

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

One hundred-fifth Legislative Day                      Tuesday, April 21, 2009

1 Prayer by the Reverend Michelle Quinn-Miscall, Rector, St. Joseph  
2 Episcopal Church, Lakewood.

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

5  
6 Pledge of Allegiance led by Aidan Svenson, Jaxon Bell, Madison Tran,  
7 Justus Novak, Timber Trail Elementary, Castle Rock.

8  
9 The roll was called with the following result:

10  
11            Present--65.

12  
13 The Speaker declared a quorum present.

14  
15  
16 On motion of Representative Swalm, the reading of the journal of  
17 April 20, 2009, was declared dispensed with and approved as corrected  
18 by the Chief Clerk.

19  
20  
21  
22                      **THIRD READING OF BILLS--FINAL PASSAGE**

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

27  
28 **SB09-061**    by Senator(s) Carroll M.; also Representative(s)  
29                      Primavera--Concerning the qualifications of health care  
30                      professionals who review claims for medical treatment  
31                      under insurance policies.

32  
33 The question being "Shall the bill pass?".  
34 A roll call vote was taken. As shown by the following recorded vote,  
35 less than a majority of those elected to the House voted in the affirmative  
36 and the bill was declared **lost**.

37  
38

	YES	31	NO	34	EXCUSED	0	ABSENT	0
39	Acree	N	Green	Y	McCann	N	Roberts	N
40	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	N	Judd	Y	McKinley	N	Scanlan	N
42	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	N

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

14  
 15 **HB09-1274** by Representative(s) Weissmann; also Senator(s)  
 16 Carroll M., Groff--Concerning capital crimes, and making  
 17 an appropriation in connection therewith.  
 18

19 The question being "Shall the bill pass?".  
 20 A roll call vote was taken. As shown by the following recorded vote, a  
 21 majority of those elected to the House voted in the affirmative and the  
 22 bill was declared **passed**.  
 23

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

42 Co-sponsor(s) added: Representative(s) Benefield, Ferrandino, Fischer, Green,  
 43 Hullinghorst, Kagan, Kefalas, Labuda, Levy, Miklosi, Pommer, Ryden,  
 44 Schafer S., Speaker, McFadyen  
 45

46 **SB09-276** by Senator(s) White, Keller, Tapia; also Representative(s)  
 47 Pommer, Ferrandino, Marostica--Concerning the property  
 48 tax exemption for qualifying seniors, and, in connection  
 49 therewith, lowering for a specified property tax year the  
 50 maximum amount of actual value of the primary owner-  
 51 occupied residence of a qualifying senior that is partly  
 52 exempt from property taxation, and making an  
 53 appropriation in connection therewith.  
 54

55 The question being "Shall the bill pass?".  
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill  
2 was declared **passed**.

	YES	33	NO	32	EXCUSED	0	ABSENT	0
5	Acree	N	Green	Y	McCann	Y	Roberts	N
6	Apuan	N	Hullinghorst	Y	McFadyen	Y	Ryden	Y
7	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
8	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
9	Benefield	Y	Kefalas	N	Merrifield	Y	Solano	Y
10	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
11	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
12	Court	Y	King S.	N	Murray	N	Stephens	N
13	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
14	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
15	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
16	Frangas	N	Liston	N	Pommer	Y	Todd	Y
17	Gagliardi	N	Looper	N	Primavera	N	Vaad	N
18	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
19	Gardner C.	N	Massey	N	Rice	Y	Waller	N
20	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Benefield, Labuda

23  
24 **HB09-1327** by Representative(s) Hullinghorst, Court, Fischer,  
25 Gagliardi, Levy, McCann, Peniston, Pommer, Rice,  
26 Sonnenberg, Vigil, Weissmann; also Senator(s) Tochtrop,  
27 Heath--Concerning modifications to the urban renewal law  
28 to address impacts to specified taxing entities arising from  
29 the use of tax increment financing mechanisms to support  
30 urban renewal projects.

31  
32 The question being "Shall the bill pass?".

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

	YES	36	NO	29	EXCUSED	0	ABSENT	0
38	Acree	N	Green	Y	McCann	Y	Roberts	N
39	Apuan	N	Hullinghorst	Y	McFadyen	N	Ryden	Y
40	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	N
42	Benefield	N	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	N	Kerr A.	Y	Middleton	N	Sonnenberg	Y
44	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
45	Court	Y	King S.	N	Murray	N	Stephens	N
46	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
47	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
49	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
51	Gardner B.	N	Marostica	N	Priola	Y	Vigil	Y
52	Gardner C.	N	Massey	N	Rice	N	Waller	N
53	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
54							Speaker	N

55 Representative Rice requested his name be removed as sponsor.

56 Co-sponsor(s) added: Representative(s) Green, Labuda, Merrifield

1 **SB09-251** by Senator(s) Romer; also Representative(s) Riesberg--  
 2 Concerning the authority of a licensed health care provider  
 3 to charge a fee for certain ophthalmic devices.  
 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	65	NO	0	EXCUSED	0	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	Y	Nikkel	Y	Summers	Y
20	Ferrandino	Y	Lambert	Y	Pace	Y	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	Y	Riesberg	Y	Weissmann	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Acree, Fischer, Frangas, Gerou,  
 29 Kefalas, Kerr J., Labuda, Liston, Massey, Merrifield, Nikkel, Summers, Swalm,  
 30 Todd, Vaad  
 31  
 32

### 33 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

#### 34 **APPROPRIATIONS**

35 After consideration on the merits, the Committee recommends the  
 36 following:  
 37

38  
 39 **HB09-1344** be amended as follows, and as so amended, be referred to  
 40 the Committee of the Whole with favorable  
 41 recommendation:  
 42

43 Amend printed bill, page 9, after line 26, insert the following:  
 44

45 **"SECTION 8. Appropriation.** (1) In addition to any other  
 46 appropriation, there is hereby appropriated, out of any moneys in the  
 47 division of insurance cash fund created in section 10-1-103 (3), Colorado  
 48 Revised Statutes, not otherwise appropriated, to the department of  
 49 regulatory agencies, for allocation to the division of insurance, for  
 50 regulatory oversight of adjustments on medical negligence insurance, for  
 51 the fiscal year beginning July 1, 2009, the sum of twenty-eight thousand  
 52 five hundred seventy-four dollars (\$28,574) cash funds and 0.2 FTE, or  
 53 so much thereof as may be necessary, for the implementation of this act.  
 54

55 (2) In addition to any other appropriation, there is hereby  
 56 appropriated to the department of law, for the fiscal year beginning July

1 1, 2009, the sum of fifteen thousand twenty dollars (\$15,020) and 0.1  
2 FTE, or so much thereof as may be necessary, for the provision of legal  
3 services to the department of regulatory agencies related to the  
4 implementation of this act. Said sum shall be from reappropriated funds  
5 received from the department of regulatory agencies out of the  
6 appropriation made in subsection (1) of this section."

7  
8 Renumber succeeding sections accordingly.

9  
10 Page 1, line 104, strike "INSURANCE." and substitute "INSURANCE, AND  
11 MAKING AN APPROPRIATION THEREFOR."

12  
13  
14  
15  
16 **EDUCATION**

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

19  
20 **SB09-090** be amended as follows, and as so amended, be referred to  
21 the Committee of the Whole with favorable  
22 recommendation:

23  
24 Amend reengrossed bill, page 9, strike lines 7 and 8 and substitute the  
25 following:

26  
27 "(c) TWO PERSONS APPOINTED BY THE EXECUTIVE DIRECTOR OF  
28 THE DEPARTMENT OF HIGHER EDUCATION AS FOLLOWS:

29  
30 (I) ONE PERSON WITH EXPERTISE IN IMPLEMENTING AN APPROVED  
31 TEACHER PREPARATION PROGRAM, AS DEFINED IN SECTION 23-1-121 (1)  
32 (a), C.R.S., AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE; AND

33  
34 (II) ONE PERSON WITH EXPERTISE IN THE".

35  
36 Page 19, strike lines 2 through 4 and substitute the following:

37  
38 "(1.5) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
39 THIS SUBSECTION (1.5), A PARENT SHALL NOT BE ELIGIBLE TO SERVE ON A  
40 SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE IF HE OR SHE IS EMPLOYED  
41 BY, OR IS A RELATIVE OF A PERSON WHO IS EMPLOYED BY, THE SCHOOL  
42 DISTRICT, INCLUDING BEING EMPLOYED AT A PUBLIC SCHOOL OF THE  
43 SCHOOL DISTRICT.

44  
45 (b) IF A SCHOOL DISTRICT MAKES A GOOD FAITH EFFORT BUT IS  
46 UNABLE TO IDENTIFY A SUFFICIENT NUMBER OF PARENTS WHO ARE  
47 WILLING TO SERVE ON A SCHOOL ACCOUNTABILITY COMMITTEE AND WHO  
48 ARE NOT EXCLUDED FROM SERVING AS PROVIDED IN PARAGRAPH (a) OF  
49 THIS SUBSECTION (1.5), ONE OR MORE PARENTS WHO ARE EMPLOYED BY,  
50 OR ARE RELATED TO A PERSON WHO IS EMPLOYED BY, THE SCHOOL  
51 DISTRICT, INCLUDING BEING EMPLOYED AT A PUBLIC SCHOOL OF THE  
52 SCHOOL DISTRICT, MAY SERVE ON THE SCHOOL ACCOUNTABILITY  
53 COMMITTEE.

54  
55 (c) As used in this ~~section~~ SUBSECTION (1.5), unless the context  
56 otherwise requires, "related" or "relative" means a person's spouse, son,

1 daughter, sister, or brother, MOTHER, OR FATHER."

