as so amended, be referred to
 48 the Committee of the Whole with favorable
 49 recommendation:

50
 51 Amend the Judiciary Committee Report, dated March 23, 2009, page 1,
 52 line 18, strike "2009," and substitute "2010,";

53
 54 Page 2, after line 20, insert the following:

55
 56 "line 20, after "(2)", insert "(a)";";

1 line 21 of the committee report, strike "23." and substitute "23;";
2
3 strike line 22 of the committee report and substitute the following:
4
5 "line 24, strike "(b) RESTITUTION" and substitute "(I) BEGINNING
6 JANUARY 1, 2011, RESTITUTION";";
7
8 strike line 23 of the Judiciary Committee Report and substitute the
9 following:
10
11 "line 25, after "C.R.S.;" , add "AND";
12
13 line 26, strike "(c)" and substitute "(II)".";
14
15 line 25 of the committee report, strike "6;" and substitute "6 and substitute
16 the following:
17
18 "(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
19 THIS SUBSECTION (2), AN OUTSTANDING DEBT SHALL NOT BE LESS THAN
20 THREE HUNDRED DOLLARS."";
21
22 Page 3 of the committee report, strike lines 7 through 11 and substitute
23 the following:
24
25 "Page 5, after line 8, insert the following:
26
27 "**SECTION 8.** 24-35-604, Colorado Revised Statutes, is amended
28 BY THE ADDITION OF A NEW SUBSECTION to read:
29
30 **24-35-604. Registry - creation - information.** (5) BEGINNING
31 JULY 1, 2010, EACH DEPARTMENT SHALL ADD A FEE OF EIGHTY-FIVE
32 DOLLARS TO EACH OUTSTANDING DEBT AND THE TOTAL AMOUNT BE THE
33 AMOUNT OF THE OUTSTANDING DEBT CERTIFIED PURSUANT TO THIS
34 SECTION.".
35
36 Renumber succeeding sections accordingly.";
37
38 strike lines 16 through 23 of the committee report and substitute the
39 following:
40
41 "**SECTION 10.** 24-35-605, Colorado Revised Statutes, is
42 amended BY THE ADDITION OF A NEW SUBSECTION to read:
43
44 **24-35-605. Payments - limited gaming and pari-mutuel
45 wagering licensees - procedures - gambling payment intercept cash
46 fund - creation.** (3) (a) THE REGISTRY OPERATOR SHALL DEDUCT AN
47 AMOUNT EQUAL TO THE FEE ADDED TO THE OUTSTANDING DEBT PURSUANT
48 TO SECTION 24-35-604 (5) FROM EACH PAYMENT RECEIVED FROM A
49 LICENSEE AND FORWARD SUCH AMOUNT".
50
51 Page 4, after line 15, insert the following:
52
53 "Renumber succeeding sections accordingly."
54
55 Page 5, line 20, strike "10, 11, 12, 13, and 14" and substitute "6, 8, 10, 12,
56 13, 14, and 15".

1 Amend printed bill, page 11, after line 19, insert the following:

2
3 **"SECTION 13. Appropriation.** In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 limited gaming fund created in section 12-47.1-701 (1), Colorado Revised
6 Statutes, not otherwise appropriated, to the department of revenue, for
7 allocation to the enforcement business group, limited gaming division, for
8 the fiscal year beginning July 1, 2009, the sum of 167,058 cash funds and
9 0.2 FTE, or so much thereof as may be necessary, for the implementation
10 of this act."

11
12 Renumber succeeding section accordingly.

13
14 Page 1, line 104, strike "TAXES AND REQUIRING" and substitute "TAXES,
15 REQUIRING";

16
17 line 106, strike "REFUNDS." and substitute "REFUNDS, AND MAKING AN
18 APPROPRIATION."

19
20
21
22 **HB09-1163** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25
26 Amend printed bill, page 2, strike lines 2 through 14.

27
28 Renumber succeeding sections accordingly.

29
30 Page 7, strike lines 10 through 27.

31
32 Strike pages 8 through 10.

33
34 Page 11, strike lines 1 through 20.

35
36 Renumber succeeding sections accordingly.

37
38 Page 1, line 101, strike "CHILD, AND MAKING" and substitute "CHILD.";
39
40 strike line 102.

41
42
43
44 **HB09-1173** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47
48 Strike the Finance Committee Report, dated February 25, 2009, and
49 substitute the following:

50
51 "Amend printed bill, page 2, after line 1, insert the following:

52 **"SECTION 1.** 24-22-115 (2), Colorado Revised Statutes, is
53 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

54
55 **24-22-115. Tobacco litigation settlement cash fund - health**
56 **care supplemental appropriations and overexpenditures account -**

1 **creation - repeal.** (2) (g) (I) NOTWITHSTANDING ANY PROVISION OF THIS
2 SUBSECTION (2) TO THE CONTRARY, FOR THE STATE FISCAL YEAR 2009-10,
3 THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM THE
4 TOBACCO SETTLEMENT DEFENSE ACCOUNT IN THE TOBACCO LITIGATION
5 SETTLEMENT CASH FUND FOR THE PURPOSES SET FORTH IN SECTION 39-
6 28.5-105 (4) (b), C.R.S.

7
8 (II) THIS PARAGRAPH (g) IS REPEALED, EFFECTIVE JULY 1, 2011."
9

10 Renumber succeeding sections accordingly.

11
12 Page 2, line 7, strike "39-28-116" and substitute "39-28-115";

13
14 line 8, strike "39-28.5-113." and substitute "39-28.5-112.".

15
16 Page 3, strike lines 1 through 10.

17
18 Renumber succeeding sections accordingly.

19
20 Page 3, strike lines 12 and 13 and substitute the following:

21
22 "amended to read:";

23
24 line 16, after "(1)", insert "(a)";

25
26 strike line 27.

27
28 Strike page 4.

29
30 Page 5, strike lines 1 through 7 and substitute the following:

31
32 "constitution. THE EXECUTIVE DIRECTOR MAY IMPOSE A CIVIL PENALTY
33 ON ANY PERSON, FIRM, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR
34 CORPORATION FROM WHOM CIGARETTES HAVE BEEN CONFISCATED IN AN
35 AMOUNT THAT DOES NOT EXCEED TWENTY-FIVE CENTS PER CIGARETTE
36 SEIZED. ANY CIVIL PENALTIES RECEIVED PURSUANT TO THIS PARAGRAPH
37 (a) SHALL BE REMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE
38 TOBACCO TAX ENFORCEMENT CASH FUND CREATED IN PARAGRAPH (b) OF
39 THIS SUBSECTION (1).";

40
41 line 8, strike "(c)" and substitute "(b)";

42
43 line 11, strike "(3) AND SECTIONS 39-28-306 (7) AND" and substitute "(1)
44 AND SECTION";

45
46 strike lines 18 through 21;

47
48 line 23, strike "THE FOLLOWING NEW";

49
50 line 24, strike "SECTIONS" and substitute "A NEW SECTION";

51
52 strike lines 25 through 27.

53
54 Strike page 6.

55
56 Page 7, strike lines 1 through 10;

1 line 11, strike "**39-28-116.**" and substitute "**39-28-115.**";
2
3 strike lines 16 through 27;
4
5 Page 8, strike lines 1 through 10.

6
7 Renumber succeeding sections accordingly.
8
9 Page 8, line 13, after "(4)", insert "(a)";
10
11 after line 19, insert the following:

12
13 "(b) ANY EXPENSES INCURRED BY THE DEPARTMENT RELATED TO
14 ENFORCING PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE PAID FROM
15 THE TOBACCO SETTLEMENT DEFENSE ACCOUNT, CREATED IN SECTION 24-
16 22-115 (2) (a), C.R.S., FOR THE STATE FISCAL YEAR 2009-10, AND FROM
17 THE TOBACCO TAX ENFORCEMENT CASH FUND CREATED IN SECTION 39-28-
18 107 (1) (b), FOR EACH STATE FISCAL YEAR THEREAFTER.".