2

3 Page 24, line 1, strike "OR MORE MEMBERS" and substitute "MEMBER".

4

5 Page 34, after line 24, insert the following:

6

7 **"SECTION 22.** 22-30.5-104 (6) (a) and (6) (b), Colorado Revised  
8 Statutes, are amended to read:

9

10 **22-30.5-104. Charter school - requirements - authority.**

11 (6) (a) Pursuant to contract, a charter school may operate free from  
12 specified school district policies and free from state rules, as provided in  
13 paragraph (b) of this subsection (6). Pursuant to contract, a local board  
14 of education may waive locally imposed school district requirements,  
15 without seeking approval of the state board; except that a charter school  
16 shall not, by contract or otherwise, operate free of the requirements  
17 contained in the "Public School Finance Act of 1994", article 54 of this  
18 title, THE REQUIREMENTS SPECIFIED IN PART 4 OF ARTICLE 11 OF THIS TITLE  
19 CONCERNING SCHOOL ACCOUNTABILITY COMMITTEES, or the requirements  
20 contained in the "Children's Internet Protection Act", article 87 of this  
21 title.

22

23 (b) The state board shall promulgate rules identifying state statutes  
24 and state rules that are automatically waived for all charter schools. A  
25 school district, on behalf of a charter school, may apply to the state board  
26 for a waiver of a state statute or state rule that is not automatically waived  
27 for charter schools by rule. Notwithstanding any provision of this  
28 subsection (6) to the contrary, the state board may not waive ANY  
29 STATUTE OR RULE RELATING TO SCHOOL ACCOUNTABILITY COMMITTEES  
30 AS DESCRIBED IN SECTION 22-11-401, any statute or rule relating to the  
31 assessments required to be administered pursuant to section 22-7-409, any  
32 statute or rule necessary to prepare the school accountability reports  
33 pursuant to part 6 of article 7 of this title, any statute or rule necessary to  
34 implement the provisions of the "Public School Finance Act of 1994",  
35 article 54 of this title, or any statute or rule relating to the "Children's  
36 Internet Protection Act", article 87 of this title.

37

38 **SECTION 23.** 22-30.5-507 (7), Colorado Revised Statutes, is  
39 amended to read:

40

41 **22-30.5-507. Institute charter school - requirements -**  
42 **authority.** (7) Pursuant to the charter contract, an institute charter

43 school may operate free from specified statutes and state board rules. The  
44 state board may waive state statutory requirements or rules promulgated  
45 by the state board; except that the state board may not waive ANY  
46 STATUTE OR RULE RELATING TO SCHOOL ACCOUNTABILITY COMMITTEES  
47 AS DESCRIBED IN SECTION 22-11-401, any state statute or rule relating to  
48 the assessments required to be administered pursuant to section 22-7-409,  
49 any state statute or rule necessary to prepare the school accountability  
50 reports pursuant to part 6 of article 7 of this title, or any statute or rule  
51 necessary to implement the provisions of the "Public School Finance Act  
52 of 1994", article 54 of this title, or any state statute or rule relating to the  
53 "Children's Internet Protection Act", article 87 of this title. Any waiver  
54 of state statute or state board rule made pursuant to this subsection (7)  
55 shall be for the term of the contract for which the waiver is made. A  
56 request for a waiver may be submitted to the institute as a part of the

1 application for an institute charter school."

2

3 Renumber succeeding section accordingly.

4

5 Page 34, line 25, before "This", insert "(1)".

6

7 Page 35, after line 7, add the following:

8

9 "(2) Notwithstanding the provisions of subsection (1) of this  
10 section:

11

12 (a) Sections 2, 3, 10, 11, 12, 13, 14, and 16 of this act shall not  
13 take effect if Senate Bill 09-163 is enacted and becomes law; and

14

15 (b) Sections 22 and 23 of this act shall take effect only if Senate  
16 Bill 09-163 is enacted and becomes law."

17

18

19

20 **SB09-256** be amended as follows, and as so amended, be referred to  
21 the Committee on Appropriations with favorable  
22 recommendation:

23

24 Amend reengrossed bill, page 3, strike lines 9 through 14.

25

26 Strike pages 4 through 10 and substitute the following:

27

28 "**SECTION 2.** The introductory portion to 22-54-104 (2) (a)  
29 (VIII), Colorado Revised Statutes, is amended to read:

30

31 **22-54-104. District total program.** (2) (a) (VIII) Except as  
32 otherwise provided in this subsection (2), ~~subsection (6)~~ PARAGRAPH(g)  
33 OF SUBSECTION (5) OR SUBSECTION (6) of this section, or section  
34 22-54-104.3, a district's total program for the 2007-08 budget year and  
35 budget years thereafter shall be the greater of the following:

36

37 **SECTION 3.** 22-54-104 (5), Colorado Revised Statutes, is  
38 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39

40 (5) For purposes of the formulas used in this section:

41

42 (g) (I) IF THE GENERAL ASSEMBLY DETERMINES IN A BUDGET YEAR  
43 THAT A STATE FINANCIAL CRISIS REQUIRES A REDUCTION OF THE ANNUAL  
44 APPROPRIATION TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FOR ALL  
45 DISTRICTS AND THE FUNDING FOR INSTITUTE CHARTER SCHOOLS, THE  
46 GENERAL ASSEMBLY BY BILL SHALL SPECIFY THE TOTAL AMOUNT OF THE  
47 REDUCTION. USING THE TOTAL AMOUNT OF THE REDUCTION, THE  
48 DEPARTMENT SHALL CALCULATE THE FINANCIAL CRISIS FACTOR FOR THE  
49 APPLICABLE BUDGET YEAR AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
50 PARAGRAPH (g) AND SHALL APPLY THE FINANCIAL CRISIS FACTOR TO THE  
51 CALCULATION OF EACH DISTRICT'S TOTAL PROGRAM AND TO THE  
52 CALCULATION OF EACH INSTITUTE CHARTER SCHOOL'S FUNDING FOR THE  
53 APPLICABLE BUDGET YEAR.

54

55 (II) THE DEPARTMENT SHALL CALCULATE THE FINANCIAL CRISIS  
56 FACTOR FOR AN APPLICABLE BUDGET YEAR BY DIVIDING THE REDUCTION

1 IN THE APPROPRIATION FOR THE APPLICABLE BUDGET YEAR, AS SPECIFIED  
 2 BY THE GENERAL ASSEMBLY BY BILL, BY THE SUM OF THE TOTAL PROGRAM  
 3 OF ALL DISTRICTS. THE DEPARTMENT SHALL CALCULATE EACH DISTRICT'S  
 4 FINANCIAL CRISIS REDUCTION AS AN AMOUNT EQUAL TO THE FINANCIAL  
 5 CRISIS FACTOR MULTIPLIED BY THE DISTRICT'S TOTAL PROGRAM AS  
 6 CALCULATED PURSUANT TO SUBPARAGRAPH (VIII) OF PARAGRAPH (a) OF  
 7 SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (2)  
 8 OF THIS SECTION, WHICHEVER IS APPLICABLE. IN ANY YEAR IN WHICH THE  
 9 GENERAL ASSEMBLY DETERMINES A REDUCTION OF THE ANNUAL  
 10 APPROPRIATION TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FOR ALL  
 11 DISTRICTS AND THE FUNDING FOR INSTITUTE CHARTER SCHOOLS IS  
 12 NECESSARY, A DISTRICT'S TOTAL PROGRAM SHALL BE THE AMOUNT  
 13 CALCULATED PURSUANT TO SUBPARAGRAPH (VIII) OF PARAGRAPH (a) OF  
 14 SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (2)  
 15 OF THIS SECTION, WHICHEVER IS APPLICABLE, MINUS THE DISTRICT'S  
 16 FINANCIAL CRISIS REDUCTION AMOUNT CALCULATED PURSUANT TO THIS  
 17 SUBPARAGRAPH (II).

18  
 19 (III) FOR THE 2009-10 BUDGET YEAR, THE REDUCTION IN THE  
 20 APPROPRIATION FOR THE STATE'S SHARE OF TOTAL PROGRAM SHALL BE  
 21 ONE HUNDRED TEN MILLION DOLLARS."

22  
 23 Page 11, strike lines 1 through 15.

24  
 25 Renumber succeeding sections accordingly.

26  
 27 Page 16, strike lines 23 through 27.

28  
 29 Strike page 17.

30  
 31 Page 18, strike lines 1 through 17.

32  
 33 Renumber succeeding sections accordingly.

34  
 35 Page 20, after line 11, insert the following:

36  
 37 **"SECTION 7. Repeal.** 22-54-108 (3) (d) (II) and (3) (d) (II.5),  
 38 Colorado Revised Statutes, are repealed as follows:

39  
 40 **22-54-108. Authorization of additional local revenues.**

41 (3) (d) (II) ~~In addition to the additional local property tax revenues that~~  
 42 ~~must be counted towards such limitation pursuant to subparagraph (I) of~~  
 43 ~~this paragraph (d), a portion of the specific ownership tax revenue paid~~  
 44 ~~to the district during the prior budget year may be required to be counted~~  
 45 ~~towards such limitation. The portion of the specific ownership tax paid~~  
 46 ~~to the district, if any, that must be counted toward such limitation shall be~~  
 47 ~~calculated as follows:~~

48  
 49 ~~(A) The amount of specific ownership tax revenue attributable to~~  
 50 ~~property tax levies made by the district which have been authorized at~~  
 51 ~~elections held under the provisions of former section 22-53-117 or this~~  
 52 ~~section, if any; and~~

53  
 54 ~~(B) The amount of specific ownership tax revenue attributable to~~  
 55 ~~property tax levies made by the district for the purpose of satisfying~~  
 56 ~~bonded indebtedness, both principal and interest, which is not being used~~



1 ~~by the district for the purpose of satisfying the bonded indebtedness, if~~  
2 ~~any.~~  
3

4 (II.5) ~~Any portion of the specific ownership tax paid to the district~~  
5 ~~other than that specified in sub-subparagraphs (A) and (B) of~~  
6 ~~subparagraph (II) of this paragraph (d) shall not apply to the limitation in~~  
7 ~~this subsection (3) but shall apply to the district's share of its total~~  
8 ~~program pursuant to section 22-54-106 (1) (a) (I)."~~  
9

10 Renumber succeeding sections accordingly.

11  
12 Page 20, strike lines 12 through 27.

13  
14 Page 21, strike lines 1 through 5.

15  
16 Renumber succeeding sections accordingly.

17  
18 Page 21, after line 5, insert the following:

19  
20 **"SECTION 8.** 22-54-106 (1) (b), Colorado Revised Statutes, is  
21 amended, and the said 22-54-106 is further amended BY THE  
22 ADDITION OF A NEW SUBSECTION, to read:

23  
24 **22-54-106. Local and state shares of district total program.**

25 (1) (b) Except as provided in ~~subsections (8) and (11)~~ SUBSECTIONS (8),  
26 (11), AND (12) of this section, the state's share of a district's total program  
27 shall be the difference between the district's total program and the  
28 district's share of its total program; except that no district shall receive  
29 less in state aid than an amount established by the general assembly in the  
30 annual general appropriation act based upon the amount of school lands  
31 and mineral lease moneys received pursuant to the provisions of article  
32 41 of this title and section 34-63-102 (2), C.R.S., multiplied by the  
33 district's funded pupil count.  
34

35 (12) IF THE GENERAL ASSEMBLY DETERMINES IN A BUDGET YEAR  
36 THAT A STATE FINANCIAL CRISIS REQUIRES A REDUCTION OF THE ANNUAL  
37 APPROPRIATION TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FOR ALL  
38 DISTRICTS AND THE FUNDING FOR INSTITUTE CHARTER SCHOOLS AND  
39 APPLIES THE FINANCIAL CRISIS FACTOR AS DETERMINED PURSUANT TO  
40 SECTION 22-54-104 (5) (g), THE STATE'S SHARE FOR EACH DISTRICT SHALL  
41 BE REDUCED BY THE AMOUNT OF THE REDUCTION IN THE DISTRICT'S TOTAL  
42 PROGRAM AS CALCULATED PURSUANT TO SECTION 22-54-104 (5) (g) (II),  
43 OR BY THE TOTAL AMOUNT OF THE DISTRICT'S STATE SHARE, WHICHEVER  
44 IS LESS. THE FUNDING FOR EACH INSTITUTE CHARTER SCHOOL SHALL BE  
45 REDUCED IN PROPORTION TO THE REDUCTION IN THE TOTAL PROGRAM OF  
46 THE DISTRICT FROM WHICH THE INSTITUTE CHARTER SCHOOL'S FUNDING IS  
47 WITHHELD."  
48

49 Renumber succeeding sections accordingly.

50  
51 Page 24, line 4, strike "(1.3) (a)," and substitute "(1.3),";

52  
53 strike line 5 and substitute the following:

54  
55 "amended BY THE";

56

1 strike lines 7 through 27 and substitute the following:

2

3 **"22-54-115. Distribution from state public school fund.**

4 (1.3) (a.5) IN ANY BUDGET YEAR IN WHICH THE STATE SHARE OF AN".

5

6 Page 25, strike lines 1 and 2;

7

8 strike lines 14 through 27.

9

10 Strike pages 26 and 27.

11

12 Page 28, strike lines 1 through 9 and substitute the following:

13

14 **"SECTION 11.** 22-54-124, Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF A NEW SECTION to read:

16

17 **22-54-124. State aid for charter schools - use of state education**

18 **fund moneys - definitions.** (9) THE GENERAL ASSEMBLY RECOGNIZES

19 CHARTER SCHOOLS' CONTINUING NEED FOR ASSISTANCE IN MEETING

20 CAPITAL CONSTRUCTION COSTS. THE GENERAL ASSEMBLY THEREFORE

21 STRONGLY ENCOURAGES THE GOVERNOR TO ALLOCATE A PORTION OF THE

22 MONEYS RECEIVED BY THE STATE THROUGH THE FEDERAL "AMERICAN

23 RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, TO

24 CHARTER SCHOOLS IN THE STATE TO ASSIST THEM IN MEETING THEIR

25 CAPITAL CONSTRUCTION AND FACILITY COSTS."

26

27 Renumber succeeding sections accordingly.

28

29 Page 28, strike lines 23 through 27.

30

31 Strike pages 29 through 41.

32

33 Page 42, strike lines 1 through 13.

34

35 Renumber succeeding sections accordingly.

36

37 Page 43, strike lines 1 through 10 and substitute the following:

38

39 "(f) ENSURE THAT, BEGINNING NO LATER THAN THE 2010-11

40 SCHOOL YEAR, INSTITUTE CHARTER SCHOOLS REQUIRE STUDENT

41 INDIVIDUAL CAREER AND ACADEMIC PLANS THAT MEET OR EXCEED THE

42 STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION

43 22-2-135. AN INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT

44 AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN

45 THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN NO LATER THAN

46 THE BEGINNING OF NINTH GRADE BUT MAY ASSIST THE STUDENT AND HIS

47 OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN HIS OR

48 HER INDIVIDUAL CAREER AND ACADEMIC PLAN IN ANY GRADE PRIOR TO

49 NINTH GRADE. THE INSTITUTE CHARTER SCHOOL MAY USE ANY SOFTWARE

50 OR INTERNET-BASED COLLEGE PREPARATION AND PLANNING SERVICE THAT

51 THE INSTITUTE CHARTER SCHOOL DEEMS USEFUL AND APPROPRIATE IN

52 DEVELOPING AND MAINTAINING THE PLANS. THE INSTITUTE AND THE

53 INSTITUTE CHARTER SCHOOL SHALL COLLABORATE WITH THE SOFTWARE

54 VENDOR OR SERVICE PROVIDER TO ENSURE OPTIMAL INTERACTIVITY

55 AMONG THE VARIOUS DATABASES AND STUDENT RECORD SYSTEMS USED."

56

1 Page 43, strike lines 24 through 27.

2

3 Strike pages 44 through 47.

4

5 Renumber succeeding sections accordingly.

6

7 Page 49, strike lines 20 through 27.

8

9 Strike page 50 and substitute the following:

10

11 "(mm) TO ENSURE THAT, BEGINNING NO LATER THAN THE 2010-11  
12 SCHOOL YEAR, THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT, INCLUDING  
13 THE CHARTER SCHOOLS, REQUIRE STUDENT INDIVIDUAL CAREER AND  
14 ACADEMIC PLANS THAT MEET OR EXCEED THE STANDARDS ADOPTED BY  
15 THE STATE BOARD PURSUANT TO SECTION 22-2-135. A PUBLIC SCHOOL  
16 SHALL ASSIST EACH STUDENT AND HIS OR HER PARENT OR LEGAL  
17 GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S INDIVIDUAL  
18 CAREER AND ACADEMIC PLAN NO LATER THAN THE BEGINNING OF NINTH  
19 GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT OR LEGAL  
20 GUARDIAN TO DEVELOP AND MAINTAIN HIS OR HER INDIVIDUAL CAREER  
21 AND ACADEMIC PLAN IN ANY GRADE PRIOR TO NINTH GRADE. THE PUBLIC  
22 SCHOOL MAY USE ANY SOFTWARE OR INTERNET-BASED COLLEGE  
23 PREPARATION AND PLANNING SERVICE THAT THE PUBLIC SCHOOL DEEMS  
24 USEFUL AND APPROPRIATE IN DEVELOPING AND MAINTAINING THE PLANS.  
25 THE SCHOOL DISTRICT AND THE PUBLIC SCHOOL SHALL COLLABORATE  
26 WITH THE SOFTWARE PROVIDER OR INTERNET SERVICE TO ENSURE OPTIMAL  
27 INTERACTIVITY AMONG THE VARIOUS DATABASES AND STUDENT RECORDS  
28 SYSTEMS USED.

29

30 **SECTION 17.** Part 1 of article 2 of title 22, Colorado Revised  
31 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
32 read:

33

34 **22-2-135. Additional duty - state board - individual career and**  
35 **academic plans - standards - rules.** (1) ON OR BEFORE FEBRUARY 1,  
36 2010, THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE  
37 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
38 C.R.S., TO ESTABLISH STANDARDS FOR INDIVIDUAL CAREER AND  
39 ACADEMIC PLANS FOR STUDENTS ENROLLED IN THE PUBLIC SCHOOLS IN  
40 THE STATE. AN INDIVIDUAL CAREER AND ACADEMIC PLAN SHALL BE  
41 DESIGNED TO ASSIST A STUDENT AND HIS OR HER PARENT OR LEGAL  
42 GUARDIAN IN EXPLORING THE POSTSECONDARY CAREER AND  
43 EDUCATIONAL OPPORTUNITIES AVAILABLE TO THE STUDENT, ALIGNING  
44 COURSE WORK AND CURRICULUM, APPLYING TO POSTSECONDARY  
45 EDUCATION INSTITUTIONS, SECURING FINANCIAL AID, AND ULTIMATELY  
46 ENTERING THE WORKFORCE.