19
20 Page 9, line 12, strike "(3) (c)," and substitute "(1) (b).";
21
22 line 20, strike "KNOWINGLY AND WILLINGLY";
23
24 line 23, strike "KNOWINGLY AND WILLINGLY".

25
26 Page 10, line 2, strike "(3) (c)." and substitute "(1) (b).";
27
28 line 4, strike "THE FOLLOWING NEW";
29
30 line 5, strike "SECTIONS" and substitute "A NEW SECTION"
31
32 strike lines 6 through 27;

33
34 Page 11, strike lines 1 through 19;
35
36 line 20, strike "**39-28.5-113.**" and substitute "**39-28.5-112.**";
37
38 after line 24, insert the following:

39
40 "**SECTION 9. Appropriation.** (1) In addition to any other
41 appropriation, there is hereby appropriated, to the department of revenue,
42 for the fiscal year beginning July 1, 2009, out of any moneys in the
43 tobacco settlement defense account of the tobacco litigation settlement
44 cash fund created in section 24-22-115 (2) (a), Colorado Revised Statutes,
45 not otherwise appropriated, the sum of sixty-seven thousand five hundred
46 thirty-three dollars (\$67,533) cash funds and 1.0 FTE, for the
47 implementation of this act.

48
49 (2) In addition to any other appropriation, there is hereby
50 appropriated to the department of law, for the fiscal year beginning July
51 1, 2009, the sum of seven thousand five hundred ten dollars (\$7,510) and
52 0.1 FTE, or so much thereof as may be necessary, for the provision of
53 legal services to the department of revenue related to the implementation
54 of this act. Said sum shall be from reappropriated funds received from
55 the department of revenue out of the appropriation made in subsection (1)
56 of this section.".

1 Renumber succeeding section accordingly.

2

3 Page 1, line 102, strike "STATE." and substitute "STATE, AND MAKING AN
4 APPROPRIATION THEREFOR.".

5

6

7

8 **HB09-1199** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11

12 Amend printed bill, page 14, before line 25, insert the following:

13

14 **"SECTION 5. Appropriation.** (1) In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 wildland-urban interface training fund created in section 24-33.5-1212
17 (5), Colorado Revised Statutes, not otherwise appropriated, to the
18 department of department of public safety, for allocation to the division
19 of fire safety, for the fiscal year beginning July 1, 2009, the sum of fifty
20 thousand dollars (\$50,000) cash funds, or so much thereof as may be
21 necessary, for courses to directors of fire protection districts.

22

23 (2) In addition to any other appropriation, there is hereby
24 appropriated, out of any moneys in the stationary sources control fund
25 created in section 25-7-114.7 (2) (b) (I), Colorado Revised Statutes, not
26 otherwise appropriated, to the department of department of public health
27 and environment, for the fiscal year beginning July 1, 2009, the sum of
28 forty-nine thousand nine hundred fifteen dollars (\$49,915) cash funds and
29 0.5 FTE, or so much thereof as may be necessary, to evaluate existing fire
30 permit program rules for the implementation of this act."

31

32 Renumber succeeding section accordingly.

33

34 Page 1, line 106, strike "RISK." and substitute "RISK, AND MAKING AN
35 APPROPRIATION.".

36

37

38

39 **HB09-1202** be rereferred favorably to the Committee on Buusiness
40 Affairs & Labor.

41

42

43 **HB09-1242** be referred to the Committee of the Whole with favorable
44 recommendation.

45

46

47 **HB09-1246** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:

50

51 Amend printed bill, page 3, after line 8, insert the following:

52

53 **"SECTION 3. Appropriation.** In addition to any other
54 appropriation, there is hereby appropriated, out of any moneys in the
55 defensive driving school cash fund created in section 42-1-223 (1),
56 Colorado Revised Statutes, not otherwise appropriated, to the department

1 of revenue, for allocation to the division of motor vehicles, for the fiscal
2 year beginning July 1, 2009, the sum of three hundred thirty thousand
3 dollars (\$330,000) cash funds, or so much thereof as may be necessary,
4 for the implementation of this act."

5
6 Renumber succeeding section accordingly.

7
8 Page 1, line 103, strike "VEHICLE." and substitute "VEHICLE, AND
9 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

10

11

12

13 **HB09-1256** be postponed indefinitely.

14

15

16 **HB09-1266** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19

20 Amend the Judiciary Committee Report, dated February 19, 2009, strike
21 page 1.

22

23 Page 2 of the Committee Report, strike lines 1 through 12;

24

25 line 13, strike "Page" and substitute "Amend printed bill, page";

26

27 strike lines 16 through 30 and substitute the following:

28

29 ""(m) (I) Been convicted of violating section 12-47-901 (1) (b) or
30 (1) (c) ~~C.R.S.~~, or section 18-13-122 (2), C.R.S., or any counterpart
31 municipal charter or ordinance offense to such sections AND HAVING
32 FAILED TO COMPLETE AN ALCOHOL EVALUATION OR ASSESSMENT, AN
33 ALCOHOL EDUCATION PROGRAM, OR AN ALCOHOL TREATMENT PROGRAM
34 ORDERED BY THE COURT IN CONNECTION WITH SUCH CONVICTION; OR

35

36 (II) BEEN CONVICTED OF VIOLATING SECTION 12-47-901 (1) (b) OR
37 (1) (c) OR 18-13-122 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL
38 CHARTER OR ORDINANCE OFFENSE TO SUCH SECTIONS AND HAS A
39 PREVIOUS CONVICTION FOR SUCH OFFENSES;"

40

41 after line 26 of the printed bill, insert the following:

42

43 (6) (a) Any person who has a license revoked pursuant to
44 paragraph (m) of subsection (1) of this section shall be subject to a THE
45 FOLLOWING revocation period ~~that shall continue for the period of time~~
46 ~~described hereafter~~ PERIODS:

47

48 (I) After ~~one~~ A FIRST conviction AND FAILURE TO COMPLETE AN
49 ORDERED EVALUATION, ASSESSMENT, OR PROGRAM, ~~twenty-four hours of~~
50 ~~public service if ordered by the court,~~ or three months;

51

52 (II) After a second conviction, six months;

53

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

55

56 Page 3 of the Committee Report, strike line 1;

1 strike lines 3 through 12 of the Committee Report and substitute the
2 following:

3

4 **""SECTION 12.** 42-2-131, Colorado Revised Statutes, is
5 amended to read:

6

7 **42-2-131. Revocation of license or permit for failing to comply**
8 **with a court order relating to nondriving alcohol convictions.** Upon
9 a plea of guilty or nolo contendere or a verdict of guilty by the court or a
10 jury to an offense UNDER SECTION 12-47-901 (1) (b) OR (1) (c) OR 18-13-
11 122 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL CHARTER OR
12 ORDINANCE OFFENSE TO SUCH SECTION AND FAILURE TO COMPLETE AN
13 ALCOHOL EVALUATION OR ASSESSMENT, AN ALCOHOL EDUCATION
14 PROGRAM, OR AN ALCOHOL TREATMENT PROGRAM ORDERED BY THE
15 COURT IN CONNECTION WITH SUCH PLEA OR VERDICT OR UPON A SECOND
16 OR SUBSEQUENT PLEA OR VERDICT UNDER SUCH SECTIONS for which
17 revocation of a license or permit is mandatory pursuant to section 42-2-
18 125 (1) (m), the court shall forward to the department a notice of plea or
19 verdict OR SUCH FAILURE TO COMPLETE on the form prescribed by the
20 department. Any revocation pursuant to section 42-2-125 (1) (m) shall
21 begin when the department gives notice of ~~such~~ THE revocation to the
22 person in accordance with section 42-2-119 (2).".".

23

24 strike lines 14 through 17 of the Committee Report.