47

48 (2) IN ESTABLISHING THE STANDARDS FOR INDIVIDUAL CAREER  
49 AND ACADEMIC PLANS, THE STATE BOARD SHALL ENSURE, AT A MINIMUM,  
50 THAT:

51

52 (a) EACH INDIVIDUAL CAREER AND ACADEMIC PLAN INCLUDES A  
53 CAREER PLANNING AND GUIDANCE COMPONENT AND A PORTFOLIO THAT  
54 REFLECTS, AT A MINIMUM:

55

56 (I) THE STUDENT'S EFFORTS IN EXPLORING CAREERS, INCLUDING

1 INTEREST SURVEYS THAT THE STUDENT COMPLETES;

2

3 (II) THE STUDENT'S ACADEMIC PROGRESS, INCLUDING THE  
4 COURSES TAKEN, ANY REMEDIATION OR CREDIT RECOVERY, AND ANY  
5 CONCURRENT ENROLLMENT CREDITS EARNED;

6

7 (III) THE STUDENT'S EXPERIENCES IN CONTEXTUAL AND SERVICE  
8 LEARNING;

9

10 (IV) THE STUDENT'S COLLEGE APPLICATIONS AND RESUME, AS  
11 THEY ARE PREPARED AND SUBMITTED; AND

12

13 (V) THE STUDENT'S POSTSECONDARY STUDIES AS THE STUDENT  
14 PROGRESSES;

15

16 (b) EACH INDIVIDUAL CAREER AND ACADEMIC PLAN IS ACCESSIBLE  
17 TO EDUCATORS, STUDENTS, AND PARENTS; AND

18

19 (c) EACH PUBLIC SCHOOL, IN ASSISTING STUDENTS AND PARENTS  
20 IN CREATING AND MAINTAINING THE INDIVIDUAL CAREER AND ACADEMIC  
21 PLANS, IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL  
22 "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C.  
23 SEC. 1232g."

24

25 Page 51, strike lines 1 through 11.

26

27 Renumber succeeding sections accordingly.

28

29 Page 51, after line 11, insert the following:

30

31 **"SECTION 18.** 22-33-205 (3) and (4), Colorado Revised  
32 Statutes, are amended to read:

33

34 **22-33-205. Services for expelled and at-risk students - grants**  
35 **- criteria.** (3) The state board shall annually award at least forty-five  
36 percent of any moneys appropriated for ~~this grant~~ THE program to  
37 applicants ~~who~~ THAT provide educational services to students from more  
38 than one school district AND AT LEAST ONE-HALF OF ANY INCREASE IN THE  
39 APPROPRIATION FOR THE PROGRAM FOR THE 2009-10 FISCAL YEAR TO  
40 APPLICANTS THAT PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED  
41 TO REDUCE THE NUMBER OF TRUANCY CASES REQUIRING COURT  
42 INVOLVEMENT AND THAT ALSO REFLECT THE BEST INTERESTS OF  
43 STUDENTS AND FAMILIES. THE SERVICES AND SUPPORTS SHALL INCLUDE,  
44 BUT NEED NOT BE LIMITED TO, ALTERNATIVES TO GUARDIAN AD LITEM  
45 REPRESENTATION IN TRUANCY PROCEEDINGS.

46

47 (4) The department of education is authorized to retain up to one  
48 percent of any moneys appropriated for the ~~grant~~ program for the purpose  
49 of annually evaluating the ~~expelled and at-risk student services grant~~  
50 program. THE DEPARTMENT OF EDUCATION IS AUTHORIZED AND  
51 ENCOURAGED TO RETAIN UP TO AN ADDITIONAL TWO PERCENT OF ANY  
52 MONEYS APPROPRIATED FOR THE PROGRAM FOR THE PURPOSE OF  
53 PARTNERING WITH ORGANIZATIONS OR AGENCIES THAT PROVIDE SERVICES  
54 AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE NUMBER OF TRUANCY  
55 CASES REQUIRING COURT INVOLVEMENT AND THAT ALSO REFLECT THE  
56 BEST INTERESTS OF STUDENTS AND FAMILIES. THE SERVICES AND

1 SUPPORTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALTERNATIVES  
2 TO GUARDIAN AD LITEM REPRESENTATION IN TRUANCY PROCEEDINGS. On  
3 or before January 1, 2006, and on or before January 1 each year  
4 thereafter, the department of education shall report to the education  
5 committees of the house of representatives and the senate, OR ANY  
6 SUCCESSOR COMMITTEES, the evaluation findings on the outcomes and the  
7 effectiveness of the program related to school attendance, attachment, and  
8 achievement. THE REPORT SHALL ALSO INCLUDE SPECIFIC INFORMATION  
9 ON THE EFFICACY OF SERVICES AND SUPPORTS THAT PROVIDE  
10 ALTERNATIVES TO COURT INVOLVEMENT AND GUARDIAN AD LITEM  
11 REPRESENTATION IN TRUANCY PROCEEDINGS."

12

13 Renumber succeeding sections accordingly.

14

15 Page 53, after line 7, insert the following:

16

17 "SECTION 20. 22-45-103 (1) (c) (I) (D), (1) (c) (I) (E), (1) (c) (i)  
18 (G), and (1) (c) (I) (H), Colorado Revised Statutes, are amended to read:

19

20 **22-45-103. Funds.** (1) The following funds are created for each  
21 school district for purposes specified in this article:

22

23 (c) **Capital reserve fund.** (I) Moneys allocated pursuant to the  
24 provisions of section 22-54-105 (2) shall be transferred from the general  
25 fund and recorded in the capital reserve fund along with the revenues  
26 received pursuant to section 39-5-132, C.R.S. Such revenues may be  
27 supplemented by gifts, donations, and tuition receipts. Unencumbered  
28 moneys in the fund may be transferred to a fund or an account within the  
29 general fund established in accordance with generally accepted  
30 accounting principles solely for the management of risk-related activities  
31 as identified in section 24-10-115, C.R.S., and article 13 of title 29,  
32 C.R.S., by resolution of the board of education when such transfer is  
33 deemed necessary by the board. Except as provided in subparagraph (V)  
34 of this paragraph (c), expenditures from the fund shall be limited to  
35 long-range capital outlay expenditures and shall be made only for the  
36 following purposes:

37

38 (D) Alterations and improvements to existing structures; ~~where~~  
39 ~~the total estimated cost of such projects for labor and materials is in~~  
40 ~~excess of two thousand five hundred dollars;~~

41

42 (E) Acquisition of school buses or other equipment, except  
43 equipment specified in sub-subparagraph (H) of this subparagraph (I); ~~the~~  
44 ~~estimated unit cost of which, including any necessary installation, is in~~  
45 ~~excess of one thousand dollars;~~

46

47 (G) Any software licensing agreement; ~~in excess of one thousand~~  
48 ~~dollars;~~

49

50 (H) Acquisition of computer equipment. ~~the estimated unit cost~~  
51 ~~of which, including any necessary installation, is in excess of five~~  
52 ~~hundred dollars."~~

53

54 Renumber succeeding sections accordingly.

55

56 Page 53, strike lines 16 through 27.

1 Strike page 54 and substitute the following:

2

3 "SECTION 22. Part 1 of article 2 of title 22, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
5 read:

6

7 **22-2-135. State residential schools - legislative declaration -**  
8 **feasibility study - repeal.** (1) THE GENERAL ASSEMBLY FINDS THAT  
9 SOME STATES HAVE CREATED RESIDENTIAL SCHOOLS TO PROVIDE  
10 EDUCATIONAL PROGRAMS AND STUDENT SUPPORT SERVICES FOR STUDENTS  
11 WHO ARE AT RISK OF ACADEMIC FAILURE. THE GENERAL ASSEMBLY  
12 FURTHER FINDS THAT EARLY REPORTS OF RESULTS ACHIEVED BY SOME OF  
13 THESE SCHOOLS INDICATE THAT THIS MAY BE A PROMISING APPROACH TO  
14 REDUCING THE DROPOUT RATE, CLOSING THE ACHIEVEMENT GAPS, AND  
15 HELPING TO RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT AMONG  
16 STUDENTS IN THE STATE. THE GENERAL ASSEMBLY THEREFORE FINDS  
17 THAT IT IS APPROPRIATE FOR THE COMMISSIONER TO STUDY THE  
18 FEASIBILITY OF CREATING ONE OR MORE STATE RESIDENTIAL SCHOOLS IN  
19 COLORADO.

20

21 (2) BEGINNING IN JULY 2009, THE COMMISSIONER SHALL STUDY  
22 THE FEASIBILITY OF OPERATING ONE OR MORE STATE RESIDENTIAL  
23 SCHOOLS TO SERVE STUDENTS WHO ARE IN NEED OF GREATER ACADEMIC  
24 SUPPORT AND WHO MAY BE AT RISK OF ACADEMIC FAILURE. AT A  
25 MINIMUM, THE FEASIBILITY STUDY SHALL ADDRESS AND MAKE  
26 RECOMMENDATIONS CONCERNING THE FOLLOWING ISSUES:

27

28 (a) THE GOALS THAT A STATE RESIDENTIAL SCHOOL WOULD BE  
29 DESIGNED TO ACHIEVE AND A METHOD FOR MEASURING THE LEVEL OF  
30 ACHIEVEMENT OF THOSE GOALS. IN ADDRESSING THIS ISSUE, THE  
31 COMMISSIONER SHALL PROVIDE AN OVERVIEW OF THE STATE RESIDENTIAL  
32 SCHOOLS OPERATING IN OTHER STATES, THE GOALS THAT THEY ARE  
33 DESIGNED TO ACHIEVE, AND THE DEGREE TO WHICH THEY HAVE ACHIEVED  
34 OR ARE ACHIEVING THOSE GOALS.

35

36 (b) THE APPROPRIATE STUDENT POPULATION TO BE SERVED BY A  
37 STATE RESIDENTIAL SCHOOL AND THE MANNER OF SELECTING STUDENTS,  
38 THE NUMBER OF STATE RESIDENTIAL SCHOOLS THAT SHOULD BE  
39 CONSIDERED, AND APPROPRIATE LOCATIONS FOR STATE RESIDENTIAL  
40 SCHOOLS;

41

42 (c) THE GOVERNANCE STRUCTURE AND FUNDING FOR A STATE  
43 RESIDENTIAL SCHOOL, INCLUDING THE OPTIMAL LEVEL OF PER PUPIL  
44 FUNDING, FUNDING FOR CAPITAL CONSTRUCTION NEEDS, AND POTENTIAL  
45 PUBLIC AND PRIVATE FUNDING SOURCES;

46

47 (d) THE APPROPRIATE CURRICULUM FOR A STATE RESIDENTIAL  
48 SCHOOL, INCLUDING WHICH GRADE LEVELS A STATE RESIDENTIAL SCHOOL  
49 WOULD SERVE, THE LENGTH OF THE SCHOOL DAY AND SCHOOL YEAR FOR  
50 WHICH A STATE RESIDENTIAL SCHOOL WOULD OPERATE, AND WHETHER A  
51 STATE RESIDENTIAL SCHOOL SHOULD INCLUDE A FOCUS ON SPECIFIC  
52 SUBJECT MATTER AREAS; AND

53

54 (e) THE TYPES OF STUDENT AND FAMILY SUPPORT SERVICES THAT  
55 A STATE RESIDENTIAL SCHOOL WOULD PROVIDE, INCLUDING THE MANNER  
56 IN WHICH A STATE RESIDENTIAL SCHOOL WOULD COLLABORATE WITH

1 STATE AND LOCAL AGENCIES IN PROVIDING THESE SERVICES.

2

3 (3) ON OR BEFORE FEBRUARY 1, 2010, THE DEPARTMENT SHALL  
4 SUBMIT TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
5 REPRESENTATIVES AND THE SENATE THE FEASIBILITY STUDY DESCRIBED  
6 IN SUBSECTION (2) OF THIS SECTION FOR OPERATING ONE OR MORE STATE  
7 RESIDENTIAL SCHOOLS AND ANY LEGISLATIVE RECOMMENDATIONS THE  
8 DEPARTMENT MAY HAVE PERTAINING TO THE CREATION OF ONE OR MORE  
9 STATE RESIDENTIAL SCHOOLS.

10

11 (4) THE COMMISSIONER IS ENCOURAGED TO APPLY FEDERAL  
12 MONEYS RECEIVED PURSUANT TO THIS FEDERAL "AMERICAN RECOVERY  
13 AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, TO THE EXTENT  
14 ALLOWED TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS  
15 SECTION.

16

17 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010."

18

19 Strike pages 55 through 59.

20

21 Page 60, strike lines 1 through 3.

22

23 Renumber succeeding sections accordingly.

24

25 Page 60, strike lines 15 through 27.

26

27 Strike pages 61 and 62.

28

29 Page 63, strike lines 1 through 3.

30

31 Renumber succeeding sections accordingly.

32

33 Page 63, after line 3, insert the following:

34

35 "SECTION 24. Part 3 of article 11 of title 22, Colorado Revised  
36 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
37 read:

38

39 **22-11-306. Centers of excellence awards.** (1) (a) THE STATE  
40 BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO PUBLIC  
41 SCHOOLS IN THE STATE THAT ENROLL A STUDENT POPULATION OF WHICH  
42 AT LEAST SEVENTY-FIVE PERCENT ARE AT-RISK PUPILS, AS DEFINED IN  
43 SECTION 22-54-103 (1.5), AND THAT DEMONSTRATE THE HIGHEST RATES  
44 OF STUDENT ACADEMIC GROWTH, AS DETERMINED BY THE DEPARTMENT  
45 BASED UPON THE STATISTICAL MODEL ADOPTED PURSUANT TO SECTION  
46 22-7-604.3 (3) (a).

47

48 (b) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN  
49 AS "CENTERS OF EXCELLENCE AWARDS".

50

51 (2) A SCHOOL THAT RECEIVES AN AWARD PURSUANT TO THIS  
52 SECTION SHALL NOT QUALIFY FOR AN AWARD PURSUANT TO SECTION  
53 22-11-305.

54

55 (3) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-11-302  
56 (2) (a) AND 22-11-305 (3), OF THE MONEYS AVAILABLE FOR AWARDS

1 PURSUANT TO THIS PART 3, IN THE 2009-10 BUDGET YEAR AND BUDGET  
2 YEARS THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE  
3 AWARDED TO SCHOOLS ANNUALLY PURSUANT TO THIS SECTION. THE  
4 DEPARTMENT SHALL APPORTION THE REMAINDER BETWEEN THE "JOHN  
5 IRWIN SCHOOLS OF EXCELLENCE AWARDS" AND THE "GOVERNOR'S  
6 DISTINGUISHED IMPROVEMENT AWARDS" AS PROVIDED IN SECTIONS  
7 22-11-302 (2) (a) AND 22-11-305 (3), RESPECTIVELY.

8  
9 **SECTION 25.** 22-11-304, Colorado Revised Statutes, is amended  
10 to read:

11  
12 **22-11-304. School awards program fund - creation -**  
13 **contributions.** (1) (a) The department is hereby authorized to receive  
14 grants, gifts, and donations from any source, public or private, to fund  
15 financial awards to public schools pursuant to the program established in  
16 this part 3. All public and private grants, gifts, and donations received by  
17 the department pursuant to this section shall be transmitted to the state  
18 treasurer who shall credit the same, in addition to any appropriations  
19 made by the general assembly AND THE MONEYS TRANSFERRED PURSUANT  
20 TO SUBSECTION (2) OF THIS SECTION, to the school awards program fund,  
21 which is hereby created in the state treasury.

22  
23 (b) Moneys in the school awards program fund shall be subject to  
24 appropriation by the general assembly to the department of education for  
25 purposes of making financial awards pursuant to the provisions of this  
26 part 3. At the end of any fiscal year, all unexpended and unencumbered  
27 moneys in the school awards program fund shall remain therein and shall  
28 not be credited or transferred to the general fund or any other fund.  
29 However, in accordance with section 24-36-114, C.R.S., all interest  
30 derived from the deposit and investment of moneys in the fund shall be  
31 credited to the general fund. Any moneys credited to the school awards  
32 program fund shall be used exclusively for awards and shall not be used  
33 to pay for the expenses of the department in administering the program  
34 established in this part 3.

35  
36 (2) ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER  
37 FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908  
38 TO THE SCHOOL AWARDS PROGRAM FUND THE AMOUNT OF TWO HUNDRED  
39 FIFTY THOUSAND DOLLARS TO BE AWARDED PURSUANT TO SECTION  
40 22-11-306 AS "CENTERS OF EXCELLENCE AWARDS".

41  
42 **SECTION 26.** 22-7-611 (1), (2), and (3) (a), Colorado Revised  
43 Statutes, are amended to read:

44  
45 **22-7-611. Closing the achievement gap program - strategies -**  
46 **assistance - criteria - rule-making.** (1) As used in this section, unless  
47 the context otherwise requires, "eligible school" means a public school  
48 that HAS BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A  
49 SIGNIFICANT ACHIEVEMENT GAP.

50  
51 ~~(a) Has received an academic performance rating of~~  
52 ~~"unsatisfactory" pursuant to section 22-7-604 (5); or~~

53  
54 ~~(b) Has been identified by rule of the state board as having a~~  
55 ~~significant achievement gap.~~

56



1 (2) There is hereby established in the department the closing the  
2 achievement gap program, referred to in this section as the "program", to  
3 provide extensive assistance to an eligible school. ~~that is at risk of being~~  
4 ~~converted into an independent charter school pursuant to the provisions~~  
5 ~~of part 3 of article 30.5 of this title.~~  
6

7 (3) The department shall prepare and distribute to each eligible  
8 school an outline of different strategies the school may implement to  
9 improve academic achievement. The department shall provide the outline  
10 by April 1 of the school year preceding the school year in which the  
11 eligible school intends to participate in the program. The outline may  
12 include, but need not be limited to, the following strategies:  
13

14 (a) Using disaggregated school STUDENT data to set academic  
15 improvement targets in reading, writing, mathematics, and science;  
16

17 **SECTION 27.** 22-7-613 (1), Colorado Revised Statutes, is  
18 amended to read:  
19

20 **22-7-613. Closing the achievement gap cash fund - creation.**

21 (1) (a) The department is authorized to seek and accept gifts, grants, and  
22 donations from private or public sources for the purposes of  
23 implementing ~~sections 22-7-611 and 22-7-612~~ SECTION 22-7-611. All  
24 private and public funds received through gifts, grants, or donations shall  
25 be transmitted to the state treasurer, who shall credit the same to the  
26 closing the achievement gap cash fund, which fund is hereby created and  
27 referred to in this section as the "fund". The moneys in the fund shall be  
28 continuously appropriated to the department.  
29

30 (b) ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER  
31 FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908  
32 TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND THE AMOUNT OF ONE  
33 MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE PURPOSES  
34 OF IMPLEMENTING SECTION 22-7-611.  
35

36 **SECTION 28.** 22-7-908, Colorado Revised Statutes, is amended  
37 BY THE ADDITION OF A NEW SUBSECTION to read:  
38

39 **22-7-908. Read-to-achieve cash fund - created.**

40 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
41 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER  
42 FROM THE CASH FUND:  
43

44 (a) TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND CREATED  
45 IN SECTION 22-7-613 THE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY  
46 THOUSAND DOLLARS; AND  
47

48 (b) TO THE SCHOOL AWARDS PROGRAM FUND CREATED IN SECTION  
49 22-11-304 THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS.  
50

51 **SECTION 29.** Part 6 of article 11 of title 22, Colorado Revised  
52 Statutes, as enacted in Senate Bill 09-163, is amended BY THE  
53 ADDITION OF A NEW SECTION to read:  
54

55 **22-11-603.5. Centers of excellence awards.** (1) (a) THE STATE  
56 BOARD SHALL ANNUALLY PRESENT FINANCIAL AWARDS TO PUBLIC

1 SCHOOLS IN THE STATE THAT ENROLL A STUDENT POPULATION OF WHICH  
2 AT LEAST SEVENTY-FIVE PERCENT ARE AT-RISK PUPILS, AS DEFINED IN  
3 SECTION 22-54-103 (1.5), AND THAT DEMONSTRATE THE HIGHEST RATES  
4 OF STUDENT LONGITUDINAL GROWTH, AS MEASURED BY THE COLORADO  
5 GROWTH MODEL. THE TECHNICAL ADVISORY PANEL CONVENED PURSUANT  
6 TO SECTION 22-11-202 SHALL RECOMMEND TO THE STATE BOARD, AND  
7 THE STATE BOARD SHALL ESTABLISH BY RULE, THE METHOD BY WHICH TO  
8 IDENTIFY SCHOOLS THAT QUALIFY FOR AN AWARD PURSUANT TO THIS  
9 SECTION.