25

26

27

28 **HB09-1267** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31

32 Amend printed bill, page 8, after line 12, insert the following:

33

34 **"SECTION 13. Appropriation.** In addition to any other
35 appropriation, there is hereby appropriated, out of any moneys in the
36 general fund not otherwise appropriated, to the department of higher
37 education, for allocation to the college opportunity fund, for stipends for
38 an estimated ninety-three eligible full-time equivalent students attending
39 participating private institutions, for the fiscal year beginning July 1,
40 2009, the sum of one hundred eleven thousand six hundred dollars
41 (\$111,600), or so much thereof as may be necessary, for the
42 implementation of this act.".

43

44 Renumber succeeding section accordingly.

45

46 Page 1, line 102, strike "INSTITUTIONS." and substitute "INSTITUTIONS,
47 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

48

49

50

51 **HB09-1269** be referred to the Committee of the Whole with favorable
52 recommendation.

53

54

55 **HB09-1273** be referred to the Committee of the Whole with favorable
56 recommendation.

1 **HB09-1274** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend the Judiciary Committee Report, dated February 23, 2009, page
6 1, strike lines 5 through 17 and substitute the following:
7

8 **""SECTION 23. Appropriation - adjustments to the 2009 long**
9 **bill.** (1) In addition to any other appropriation, there is hereby
10 appropriated, out of any moneys in the general fund not otherwise
11 appropriated, to the department of public safety, Colorado bureau of
12 investigation, for the cold case homicide team for investigation and
13 administrative services, for the fiscal year beginning July 1, 2009, the sum
14 of eight hundred thirty-three thousand three hundred seventy-six dollars
15 (\$833,376) and 8.0 FTE, or so much thereof as may be necessary, for the
16 implementation of section 24-33.5-425, Colorado Revised Statutes.
17

18 (2) For the implementation of this act, appropriations made in the
19 annual general appropriation act for the fiscal year beginning July 1,
20 2009, shall be adjusted as follows:
21

22 (a) The general fund appropriation to the judicial department, trial
23 courts, for court costs, jury costs, and court-appointed counsel, is
24 decreased by thirty-two thousand nine hundred fifty dollars (\$32,950).
25

26 (b) The general fund appropriation to the judicial department, for
27 the public defender, is decreased by two hundred seventy-five thousand
28 five hundred forty-eight dollars (\$275,548).
29

30 (c) The general fund appropriation to the judicial department, for
31 the alternate defense counsel, is decreased by five hundred eighty-two
32 thousand seven hundred fifty-eight dollars (\$582,758).".".
33
34
35

36 **HB09-1280** be referred to the Committee of the Whole with favorable
37 recommendation.
38
39

40 **HB09-1282** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:
43

44 Amend printed bill, page 2, line 17, after "REGARDING", insert "THE
45 BENEFITS AND CONSEQUENCES OF ESTABLISHING A LANDFILL DISPOSAL
46 BAN FOR ELECTRONIC DEVICES AND".
47

48 Page 3, strike lines 1 and 2.
49

50 Renumber succeeding subparagraphs accordingly.
51

52 Page 3, strike lines 18 through 20 and substitute the following:
53

54 **"(III) TWO REPRESENTATIVES OF MUNICIPALITIES, OF WHOM ONE**
55 **SHALL REPRESENT A MUNICIPALITY THAT HAS A PUBLIC ELECTRONICS**
56 **RECYCLING PROGRAM AND ONE SHALL REPRESENT A MUNICIPALITY THAT**

1 DOES NOT HAVE A PUBLIC ELECTRONICS RECYCLING PROGRAM. AT LEAST
2 ONE OF THE TWO REPRESENTED MUNICIPALITIES SHALL HAVE A
3 POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE. BOTH
4 REPRESENTATIVES SHALL BE APPOINTED BY THE COLORADO MUNICIPAL
5 LEAGUE.";

6
7 line 24, strike "INFORMATION," and substitute "INFORMATION AND ONE
8 SHALL BE A COMMUNITY NONPROFIT THAT OPERATES AN ELECTRONICS
9 COLLECTION OR RECYCLING PROGRAM,".

10
11 Page 4, line 10, strike "ONE REPRESENTATIVE" and substitute "TWO
12 REPRESENTATIVES" and strike "COUNTIES" and substitute "COUNTIES, ONE
13 OF WHICH IS LOCATED WEST OF THE CONTINENTAL DIVIDE,";

14
15 strike lines 14 through 20 and substitute the following:

16
17 "(X) FOUR MEMBERS OF THE GENERAL ASSEMBLY, OF WHOM TWO
18 SHALL BE SENATORS APPOINTED BY THE PRESIDENT OF THE SENATE, TWO
19 SHALL BE REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE
20 OF REPRESENTATIVES, AND NO MORE THAN THREE SHALL BE MEMBERS OF
21 THE SAME POLITICAL PARTY.";

22
23 line 22, strike "BY JULY 1, 2009." and substitute "WITHIN ONE MONTH
24 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b).";

25
26 line 25, strike "AUGUST" and substitute "JULY".

27
28 Page 5, line 3, after "REGARDING", insert "THE BENEFITS AND
29 CONSEQUENCES OF ESTABLISHING A LANDFILL DISPOSAL BAN FOR
30 ELECTRONIC DEVICES AND";

31
32 strike lines 6 and 7.

33
34 Reletter succeeding sub-subparagraphs accordingly.

35
36 Page 5, line 19, after "(d)", insert "THE TASK FORCE SHALL APPOINT A
37 SUBCOMMITTEE TO CREATE A DRAFT FINAL REPORT CONCERNING
38 RECOMMENDATIONS FOR THE RECYCLING OF ELECTRONIC DEVICES. A
39 MAJORITY VOTE OF THE TASK FORCE IS REQUIRED FOR ADOPTION OF THE
40 FINAL REPORT, WHICH SHALL INCLUDE BOTH THE MAJORITY AND MINORITY
41 OPINIONS, IF ANY, CONCERNING THE RECOMMENDATIONS PRESENTED IN
42 THE REPORT." and strike "A" and substitute "THE";

43
44 strike line 24 and substitute the following:

45
46 "SHALL PROVIDE DEPARTMENT OR CONTRACT STAFF FOR THE TASK FORCE.
47 PAYMENTS FROM THE ELECTRONIC DEVICE RECYCLING CASH FUND FOR
48 STAFF SHALL BE MADE PRIOR TO TASK FORCE MEMBER REIMBURSEMENTS.
49 NOTWITHSTANDING SECTION 2-2-307, C.R.S., LEGISLATIVE AND
50 NONLEGISLATIVE MEMBERS".

51
52 Page 6, line 2, strike everything after the period;

53
54 strike line 3;

55
56 line 4, strike everything before "NOTWITHSTANDING";

1 after line 15, insert the following:
2

3 **"SECTION 2. Appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 electronic device recycling cash fund created in section 25-17-107 (3),
6 Colorado Revised Statutes, not otherwise appropriated, to the department
7 of public health and environment, for allocation to the hazardous
8 materials and waste management division, for the fiscal year beginning
9 July 1, 2009, the sum of twenty-eight thousand six hundred forty-three
10 dollars (\$28,643) cash funds and 0.4 FTE, or so much thereof as may be
11 necessary, for the implementation of this act."
12

13 Renumber succeeding section accordingly.
14

15 Page 1, line 106, strike "**PROGRAMS.**" and substitute "**PROGRAMS AND**
16 **MAKING AN APPROPRIATION.**"
17

18
19
20 **HB09-1289** be referred to the Committee of the Whole with favorable
21 recommendation.
22

23
24 **HB09-1290** be amended as follows, and as so amended, be referred to
25 the Committee of the Whole with favorable
26 recommendation:
27

28 Amend printed bill, page 2, after line 8, insert the following:
29

30 **"SECTION 2. Appropriation - adjustment to the 2009 long**
31 **bill.** (1) For the implementation of this act, the general fund
32 appropriation made in the annual general appropriation act for the fiscal
33 year beginning July 1, 2009, to the department of higher education, for
34 Colorado commission on higher education financial aid, need based
35 grants, is reduced by one hundred fifty thousand (\$150,000).
36