10

11 (b) AWARDS ISSUED PURSUANT TO THIS SECTION SHALL BE KNOWN  
12 AS "CENTERS OF EXCELLENCE AWARDS".

13

14 (2) A SCHOOL THAT RECEIVES AN AWARD PURSUANT TO THIS  
15 SECTION SHALL NOT QUALIFY FOR AN AWARD PURSUANT TO SECTION  
16 22-11-603.

17

18 (3) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-11-602  
19 (2) AND 22-11-603 (2), OF THE MONEYS AVAILABLE FOR AWARDS  
20 PURSUANT TO THIS PART 3, IN THE 2009-10 BUDGET YEAR AND BUDGET  
21 YEARS THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE  
22 AWARDED TO SCHOOLS ANNUALLY PURSUANT TO THIS SECTION. THE  
23 DEPARTMENT SHALL APPORTION THE REMAINDER BETWEEN THE "JOHN  
24 IRWIN SCHOOLS OF EXCELLENCE AWARDS" AND THE "GOVERNOR'S  
25 DISTINGUISHED IMPROVEMENT AWARDS" AS PROVIDED IN SECTIONS  
26 22-11-602 (2) AND 22-11-603 (2), RESPECTIVELY.

27

28 **SECTION 30.** 22-11-605 (1), Colorado Revised Statutes, as  
29 enacted in Senate Bill 09-163, is amended, and the said 22-11-605 is  
30 further amended BY THE ADDITION OF A NEW SUBSECTION, to  
31 read:

32

33 **22-11-605. School awards program fund - creation -**  
34 **contributions.** (1) The department is hereby authorized to receive gifts,  
35 grants, and donations from any source, public or private, to fund financial  
36 awards to public schools pursuant to the program established in this part  
37 6. The department shall transmit all public and private gifts, grants, and  
38 donations received pursuant to this section to the state treasurer who shall  
39 credit the same, in addition to any appropriations made by the general  
40 assembly AND THE AMOUNT TRANSFERRED PURSUANT TO SUBSECTION (3)  
41 OF THIS SECTION, to the school awards program fund, which is hereby  
42 created in the state treasury and referred to in this section as the "fund".

43

44 (3) ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER  
45 FROM THE READ-TO-ACHIEVE CASH FUND CREATED IN SECTION 22-7-908  
46 TO THE SCHOOL AWARDS PROGRAM FUND THE AMOUNT OF TWO HUNDRED  
47 FIFTY THOUSAND DOLLARS TO BE AWARDED PURSUANT TO SECTION  
48 22-11-603.5 AS "CENTERS OF EXCELLENCE AWARDS".

49

50 **SECTION 31.** 22-7-908, Colorado Revised Statutes, is amended  
51 BY THE ADDITION OF A NEW SUBSECTION to read:

52

53 **22-7-908. Read-to-achieve cash fund - created.**

54 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
55 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER  
56 FROM THE CASH FUND:

1 (a) TO THE CLOSING THE ACHIEVEMENT GAP CASH FUND CREATED  
2 IN SECTION 22-7-613 THE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY  
3 THOUSAND DOLLARS; AND  
4

5 (b) TO THE SCHOOL AWARDS PROGRAM FUND CREATED IN SECTION  
6 22-11-605 THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS.  
7

8 **SECTION 32.** 22-44-118 (1), Colorado Revised Statutes, is  
9 amended to read:  
10

11 **22-44-118. Full-day kindergarten reserve - tracking of**  
12 **expenditures - preschool programs - rules.** (1) (a) Except as otherwise  
13 provided in ~~paragraph (b)~~ PARAGRAPHS (b) AND (c) of this subsection (1),  
14 for the 2008-09 budget year and each budget year thereafter, a school  
15 district that does not report any full-day kindergarten pupils in the  
16 district's October 1 pupil enrollment count shall hold the moneys received  
17 for full-day kindergarten programs through supplemental kindergarten  
18 enrollment pursuant to section 22-54-103 (7) (d) in a full-day  
19 kindergarten reserve in the district's general fund. The district shall not  
20 use the moneys in the full-day kindergarten reserve until the district  
21 enrolls one or more pupils in full-day kindergarten in the district. Once  
22 the district enrolls pupils in full-day kindergarten in the district, the  
23 district shall not be required to maintain the full-day kindergarten reserve.  
24

25 (b) For the 2008-09 budget year, a school district that does not  
26 report any full-day kindergarten pupils in the district's October 1 pupil  
27 enrollment count ~~may use~~ SHALL, ON OR BEFORE JUNE 30, 2009, RETURN  
28 TO THE DEPARTMENT OF EDUCATION ANY UNEXPENDED AND  
29 UNENCUMBERED AMOUNT REMAINING OF the moneys received for full-day  
30 kindergarten programs through supplemental kindergarten enrollment  
31 pursuant to section 22-54-103 (7) (d). ~~for planning and facility~~  
32 ~~preparation necessary for the district to offer a full-day kindergarten~~  
33 ~~program in subsequent budget years.~~ THE DEPARTMENT OF EDUCATION  
34 SHALL ADOPT PROCEDURES FOR THE IMPLEMENTATION OF THIS  
35 PARAGRAPH (b). THE DEPARTMENT OF EDUCATION SHALL TRANSMIT TO  
36 THE STATE TREASURER THE MONEYS RECEIVED PURSUANT TO THIS  
37 PARAGRAPH (b), AND THE STATE TREASURER SHALL CREDIT SAID MONEYS  
38 TO THE STATE EDUCATION FUND CREATED PURSUANT TO SECTION 17 (4)  
39 OF ARTICLE IX OF THE STATE CONSTITUTION.  
40

41 (c) FOR THE 2009-10 BUDGET YEAR, A SCHOOL DISTRICT THAT  
42 DOES NOT REPORT ANY FULL-DAY KINDERGARTEN PUPILS IN THE  
43 DISTRICT'S OCTOBER 1 PUPIL ENROLLMENT COUNT MAY USE THE MONEYS  
44 RECEIVED FOR FULL-DAY KINDERGARTEN PROGRAMS THROUGH  
45 SUPPLEMENTAL KINDERGARTEN ENROLLMENT PURSUANT TO SECTION  
46 22-54-103 (7) (d) FOR PLANNING AND FACILITY PREPARATION NECESSARY  
47 FOR THE DISTRICT TO OFFER A FULL-DAY KINDERGARTEN PROGRAM IN  
48 SUBSEQUENT BUDGET YEARS.".  
49

50 Renumber succeeding sections accordingly.  
51

52 Page 63, strike lines 5 through 23 and substitute the following:  
53

54 "**bill.** (1) For the implementation of this act, appropriations made in the";  
55  
56 strike lines 26 and 27.

1 Strike pages 64 and 65.

2

3 Page 66, strike line 1 and substitute the following:

4

5 **"SECTION 34. Effective date.** (1) This act shall take effect  
6 upon passage; except that:

7

8 (a) Sections 31, 32, and 35 of this act shall not take effect if  
9 Senate Bill 09-163 is enacted and becomes law; and

10

11 (b) Sections 36 through 38 shall take effect only if Senate Bill  
12 09-163 is enacted and becomes law."

13

14 Renumber succeeding section accordingly.

15

16

17

18

19

### **HEALTH & HUMAN SERVICES**

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

22

23 **HJR09-1017** be amended as follows, and as so amended, be referred to  
24 the Committee on Appropriations with favorable  
25 recommendation:

26

27 Amend printed joint resolution, page 3, after line 4, insert the following:

28

29 "(5) That the legislative council staff and the office of legislative  
30 legal services shall assist the interim committee in its activities."

31

32 Renumber succeeding subsections accordingly.

33

34

35

36

**HJR09-1022** be referred out for final action.

37

38

39 **HJR09-1026** be amended as follows, and as so amended, be referred to  
40 the Committee on Appropriations with favorable  
41 recommendation:

42

43 Amend printed joint resolution, page 3, line 21, strike "be";

44

45 strike lines 22 through 25 and substitute the following:

46

47 "receive compensation for time served in meetings of the committee, but  
48 may be reimbursed for expenses incurred in relation to their duties on the  
49 committee, provided moneys are received from gifts, grants, or donations  
50 in an amount to cover such expenses. The Legislative Council and Office  
51 of Legislative Legal Services shall provide staff support to assist in the  
52 activities of the committee only to the extent possible within existing  
53 appropriations or through moneys received from gifts, grants, or  
54 donations."

55

56

**PRINTING REPORT**

The Chief Clerk reports the following bills have been correctly printed:  
**HB09-1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359.**

---

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **SB09-280.**

---

**MESSAGE(S) FROM THE SENATE**

The Senate has passed on Third Reading and returns herewith:  
**HB09-1291.**

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

**SB09-257** amended as printed in Senate Journal, April 20, 2009, page 1156.

---

**MESSAGE(S) FROM THE REVISOR**

We herewith transmit:  
Without comment, as amended, **SB09-257.**

---

On motion of Representative Weissmann, **HB09-1341, 1334, 1348, SB09-281, 002, 022, 025, 026, 052, 067, 068, 106, 125, 138, 144, 154, 174, 252, HB09-1344** were added to the Special Orders Calendar on Tuesday, April 21, 2009.

---

On motion of Representative Levy, the House resolved itself into Committee of the Whole for consideration of Special Orders and she was called to the Chair to act as Chairman.

---

**SPECIAL ORDERS--SECOND READING OF BILLS**

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

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

**SB09-144** by Senator(s) Kester; also Representative(s) Gagliardi-- Concerning the Colorado commission for the deaf and hard of hearing and programs administered in connection therewith, and making an appropriation therefor.

1 Amendment No. 1, by Representative(s) Rice.  
 2 Amend reengrossed bill, page 4, line 13, strike "(c)" and substitute "(c),  
 3 (2) (f),";

4  
 5 after line 19, insert the following:

6 "(f) One member who is an interpreter for the deaf or hard of  
 7 hearing AND WHO IS QUALIFIED TO USE AT LEAST ONE OF THE TITLES  
 8 LISTED IN SECTION 6-1-707 (1) (e), C.R.S.; and".

9  
 10 Page 15, after line 24, insert the following:

11 "**SECTION 12.** 6-1-707 (1) (e), Colorado Revised Statutes, as  
 12 enacted by House Bill 09-1090, is amended to read:

13  
 14 **6-1-707. Use of title or degree - deceptive trade practice.** (1) A  
 15 person engages in a deceptive trade practice when, in the course of such  
 16 person's business, vocation, or occupation, such person:

17  
 18 (e) Claims to be a "sign language interpreter", "interpreter for the  
 19 deaf", "deaf interpreter", "ASL-English interpreter", "American sign  
 20 language (ASL) interpreter", "transliterator", "certified sign language  
 21 interpreter", "certified interpreter for the deaf", "certified deaf  
 22 interpreter", "certified ASL-English interpreter", "certified American sign  
 23 language (ASL) interpreter", or "certified transliterator", unless ~~such~~  
 24 ~~person~~ HE OR SHE holds a current ~~membership card~~ CERTIFICATION issued  
 25 by the registry of interpreters for the deaf or a successor organization.  
 26 ~~Each membership card~~ A REGISTRY OF INTERPRETERS FOR THE DEAF, OR  
 27 SUCCESSOR ORGANIZATION, MEMBERSHIP CARD THAT SHOWS PROOF OF  
 28 CURRENT MEMBERSHIP AND CERTIFICATION shall be made available for  
 29 immediate inspection and review by any consumer or agent of the state  
 30 of Colorado.".

31  
 32 Renumber succeeding sections accordingly.

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

36  
 37 **HB09-1341** by Representative(s) Pace, McFadyen, Riesberg, Vigil;  
 38 also Senator(s) Tapia, Boyd, Tochtrop--Concerning the  
 39 continuation of the licensing of psychiatric technicians by  
 40 the state board of nursing.

41  
 42 Amendment No. 1, Health & Human Services Report, dated  
 43 April 16, 2009, and placed in member's bill file; Report also printed in  
 44 House Journal, April 17, page 1279.

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

48  
 49 **HB09-1334** by Representative(s) McCann and Apuan, Court, Gardner  
 50 B., King S., Lambert, Ryden, Schafer S., Vigil, Waller;  
 51 also Senator(s) Newell--Concerning the aggregation of  
 52 multiple offenses involving theft-type crimes into a single  
 53 offense.

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

1 **HB09-1348** by Representative(s) Weissmann--Concerning activities  
2 resulting from the performance of legislative duties.  
3

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

7 **SB09-281** by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse,  
8 Romer, White, Tapia; also Representative(s) Weissmann--  
9 Concerning Pinnacol Assurance, and, in connection  
10 therewith, clarifying the operation of Pinnacol Assurance  
11 as a political subdivision of the state, requiring Pinnacol  
12 Assurance to pay a policyholder dividend, and putting in  
13 place measures for the general assembly to assess the  
14 operation of Colorado laws governing worker safety and  
15 injury compensation.  
16

17 Amendment No. 1, by Representative(s) Weissmann.  
18

19 Amend reengrossed bill, page 6, after line 19, insert the following:  
20

21 "(7) THE INTERIM COMMITTEE CREATED BY THIS SECTION IS  
22 SUBJECT TO THE PROVISIONS OF SECTION 2-3-303.3, C.R.S., WITH RESPECT  
23 TO THE CONDUCT OF ADDITIONAL INTERIM STUDIES."  
24

25 Renumber succeeding subsection accordingly.  
26

27 Amendment No. 2, by Representative(s) Weissmann.  
28

29 Amend reengrossed bill, page 5, line 12, strike "TEN MEMBERS OF THE  
30 GENERAL ASSEMBLY:" and substitute "THIRTEEN MEMBERS:";  
31

32 line 15, strike "AND";  
33

34 line 19, strike "REPRESENTATIVES." and substitute "REPRESENTATIVES;"  
35

36 after line 19, insert the following:  
37

38 "(III) THE CHIEF EXECUTIVE OFFICER OF PINNACOL ASSURANCE,  
39 OR HIS OR HER DESIGNEE;  
40

41 (IV) A MEMBER OF THE BOARD OF DIRECTORS OF PINNACOL  
42 ASSURANCE; AND  
43

44 (V) THE INSURANCE COMMISSIONER OR HIS OR HER DESIGNEE."  
45

46 Amendment No. 3, by Representative(s) Weissmann.  
47

48 Amend reengrossed bill, page 2, after line 1, insert the following:  
49

50 "**SECTION 1.** 8-45-101 (1) and (2) (c), Colorado Revised  
51 Statutes, are amended to read:  
52

53 **8-45-101. Pinnacol Assurance - creation - powers and duties.**  
54 (1) There is hereby created Pinnacol Assurance, which shall be a political  
55 subdivision of the state and shall operate as a ~~domestic~~ PUBLIC mutual  
56 insurance company except as otherwise provided by law. Pinnacol

1 Assurance shall not be an agency of state government, nor shall it be  
2 subject to administrative direction by any state agency except as provided  
3 in this article, and except for the purposes of the "Colorado Governmental  
4 Immunity Act", article 10 of title 24, C.R.S. Pinnacol Assurance shall not  
5 be dissolved except by the general assembly. Section 10-12-411, C.R.S.,  
6 shall not apply to Pinnacol Assurance.

7  
8 (2) (c) The board shall have the powers, rights, and duties of the  
9 ~~board of directors of a domestic mutual insurance company, except as SET~~  
10 FORTH IN THIS ARTICLE AND otherwise provided by law."

11  
12 Renumber succeeding sections accordingly.

13  
14 Page 2, strike lines 2 through 17.

15  
16 Strike page 3.

17  
18 Page 4, strike lines 1 through 15.

19  
20 Renumber succeeding sections accordingly.

21  
22 Amendment No. 4, by Representative(s) Weissmann.

23  
24 Amend reengrossed bill, page 4, strike lines 19 through 27 and substitute  
25 the following:

26  
27 **"8-45-118.6. Required policyholder dividend.** THE GENERAL  
28 ASSEMBLY FINDS THAT RETURNING SOME OF THE SURPLUS FUNDS OF  
29 PINNACOL ASSURANCE TO THE POLICYHOLDERS CAN HAVE A POSITIVE  
30 IMPACT ON THE ECONOMY. IF ACTUARIALLY SOUND, DURING 2009, A  
31 DIVIDEND NOT TO EXCEED FIVE PERCENT OF THE SURPLUS OF PINNACOL  
32 ASSURANCE SHALL BE RETURNED TO THE POLICYHOLDERS IN THE SAME  
33 FASHION AS OTHER DIVIDENDS ARE RETURNED. THIS DIVIDEND SHALL BE  
34 IN ADDITION TO ANY DIVIDEND ANNOUNCED PRIOR TO THE EFFECTIVE  
35 DATE OF THIS SECTION."

36  
37 Amendment No. 5, by Representative(s) Fischer.

38  
39 Amend reengrossed bill, page 2, after line 1, insert the following:

40  
41 **"SECTION 1.** 8-45-101, Colorado Revised Statutes, is amended  
42 BY THE ADDITION OF A NEW SUBSECTION to read:

43  
44 **8-45-101. Pinnacol Assurance - creation - powers and duties.**  
45 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY  
46 LOGO, SEAL, LETTERHEAD, OR ANY OTHER TYPE OF IDENTIFYING VERBIAGE  
47 USED BY PINNACOL ASSURANCE IN ANY TYPE OF DOCUMENT, IN  
48 HARD-COPY OR ELECTRONIC FORM, SHALL CLEARLY STATE THAT  
49 PINNACOL ASSURANCE IS A POLITICAL SUBDIVISION OF THE STATE OF  
50 COLORADO, CREATED IN 1915."

51  
52 Renumber succeeding sections accordingly.

53  
54 As amended, declared **lost** on Second Reading.  
55 (For change in action, see Amendments to Report, page 1322.)

56



1 **SB09-002** by Senator(s) Morse, Bacon, Foster, Isgar, Keller, Newell,  
2 White; also Representative(s) Peniston, Gagliardi, Levy,  
3 Marostica, Massey, Miklosi, Roberts--Concerning an  
4 increase in the motor vehicle registration fee to fund the  
5 emergency medical services account within the highway  
6 users tax fund, and making an appropriation in connection  
7 therewith.