37 (2) In addition to any other appropriation, there is hereby
38 appropriated, out of any moneys in the general fund not otherwise
39 appropriated, to the department of higher education, for tuition assistance
40 for members of the national guard, for the fiscal year beginning July 1,
41 2009, the sum of one hundred fifty thousand dollars (\$150,000), or so
42 much thereof as may be necessary, for the implementation of this act.
43

44 (3) In addition to any other appropriation, there is hereby
45 appropriated, to the department of military and veterans affairs, for tuition
46 assistance for members of the national guard, for the fiscal year beginning
47 July 1, 2009, the sum of one hundred fifty thousand dollars (\$150,000)
48 reappropriated funds, or so much thereof as may be necessary, for the
49 implementation of this act. Said sum shall be out of the moneys
50 appropriated in subsection (1) of this section."
51

52 Renumber succeeding section accordingly.
53

54 Page 1, line 104, strike "**GUARD.**" and substitute "**GUARD, AND MAKING**
55 **AN APPROPRIATION THEREFOR.**"
56

- 1 **HB09-1307** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
- 5 **HB09-1308** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
- 9 **HB09-1310** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:
12
- 13 Amend the Business Affairs and Labor Committee Report, dated March
14 25, 2009, page 1, strike line 1 and substitute the following"
15
16 "Amend printed bill, page 2, strike line 4 and substitute the following:
17
18 **"8-72-113. Employee misclassification -";**
19
20 line 15, strike "EMPLOYEES, EITHER" and";
21
22 after line 3 of the committee report, insert the following:
23
24 "Page 3, line 10, strike "OFFICE" and substitute "DIVISION";
25
26 after line 13, insert the following:
27
28 "(d) "DIVISION" MEANS THE DIVISION OF EMPLOYMENT AND
29 TRAINING IN THE DEPARTMENT OF LABOR AND EMPLOYMENT."
30
31 Reletter succeeding paragraphs accordingly.";
32
33 line 4 of the committee report, strike "'8-70-103 (11),". and substitute
34 "'8-70-103 (11),";";
35
36 after line 4 of the committee report, insert the following:
37
38 "strike lines 23 and 24.
39
40 Reletter succeeding paragraph accordingly.
41
42 Page 3, strike line 27.
43
44 Page 4, strike lines 1 and 2 and substitute the following:
45
46 "(3) (a) THE DIVISION";
47
48 line 8, strike "OFFICE" and substitute "DIVISION";
49
50 line 13, strike "DIRECTOR, THROUGH THE OFFICE," and substitute
51 "DIRECTOR";
52
53 line 15, strike "THE RESOURCES OF THE OFFICE";";
54
55 line 5 of the committee report, strike "Page 4,".
56

1 Page 2 of the committee report, line 27, strike "OPINION." and substitute
2 "OPINION AND THE FEES TO BE CHARGED THE REQUESTING EMPLOYER TO
3 COVER THE DIRECTOR'S AND DIVISION'S COSTS IN PROVIDING THE
4 ADVISORY OPINION.";

5

6 after line 29 of the committee report, insert the following:

7

8 "line 10, strike "OFFICE," and substitute "DIVISION TO INVESTIGATE
9 COMPLAINTS OF EMPLOYEE MISCLASSIFICATION AND ENFORCE THIS
10 SECTION,";

11

12 line 11, strike "OFFICE" and substitute "DIVISION";

13

14 line 19, strike "OFFICE AND";

15

16 line 20, strike "ITS FUNCTIONS" and substitute "DIVISION'S FUNCTIONS
17 PURSUANT TO THIS SECTION";

18

19

20

21 **HCR09-1002** be postponed indefinitely.

22

23

24

25

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

26

27 The Speaker has signed: **SB09-112, 117, 210, 215, 225 and 227.**

28

29

30

31

MESSAGE(S) FROM THE SENATE

32

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

35

36 The Senate voted to concur in House amendments to SB09-132, and
37 SB09-175 and repassed the bills as so amended.

38

39

40 SB09-256 amended as printed in Senate Journal, April 2, 2009,
41 page 643-644, and amended on Third Reading, April 3, 2009,
42 as printed in the Senate Journal.

43

44

45

MESSAGE(S) FROM THE REVISOR

46

47 We herewith transmit:

48 Without comment, as amended, SB09-256.

49

50

51 On motion of Representative Weissmann, **HB09-1303, SB09-230, HB09-**
52 **1010, 1020, 1022, 1035, 1039, 1043, 1047, 1073, 1094, 1111, 1119,**
53 **1123, 1132, 1137, 1163, 1173, 1199, 1242, 1246, 1266, 1267, 1273,**
54 **1282, 1289, 1290, 1307, 1308, 1310** were made Special Orders on
55 Monday, April 6, 2009, at 10:22 a.m.

56

1 The hour of 10:22 a.m., having arrived, on motion of Representative
2 Casso, the House resolved itself into Committee of the Whole for
3 consideration of Special Orders and he was called to the Chair to act as
4 Chairman.

5

6

7

SPECIAL ORDERS--SECOND READING OF BILLS

8

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

13

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

16

17 **HB09-1303** by Representative(s) Curry; also Senator(s) Isgar--
18 Concerning the application of engineering criteria to
19 increase efficiency in the administration of wells that
20 withdraw ground water in conjunction with the mining of
21 minerals, and, in connection therewith, integrating wells
22 that withdraw ground water in conjunction with the mining
23 of minerals into the prior appropriation system and
24 extending the time schedule for well owners to correct
25 deficiencies in permitting and operation.

26

27 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
28 dated April 1, 2009, and placed in member's bill file; Report also printed
29 in House Journal, April 2, pages 1006-1008.

30

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

33

34 **SB09-230** by Senator(s) Spence and Groff; also Representative(s)
35 May--Concerning the authorization of charter schools as
36 school food authorities, and making an appropriation in
37 connection therewith.

38

39 Ordered revised and placed on the Calendar for Third Reading and Final
40 Passage.

41

42 **HB09-1020** by Representative(s) Acree; also Senator(s) Spence, Boyd--
43 -Concerning expedited processes for reenrollment in
44 publicly funded medical programs.

45

46 Amendment No. 1, Appropriations Report, dated April 3, 2009, and
47 placed in member's bill file; Report also printed in House Journal, April 6,
48 pages 1038-1039.

49

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

52

53 **HB09-1022** by Representative(s) Solano; also Senator(s) Boyd--
54 Concerning assistance to counties to implement recidivism
55 reduction programs for the mentally ill.

56

1 Amendment No. 1, Judiciary Report, dated January 15, 2009, and placed
2 in member's bill file; Report also printed in House Journal, January 16,
3 page 88.

4
5 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
6 placed in member's bill file; Report also printed in House Journal, April 6,
7 pages 1039-1040.

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

11
12
13 **HB09-1035** by Representative(s) Riesberg; also Senator(s) Heath--
14 Concerning sales and use tax refunds for certain Colorado-
15 based technology companies.

16
17 Amendment No. 1, Finance Report, dated January 27, 2009, and placed
18 in member's bill file; Report also printed in House Journal, January 28,
19 pages 153-155.

20
21 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
22 placed in member's bill file; Report also printed in House Journal, April 6,
23 page 1040.

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

27
28 **HB09-1043** by Representative(s) Ryden; also Senator(s) Williams--
29 Concerning the addition of a line to Colorado state
30 individual income tax return forms whereby individual
31 taxpayers may make a voluntary contribution to the Make-
32 A-Wish Foundation of Colorado fund.

33
34 Ordered engrossed and placed on the Calendar for Third Reading and
35 Final Passage.

36
37
38 **HB09-1047** by Representative(s) Todd; also Senator(s) Williams--
39 Concerning a program for providing additional therapies
40 to certain persons with disabilities who are eligible to
41 receive medicaid.

42
43 Amendment No. 1, Health & Human Services Report, dated
44 January 26, 2009, and placed in member's bill file; Report also printed in
45 House Journal, January 28, page 156.

46
47 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
48 placed in member's bill file; Report also printed in House Journal, April 6,
49 page 1042.

50
51 Amendment No. 3, by Representative(s) Todd.

52
53 Amend printed bill, page 5, after line 26, insert the following:

54
55 "(7) UNLESS THE STATE DEPARTMENT RECEIVES SUFFICIENT
56 MONEYS FROM EITHER THE GENERAL FUND OR FROM GIFTS, GRANTS, AND

1 DONATIONS MADE PURSUANT TO SUBSECTION (6) OF THIS SECTION, THE
2 STATE DEPARTMENT SHALL NOT BE REQUIRED TO SEEK FEDERAL APPROVAL
3 OR IMPLEMENT THE PILOT PROGRAM.".

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

7
8 **HB09-1073** by Representative(s) Massey, Frangas, Kerr J., Riesberg;
9 also Senator(s) Boyd and Kopp, Morse--Concerning
10 electronic prescriptions in the medical assistance program.

11
12 Amendment No. 1, Health & Human Services Report, dated
13 January 23, 2009, and placed in member's bill file; Report also printed in
14 House Journal, January 26, page 127.

15
16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.

18
19 **HB09-1094** by Representative(s) Levy, Fischer, Hullinghorst, Kefalas;
20 also Senator(s) Bacon--Concerning wireless telephone
21 prohibitions for drivers.

22
23 Amendment No. 1, Transportation & Energy Report, dated
24 February 3, 2009, and placed in member's bill file; Report also printed in
25 House Journal, February 5, pages 260-261.

26
27 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
28 placed in member's bill file; Report also printed in House Journal, April 6,
29 pages 1042-1043.

30
31 Amendment No. 3, by Representative(s) Levy.

32
33 Amend the Transportation and Energy Committee Report, dated February
34 3, 2009, page 1, line 6, strike "~~WIRELESS~~";

35
36 line 7, strike "~~TELEPHONE~~";

37
38 line 11, strike "~~DRIVER~~" and substitute "DRIVER".

39
40 Page 2, line 4, strike "MANNER." and substitute "MANNER."";

41
42 after line 4, insert the following:

43
44 "line 16, strike "(b)" and substitute "~~(b)~~ (c)".";

45
46 line 28, strike "TRANSPORTATION" and substitute "TRANSPORTING".

47
48 Amendment No. 4, by Representative(s) Levy.

49
50 Amend Transportation and Energy Committee Report, dated February 3,
51 2009, page 2, after line 5 insert the following:

52
53 "Page 3, strike lines 4 and 5 and substitute the following:

54
55 "(e) "USE" MEANS TALKING ON OR LISTENING TO A WIRELESS
56 TELEPHONE OR ENGAGING THE WIRELESS".";

1 line 7 of the committee report, change the period to a semi-colon;

2

3 after line 7 of the committee report, insert the following:

4

5 "line 25, after the first "PERSONS" insert "FOR A USE OTHER THAN TEXT
6 MESSAGING OR OTHER FORMS OF MANUAL DATA ENTRY OR
7 TRANSMISSION"."

8

9 line 16 of the committee report, strike "OR";

10

11 line 18 of the committee report, strike "C.R.S." and substitute "C.R.S.;
12 OR";

13

14 after line 18 of the committee report, insert the following:

15

16 "(g) A COMMERCIAL DRIVER WHILE DRIVING A VEHICLE WITH A
17 GROSS WEIGHT VEHICLE RATING OF 10,001 OR MORE POUNDS THAT IS
18 TRANSPORTING FREIGHT AND NOT TRANSPORTING PERSONS.";

19

20 line 22 of the committee report, strike "COMMISSION." and substitute
21 "COMMISSION.".";

22

23 strike lines 23 through 28 of the committee report.

24

25 Amendment No. 5, by Representative(s) Levy.

26

27 Amend printed bill, page 3, line 20, after the semi-colon, add "AND";

28

29 line 22, strike "BUS; AND" and substitute "BUS.";

30

31 strike lines 23 through 25 and substitute the following:

32

33 "(c) ~~During an emergency.~~"

34

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

37

38 **HB09-1111** by Representative(s) Massey, Swalm; also Senator(s) Boyd
39 and Schwartz--Concerning measures to increase the
40 availability of health resources in designated areas in
41 Colorado, and, in connection therewith, creating the
42 primary care office in the prevention services division in
43 the department of public health and environment to
44 maximize state and federal programs that provide health
45 resources.

46

47 Amendment No. 1, Appropriations Report, dated April 3, 2009, and
48 placed in member's bill file; Report also printed in House Journal, April 6,
49 pages 1043-1044.

50

51 Amendment No. 2, by Representative(s) Ferrandino.

52

53 Amend printed bill, page 18, line 4, strike "sixty thousand" and substitute
54 "sixty NINETY thousand SEVENTY".

55

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

2

3 Amend printed bill, page 13, after line 14, insert the following:

4

5 "(d) AN ADVANCED PRACTICE NURSE LICENSED TO PRACTICE IN
6 COLORADO;"

7

8 Reletter succeeding sections accordingly.

9

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

12

13 **HB09-1039** by Representative(s) McNulty; also Senator(s) Kopp--
14 Concerning in-state tuition classification for honorably
15 discharged military veterans.

16

17 Amendment No. 1, Appropriations Report, dated April 3, 2009, and
18 placed in member's bill file; Report also printed in House Journal, April 6,
19 page 1041.

20

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

23

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

27

28 Laid over until April 7, retaining place on Calendar.

29

30 **HB09-1119** by Representative(s) Vigil, Court, Labuda, Pace, Todd;
31 also Senator(s) Schwartz--Concerning creation of a
32 program to assist entities providing programs to address
33 substance abuse problems in rural areas of Colorado.

34

35 Amendment No. 1, Health & Human Services Report, dated
36 February 5, 2009, and placed in member's bill file; Report also printed in
37 House Journal, February 6, pages 276-280.

38

39 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
40 placed in member's bill file; Report also printed in House Journal, April 6,
41 pages 1044-1045.

42

43 Amendment No. 3, by Representative(s) Vigil.

44

45 Amend the Health and Human Services Committee Report, dated
46 February 5, 2009, page 4, line 24, strike "OR MUNICIPAL";

47

48 line 25, strike "OR";

49

50 line 26, strike "MUNICIPALITY".

51

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

54

55

1 **HB09-1123** by Representative(s) Lambert, Kerr J., Balmer,
2 Baumgardner, Gardner B., Gardner C., King S., Liston,
3 Lundberg, Marostica, Massey, Priola, Roberts, Stephens,
4 Swalm, Waller; also Senator(s) Schultheis, Harvey,
5 Brophy, Hodge, King K., Penry, Renfroe, Scheffel--
6 Concerning changes to crimes related to unlawful
7 treatment of persons to align with similar law provisions,
8 and making an appropriation in connection therewith.
9

10 Amendment No. 1, Judiciary Report, dated February 16, 2009, and placed
11 in member's bill file; Report also printed in House Journal, February 17,
12 page 381.
13

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

17 **HB09-1132** by Representative(s) Murray and Priola, Liston, Benefield,
18 Labuda, Waller; also Senator(s) Heath, Scheffel--
19 Concerning the use of messaging systems to commit
20 unlawful activity.
21

22 Amendment No. 1, Judiciary Report, dated February 5, 2009, and placed
23 in member's bill file; Report also printed in House Journal, February 6,
24 pages 280-281.
25

26 Amendment No. 2 Appropriations Report, dated April 3, 2009, and
27 placed in member's bill file; Report also printed in House Journal, April 6,
28 pages 1046-1047.
29

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

33 **HB09-1163** by Representative(s) Gardner C., Baumgardner, Bradford,
34 King S., Looper, May, McNulty, Murray, Scanlan,
35 Summers, Tipton, Todd, Vaad; also Senator(s) Romer,
36 Spence, Brophy, Harvey--Concerning crimes in which the
37 victim is a child, and making an appropriation in
38 connection therewith.
39

40 Amendment No. 1, Judiciary Report, dated February 5, 2009, and placed
41 in member's bill file; Report also printed in House Journal, February 6,
42 pages 281-282.
43

44 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
45 placed in member's bill file; Report also printed in House Journal, April 6,
46 page 1049.
47

48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.
50

51 A motion by Representative Weissmann that the Committee rise, report
52 progress and beg leave to sit again at 3:00 p.m., was adopted by
53 unanimous consent. (Special Orders continued on page 1069.)
54
55
56

1 House reconvened.

2
3 The Committee of the Whole reported it had risen, reported progress and
4 would sit again at 3:00 p.m.

5
6
7 **NOTICE OF CALENDARED ITEM(S)**

8
9 On motion of Representative Weissmann, the following bill(s) will be
10 calendared for second reading on April 15: HB09-1269, 1274, 1280.

11
12 On motion of Representative Weissmann, the following bill(s) calendared
13 for second reading, April 6, will be laid over until April 7: HB09-1327.

14
15
16 House in recess. House reconvened.

17
18
19 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
20 **on HB09-1153**

21
22 This Report Amends the Reengrossed Bill.

23
24 To the President of the Senate and the
25 Speaker of the House of Representatives:

26
27 Your first conference committee appointed on HB09-1153,
28 concerning the requirements applicable to the formation of an issue
29 committee under Colorado law governing campaign finance, has met and
30 reports that it has agreed upon the following:

31
32 1. That the Senate recede from its amendments made to the bill,
33 as the amendments appear in the rerevised bill.

34
35 2. That, under the authority granted the committee to consider
36 matters not at issue between the two houses, the following amendments
37 be recommended:

38
39 Amend reengrossed bill, page 3, line 17, strike "A";

40
41 strike line 18 and substitute the following:

42
43 "CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS
44 TO".

45
46 Page 6, strike line 1 and substitute the following:

47 "MAKING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED".

48
49 Respectfully submitted,

50 House Committee:

51 (signed)

52 Mike May

53 Nancy Todd

54 Joe Miklosi

Senate Committee:

(signed)

Ted Harvey

Bob Bacon

Suzanne Williams

DELIVERY OF BILLS TO GOVERNOR1
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The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB09-1034, 1118, 1125, 1143, 1190, 1218, 1253, 1254, 1264, 1297** at 1:50 p.m. on April 6, 2009.

MESSAGE(S) FROM THE SENATE

The Senate has adopted and transmits herewith: SJM09-002.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB09-251, SB09-249.

The Senate has passed on Third Reading and returns herewith: HB09-1296, HB09-1294, HB09-1301.

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

SB09-248 amended as printed in Senate Journal, April 3, 2009, page 947,

SB09-243 amended as printed in Senate Journal, April 3, 2009, page 948,

SB09-110 amended as printed in Senate Journal, April 3, 2009, page 948-949.

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

HB09-1248 amended as printed in Senate Journal, April 3, 2009, page 949,

HB09-1230 amended as printed in Senate Journal, April 3, 2009, page 950,

HB09-1222 amended as printed in Senate Journal, April 3, 2009, page 950-951, and as printed in Senate Journal, April 6, 2009,

HB09-1149 amended as printed in Senate Journal, April 3, 2009, and as printed in Senate Journal April 6, 2009,

HB09-1293 amended as printed in Senate Journal, April 3, 2009, page 954.

The Senate voted to concur in House amendments to SB09-119, and repassed the bill as so amended.

The Senate has voted not to concur in House Amendments to SB09-013, and requests that a Conference Committee be appointed. The President appointed Senators Gibbs, Chair, Schwartz and Kopp, as members of the First Conference Committee on SB09-013 on the part of the Senate. The bill is transmitted herewith.

The Senate has adopted the First Report of the First Conference Committee on HB09-1153, as printed in Senate Journal, March 16, 2009, page 635, and repassed the bill as amended. The bill is returned herewith.

MESSAGE(S) FROM THE REVISOR1
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We herewith transmit:

Without comment, SB09-251 and 249.

Without comment, as amended, HB09-1248, 1230, 1222, 1149 and 1293.

Without comment, as amended, SB09-248, 243 and 110.

INTRODUCTION OF BILLS
First Reading

The following bills were read by title and referred to the committees indicated:

HB09-1332 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--Concerning the repeal of provisions requiring a cumulative economic analysis of state air quality control measures every five years.

Committee on Health and Human Services

HB09-1333 by Representative(s) Riesberg, McFadyen, Sonnenberg; also Senator(s) Bacon, Kopp, Schwartz--Concerning the transfers of money to the state museum cash fund.

Committee on State, Veterans, & Military Affairs

HB09-1334 by Representative(s) McCann and Apuan, Court, Gardner B., King S., Lambert, Ryden, Schafer S., Vigil, Waller--Concerning the aggregation of multiple offenses involving theft-type crimes into a single offense.

Committee on Judiciary

SB09-037 by Senator(s) Kopp; also Representative(s) McNulty--Concerning funding for certain workers' compensation funds.

Committee on Business Affairs and Labor

SB09-110 by Senator(s) Morse, Carroll M., Hudak; also Representative(s) Levy--Concerning the continuation of the regulation of civil rights issues.

Committee on Judiciary

SB09-243 by Senator(s) Boyd, Carroll M.; also Representative(s) Riesberg--Concerning payments for workers' compensation benefits.

Committee on Business Affairs and Labor

SB09-248 by Senator(s) Heath; also Representative(s) McNulty--Concerning contractor surety requirements for a public works project contract having a total value of five hundred million dollars or more, and, in connection therewith, requiring a bond or other acceptable surety, including but not limited to a letter of credit, to be filed in a specified minimum amount for the duration of the contract.

Committee on State, Veterans, & Military Affairs

- 1 **SB09-249** by Senator(s) Penry and Carroll M.; also Representative(s)
 2 Kerr A., Bradford, May--Concerning the applicability to
 3 small common-interest communities of recently enacted
 4 provisions of the "Colorado Common Interest Ownership
 5 Act".
 6 Committee on Local Government
 7
 8 **SB09-251** by Senator(s) Romer; also Representative(s) Riesberg--
 9 Concerning the authority of a licensed health care provider
 10 to charge a fee for certain ophthalmic devices.
 11 Committee on Health and Human Services
 12
 13 **SB09-256** by Senator(s) Romer and Bacon; also Representative(s)
 14 Pommer and Scanlan--Concerning the financing of public
 15 schools, and making an appropriation therefor.
 16 Committee on Education
 17 Committee on Appropriations
 18
 19
 20

21 INTRODUCTION OF RESOLUTION

- 22
 23 The following resolution was read by title and laid over one day under the
 24 rules:
 25
 26 **HJR09-1014** by Representative(s) Kerr J., Massey, Todd, Acree,
 27 Balmer, Casso, Gagliardi, Lambert, Looper, McNulty,
 28 Nikkel, Pace; also Senator(s) Morse, Schultheis--
 29 Concerning federal funds for COPLINK program.
 30
 31
 32

-
- 33 On motion of Representative Kerr A., **SB09-061** was added to the Special
 34 Orders Calendar on Monday, April 6, 2009.
 35
 36

- 37 On motion of Representative Casso, the House resolved itself into
 38 Committee of the Whole for continuation of consideration of Special
 39 Orders, and he returned to the Chair to act as Chairman.
 40
 41
 42

42 SPECIAL ORDERS--SECOND READING OF BILLS

43 (Continued from page 1065)

- 44
 45 **HB09-1173** by Representative(s) Riesberg; also Senator(s) Hodge--
 46 Concerning efforts to reduce the amount of contraband
 47 tobacco products in the state.
 48
 49 Amendment No. 1, Appropriations Report, dated April 3, 2009, and
 50 placed in member's bill file; Report also printed in House Journal, April 6,
 51 pages 1049-1052.
 52
 53 As amended, ordered engrossed and placed on the Calendar for Third
 54 Reading and Final Passage.
 55

1 **HB09-1199** by Representative(s) Scanlan, Benefield, Curry,
2 Ferrandino, Gerou, Kerr A., King S., Levy, Massey,
3 Middleton, Nikkel, Roberts; also Senator(s) Gibbs--
4 Concerning increased efforts to address wildfire risk, and,
5 in connection therewith, providing resources to the
6 Colorado state forest service to augment its technical
7 outreach capabilities and provide loans and grants for
8 market-based and forest treatment solutions to reduce
9 wildfire risk.

10
11 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
12 dated February 18, 2009, and placed in member's bill file; Report also
13 printed in House Journal, February 20, pages 451-453.

14
15 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
16 placed in member's bill file; Report also printed in House Journal, April 6,
17 page 1052.

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

21
22 **HB09-1242** by Representative(s) Summers; also Senator(s) King K.--
23 Concerning a credit against state income tax for
24 contributions to research institutions at Colorado
25 institutions of higher education.

26
27 Amendment No. 1, Finance Report, dated February 25, 2009, and placed
28 in member's bill file; Report also printed in House Journal, March 2,
29 pages 572-573.

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

33
34 **HB09-1246** by Representative(s) Peniston; also Senator(s) Morse--
35 Concerning the evaluation of driving schools attended as
36 a result of a court order resulting from a violation of a law
37 regulating the operation of a motor vehicle.

38
39 Amendment No. 1, Transportation & Energy Report, dated
40 March 3, 2009, and placed in member's bill file; Report also printed in
41 House Journal, March 4, page 603.

42
43 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
44 placed in member's bill file; Report also printed in House Journal, April 6,
45 pages 1052-1053.

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

49
50 **HB09-1266** by Representative(s) McCann; also Senator(s) Carroll M.--
51 Concerning the repeal of the loss of driving privileges as
52 a penalty for certain crimes.

53
54 Amendment No. 1, Judiciary Report, dated February 19, 2009, and placed
55 in member's bill file; Report also printed in House Journal, February 20,
56 pages 464-466.

1 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
2 placed in member's bill file; Report also printed in House Journal, April 6,
3 pages 1053-1054.

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

7
8 **HB09-1282** by Representative(s) Fischer; also Senator(s) Schwartz,
9 Hodge--Concerning the recycling of certain electronic
10 devices, and, in connection therewith, establishing a task
11 force within the department of public health and
12 environment to make recommendations regarding the
13 implementation of electronic device recycling programs.

14
15 Amendment No. 1, Appropriations Report, dated April 3, 2009, and
16 placed in member's bill file; Report also printed in House Journal, April 6,
17 pages 1055-1057.

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

21
22
23 **HB09-1267** by Representative(s) Todd; also Senator(s) Bacon--
24 Concerning the removal of statutory provisions describing
25 pervasively sectarian educational institutions.

26
27 Amendment No. 1, Education Report, dated February 23, 2009, and
28 placed in member's bill file; Report also printed in House Journal,
29 February 24, pages 510-511.

30
31 Amendment No. 2, by Representative(s) Riesberg.
32 Strike the House Appropriations Committee Report, dated April 3, 2009,
33 and substitute the following:

34
35 "Amend printed bill, page 8, after line 12, insert the following:
36 **"SECTION 13. Appropriation.** In addition to any other
37 appropriation, there is hereby appropriated, out of any moneys in the
38 general fund not otherwise appropriated, to the department of higher
39 education, for allocation to the college opportunity fund, for stipends for
40 an estimated ninety-three eligible full-time equivalent students attending
41 participating private institutions, for the fiscal year beginning July 1,
42 2009, the sum of forty-three thousand two hundred forty-five dollars
43 (\$43,245), or so much thereof as may be necessary, for the
44 implementation of this act.

45
46 **SECTION 14. Safety clause.** The general assembly hereby finds,
47 determines, and declares that this act is necessary for the immediate
48 preservation of the public peace, health, and safety.";

49
50 strike lines 13 through 22.

51
52 Page 1, line 102, strike "INSTITUTIONS." and substitute "INSTITUTIONS,
53 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

54
55 As amended, ordered engrossed and placed on the Calendar for Third
56 Reading and Final Passage.

1 **HB09-1289** by Representative(s) Curry; also Senator(s) Isgar--
2 Concerning the species conservation trust fund, and, in
3 connection therewith, approving the species conservation
4 eligibility list.

5
6 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
7 dated February 25, 2009, and placed in member's bill file; Report also
8 printed in House Journal, March 2, page 571.

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

12
13 **HB09-1290** by Representative(s) Nikkel and Apuan; also Senator(s)
14 Harvey, Bacon--Concerning increasing the maximum
15 amount of money that the Colorado commission on higher
16 education may allocate for the purpose of providing tuition
17 assistance to members of the National Guard.

18
19 Amendment No. 1, Appropriations Report, dated April 3, 2009, and
20 placed in member's bill file; Report also printed in House Journal, April 6,
21 page 1057.

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

25
26 **HB09-1307** by Representative(s) Benefield and Massey, Court, Vaad,
27 Gagliardi, Marostica, McNulty, Merrifield, Middleton,
28 Miklosi, Primavera, Scanlan, Solano; also Senator(s)
29 Shaffer B. and Penry--Concerning the televising of
30 proceedings of state government, and, in connection
31 therewith, creating the Colorado channel authority.

32
33 Ordered engrossed and placed on the Calendar for Third Reading and
34 Final Passage.

35
36 **HB09-1308** by Representative(s) Curry; also Senator(s) Isgar--
37 Concerning the addition of the division of water resources
38 in the department of natural resources to the list of entities
39 eligible to receive first tier funding from the operational
40 account of the severance tax trust fund, and, in connection
41 therewith, modifying appropriations made to the division
42 of water resources in the general appropriation acts for the
43 2008-09 and 2009-10 fiscal years.

44
45 Ordered engrossed and placed on the Calendar for Third Reading and
46 Final Passage.

47
48 **HB09-1310** by Representative(s) Levy, Apuan, Court, McCann, Pace,
49 Ryden; also Senator(s) Heath--Concerning the
50 misclassification of employees as independent contractors
51 for purposes of the "Colorado Employment Security Act".

52
53 Amendment No. 1, Business Affairs & Labor Report, dated
54 March 25, 2009, and placed in member's bill file; Report also printed in
55 House Journal, March 26, pages 917-918.

56

1 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
2 placed in member's bill file; Report also printed in House Journal, April 6,
3 pages 1058-1059.

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

7
8 **HB09-1273** by Representative(s) Kefalas, Green, Frangas, Court,
9 Fischer, Hullinghorst, Labuda, Levy, Miklosi, Pace, Vigil,
10 Apuan, McCann, Ryden, Schafer S.; also Senator(s)
11 Foster, Bacon, Carroll M.--Concerning the creation of a
12 health care authority to develop a health care system that
13 shall be the administrator for health care services in
14 Colorado.

15
16 Amendment No. 1, Business Affairs & Labor Report, dated
17 March 18, 2009, and placed in member's bill file; Report also printed in
18 House Journal, March 19, pages 791-794.

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

22
23 **HB09-1137** by Representative(s) Judd; also Senator(s) Newell--
24 Concerning intercepts, and, in connection therewith,
25 intercepting gambling winnings to pay outstanding
26 criminal court obligations, restitution, and delinquent taxes
27 and requiring the department of revenue to provide
28 specified information to state agencies in conjunction with
29 intercepts of tax refunds.

30
31 Amendment No. 1, Judiciary Report, dated March 23, 2009, and placed
32 in member's bill file; Report also printed in House Journal, March 24,
33 pages 859-863.

34
35 Amendment No. 2, Appropriations Report, dated April 3, 2009, and
36 placed in member's bill file; Report also printed in House Journal, April 6,
37 pages 1047-1049.

38
39 Amendment No. 3, by Representative(s) Judd.

40
41 Amend the Appropriations Committee Report, dated April 3, 2009, page
42 2, strike lines 27 through 29 and substitute the following:

43
44 "Page 5 of the Judiciary Committee Report, after line 17, insert the
45 following:

46
47 "after line 19, insert the following:";

48
49 Page 3 of the Appropriations Committee Report, line 1, strike "**13.**" and
50 substitute "**16.**";

51
52 line 6, strike "167,058" and substitute "one hundred sixty-seven thousand
53 fifty-eight dollars (\$167,058);

54
55 strike lines 10 through 13 and substitute the following:

56

1 "Page 5 of the Judiciary Committee Report, line 20, strike "10, 11, 12, 13,
 2 and 14" and substitute "6, 8, 10, 12, 13, 14, 15, and 16".
 3
 4 line 24, strike "RESTITUTION"." and substitute "RESTITUTION,";
 5
 6 line 106, strike "REFUNDS." and substitute "REFUNDS, AND MAKING AN
 7 APPROPRIATION."."
 8
 9 As amended, ordered engrossed and placed on the Calendar for Third
 10 Reading and Final Passage.

11
 12 **SB09-061** by Senator(s) Carroll M.; also Representative(s)
 13 Primavera--Concerning the qualifications of health care
 14 professionals who review claims for medical treatment
 15 under insurance policies.
 16

17 Amendment No. 1, Health & Human Services Report, dated
 18 March 30, 2009, and placed in member's bill file; Report also printed in
 19 House Journal, March 31, page 969.
 20

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

23 Amend reengrossed bill, page 5, line 10, strike "DECISION ABOUT" and
 24 substitute "DENIAL OF BENEFITS FOR".
 25

26 Page 12, line 7, strike "THAT" and substitute "THAT, FOR PURPOSES OF
 27 DETERMINING ELIGIBILITY FOR DISABILITY BENEFITS,";
 28

29 line 8, strike "DECISION ABOUT" and substitute "DENIAL OF THE CLAIM,
 30 WHERE THE DENIAL IS RELATED TO";
 31

32 line 11, strike "FOR PURPOSES";
 33

34 line 12, strike "OF DETERMINING ELIGIBILITY FOR DISABILITY BENEFITS".
 35

36 As amended, ordered revised and placed on the Calendar for Third
 37 Reading and Final Passage.
 38

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

43 Representative(s) McNulty and Bradford moved to amend the Report of
 44 the Committee of the Whole to reverse the action taken by the Committee
 45 in not adopting the following McNulty and Bradford amendment, to
 46 HB09-1163, to show that said amendment passed, and that **HB09-1163**,
 47 as amended, passed.
 48

49 Amend printed bill, page 2, after line 1, insert the following:
 50

51 "SECTION 1. 18-1.3-1004 (1), Colorado Revised Statutes, is
 52 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
 53

54 **18-1.3-1004. Indeterminate sentence.**
 55 (1) (e) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE SEX
 56 OFFENDER COMMITTED ANY OF THE FOLLOWING ACTS UPON A CHILD WHO

1 WAS FOURTEEN YEARS OF AGE OR YOUNGER AND SEVEN OR MORE YEARS
 2 YOUNGER THAN THE SEX OFFENDER AT THE TIME OF THE OFFENSE, THE
 3 COURT SHALL SENTENCE THE DEFENDANT TO AT LEAST TWENTY BUT NOT
 4 LESS THAN THIRTY YEARS IN THE DEPARTMENT OF CORRECTIONS:

5
 6 (I) SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402;

7
 8 (II) SEXUAL ASSAULT IN THE FIRST DEGREE, AS DESCRIBED IN
 9 SECTION 18-3-402, AS IT EXISTED PRIOR TO JULY 1, 2000;

10
 11 (III) SEXUAL ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN
 12 SECTION 18-3-403, AS IT EXISTED PRIOR TO JULY 1, 2000;

13
 14 (IV) SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION 18-
 15 3-405; OR

16
 17 (V) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST,
 18 AS DESCRIBED IN SECTION 18-3-405.3."

19
 20 Renumber succeeding sections accordingly.

21
 22 The amendment was declared **lost** by the following roll call vote:

	YES	29	NO	30	EXCUSED	6	ABSENT	0
25	Acree	Y	Green	N	McCann	E	Roberts	N
26	Apuan	Y	Hullinghorst	N	McFadyen	N	Ryden	N
27	Balmer	Y	Judd	N	McKinley	Y	Scanlan	E
28	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
29	Benefield	N	Kefalas	Y	Merrifield	N	Solano	N
30	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	E
31	Casso	N	Kerr J.	Y	Miklosi	N	Soper	N
32	Court	N	King S.	Y	Murray	Y	Stephens	Y
33	Curry	N	Labuda	E	Nikkel	Y	Summers	Y
34	Ferrandino	N	Lambert	Y	Pace	E	Swalm	Y
35	Fischer	N	Levy	N	Peniston	N	Tipton	Y
36	Frangas	Y	Liston	Y	Pommer	N	Todd	N
37	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
38	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
39	Gardner C.	Y	Massey	N	Rice	N	Waller	Y
40	Gerou	Y	May	E	Riesberg	N	Weissmann	N
41							Speaker	N

42
 43
 44
 45
 46 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

47
 48 Passed Second Reading: **HB09-1303 amended, SB09-230, HB09-**
 49 **1020 amended, 1022 amended, 1035 amended, 1043, 1047 amended,**
 50 **1073 amended, 1094 amended, 1111 amended, 1039 amended,**
 51 **1119 amended, 1123 amended, 1132 amended, 1163 amended,**
 52 **1173 amended, 1199 amended, 1242 amended, 1246 amended,**
 53 **1266 amended, 1282 amended, 1267 amended, 1289 amended,**
 54 **1290 amended, 1307, 1308, 1310 amended, 1273 amended, 1137**
 55 **amended, SB09-061 amended.**

1 Laid over until date indicated retaining place on Calendar: **HB09-1010--**
 2 April 7, 2009.

3
 4 The Chairman moved the adoption of the Committee of the Whole
 5 Report. As shown by the following roll call vote, a majority of those
 6 elected to the House voted in the affirmative, and the Report was
 7 **adopted**.

	YES	55	NO	4	EXCUSED	6	ABSENT	0
10	Acree	N	Green	Y	McCann	E	Roberts	Y
11	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
12	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	E
13	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
14	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
15	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	E
16	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
17	Court	Y	King S.	Y	Murray	Y	Stephens	N
18	Curry	Y	Labuda	E	Nikkel	Y	Summers	Y
19	Ferrandino	Y	Lambert	N	Pace	E	Swalm	Y
20	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
21	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
22	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
23	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
24	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
25	Gerou	Y	May	E	Riesberg	Y	Weissmann	Y
26							Speaker	Y

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

31
 32 **HEALTH & HUMAN SERVICES**

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

35
 36 **SB09-103** be postponed indefinitely.

37
 38
 39 **SB09-167** 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 8, line 13, strike " ____ " and substitute
 44 "THREE".

45
 46
 47 **LAY OVER OF CALENDAR ITEM(S)**

48
 49 On motion of Representative Weissmann, the following item(s) on the
 50 Calendar were laid over until April 7, retaining place on Calendar:

51
 52 Consideration of General Orders--**SB09-098, HB09-1317.**

53 Consideration of Conference Committee Report(s)--**HB09-1162.**

54 Consideration of Resolution(s)--**SJR09-034.**

55 Consideration of Senate Amendment(s)--**HB09-1217.**

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1 On motion of Representative Weissmann, the House adjourned until
2 9:00 a.m., April 7, 2009.

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7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:

TERRANCE D. CARROLL,

Speaker