8  
9 Ordered revised and placed on the Calendar for Third Reading and Final  
10 Passage.

11  
12 A motion by Representative Weissmann that the Committee rise, report  
13 progress and beg leave to sit again at 1:30 p.m., was adopted by  
14 unanimous consent. (Special Orders continued on page 1321.)

15  
16  
17 House reconvened.

18  
19 The Committee of the Whole reported it had risen, reported progress and  
20 would sit again at 1:30 p.m.

21  
22  
23  
24 **INTRODUCTION OF BILL**  
25 **First Reading**

26  
27 The following bill was read by title and referred to the committee  
28 indicated:

29  
30 **HB09-1360** by Representative(s) Judd; also Senator(s) Sandoval--  
31 Concerning the adjustment of the ratio of valuation for  
32 assessment for residential real property.  
33 Committee on Finance

34  
35  
36 House in recess. House reconvened.

37  
38  
39  
40 **MESSAGE(S) FROM THE SENATE**

41  
42 The Senate voted to concur in House amendments to SB09-263, and  
43 repassed the bill as so amended.

44  
45 The Senate has voted not to concur in House Amendments to SB09-269,  
46 and requests that a Conference Committee be appointed. The President  
47 appointed Senators White-Chair, and Keller and Tapia, as members of the  
48 First Conference Committee on SB09-269 on the part of the Senate. The  
49 Senate granted permission to members to go beyond the scope of  
50 differences between the two houses. The bill is transmitted herewith.

51  
52 The Senate has voted not to concur in House Amendments to SB09-271,  
53 and requests that a Conference Committee be appointed. The President  
54 appointed Senators Tapia-Chair, Keller and White, as members of the  
55 First Conference Committee on SB09-271 on the part of the Senate. The  
56 bill is transmitted herewith.

1 The Senate has voted not to concur in House Amendments to SB09-279,  
 2 and requests that a Conference Committee be appointed. The President  
 3 appointed Senators Keller-Chair, Tapia and White, as members of the  
 4 First Conference Committee on SB09-279 on the part of the Senate. The  
 5 Senate granted permission to members to go beyond the scope of  
 6 differences between the two houses. The bill is transmitted herewith.

7  
 8  
 9

### 10 APPOINTMENTS TO CONFERENCE COMMITTEES

11 Pursuant to a request from the Senate, the Speaker appointed House  
 12 conferees to the First Conference Committees as follows:

13  
 14 **SB09-269**--Representatives Ferrandino, Chairman, Pommer and  
 15 Marostica.

16 **SB09-271**--Representatives Ferrandino, Chairman, Pommer and  
 17 Marostica.

18 **SB09-279**--Representatives Pommer, Chairman, Ferrandino and  
 19 Marostica.

20

### 21 CONSENT GRANTED TO CONFERENCE COMMITTEE

22

23 Representative Pommer moved that the First Conference Committee on  
 24 **SB09-259** be granted permission to go beyond the scope of the difference  
 25 between the House and the Senate. The motion was passed by the  
 26 following roll call vote:

27

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

47

48 Representative Ferrandino moved that the First Conference Committee  
 49 on **SB09-269** be granted permission to go beyond the scope of the  
 50 difference between the House and the Senate. The motion was passed by  
 51 the following roll call vote:

52

53	YES	47	NO	17	EXCUSED	1	ABSENT	0
54	Acree	N	Green	Y	McCann	Y	Roberts	Y
55	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
56	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y

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

15  
16 Representative Pommer moved that the First Conference Committee on  
17 **SB09-279** be granted permission to go beyond the scope of the difference  
18 between the House and the Senate. The motion was passed by the  
19 following roll call vote:

20								
21	<b>YES</b>	<b>55</b>	<b>NO</b>	<b>9</b>	<b>EXCUSED</b>	<b>1</b>	<b>ABSENT</b>	<b>0</b>
22	Acree	Y	Green	Y	McCann	Y	Roberts	Y
23	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
24	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
25	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
26	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
27	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	E
28	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
29	Court	Y	King S.	N	Murray	Y	Stephens	Y
30	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
31	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
32	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
33	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
34	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
35	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
36	Gardner C.	N	Massey	Y	Rice	Y	Waller	Y
37	Gerou	N	May	Y	Riesberg	Y	Weissmann	Y
38							Speaker	Y

---

### CHANGE IN SPONSORSHIP

44 The Speaker announced the following change in sponsorship:  
45 **HB09-1356--**Representatives Liston and Pommer as joint prime sponsors.

46  
47  
48  
49 On motion of Representative Levy, the House resolved itself into  
50 Committee of the Whole for continuation of consideration of General  
51 Orders, and she returned to the Chair to act as Chairman.

52  
53  
54  
55

**SPECIAL ORDERS--SECOND READING OF BILLS**

(Continued from page 1319)

1  
2  
3  
4 **HB09-1344** by Representative(s) Scanlan; also Senator(s) Boyd--  
5 Concerning adjustments for inflation to the limitations on  
6 medical negligence damages tied to regulatory oversight  
7 of the effects of such adjustments on medical negligence  
8 insurance.  
9

10 Amendment No. 1, Judiciary Report, dated April 20, 2009, and placed in  
11 member's bill file; Report also printed in House Journal, April 20,  
12 pages 1293-1294.  
13

14 Amendment No. 2, Appropriations Report, dated April 21, 2009, and  
15 placed in member's bill file; Report also printed in House Journal,  
16 April 21, pages 1298-1299.  
17

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

21 On motion of Representative Weissmann, the remainder of the Special  
22 Orders Calendar (**HB09-1269, 1081, 1323, SB09-022, 025, 026, 052,**  
23 **067, 068, 106, 125, 138, 154, 174, 252**) was laid over until April 22,  
24 retaining place on Calendar.  
25

**AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

26  
27  
28  
29  
30 Representative(s) Weissmann moved to amend the Report of the  
31 Committee of the Whole to reverse the action taken by the Committee in  
32 not adopting the following amendment, to SB09-281, to show that said  
33 amendment passed, and that **SB09-281** was laid over, as amended, until  
34 April 22, 2009.  
35

36 Amend reengrossed bill, page 4, line 17, strike "THE FOLLOWING" and  
37 substitute "A";  
38

39 line 18, strike "SECTIONS" and substitute "SECTION";  
40

41 strike lines 19 through 27.  
42

43 The amendment was declared **passed** by the following roll call vote:  
44

	YES	34	NO	29	EXCUSED	2	ABSENT	0
46	Acree	N	Green	Y	McCann	Y	Roberts	N
47	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
48	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
49	Baumgardner	N	Kagan	N	McNulty	N	Schafer S.	N
50	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
51	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	E
52	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	N
53	Court	Y	King S.	N	Murray	N	Stephens	N
54	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
55	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	E
56	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N

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

7  
8  
9 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

10  
11 Passed Second Reading: **SB09-144 amended, HB09-1341 amended,**  
12 **1334, 1348, SB09-002, HB09-1344 amended.**

13  
14 Laid over until date indicated retaining place on Calendar: **HB09-1269,**  
15 **1081, 1323, SB09-281 amended, SB09-022, 025, 026, 052, 067, 068,**  
16 **106, 125, 138, 154, 174, 252--April 22, 2009.**

17  
18 The Chairman moved the adoption of the Committee of the Whole  
19 Report. As shown by the following roll call vote, a majority of those  
20 elected to the House voted in the affirmative, and the Report was  
21 **adopted.**

22	YES	54	NO	9	EXCUSED	2	ABSENT	0
23	Acree	N	Green	Y	McCann	Y	Roberts	Y
24	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
25	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
26	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
28	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	E
29	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
30	Court	Y	King S.	Y	Murray	Y	Stephens	N
31	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
32	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	E
33	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
34	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
35	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
36	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
37	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
38	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
39							Speaker	Y

40  
41  
42  
43 House in recess. House reconvened.

44  
45  
46 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

47  
48 **FINANCE**

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

51  
52 **HB09-1342** be referred favorably to the Committee on Appropriations.

53  
54  
55 **HB09-1355** be referred favorably to the Committee on Appropriations.

56

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB09-1012, 1153.**

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**INTRODUCTION OF BILLS**  
**First Reading**

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

**HB09-1361** by Representative(s) Weissmann, Kerr A.--Concerning the state controller making modifications to allowable expenditures due to certain changes in the estimated amount of state revenue occurring when the general assembly is not meeting in session.

Committee on Appropriations

**HB09-1362** by Representative(s) May; also Senator(s) Boyd--Concerning the authorization to local governments to provide financial assistance to specified institutions of higher education, and, in connection therewith, authorizing municipalities and counties to form community college service area districts and authorizing county governments to levy sales or property taxes for the purpose of providing financial assistance to specified state colleges.

Committee on Local Government

**SB09-257** by Senator(s) Schwartz, Heath, Mitchell; also Representative(s) Fischer and Vigil, McFadyen, Rice, Solano--Concerning amendments to the "Building Excellent Schools Today Act" that will allow more efficient implementation of the act without reducing its funding or restricting existing lease-purchase agreement authorization.

Committee on Education

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Judd, the following item(s) on the Calendar were laid over until April 22, retaining place on Calendar:

Consideration of General Orders--**SB09-024.**

Consideration of Resolution(s)--**HJR09-1018, 1027, SJR09-034.**

Consideration of Memorial(s)--**SJM09-002, HM09-1005.**

Consideration of Senate Amendment(s)--**HB09-1180, HJR09-1019.**

On motion of Representative Judd, the House adjourned until 9:00 a.m., April 22, 2009.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk