

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

One hundred-twentieth Legislative Day Wednesday, May 6, 2009

1 Prayer by Rabbi Hillel Goldberg, Executive Director Intermountain
2 Jewish News, Denver.

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

5
6 Pledge of Allegiance led by Cindy Montano, Leilani Duran, Aaliyah
7 Nguyen, Ariel Valdez, Rechelle Lee-Williams, Farrell B Howell School,
8 Montbello.

9
10 The roll was called with the following result:

11
12 Present--64.
13 Excused--Representative(s) McFadyen--1.
14 Present after roll call--Representative(s) McFadyen.

15
16 The Speaker declared a quorum present.

17
18
19 On motion of Representative Waller, the reading of the journal of
20 May 5, 2009, was declared dispensed with and approved as corrected by
21 the Chief Clerk.

22
23
24
25 **THIRD READING OF BILLS--FINAL PASSAGE**

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

30
31 **SB09-285** by Senator(s) Heath, Mitchell, Schwartz, Foster, Gibbs,
32 Groff, Isgar, King K., Newell, Romer, Spence, Tapia,
33 Veiga, White, Williams; also Representative(s) Summers
34 and Solano, McFadyen, Rice--Concerning the inclusion of
35 career and technical education program providers among
36 the institutions of higher education that are permitted to
37 offer concurrent enrollment opportunities to high school
38 students.

39
40 As shown by the following roll call vote, a majority of all members
41 elected to the House voted in the affirmative, and Representative
42 Summers was given permission to offer a Third Reading amendment:

43

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|----------------|---|------------|---|------------|---|
| 1 | | | | | | | | |
| 2 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 3 | Apuan | Y | Hullingerhorst | 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 | Y | Nikkel | Y | Summers | Y |
| 11 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 12 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 13 | Frangas | Y | Liston | Y | 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 | Y | Riesberg | Y | Weissmann | Y |
| 18 | | | | | | | Speaker | Y |
| 19 | | | | | | | | |
| 20 | | | | | | | | |

21 **Third Reading amendment No. 1**, by Representative Summers.

22
23 Amend revised bill, page 2, line 2, strike "(5)," and substitute "(6),";

24
25 line 9, strike "(5)" and substitute "(6)";

26
27 line 10, strike "high school of a school district" and substitute "local
28 education provider";

29
30 line 15, strike "HIGH SCHOOL OF A SCHOOL" and substitute "LOCAL
31 EDUCATION PROVIDER";

32
33 line 16, strike "DISTRICT".

34
35 Page 3, line 2, strike "(8.5)" and substitute "(13.5)";

36
37 line 7, strike "(8)" and substitute "(12)";

38
39 line 8, strike "(8)" and substitute "(12)";

40
41 line 13, strike "(8)" and substitute "(12)";

42
43 line 25, strike "school district" and substitute "local education provider";

44
45 strike line 27 and substitute the following:

46
47 "the local education provider".

48
49 Page 4, line 1, strike "district";

50
51 line 7, strike "the school district of the student's school" and substitute
52 "the his or her local education provider";

53
54 strike line 8 and substitute the following:

55 "or her twelfth-grade year and is therefore retained by the local education
56 provider";

1 line 9, strike "school";
2
3 line 18, strike "school district;" and substitute "local education
4 provider;"
5
6 line 22, strike "school district." and substitute "local education provider."
7
8 Page 5, line 12, strike "school district" and substitute "local education
9 provider";
10
11 strike line 24 and substitute the following:
12
13 "education qualify as basic skills credit or academic credit";
14
15 line 26, strike "school district" and substitute "local education provider".
16
17 Page 6, line 2, strike "school district" and substitute "local education
18 provider";
19
20 line 4, strike "school district" and substitute "local education provider";
21
22 line 9, strike "school district" and substitute "local education provider";
23
24 line 11, strike "school district" and substitute "~~school district~~ LOCAL
25 EDUCATION PROVIDER";
26
27 line 17, after "the", insert "qualified";
28
29 line 27, strike "school district" and substitute "local education provider".
30
31 Page 7, line 3, strike "executes" and substitute "enters into";
32
33 line 4, strike "school district" and substitute "local education provider";
34
35 line 12, strike "(11)" and substitute "(13)";
36
37 line 19, strike "(12)" and substitute "(14)";
38
39 line 25, strike "(4)," and substitute "(2) (a) and (4),";
40
41 line 26, strike "is" and substitute "are".
42
43 Page 8, strike line 1 and substitute the following:
44
45 "(2) If a qualified student concurrently enrolls in a course offered by an
46 institution of higher education, the institution shall be responsible for
47 course content, placement of the student in the course, and the quality of
48 instruction. In addition, because the qualified student is receiving
49 academic credit at his or her local education provider for the course
50 pursuant to section 22-35-104 (5):
51
52 (a) The qualified student shall be included in the funded pupil
53 count of his or her school district or, in the case of a student enrolled in
54 an institute charter school, of the school's accounting district, AS
55 DETERMINED PURSUANT TO THE provisions of section 22-54-103 (7); and
56

1 (4) (a) Before paying the tuition for a ~~postsecondary~~ course in
2 which a";
3
4 line 2, strike "school district of the high" and substitute "local education
5 provider";
6
7 line 3, strike "school";
8
9 line 5, strike "school district" and substitute "local education provider";
10
11 line 8, after the second "the", insert "student's";
12
13 strike lines 9 and 10 and substitute the following:
14
15 "(b) If a qualified student concurrently enrolled in a COURSE FOR
16 WHOM A local education provider pays tuition does not complete the";
17
18 line 14, strike "school district," and substitute "local education provider,";
19
20 line 16, strike "school district" and substitute "local education provider";
21
22 line 17, strike "school district board of education" and substitute "local
23 education provider";
24
25 strike line 21 and substitute "guardian to reimburse the local education
26 provider for the tuition paid by the local education provider";
27
28 line 22, strike "district";
29
30 line 25, strike "(b) and (2) (c)," and substitute "(c) and (2) (d),".
31
32 Page 9, line 3, strike "~~nine~~ ELEVEN" and substitute "~~ten~~ THIRTEEN";
33
34 strike lines 4 through 9;
35
36 line 13, strike "AND" and substitute "~~and~~";
37
38 after line 13, insert the following:
39
40 "(d) The director of accreditation and regional services within the
41 department or his or her designee; AND";
42
43 line 14, strike "(d)" and substitute "(e)".
44
45 Page 10, line 1, strike "policies established by rules promulgated" and
46 substitute "~~policies established by rules promulgated~~ GUIDELINES
47 ESTABLISHED";
48
49 line 12, strike "high school of a school district." and substitute "local
50 education provider.";
51
52 line 14, strike "(h) and (2) (i)," and substitute "(a), (2) (b), (2) (h), (2) (i),
53 and (2) (k),";
54
55 after line 23, insert the following:
56

1 "(a) The number and names of ~~school districts~~ LOCAL EDUCATION
 2 PROVIDERS and institutions of higher education that have entered into
 3 cooperative agreements;
 4

5 (b) The number of qualified students who participated in a
 6 concurrent enrollment program in the previous school year, including
 7 subtotals for each ~~school district~~ LOCAL EDUCATION PROVIDER and each
 8 institution of higher education;"
 9

10 Page 11, line 4, strike "and";
 11
 12 after line 4, insert the following:
 13

14 "(k) (I) The results of the department's exploration, pursuant to
 15 section ~~22-35-104 (10)~~ 22-35-104 (11), of strategies by which the state
 16 may provide opportunities for children who are participating in a
 17 home-based educational program as described in section 22-33-104.5 to
 18 participate in a concurrent enrollment program.";
 19

20 line 10, strike "district".
 21

22 The amendment was declared **passed** by the following roll call vote:
 23

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 25 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 26 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 27 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 28 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 29 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 30 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 31 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 32 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 33 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 34 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 35 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 36 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 37 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 38 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 39 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 40 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 41 | | | | | | | Speaker | Y |

42
 43 The question being, "Shall the bill, as amended, pass?".
 44 A roll call vote was taken. As shown by the following recorded vote, a
 45 majority of those elected to the House voted in the affirmative, and the
 46 bill, as amended, was declared **passed**.
 47

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 49 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 50 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 51 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 52 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 53 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 54 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 55 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 56 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |

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

10 Co-sponsor(s) added: Representative(s) Benefield, Casso, Court, Frangas,
 11 Gerou, Kerr J., Labuda, Massey, Merrifield, Pace, Priola, Roberts, Ryden,
 12 Scanlan, Schafer S., Todd, Speaker, Middleton, Baumgardner

13
 14 **SB09-295** by Senator(s) Boyd, Groff, Heath, Hodge, Kopp, Romer,
 15 Schwartz, Tochtrop, Williams; also Representative(s) May
 16 and Middleton, Merrifield--Concerning accessibility at
 17 state-supported institutions of higher education.

18
 19 As shown by the following roll call vote, a majority of all members
 20 elected to the House voted in the affirmative, and Representative
 21 Middleton was given permission to offer a Third Reading amendment:

| 22 | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 24 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 25 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 26 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 27 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 28 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 29 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 30 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 31 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 32 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 33 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 34 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 35 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 36 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 37 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 38 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 39 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 40 | | | | | | | Speaker | Y |

41
 42
 43 **Third Reading amendment No. 1**, by Representative Middleton.

44
 45 Amend revised bill, page 5, strike lines 13 through 27 and substitute the
 46 following"

47
 48 "(4) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS
 49 SECTION TO THE CONTRARY, BEGINNING WITH THE FISCAL YEAR WHICH
 50 BEGINS JULY 1, 2009, AND FOR EACH FISCAL YEAR THEREAFTER, THAT NOT
 51 LESS THAN SIXTY PERCENT OF THE TOTAL STUDENT ENROLLMENT,
 52 INCLUDING UNDERGRADUATE AND GRADUATE STUDENTS, AT THE
 53 UNIVERSITY OF COLORADO AT BOULDER ARE IN-STATE STUDENTS, AS
 54 DEFINED IN SECTION 23-7-102 (5). THIS REQUIREMENT SHALL BE MET IF,
 55 COMMENCING WITH THE FISCAL YEAR THAT BEGINS JULY 1, 2009, THE
 56 PERCENTAGE OF IN-STATE STUDENTS, AS DEFINED IN SECTION 23-7-102 (5),

1 ENROLLED AT THE UNIVERSITY OF COLORADO AT BOULDER AVERAGES NOT
 2 LESS THAN SIXTY PERCENT OF THE TOTAL FISCAL YEAR STUDENT
 3 ENROLLMENT FOR THE THEN-CURRENT FISCAL YEAR PLUS THE PREVIOUS
 4 FISCAL YEAR.";

5

6 Page 6, line 1, strike "COMPLY WITH THE PROVISIONS OF THIS SUBSECTION
 7 (4).".

8

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

10

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 12 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 13 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 14 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 15 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 16 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 17 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 18 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 19 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 20 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 21 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 22 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 23 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 24 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 25 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 26 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 27 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 28 | | | | | | | Speaker | Y |

29

30

31

32 As shown by the following roll call vote, a majority of all members
 33 elected to the House voted in the affirmative, and Representative May
 34 was given permission to offer a Third Reading amendment:

35

| | YES | 62 | NO | 3 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 37 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 38 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 39 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 40 | Baumgardner | Y | Kagan | Y | McNulty | N | Schafer S. | Y |
| 41 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 42 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 43 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 44 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 45 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 46 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 47 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 48 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 49 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 50 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 51 | Gardner C. | N | Massey | Y | Rice | Y | Waller | Y |
| 52 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 53 | | | | | | | Speaker | Y |

54

55

56

1 **Third Reading amendment No. 2**, by Representative May.

2
3 Amend revised bill, page 25, line 4, strike "COMMUNITY COLLEGE" and
4 substitute ""COMMUNITY COLLEGE"";

5
6 line 5, after "COMMUNITY", insert "AND".

7
8 Page 27, line 15, after "(2)", insert "OR PARAGRAPH (a) OF SUBSECTION
9 (3)".

10
11 Page 29, line 6, strike "COLLEGES," and substitute "COLLEGE,";

12
13 line 7, strike "THAT" and substitute "WHICH".

14
15 Page 34, line 15, strike "(1) (a) OR (2) (a)" and substitute "(1) (a), (2) (a),
16 OR (3) (a)".

17
18 Page 43, strike line 15 and substitute the following:

19
20 "RECEIVED AS MAY BE JOINTLY OR MUTUALLY AGREED UPON, AS
21 APPLICABLE, BY THE DISTRICT AND:

22
23 (I) THE";

24
25 strike lines 19 through 27 and substitute the following:

26
27 "BOARD;

28
29 (II) THE JUNIOR COLLEGE DISTRICT BOARD IN THE CASE OF A
30 DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF
31 SECTION 32-20-105 (1) (a) ON BEHALF OF A COMMUNITY COLLEGE THAT
32 IS A JUNIOR COLLEGE DISTRICT;

33
34 (III) THE STATE BOARD AND THE BOARD OF TRUSTEES OF THE
35 STATE COLLEGE IN THE CASE OF A CONSOLIDATED DISTRICT ESTABLISHED
36 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (2) (a);
37 AND

38
39 (IV) THE STATE BOARD AND THE JUNIOR COLLEGE DISTRICT".

40
41 Page 44, line 12, after "A", insert "CONSOLIDATED".

42
43 Page 50, strike lines 25 through 27.

44
45 Page 51, strike lines 1 through 4 and substitute the following:

46
47 **"SECTION 18.** 23-1-104, Colorado Revised Statutes, is amended
48 **BY THE ADDITION OF A NEW SUBSECTION** to read:

49
50 **23-1-104. Financing the system of postsecondary education.**
51 (10) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT IS THE INTENT
52 OF THE GENERAL ASSEMBLY THAT ANY TAX REVENUES COLLECTED AT THE
53 LOCAL LEVEL AND ALLOCATED TO AN INSTITUTION OF HIGHER EDUCATION
54 IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 20 OF TITLE 32, C.R.S.,
55 OR SECTION 30-11-126, C.R.S., SUPPLEMENT RATHER THAN SUPPLANT ANY
56 FUNDING THE INSTITUTION WOULD OTHERWISE BE ENTITLED TO RECEIVE

1 FROM THE STATE OR FEDERAL GOVERNMENT.".

2

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

4

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 6 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 7 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 8 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 9 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 10 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 11 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 12 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 13 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 14 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 15 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 16 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 17 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 18 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 19 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 20 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 21 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 22 | | | | | | | Speaker | Y |

23

24 The question being, "Shall the bill, as amended, pass?".

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

28

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

47 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Green, Kerr J.,
 48 Labuda, Massey, Pace, Priola, Rice, Roberts, Ryden, Schafer S., Summers,
 49 Todd, Vigil, Speaker

50

51 **SB09-286** by Senator(s) Morse and Carroll M., Bacon, Boyd, Foster,
 52 Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer,
 53 Shaffer B., Tapia, Tochtrop, Veiga, Williams; also
 54 Representative(s) Levy and Merrifield, Ferrandino, Kagan,
 55 Miklosi, Pommer, Pace, Benefield, Carroll T., Court,
 56 Fischer, Green, Hullinghorst, Judd, Kerr A., Labuda,

1 McFadyen, Middleton, Rice, Ryden, Schafer S., Solano,
 2 Todd, Weissmann--Concerning criminal law, and, in
 3 connection therewith, changing the provisions related to
 4 legal representation of indigent defendants for certain
 5 misdemeanor cases; changing the offense level or
 6 sentencing options for select nonviolent offenses, property
 7 offenses, and drug offenses; changing the presumptive
 8 sentencing ranges for certain felony offenses; repealing
 9 certain extraordinary risk sentencing provisions; making
 10 changes to the habitual offender statute; and allowing for
 11 certain sentencing time credits for certain offenders.
 12

13 As shown by the following roll call vote, a majority of all members
 14 elected to the House voted in the affirmative, and Representative McCann
 15 was given permission to offer a Third Reading amendment:
 16

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 18 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 19 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 20 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 21 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 22 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 23 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 24 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 25 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 26 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 27 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 28 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 29 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 30 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 31 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 32 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 33 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 34 | | | | | | | Speaker | Y |

35
 36 **Third Reading amendment No. 1**, by Representative McCann.

37
 38 Amend revised bill, page 4, line 15, strike "SHALL" and substitute "MAY".
 39

40 The amendment was declared **passed** by the following roll call vote:
 41

| | YES | 37 | NO | 28 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 43 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 44 | Apuan | Y | Hullinghorst | N | McFadyen | N | Ryden | Y |
| 45 | Balmer | Y | Judd | N | McKinley | Y | Scanlan | Y |
| 46 | Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | Y |
| 47 | Benefield | Y | Kefalas | N | Merrifield | N | Solano | N |
| 48 | Bradford | Y | Kerr A. | N | Middleton | N | Sonnenberg | N |
| 49 | Casso | Y | Kerr J. | Y | Miklosi | N | Soper | Y |
| 50 | Court | N | King S. | Y | Murray | Y | Stephens | Y |
| 51 | Curry | N | Labuda | Y | Nikkel | Y | Summers | Y |
| 52 | Ferrandino | N | Lambert | Y | Pace | Y | Swalm | Y |
| 53 | Fischer | N | Levy | N | Peniston | N | Tipton | Y |
| 54 | Frangas | N | Liston | N | Pommer | N | Todd | Y |
| 55 | Gagliardi | N | Looper | Y | Primavera | N | Vaad | Y |
| 56 | Gardner B. | Y | Marostica | Y | Priola | N | Vigil | Y |

| | | | | | | | | |
|---|------------|---|--------|---|----------|---|-----------|---|
| 1 | Gardner C. | N | Massey | Y | Rice | N | Waller | Y |
| 2 | Gerou | Y | May | Y | Riesberg | N | Weissmann | N |
| 3 | | | | | | | Speaker | N |

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

| 10 | YES | 43 | NO | 22 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 11 | | | | | | | | |
| 12 | Acree | N | Green | Y | McCann | Y | Roberts | Y |
| 13 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 14 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y |
| 15 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 16 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 17 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 18 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 19 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 20 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 21 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | Y |
| 22 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 23 | Frangas | Y | Liston | N | Pommer | Y | Todd | Y |
| 24 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 25 | Gardner B. | N | Marostica | Y | Priola | N | Vigil | Y |
| 26 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 27 | Gerou | Y | May | N | Riesberg | Y | Weissmann | Y |
| 28 | | | | | | | Speaker | Y |

29 Representative Weissmann requested his name be removed as sponsor.
30 Co-sponsor(s) added: Representative(s) Kefalas, McCann

31 32 33 34 MESSAGE(S) FROM THE SENATE

35
36 The Senate has adopted the First Report of the Second Conference
37 Committee on SB09-256, as printed in Senate Journal, May 5, 2009, page
38 1586, and repassed the bill as amended.

39
40 In response to the request of the House for a Conference Committee on
41 HB09-1274, the President appoints Senators Carroll-Chair, Bacon, and
42 Penry as conferees on the First Conference Committee on HB09-1274.

43
44 In response to the request of the House for a Conference Committee on
45 HB09-1137, the President appoints Senators Newell-Chair, Harvey, and
46 Morse as conferees on the First Conference Committee on HB09-1137.

47
48 In response to the request of the House for a Conference Committee on
49 HB09-1157, the President appoints Senators Kopp-Chair, Newell, and
50 Hodge as conferees on the First Conference Committee on HB09-1157.

51
52 In response to the request of the House for a Conference Committee on
53 HB09-1094, the President appoints Senators Bacon-Chair, Foster, and
54 Kester as conferees on the First Conference Committee on HB09-1094.

55
56

1 House in recess. House reconvened.
 2
 3

4 **MESSAGE(S) FROM THE SENATE**
 5

6 The Senate has voted not to concur in House Amendments to SB09-241,
 7 and requests that a Conference Committee be appointed. The President
 8 appointed Senators Morse-Chair, Newell and Penry, as members of the
 9 First Conference Committee on SB09-241 on the part of the Senate. The
 10 Senate has granted permission to the First Conference Committee on
 11 SB09-241 to go beyond the scope of differences between the two houses.
 12 The bill is transmitted herewith.
 13

14
 15
 16 **APPOINTMENTS TO CONFERENCE COMMITTEE**
 17

18 Pursuant to a request from the Senate, the Speaker appointed House
 19 conferees to the First Conference Committees as follows:
 20

21 **SB09-241**--Representatives King, Chairman, Pace and Levy.
 22
 23

24
 25 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**
 26

27 **HB09-1246** by Representative(s) Peniston; also Senator(s) Morse--
 28 Concerning the evaluation of driving schools attended as
 29 a result of a court order resulting from a violation of a law
 30 regulating the operation of a motor vehicle, and making an
 31 appropriation in connection therewith.
 32

33 (Amended as printed in Senate Journal, May 4, page 1544.)
 34

35 Representative Peniston moved that the House **concur** in Senate
 36 amendments. The motion was declared **passed** by the following roll call
 37 vote:
 38

| 39 | YES | 63 | NO | 2 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 40 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 41 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 42 | Balmer | Y | Judd | Y | McKinley | N | Scanlan | Y |
| 43 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 44 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 45 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 46 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 47 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 48 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 49 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 50 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 51 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 52 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 53 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 54 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 55 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 56 | | | | | | | Speaker | Y |

1 The question being, "Shall the bill, as amended, pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative, and the
 4 bill, as amended, was declared **repassed**.

| | YES | 44 | NO | 21 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 7 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 8 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 9 | Balmer | Y | Judd | Y | McKinley | N | Scanlan | Y |
| 10 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 11 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 12 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 13 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 14 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 15 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 16 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 17 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 18 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 19 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 20 | Gardner B. | Y | Marostica | N | Priola | Y | Vigil | Y |
| 21 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 22 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsor(s) added: Representative(s) Green

27 CONSIDERATION OF MEMORIAL

29 **SJM09-010** by Senator(s) Spence; also Representative(s) Acree--
 30 Memorializing Congress to consider community needs
 31 when deploying National Guard troops.

33 (Printed and placed in members file)

35 Representative Acree moved that the memorial be adopted. SJM09-010
 36 was declared **lost** by the following roll call vote:

| | YES | 32 | NO | 33 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 39 | Acree | Y | Green | Y | McCann | N | Roberts | Y |
| 40 | Apuan | N | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 41 | Balmer | Y | Judd | N | McKinley | N | Scanlan | N |
| 42 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 43 | Benefield | N | Kefalas | Y | Merrifield | Y | Solano | Y |
| 44 | Bradford | Y | Kerr A. | Y | Middleton | N | Sonnenberg | N |
| 45 | Casso | N | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 46 | Court | N | King S. | N | Murray | N | Stephens | N |
| 47 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 48 | Ferrandino | N | Lambert | N | Pace | Y | Swalm | N |
| 49 | Fischer | N | Levy | Y | Peniston | Y | Tipton | Y |
| 50 | Frangas | Y | Liston | N | Pommer | Y | Todd | N |
| 51 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | Y |
| 52 | Gardner B. | N | Marostica | N | Priola | N | Vigil | Y |
| 53 | Gardner C. | N | Massey | Y | Rice | N | Waller | N |
| 54 | Gerou | Y | May | N | Riesberg | Y | Weissmann | N |
| 55 | | | | | | | Speaker | N |

1 House in recess. House reconvened.
2
3

4
5 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
6

7 The Speaker has signed: **HB09-1119, 1248, 1290; SB09-022, 025, 076,**
8 **088, 106, 160, 178, 243, 248, 249, 252, 254, 258, 275.**
9

10
11
12 **MESSAGE(S) FROM THE SENATE**
13

14 The Senate has passed on Third Reading and returns herewith:

15
16 HB09-1363, HB09-1337, HB09-1336, HB09-1335, HB09-1357.
17

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

20
21 HB09-1321 amended as printed in Senate Journal, May 5, 2009,
22 page 1574,

23 HB09-1351 amended as printed in Senate Journal, May 5, 2009,
24 pages 1575-1576,

25 HB09-1331 amended as printed in Senate Journal, May 5, 2009,
26 pages 1576-1577,

27 HB09-1366 amended as printed in Senate Journal, May 5, 2009,
28 pages 1586 and 1587.
29

30 The Senate voted to concur in House amendments to SB09-110,
31 SB09-247, SB09-297, SB09-290, SB09-085, SB09-292, and repassed the
32 bills as so amended.
33

34 The Senate voted to concur in House amendments to SJR09-056,
35 SJR09-044.
36

37 Upon announcement of President Groff, Senator Carroll was removed as
38 a joint prime-sponsor on HB09-1335.
39

40
41
42 **MESSAGE(S) FROM THE REVISOR**
43

44 We herewith transmit:

45 Without comment, as amended, HB09-1321, 1351, 1331 and 1366.
46
47

48
49 **MESSAGE(S) FROM THE GOVERNOR**
50

51 I certify I received the following on the 6th day of May, 2009, at
52 8:50 a.m. The original is on file in the records of the House of
53 Representatives of the General Assembly.
54

55 Marilyn Eddins,
56 Chief Clerk of the House

1 May 5, 2009

2

3 To the Honorable
4 House of Representatives
5 Sixty-seventh General Assembly
6 First Regular Session
7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

11 I have the honor to inform you that I have approved and filed with
12 the Secretary of State the following act:

13

14 **HB09-1240** CONCERNING CREATING THE COLORADO TEACHER OF THE
15 YEAR PROGRAM.

16

17 Approved May 5, 2009 at 10:34 a.m.

18

19 Sincerely,
20 (signed)
21 Bill Ritter, Jr.
22 Governor

23

24

25 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

26

27 **HB09-1321** by Representative(s) Levy, Carroll T., Green, Benefield,
28 Court, Ferrandino, Hulinghorst, Kerr A., Looper,
29 McCann, McFadyen, McGihon, McKinley, Merrifield,
30 Miklosi, Pace, Pommer, Ryden, Scanlan, Todd, Vigil,
31 Weissmann; also Senator(s) Carroll M., Bacon, Boyd,
32 Foster, Heath, Morse, Romer--Concerning the placement
33 of a juvenile who is awaiting trial in district court.

34

35 Representative Levy moved that the House **concur** in Senate
36 amendments. The motion was declared **passed** by the following roll call
37 vote:

38

39

| | YES | 62 | NO | 3 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 40 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 41 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 42 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 43 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 44 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 45 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 46 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 47 | Court | Y | King S. | N | Murray | Y | Stephens | Y |
| 48 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 49 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 50 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 51 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 52 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 53 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |
| 54 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 55 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 56 | | | | | | | Speaker | Y |

1 The question being, "Shall the bill, as amended, pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative, and the
 4 bill, as amended, was declared **repassed**.

| | YES | 53 | NO | 12 | EXCUSED | 0 | ABSENT | 0 |
|----------------|-----|----|--------------|----|------------|---|------------|---|
| 7 Acree | Y | | Green | Y | McCann | Y | Roberts | Y |
| 8 Apuan | Y | | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 9 Balmer | Y | | Judd | Y | McKinley | Y | Scanlan | Y |
| 10 Baumgardner | Y | | Kagan | Y | McNulty | N | Schafer S. | Y |
| 11 Benefield | Y | | Kefalas | Y | Merrifield | Y | Solano | Y |
| 12 Bradford | Y | | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 13 Casso | Y | | Kerr J. | N | Miklosi | Y | Soper | Y |
| 14 Court | Y | | King S. | N | Murray | Y | Stephens | Y |
| 15 Curry | Y | | Labuda | Y | Nikkel | Y | Summers | Y |
| 16 Ferrandino | Y | | Lambert | N | Pace | Y | Swalm | Y |
| 17 Fischer | Y | | Levy | Y | Peniston | Y | Tipton | N |
| 18 Frangas | Y | | Liston | N | Pommer | Y | Todd | Y |
| 19 Gagliardi | Y | | Looper | Y | Primavera | Y | Vaad | N |
| 20 Gardner B. | N | | Marostica | N | Priola | Y | Vigil | Y |
| 21 Gardner C. | N | | Massey | Y | Rice | Y | Waller | Y |
| 22 Gerou | N | | May | Y | Riesberg | Y | Weissmann | Y |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Solano

25
 26 **HB09-1351** by Representative(s) Pommer and Ferrandino, Marostica;
 27 also Senator(s) Carroll M.--Concerning an increase in
 28 the amount of time an inmate may have deducted from
 29 the inmate's sentence, and making an appropriation in
 30 connection therewith.

31
 32 Representative Pommer moved that the House **concur** in Senate
 33 amendments. The motion was declared **passed** by the following roll call
 34 vote:

| | YES | 64 | NO | 1 | EXCUSED | 0 | ABSENT | 0 |
|----------------|-----|----|--------------|---|------------|---|------------|---|
| 37 Acree | Y | | Green | Y | McCann | Y | Roberts | Y |
| 38 Apuan | Y | | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 39 Balmer | Y | | Judd | Y | McKinley | Y | Scanlan | Y |
| 40 Baumgardner | Y | | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 41 Benefield | Y | | Kefalas | Y | Merrifield | Y | Solano | Y |
| 42 Bradford | Y | | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 43 Casso | Y | | Kerr J. | N | Miklosi | Y | Soper | Y |
| 44 Court | Y | | King S. | Y | Murray | Y | Stephens | Y |
| 45 Curry | Y | | Labuda | Y | Nikkel | Y | Summers | Y |
| 46 Ferrandino | Y | | Lambert | Y | Pace | Y | Swalm | Y |
| 47 Fischer | Y | | Levy | Y | Peniston | Y | Tipton | Y |
| 48 Frangas | Y | | Liston | Y | Pommer | Y | Todd | Y |
| 49 Gagliardi | Y | | Looper | Y | Primavera | Y | Vaad | Y |
| 50 Gardner B. | Y | | Marostica | Y | Priola | Y | Vigil | Y |
| 51 Gardner C. | Y | | Massey | Y | Rice | Y | Waller | Y |
| 52 Gerou | Y | | May | Y | Riesberg | Y | Weissmann | Y |
| 53 | | | | | | | Speaker | Y |

54
 55 The question being, "Shall the bill, as amended, 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
 2 bill, as amended, was declared **repassed**.

| | YES | 44 | NO | 21 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 5 | Acree | N | Green | Y | McCann | Y | Roberts | Y |
| 6 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 7 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y |
| 8 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 9 | Benefield | Y | Kefalas | Y | 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 | Y | Liston | Y | Pommer | Y | Todd | Y |
| 17 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | N |
| 18 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |
| 19 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 20 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 21 | | | | | | | Speaker | Y |

22 Co-sponsor(s) added: Representative(s) Frangas, Kagan, Levy, Priola, Solano,
 23 Vigil

24
 25 **HB09-1331** by Representative(s) Gagliardi; also Senator(s) Boyd--
 26 Concerning incentives for efficient motor vehicles.

27
 28 Representative Gagliardi moved that the House **concur** in Senate
 29 amendments. The motion was declared **passed** by the following roll call
 30 vote:

| | YES | 65 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 33 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 34 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 35 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 36 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 37 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 38 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 39 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 40 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 41 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 42 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 43 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 44 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 45 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 46 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 47 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 48 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 49 | | | | | | | Speaker | Y |

50
 51 The question being, "Shall the bill, as amended, pass?"
 52 A roll call vote was taken. As shown by the following recorded vote, a
 53 majority of those elected to the House voted in the affirmative, and the
 54 bill, as amended, was declared **repassed**.

55

| | YES | 64 | NO | 1 | EXCUSED | 0 | 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 | Y | Nikkel | Y | Summers | Y |
| 11 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 12 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 13 | Frangas | Y | Liston | Y | 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 | Y | Riesberg | Y | Weissmann | N |
| 18 | | | | | | | Speaker | Y |

19 Co-sponsor(s) added: Representative(s) Apuan, Court, Gerou, Kerr J.,
 20 Marostica, McFadyen, Pommer, Rice, Summers

21
 22

23 **HB09-1366** by Representative(s) Pommer; also Senator(s) Romer--
 24 Concerning the elimination of the state income tax
 25 modification for qualifying Colorado capital gains.

26

27 Representative Pommer moved that the House **concur** in Senate
 28 amendments. A substitute motion by Representative May that the House
 29 **not concur** in Senate amendments and that a Conference Committee be
 30 appointed with permission to go beyond the scope of the differences
 31 between the House and the Senate was declared **lost** by the following roll
 32 call vote:

33

| | YES | 30 | NO | 35 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 35 | Acree | Y | Green | N | McCann | N | Roberts | Y |
| 36 | Apuan | N | Hullinghorst | N | McFadyen | Y | Ryden | N |
| 37 | Balmer | Y | Judd | N | McKinley | N | Scanlan | N |
| 38 | Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | N |
| 39 | Benefield | N | Kefalas | N | Merrifield | N | Solano | N |
| 40 | Bradford | Y | Kerr A. | N | Middleton | N | Sonnenberg | Y |
| 41 | Casso | N | Kerr J. | Y | Miklosi | N | Soper | N |
| 42 | Court | N | King S. | Y | Murray | Y | Stephens | Y |
| 43 | Curry | Y | Labuda | N | Nikkel | Y | Summers | Y |
| 44 | Ferrandino | N | Lambert | Y | Pace | N | Swalm | Y |
| 45 | Fischer | N | Levy | N | Peniston | N | Tipton | Y |
| 46 | Frangas | N | Liston | Y | Pommer | N | Todd | N |
| 47 | Gagliardi | N | Looper | Y | Primavera | N | Vaad | Y |
| 48 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | N |
| 49 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 50 | Gerou | Y | May | Y | Riesberg | N | Weissmann | N |
| 51 | | | | | | | Speaker | N |

52

53 A second substitute motion by Representative May that the House **adhere**
 54 to its position on **HB09-1366** was declared **lost** by the following roll call
 55 vote:

56

| | YES | 29 | NO | 36 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 1 | | | | | | | | |
| 2 | Acree | Y | Green | N | McCann | N | Roberts | Y |
| 3 | Apuan | Y | Hullinghorst | N | McFadyen | N | Ryden | N |
| 4 | Balmer | Y | Judd | N | McKinley | N | Scanlan | N |
| 5 | Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | N |
| 6 | Benefield | N | Kefalas | N | Merrifield | N | Solano | N |
| 7 | Bradford | N | Kerr A. | N | Middleton | Y | Sonnenberg | Y |
| 8 | Casso | N | Kerr J. | Y | Miklosi | N | Soper | N |
| 9 | Court | N | King S. | Y | Murray | Y | Stephens | Y |
| 10 | Curry | N | Labuda | N | Nikkel | Y | Summers | Y |
| 11 | Ferrandino | N | Lambert | Y | Pace | N | Swalm | Y |
| 12 | Fischer | N | Levy | N | Peniston | N | Tipton | Y |
| 13 | Frangas | N | Liston | Y | Pommer | N | Todd | N |
| 14 | Gagliardi | N | Looper | Y | Primavera | N | Vaad | Y |
| 15 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | N |
| 16 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 17 | Gerou | Y | May | Y | Riesberg | N | Weissmann | N |
| 18 | | | | | | | Speaker | N |
| 19 | | | | | | | | |

20 Representative Pommer's motion that the House **concur** in Senate
 21 amendments was declared **passed** by the following roll call vote:

| | YES | 37 | NO | 28 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 23 | | | | | | | | |
| 24 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 25 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 26 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y |
| 27 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 28 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 29 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 30 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 31 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 32 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 33 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 34 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 35 | Frangas | Y | Liston | N | Pommer | Y | Todd | Y |
| 36 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 37 | Gardner B. | N | Marostica | N | Priola | N | Vigil | Y |
| 38 | Gardner C. | N | Massey | N | Rice | N | Waller | N |
| 39 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 40 | | | | | | | Speaker | Y |
| 41 | | | | | | | | |

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

| | YES | 37 | NO | 28 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 47 | | | | | | | | |
| 48 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 49 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 50 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y |
| 51 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 52 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 53 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 54 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 55 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 56 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |

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

9 Co-sponsor(s) added: Representative(s) Benefield, Fischer, Hullinghorst,
10 Schafer S.

MESSAGE(S) FROM THE SENATE

16 The Senate voted to reject the First Report of the First Conference
17 Committee on HB09-1163, as printed in Senate Journal, May 6, 2009,
18 dissolved the First Conference Committee, discharged the committee
19 members, and appointed a Second Conference Committee. The President
20 appointed Senators Veiga-Chair, Romer and Harvey, as members of the
21 Second Conference Committee on HB09-1163. The bill is returned
22 herewith.

24 The Senate has adopted the First Report of the First Conference
25 Committee on HB09-1157, as printed in Senate Journal, May 6, 2009, and
26 repassed the bill as amended.
27 The bill is returned herewith.

29 The Senate has adopted the First Report of the First Conference
30 Committee on HB09-1137, as printed in Senate Journal, May 6, 2009, and
31 repassed the bill as amended.
32 The bill is returned herewith.

REQUEST FOR SECOND CONFERENCE COMMITTEE FOR HB09-1163

38 Representative Gardner C., moved that the House reject the Conference
39 Committee Report, discharge the First Conference Committee for
40 **HB09-1163**, that a Second Conference Committee be appointed. The
41 motion was declared **passed** by the following roll call vote:

| | YES | 63 | NO | 2 | EXCUSED | 0 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 44 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 45 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 46 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 47 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 48 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 49 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 50 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 51 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 52 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 53 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 54 | Fischer | N | Levy | Y | Peniston | Y | Tipton | Y |
| 55 | Frangas | Y | Liston | Y | Pommer | Y | Todd | Y |
| 56 | Gagliardi | N | Looper | Y | Primavera | Y | Vaad | Y |

| | | | | | | | | |
|---|------------|---|-----------|---|----------|---|-----------|---|
| 1 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 2 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 3 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 4 | | | | | | | Speaker | Y |

5 The first Conference Committee was discharged and the Speaker
6 appointed Representatives Gardner C., Chairman, Levy and Kerr A., as
7 House conferees to the Second Conference Committee.

8
9

10 House in recess. House reconvened.

11
12
13

14 MESSAGE(S) FROM THE SENATE

15

16 The Senate has adopted the First Report of the First Conference
17 Committee on SB09-226, as printed in Senate Journal, May 5, 2009,
18 pages 1568-1577, and repassed the bill as amended.

19

20 The Senate has adopted the First Report of the First Conference
21 Committee on SB09-245, as printed in Senate Journal, May 5, 2009,
22 pages 1567-1568, and repassed the bill as amended.

23

24 The Senate has adopted the First Report of the First Conference
25 Committee on HB09-1282, as printed in Senate Journal, May 5, 2009,
26 page 1572, and repassed the bill as amended.

27 The bill is returned herewith.

28

29 The Senate has adopted the First Report of the First Conference
30 Committee on HB09-1111, as printed in Senate Journal, May 5, 2009,
31 page 1571-1572, and repassed the bill as amended. The bill is returned
32 herewith.

33

34 The Senate has adopted the First Report of the First Conference
35 Committee on HB09-1342, as printed in Senate Journal, May 6, 2009, and
36 repassed the bill as amended. The bill is returned herewith.

37

38

39

40 FIRST REPORT OF FIRST CONFERENCE COMMITTEE 41 on HB09-1111

42 This Report Amends the Rerevised Bill.

43

44 To the President of the Senate and the
45 Speaker of the House of Representatives:

46

47 Your first conference committee appointed on HB09-1111,
48 concerning measures to increase the availability of health resources in
49 designated areas in Colorado, and, in connection therewith, creating the
50 primary care office in the prevention services division in the department
51 of public health and environment to maximize state and federal programs
52 that provide health resources, and making an appropriation, has met and
53 reports that it has agreed upon the following:

54

55 1. That the House accede to the Senate amendments made to the
56 bill, as the amendments appear in the rerevised bill.

1 2. That, under the authority granted the committee to consider
2 matters not at issue between the two houses, the following amendments
3 be recommended:

4
5 Amend rerevised bill, page 18, line 18, after "(10)", insert "(a)";

6
7 strike line 19 and substitute the following:

8
9 "~~AND 2008-09 fiscal year and for each fiscal year thereafter through the~~
10 ~~2011-12 fiscal year~~ YEARS,";

11
12 line 20, strike "year,"

13
14 line 24, strike "~~sixty~~ NINETY thousand SEVENTY" and substitute "sixty
15 thousand".

16
17 Page 19, after line 1, insert the following:

18
19 "(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
20 FOR THE 2009-10 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER
21 THROUGH THE 2011-12 FISCAL YEAR, THE STATE TREASURER SHALL
22 TRANSFER FROM THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT
23 FUND TO THE HEALTH CARE PROFESSIONAL LOAN REPAYMENT FUND
24 CREATED IN SECTION 25-20.5-706, FOR PURPOSES OF THE STATE HEALTH
25 CARE PROFESSIONAL LOAN REPAYMENT PROGRAM, THE LESSER OF NINETY
26 THOUSAND SEVENTY DOLLARS OR SIX PERCENT OF THE AMOUNT
27 ALLOCATED TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT
28 FUND FOR THE FISCAL YEAR PURSUANT TO SECTION 24-75-1104.5 (1.5) (a)
29 (IX), C.R.S., ENACTED BY SENATE BILL 07-097 AT THE FIRST REGULAR
30 SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY."

31
32 Respectfully submitted,

33 House Committee:

34 (signed)

35 Tom Massey

36 Daniel Kagan

37 Jim Riesberg

38

39

Senate Committee:

(signed)

Betty Boyd

Gail Schwartz

Ken Kester

38

39

40 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
41 **on HB09-1137**

42 This Report Amends the Rerevised Bill.

43

44 To the President of the Senate and the
45 Speaker of the House of Representatives:

46

47 Your first conference committee appointed on HB09-1137,
48 concerning intercepts, and, in connection therewith, intercepting
49 gambling winnings to pay outstanding restitution, and requiring the
50 department of revenue to provide specified information to state agencies
51 in conjunction with intercepts of tax refunds, has met and reports that it
52 has agreed upon the following:

53

54 That the House accede to the Senate amendments made to the bill,
55 as the amendments appear in the rerevised bill, with the following
56 changes:

1 Amend rerevised bill, page 3, strike lines 11 through 27.

2

3 Page 4, strike line 1 and substitute the following:

4

5 "(c.5) (I) FOR ALLOCATION DURING THE STATE FISCAL YEARS
6 2010-11 AND 2011-12, BASED ON RECOMMENDATIONS FROM THE
7 ADVISORY BOARD, TO THE GAMBLING PAYMENT INTERCEPT CASH FUND
8 CREATED IN SECTION 24-35-605.5, FOR USE BY THE DEPARTMENT OF
9 REVENUE IN ACCORDANCE WITH SECTION 24-35-605.5 (2) (a); EXCEPT
10 THAT MONEYS SHALL NOT BE ALLOCATED FOR SUCH PURPOSE UNLESS ALL
11 OTHER PERMISSIBLE DISTRIBUTIONS AND ALLOCATIONS HAVE BEEN MADE
12 FROM THE FUND.

13

14 (II) THIS PARAGRAPH(c.5) IS REPEALED, EFFECTIVE JULY 1, 2012."

15

16 Renumber succeeding sections accordingly.

17

18 Page 8, line 18, strike "(3)" and substitute "(3), ANY ALLOCATIONS MADE
19 TO THE FUND PURSUANT TO SECTION 24-33.5-506 (1) (c.5) (I), ANY OTHER
20 MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY,";

21

22 line 20, strike "AND THE JUDICIAL DEPARTMENT ARE" and substitute "IS";

23

24 line 24, after the period, add "THE STATE TREASURER SHALL ALSO CREDIT
25 TO THE FUND ANY MONEYS THAT ARE ALLOCATED THERETO PURSUANT TO
26 SECTION 24-33.5-506 (1) (c.5) (I)."

27

28 Page 9, line 3, after the period, add "AS SOON AS THERE ARE SUFFICIENT
29 MONEYS IN THE FUND, THE DEPARTMENT OF REVENUE SHALL EXPAND THE
30 PROGRAM FOR SUCH PURPOSE."

31

32 Respectfully submitted,

33

House Committee:

34

(signed)

35

Joel Judd

36

Claire Levy

37

Laura Bradford

38

39

40

41

42

43

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on HB09-1157**

44

This Report Adopts the Rerevised Bill.

45

46

47

48

49

50

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52

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54

55

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB09-1157,
concerning the designation of N-benzylpiperazine as a schedule I
controlled substance, has met and reports that it has agreed upon the
following:

1 That the House accede to the Senate amendments made to the bill
2 and that the rerevised bill be adopted without change.

3
4 Respectfully submitted,

5 House Committee:

6 (signed)

7 Mark Waller

8 Jack Pommer

Senate Committee:

(signed)

Mike Kopp

Linda Newell

Mary Hodge

10
11
12
13
14
15 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
16 **on HB09-1282**

17 This Report Amends the Rerevised Bill.

18
19 To the President of the Senate and the
20 Speaker of the House of Representatives:

21
22 Your first conference committee appointed on HB09-1282,
23 concerning the recycling of certain electronic devices, and, in connection
24 therewith, establishing a task force within the department of public health
25 and environment to make recommendations regarding the implementation
26 of electronic device recycling programs and making an appropriation, has
27 met and reports that it has agreed upon the following:

28
29 1. That the House accede to the Senate amendments made to the
30 bill, as the amendments appear in the rerevised bill, with the following
31 changes:

32
33 Amend rerevised bill, page 4, strike lines 4 through 8 and substitute the
34 following:

35
36 "(VI) THREE REPRESENTATIVES OF ELECTRONIC DEVICE
37 MANUFACTURERS, OF WHOM ONE SHALL REPRESENT COMPUTER
38 MANUFACTURERS, ONE SHALL REPRESENT SMALL ELECTRONIC DEVICE
39 MANUFACTURERS, AND ONE SHALL REPRESENT TELEVISION
40 MANUFACTURERS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
41 DEPARTMENT;"

42
43 strike lines 14 through 17 and substitute the following:

44
45 "(IX) FOUR MEMBERS OF THE GENERAL ASSEMBLY, OF WHOM TWO
46 SHALL BE SENATORS APPOINTED BY THE PRESIDENT OF THE SENATE, TWO
47 SHALL BE REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE
48 OF REPRESENTATIVES, AND NO MORE THAN THREE SHALL BE MEMBERS OF
49 THE SAME POLITICAL PARTY."

50
51 2. That, under the authority granted the committee to consider
52 matters not at issue between the two houses, the following amendment be
53 recommended:

54
55

1 Amend rerevised bill, page 3, line 9, strike "NINETEEN" and substitute
2 "SIXTEEN".

3
4
5
6
7
8
9

Respectfully submitted,

House Committee:

(signed)

Randy Fischer

Judy Solano

B. J. Nikkel

Senate Committee:

(signed)

Gail Schwartz

Joyce Foster

Ken Kester

10
11

12
13 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
14 **on HB09-1342**

15 This Report Amends the Rerevised Bill.

16
17
18
19

To the President of the Senate and the
Speaker of the House of Representatives:

20
21
22
23

Your first conference committee appointed on HB09-1342,
concerning the elimination of the state sales and use tax exemption for
cigarettes, and making an appropriation in connection therewith, has met
and reports that it has agreed upon the following:

24
25
26
27

1. That the House accede to the Senate amendments made to the
bill, as the amendments appear in the rerevised bill.

28
29
30
31

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

32

Amend rerevised bill, page 2, after line 14, insert the following:

33
34
35
36
37
38
39
40

"(c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
CONTRARY, FOR ANY LOCAL GOVERNMENT OR POLITICAL SUBDIVISION OF
THE STATE THAT LEVIES A SALES OR USE TAX BASED ON THE SALES OR USE
TAX LEVIED BY THE STATE PURSUANT TO THIS ARTICLE, THE SALE OR
STORAGE, USE, OR CONSUMPTION OF CIGARETTES AFTER JUNE 30, 2009,
AND BEFORE JULY 1, 2011, SHALL BE EXEMPT FROM THE SALES OR USE TAX
OF SUCH LOCAL GOVERNMENT OR POLITICAL SUBDIVISION.

41
42
43

SECTION 2. 29-1-204.5 (3) (f.1) (I), Colorado Revised Statutes,
is amended to read:

44
45
46
47

**29-1-204.5. Establishment of multijurisdictional housing
authorities.** (3) The general powers of such authority shall include the
following powers:

48
49
50

(f.1) (I) Subject to the provisions of subsection (7.5) of this
section, to levy, in all of the area within the boundaries of the authority,
a sales or use tax, or both, at a rate not to exceed one percent, upon every
transaction or other incident with respect to which a sales or use tax is
levied by the state, EXCLUDING THE SALE OR USE OF CIGARETTES. The tax
imposed pursuant to this paragraph (f.1) is in addition to any other sales
or use tax imposed pursuant to law. The executive director of the
department of revenue shall collect, administer, and enforce the sales or

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56

1 use tax, to the extent feasible, in the manner provided in section 29-2-106.
 2 However, the executive director shall not begin the collection,
 3 administration, and enforcement of a sales and use tax until such time as
 4 the financial officer of the authority and the executive director have
 5 agreed on all necessary matters pursuant to subparagraph (III) of
 6 paragraph (e) of subsection (2) of this section. The executive director
 7 shall begin the collection, administration, and enforcement of a sales and
 8 use tax on a date mutually agreeable to the department of revenue and the
 9 authority."

10
 11 Renumber succeeding sections accordingly.

12
 13 Page 5, line 2, after "SALE", insert "OR USE";

14
 15 line 19, after "SALE", insert "OR USE".

16
 17 Page 6, line 6, after "SALE", insert "OR USE";

18
 19 line 23, after "SALE", insert "OR USE".

20
 21 Page 10, after line 10, insert the following:

22
 23 **"SECTION 16.** 43-4-605 (1) (j) (II), Colorado Revised Statutes,
 24 is amended to read:

25
 26 **43-4-605. Powers of the authority - inclusion or exclusion of**
 27 **property - determination of regional transportation system alignment**
 28 **- fund created.** (1) (j) (II) A sales or use tax, or both, levied pursuant to
 29 subparagraph (I) of this paragraph (j) shall not be levied on the sale of
 30 tangible personal property:

31
 32 (A) Delivered by a retailer or a retailer's agent or to a common
 33 carrier for delivery to a destination outside the authority; ~~or~~

34
 35 (B) Upon which specific ownership tax has been paid or is
 36 payable if the purchaser resides outside the boundaries of the authority or
 37 the purchaser's principal place of business is outside the boundaries of the
 38 authority and if the personal property is registered or required to be
 39 registered outside the boundaries of the authority; OR

40
 41 (C) WHERE SUCH TANGIBLE PERSONAL PROPERTY IS A
 42 CIGARETTE."

43
 44 Renumber succeeding sections accordingly.

45
 46 Page 10, line 26, after "sold", insert "or used".

47
 48 Respectfully submitted,

49 House Committee:
 50 (signed)
 51 Debbie Benefield
 52 Daniel Kagan
 53 Don Marostica

Senate Committee:
 (signed)
 Betty Boyd
 Suzanne Williams
 Al White

54
 55
 56

1 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

2
3 Representative King moved that the First Conference Committee on
4 **SB09-241** be granted permission to go beyond the scope of the difference
5 between the House and the Senate. The motion was passed by the
6 following roll call vote:

7
8

| | YES | 59 | NO | 4 | EXCUSED | 2 | ABSENT | 0 |
|----------------|-----|----|----------------|---|------------|---|------------|---|
| 9 Acree | Y | | Green | Y | McCann | Y | Roberts | Y |
| 10 Apuan | Y | | Hullingerhorst | Y | McFadyen | Y | Ryden | Y |
| 11 Balmer | E | | Judd | Y | McKinley | Y | Scanlan | Y |
| 12 Baumgardner | Y | | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 13 Benefield | N | | Kefalas | Y | Merrifield | N | Solano | Y |
| 14 Bradford | Y | | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 15 Casso | Y | | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 16 Court | N | | King S. | Y | Murray | Y | Stephens | Y |
| 17 Curry | Y | | Labuda | Y | Nikkel | Y | Summers | Y |
| 18 Ferrandino | Y | | Lambert | Y | Pace | Y | Swalm | Y |
| 19 Fischer | Y | | Levy | Y | Peniston | N | Tipton | Y |
| 20 Frangas | Y | | Liston | Y | Pommer | Y | Todd | E |
| 21 Gagliardi | Y | | Looper | Y | Primavera | Y | Vaad | Y |
| 22 Gardner B. | Y | | Marostica | Y | Priola | Y | Vigil | Y |
| 23 Gardner C. | Y | | Massey | Y | Rice | Y | Waller | Y |
| 24 Gerou | Y | | May | Y | Riesberg | Y | Weissmann | Y |
| 25 | | | | | | | Speaker | Y |

26
27
28 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

29
30 **HB09-1111** by Representative(s) Massey, Swalm; also Senator(s) Boyd
31 and Schwartz--Concerning measures to increase the
32 availability of health resources in designated areas in
33 Colorado, and, in connection therewith, creating the
34 primary care office in the prevention services division in
35 the department of public health and environment to
36 maximize state and federal programs that provide health
37 resources, and making an appropriation.

38
39 (Conference Committee Report printed in House Journal, May 6,
40 pages 1849-1850.)

41
42 On motion of Representative Massey, the Conference Committee Report
43 was **adopted** by the following roll call vote:

44
45

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

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

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

| 12 | YES | 63 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 13 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 14 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 15 | Balmer | E | Judd | Y | McKinley | Y | Scanlan | Y |
| 16 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 17 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 18 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 19 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 20 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 21 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 22 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 23 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 24 | Frangas | Y | Liston | Y | Pommer | Y | Todd | E |
| 25 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 26 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 27 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 28 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 29 | | | | | | | Speaker | Y |

30 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Kefalas, Looper,
31 Priola, Ryden

32
33 **HB09-1137** by Representative(s) Judd; also Senator(s) Newell--
34 Concerning intercepts, and, in connection therewith,
35 intercepting gambling winnings to pay outstanding
36 Restitution, and requiring the department of revenue to
37 provide specified information to state agencies in
38 conjunction with intercepts of tax refunds, and making an
39 appropriation.
40

41 (Conference Committee Report printed in House Journal, May 6,
42 pages 1850-1851.)

43
44 On motion of Representative Judd, the Conference Committee Report
45 was **adopted** by the following roll call vote:

| 47 | YES | 41 | NO | 22 | EXCUSED | 2 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 48 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 49 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 50 | Balmer | E | Judd | Y | McKinley | Y | Scanlan | Y |
| 51 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 52 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 53 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 54 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 55 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 56 | Curry | Y | Labuda | Y | Nikkel | N | Summers | Y |

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

10 The question being "Shall the bill, as amended, pass?".

11 A roll call vote was taken. As shown by the following recorded vote, a
12 majority of those elected to the House voted in the affirmative and the
13 bill, as amended, was declared **repassed**.

| 15 | YES | 37 | NO | 26 | EXCUSED | 2 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 16 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 17 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 18 | Balmer | E | Judd | Y | McKinley | N | Scanlan | Y |
| 19 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 20 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 21 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 22 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 23 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 24 | Curry | Y | Labuda | Y | Nikkel | N | Summers | Y |
| 25 | Ferrandino | Y | Lambert | N | Pace | N | Swalm | Y |
| 26 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 27 | Frangas | Y | Liston | N | Pommer | Y | Todd | E |
| 28 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 29 | Gardner B. | N | Marostica | N | Priola | N | Vigil | Y |
| 30 | Gardner C. | N | Massey | N | Rice | Y | Waller | N |
| 31 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 32 | | | | | | | Speaker | Y |

33 Co-sponsor(s) added: Representative(s) Kefalas, Labuda

34
35 **HB09-1157** by Representative(s) Waller, Baumgardner, Bradford,
36 King S., Liston, Stephens; also Senator(s) Kopp, King K.,
37 Scheffel--Concerning the designation of N-
38 benzylpiperazine as a schedule I controlled substance.

39
40 (Conference Committee Report printed in House Journal, May 6,
41 pages 1851-1852.)

42
43 Representative Waller, moved that the House adopt the Conference
44 Committee Report. A substitute motion by Representative Ferrandino that
45 the House **adhere** to its position was declared **lost** by the following roll
46 call vote:

| 47 | YES | 26 | NO | 38 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 48 | Acree | N | Green | Y | McCann | N | Roberts | N |
| 49 | Apuan | N | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 50 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | N |
| 51 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 52 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 53 | Bradford | N | Kerr A. | Y | Middleton | N | Sonnenberg | N |
| 54 | Casso | N | Kerr J. | N | Miklosi | Y | Soper | N |
| 55 | Court | N | King S. | N | Murray | N | Stephens | N |
| 56 | Curry | N | Labuda | Y | Nikkel | N | Summers | N |

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

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A second substitute motion by Representative Levy that the House reject the Conference Committee Report, discharge the First Conference Committee for **HB09-1157**, and that a Second Conference Committee be appointed was declared **lost** by the following roll call vote:

| | YES | 27 | NO | 37 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 17 | Acree | N | Green | Y | McCann | N | Roberts | N |
| 18 | Apuan | N | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 19 | Balmer | N | Judd | Y | McKinley | N | Scanlan | Y |
| 20 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 21 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 22 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 23 | Casso | N | Kerr J. | N | Miklosi | Y | Soper | N |
| 24 | Court | N | King S. | N | Murray | N | Stephens | N |
| 25 | Curry | N | Labuda | Y | Nikkel | N | Summers | N |
| 26 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 27 | Fischer | Y | Levy | Y | Peniston | N | Tipton | N |
| 28 | Frangas | Y | Liston | N | Pommer | Y | Todd | E |
| 29 | Gagliardi | N | Looper | N | Primavera | Y | Vaad | N |
| 30 | Gardner B. | N | Marostica | N | Priola | N | Vigil | Y |
| 31 | Gardner C. | N | Massey | N | Rice | N | Waller | N |
| 32 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 33 | | | | | | | Speaker | Y |

Representative Waller's motion that the Conference Committee Report be **adopted** was declared **passed** by the following roll call vote:

| | YES | 40 | NO | 24 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 40 | Acree | Y | Green | N | McCann | Y | Roberts | Y |
| 41 | Apuan | Y | Hullinghorst | N | McFadyen | N | Ryden | N |
| 42 | Balmer | Y | Judd | N | McKinley | N | Scanlan | Y |
| 43 | Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | Y |
| 44 | Benefield | N | Kefalas | N | Merrifield | N | Solano | N |
| 45 | Bradford | Y | Kerr A. | N | Middleton | Y | Sonnenberg | Y |
| 46 | Casso | Y | Kerr J. | Y | Miklosi | N | Soper | Y |
| 47 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 48 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 49 | Ferrandino | N | Lambert | Y | Pace | N | Swalm | Y |
| 50 | Fischer | N | Levy | N | Peniston | Y | Tipton | Y |
| 51 | Frangas | N | Liston | Y | Pommer | Y | Todd | E |
| 52 | Gagliardi | N | Looper | Y | Primavera | N | Vaad | Y |
| 53 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | N |
| 54 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 55 | Gerou | Y | May | Y | Riesberg | N | Weissmann | N |
| 56 | | | | | | | Speaker | N |

1 The question being "Shall the bill, as amended, pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the
 4 bill, as amended, was declared **repassed**.

| | YES | 39 | NO | 25 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 7 | Acree | Y | Green | N | McCann | Y | Roberts | Y |
| 8 | Apuan | Y | Hullinghorst | N | McFadyen | Y | Ryden | N |
| 9 | Balmer | Y | Judd | N | McKinley | N | Scanlan | Y |
| 10 | Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | N |
| 11 | Benefield | N | Kefalas | N | Merrifield | N | Solano | N |
| 12 | Bradford | Y | Kerr A. | N | Middleton | Y | Sonnenberg | Y |
| 13 | Casso | Y | Kerr J. | Y | Miklosi | N | Soper | Y |
| 14 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 15 | Curry | Y | Labuda | N | Nikkel | Y | Summers | Y |
| 16 | Ferrandino | N | Lambert | Y | Pace | N | Swalm | Y |
| 17 | Fischer | N | Levy | N | Peniston | Y | Tipton | Y |
| 18 | Frangas | N | Liston | Y | Pommer | Y | Todd | E |
| 19 | Gagliardi | N | Looper | Y | Primavera | N | Vaad | Y |
| 20 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | N |
| 21 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 22 | Gerou | Y | May | Y | Riesberg | N | Weissmann | N |
| 23 | | | | | | | Speaker | N |

24 Co-sponsor(s) added: Representative(s) Gardner B., Lambert, Murray

25
 26 **HB09-1282** by Representative(s) Fischer; also Senator(s) Schwartz,
 27 Hodge--Concerning the recycling of certain electronic
 28 devices, and, in connection therewith, establishing a task
 29 force within the department of public health and
 30 environment to make recommendations regarding the
 31 implementation of electronic device recycling programs
 32 and making an appropriation.

33
 34 (Conference Committee Report printed in House Journal, May 6,
 35 pages 1852-1853.)

36
 37 On motion of Representative Fischer, the Conference Committee Report
 38 was **adopted** by the following roll call vote:

| | YES | 52 | NO | 12 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 40 | Acree | N | Green | Y | McCann | Y | Roberts | Y |
| 41 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 42 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 43 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 44 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 45 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 46 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 47 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 48 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 49 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | Y |
| 50 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 51 | Frangas | Y | Liston | Y | Pommer | Y | Todd | E |
| 52 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | N |
| 53 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |
| 54 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 55 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y |
| 56 | | | | | | | Speaker | Y |

1 The question being "Shall the bill, as amended, pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the
 4 bill, as amended, was declared **repassed**.

| | YES | 46 | NO | 18 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 7 | Acree | N | Green | Y | McCann | Y | Roberts | Y |
| 8 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 9 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 10 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 11 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 12 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 13 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 14 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 15 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 16 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 17 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 18 | Frangas | Y | Liston | N | Pommer | Y | Todd | E |
| 19 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 20 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |
| 21 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 22 | Gerou | Y | May | N | Riesberg | Y | Weissmann | Y |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Levy, Pace,
 25 Pommer

26
 27 **HB09-1342** by Representative(s) Benefield and Kagan, Ferrandino,
 28 Fischer, Gagliardi, Green, Hullinghorst, Judd, Kerr A.,
 29 Labuda, McCann, Merrifield, Middleton, Ryden, Scanlan,
 30 Todd; also Senator(s) Boyd and Williams, Bacon,
 31 Carroll M., Foster, Heath, Hudak, Morse, Newell, Romer,
 32 Schwartz, Shaffer B., Veiga--Concerning the elimination
 33 of the state sales and use tax exemption for cigarettes, and
 34 making an appropriation in connection therewith.

35
 36 (Conference Committee Report printed in House Journal, May 6,
 37 pages 1853-1854.)

38
 39 On motion of Representative Kagan, the Conference Committee Report
 40 was **adopted** by the following roll call vote:

| | YES | 39 | NO | 25 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 43 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 44 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 45 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y |
| 46 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 47 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 48 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 49 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 50 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 51 | Curry | Y | Labuda | Y | Nikkel | N | Summers | Y |
| 52 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 53 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 54 | Frangas | Y | Liston | N | Pommer | Y | Todd | E |
| 55 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 56 | Gardner B. | N | Marostica | Y | Priola | N | Vigil | Y |

| | | | | | | | | |
|---|------------|---|--------|---|----------|---|-----------|---|
| 1 | Gardner C. | N | Massey | N | Rice | Y | Waller | N |
| 2 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 3 | | | | | | | Speaker | Y |

4
5 The question being "Shall the bill, as amended, 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
8 bill, as amended, was declared **repassed**.

| 10 | YES | 37 | NO | 27 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 11 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 12 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 13 | Balmer | N | Judd | Y | McKinley | N | Scanlan | Y |
| 14 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 15 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 16 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 17 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 18 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 19 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 20 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 21 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 22 | Frangas | Y | Liston | N | Pommer | Y | Todd | E |
| 23 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 24 | Gardner B. | N | Marostica | Y | Priola | N | Vigil | Y |
| 25 | Gardner C. | N | Massey | N | Rice | Y | Waller | N |
| 26 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 27 | | | | | | | Speaker | Y |

28
29
30 House in recess. House reconvened.
31

32
33
34 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
35 **on SB09-241**

36
37 This Report Amends the Reengrossed Bill.

38
39 To the President of the Senate and the
40 Speaker of the House of Representatives:

41
42 Your first conference committee appointed on SB09-241,
43 concerning DNA testing of adults arrested for a felony, and making an
44 appropriation therefor, has met and reports that it has agreed upon the
45 following:

46
47 1. That the House recede from its amendments made to the bill,
48 as the amendments appear in the rerevised bill, and that the following
49 amendments be substituted therefor:

50
51 Amend reengrossed bill, page 2, line 25, strike "SEPTEMBER 1, 2009," and
52 substitute "SEPTEMBER 30, 2010,".

53
54 Page 3, line 7, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER
55 30, 2010,";

56

1 line 8, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER 30,
2 2010,";

3
4 line 13, strike "SEPTEMBER 1, 2009," and substitute "SEPTEMBER 30,
5 2010,";

6
7 line 22, strike "(2)" and substitute "(2) (a)".

8
9 Page 4, strike lines 19 through 24.

10
11 Page 5, line 7, strike "SYSTEM AND" and substitute "SYSTEM AFTER
12 RECEIVING CONFIRMATION FROM THE ARRESTING OR CHARGING AGENCY
13 THAT THE ADULT WAS CHARGED WITH A FELONY. IF THE COLORADO
14 BUREAU OF INVESTIGATION DOES NOT RECEIVE CONFIRMATION OF A
15 FELONY CHARGE WITHIN A YEAR AFTER RECEIVING THE SAMPLE FOR
16 TESTING, THE COLORADO BUREAU OF INVESTIGATION SHALL DESTROY THE
17 BIOLOGICAL SAMPLE AND ANY RESULTS FROM THE TESTING OF THE
18 SAMPLE. THE COLORADO BUREAU OF INVESTIGATION";

19
20 strike lines 11 through 27 and substitute the following:

21
22 **"16-23-105. Expungement.** (1) EXCEPT AS PROVIDED IN
23 SUBSECTION (7) OF THIS SECTION, A PERSON WHOSE BIOLOGICAL
24 SUBSTANCE SAMPLE IS COLLECTED PURSUANT TO SECTION 16-23-103
25 QUALIFIES FOR EXPUNGEMENT IF:

26
27 (a) IN THE CASE OF A SAMPLE COLLECTED BASED UPON THE FILING
28 OF A CHARGE OR BASED UPON A FINAL COURT ORDER, EACH FELONY
29 CHARGE STEMMING FROM THE CHARGES HAS, BY FINAL COURT ORDER,
30 BEEN DISMISSED, RESULTED IN AN ACQUITTAL, OR RESULTED IN A
31 CONVICTION FOR AN OFFENSE OTHER THAN A FELONY OFFENSE DESCRIBED
32 IN TITLE 18, C.R.S.;

33
34 (b) IN THE CASE OF A SAMPLE COLLECTED BASED UPON AN ARREST:

35
36 (I) A FELONY CHARGE WAS NOT FILED WITHIN NINETY DAYS AFTER
37 THE ARREST; OR

38
39 (II) EACH FELONY CHARGE STEMMING FROM THE ARREST HAS, BY
40 FINAL COURT ORDER, BEEN DISMISSED, RESULTED IN AN ACQUITTAL, OR
41 RESULTED IN A CONVICTION FOR AN OFFENSE OTHER THAN A FELONY
42 OFFENSE.

43
44 (2) A PERSON WHO QUALIFIES FOR EXPUNGEMENT UNDER
45 SUBSECTION (1) OF THIS SECTION MAY SUBMIT A WRITTEN REQUEST FOR
46 EXPUNGEMENT TO THE COLORADO BUREAU OF INVESTIGATION. THE
47 REQUEST SHALL INCLUDE THE ITEMS LISTED IN THIS SUBSECTION (2) AND
48 MAY INCLUDE ANY ADDITIONAL INFORMATION THAT MAY ASSIST THE
49 BUREAU IN LOCATING THE RECORDS OF ARREST OR CHARGES OR THE
50 BIOLOGICAL SUBSTANCE SAMPLE OR TESTING RESULTS. THE FOLLOWING
51 INFORMATION SHALL BE INCLUDED IN THE SUBMITTED REQUEST:

52
53 (a) THE PERSON'S NAME, DATE OF BIRTH, AND MAILING ADDRESS;

54
55 (b) THE NAME OF THE AGENCY THAT COLLECTED THE BIOLOGICAL
56 SUBSTANCE SAMPLE;

1 (c) THE DATE OF ARREST OR OTHER DATE WHEN THE SAMPLE WAS
2 TAKEN;

3
4 (d) WHETHER ANY CHARGES WERE FILED STEMMING FROM THE
5 ARREST FOR WHICH A BIOLOGICAL SUBSTANCE SAMPLE WAS COLLECTED,
6 THE IDENTITY OF THE COURT, AND THE CASE NUMBER OF EACH CASE IN
7 WHICH CHARGES WERE FILED; AND

8
9 (e) A DECLARATION THAT, TO THE BEST OF THE PERSON'S
10 KNOWLEDGE, HE OR SHE QUALIFIES FOR EXPUNGEMENT.

11
12 (3) UPON RECEIPT OF A REQUEST SATISFYING THE REQUIREMENTS
13 OF SUBSECTION (2) OF THIS SECTION, THE COLORADO BUREAU OF
14 INVESTIGATION SHALL PROMPTLY SUBMIT A WRITTEN INQUIRY TO THE
15 DISTRICT ATTORNEY IN THE JURISDICTION IN WHICH THE PERSON'S
16 BIOLOGICAL SUBSTANCE SAMPLE WAS COLLECTED CONCERNING THE
17 OUTCOME OF THE ARREST OR CHARGES.

18
19 (4) WITHIN NINETY DAYS AFTER RECEIVING THE REQUEST
20 SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE
21 COLORADO BUREAU OF INVESTIGATION SHALL DESTROY THE BIOLOGICAL
22 SUBSTANCE SAMPLE COLLECTED PURSUANT TO SECTION 16-23-103 AND
23 EXPUNGE THE RESULTS OF THE TESTING OF THE SAMPLE FROM THE
24 FEDERAL COMBINED DNA INDEX SYSTEM AND ANY STATE INDEX SYSTEM,
25 UNLESS THE BUREAU RECEIVES WRITTEN NOTIFICATION FROM THE
26 APPLICABLE DISTRICT ATTORNEY THAT THE PERSON DOES NOT QUALIFY
27 FOR EXPUNGEMENT AND THE REASONS THAT THE PERSON DOES NOT
28 QUALIFY.

29
30 (5) WITHIN THIRTY DAYS AFTER RECEIVING A NOTICE FROM A
31 DISTRICT ATTORNEY PURSUANT TO SUBSECTION (4) OF THIS SECTION, OR
32 AT THE END OF THE NINETY-DAY PERIOD IDENTIFIED IN SUBSECTION (4) OF
33 THIS SECTION, WHICHEVER IS EARLIER, THE COLORADO BUREAU OF
34 INVESTIGATION SHALL SEND NOTIFICATION BY FIRST CLASS MAIL TO THE
35 PERSON ARRESTED OR CHARGED, EITHER STATING THAT THE BUREAU HAS
36 DESTROYED THE BIOLOGICAL SUBSTANCE SAMPLE AND EXPUNGED THE
37 RESULTS OF THE TESTING OF THE SAMPLE OR STATING WHY THE BUREAU
38 HAS NOT DESTROYED THE SAMPLE AND EXPUNGED THE TEST RESULTS.

39
40 (6) A DATA BANK OR DATABASE MATCH SHALL NOT BE ADMITTED
41 AS EVIDENCE AGAINST A PERSON IN A CRIMINAL PROSECUTION AND SHALL
42 NOT BE USED AS A BASIS TO IDENTIFY A PERSON IF THE MATCH IS:

43
44 (a) DERIVED FROM A BIOLOGICAL SUBSTANCE SAMPLE THAT IS
45 REQUIRED TO BE DESTROYED OR EXPUNGED PURSUANT TO THIS SECTION;
46 AND

47
48 (b) OBTAINED AFTER THE REQUIRED DATE OF DESTRUCTION OR
49 EXPUNGEMENT.

50
51 (7) THIS SECTION SHALL NOT APPLY IF THE PERSON HAS BEEN
52 ARRESTED FOR, CHARGED WITH, OR CONVICTED OF SOME OTHER OFFENSE
53 ON THE BASIS OF WHICH A BIOLOGICAL SUBSTANCE SAMPLE WAS OR COULD
54 HAVE BEEN COLLECTED UNDER STATE STATUTE.

55
56 (8) FOR PURPOSES OF THIS SECTION, A COURT ORDER SHALL NOT BE

1 DEEMED FINAL IF TIME REMAINS FOR AN APPEAL OR APPLICATION FOR
2 DISCRETIONARY REVIEW WITH RESPECT TO THE ORDER."

3

4 Strike page 6.

5

6 Page 7, strike lines 1 through 24.

7

8 Page 9, line 8, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND
9 FIFTY CENTS";

10

11 line 19, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY
12 CENTS";

13

14 line 27, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY
15 CENTS".

16

17 Page 10, line 7, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND
18 FIFTY CENTS";

19

20 line 15, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY
21 CENTS";

22

23 line 23, strike "FIVE DOLLARS" and substitute "TWO DOLLARS AND FIFTY
24 CENTS".

25

26 Page 11, line 11, strike "THROUGH" and substitute "TO".

27

28 Page 15, line 23, strike "~~to~~ THROUGH" and substitute "to".

29

30 Page 16, after line 27, insert the following:

31

32 **"SECTION 10.** 18-1-412, Colorado Revised Statutes, is amended
33 **BY THE ADDITION OF A NEW SUBSECTION** to read:

34

35 **18-1-412. Procedure for application for DNA testing -**
36 **appointment of counsel.** (9) UPON MOTION OF THE DEFENDANT OR HIS
37 OR HER COUNSEL, THE COURT SHALL ORDER A DATABASE SEARCH BY A
38 LAW ENFORCEMENT AGENCY IF THE COURT DETERMINES THAT A
39 REASONABLE PROBABILITY EXISTS THAT THE DATABASE SEARCH WILL
40 PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM
41 OF WRONGFUL CONVICTION OR SENTENCING. DNA PROFILES MUST MEET
42 CURRENT NATIONAL DNA DATABASE INDEX SYSTEM ELIGIBILITY
43 STANDARDS AND CONFORM TO CURRENT FEDERAL BUREAU OF
44 INVESTIGATION QUALITY ASSURANCE STANDARDS IN ORDER TO BE
45 ELIGIBLE FOR SEARCH AGAINST THE STATE INDEX SYSTEM."

46

47 Renumber succeeding sections accordingly.

48

49 Page 17, line 9, strike "12" and substitute "14".

50

51 2. That, under the authority granted the committee to consider
52 matters not at issue between the two houses, the following amendments
53 be recommended:

54

55 Page 4, after line 1, insert the following:

56

1 "(b) WHEN AN ACTION OCCURS THAT QUALIFIES AN ADULT FOR
2 EXPUNGEMENT PURSUANT TO SECTION 16-23-105 (1), THE COURT OR
3 DISTRICT ATTORNEY SHALL ADVISE THE ADULT THAT THE ADULT MAY
4 MAKE A REQUEST TO THE COLORADO BUREAU OF INVESTIGATION TO HAVE
5 THE BIOLOGICAL SUBSTANCE SAMPLE COLLECTED PURSUANT TO SECTION
6 16-23-103 DESTROYED AND RESULTS OF THE TESTING OF THE SAMPLE
7 EXPUNGED FROM THE FEDERAL COMBINED DNA INDEX SYSTEM AND ANY
8 STATE INDEX SYSTEM PURSUANT TO THE PROCESS DESCRIBED IN SECTION
9 16-23-105.";

10

11 Page 8, after line 18, insert the following:

12

13 "**SECTION 4.** 24-33.5-104.5 (3), Colorado Revised Statutes, is
14 amended to read:

15

16 **24-33.5-104.5. Powers of executive director - DNA evidence**
17 **issues - working group.** (3) (a) After completing the report required in
18 subsection (2) of this section, the working group shall convene to make
19 recommendations to the general assembly for legislation addressing the
20 issues of DNA evidence retention and storage. The recommendations
21 shall include, but need not be limited to, standardized timelines for
22 retention of reasonable and relevant DNA evidence, provision of storage
23 facilities, and best practices for evidence collection and storage. The
24 working group shall make its recommendations by December 1, 2010.

25

26 (b) THE WORKING GROUP SHALL CONVENE TO DISCUSS AND MAKE
27 RECOMMENDATIONS REGARDING THE APPROPRIATENESS AND
28 IMPLEMENTATION OF SENATE BILL 09-241. PRIOR TO JANUARY 12, 2010,
29 THE WORKING GROUP SHALL PROVIDE A REPORT TO THE GENERAL
30 ASSEMBLY REGARDING ITS DISCUSSION AND RECOMMENDATIONS
31 REGARDING THE APPROPRIATENESS AND IMPLEMENTATION OF SENATE
32 BILL 09-241. THE REPORT MAY INCLUDE BOTH A MAJORITY AND MINORITY
33 REPORT."

34

35 Renumber succeeding sections accordingly.

36

37 Page 17, line 8, strike "implementation" and substitute "preparation for
38 implementation and implementation".

39

40 Respectfully submitted,

41 Senate Committee:

42 (signed)

43 John P. Morse

44 Linda Newell

45 Josh Penry

46

47

48

49 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

50

51 **SB09-241** by Senator(s) Morse; also Representative(s) King S. and
52 Tipton--Concerning DNA testing of adults arrested for a
53 felony, and making an appropriation therefor.

54

55 (Conference Committee Report printed in House Journal, May 6,
56 pages 1861-1865.)

1 On motion of Representative King S., the Conference Committee Report
2 was **adopted** by the following roll call vote:

| | YES | 64 | NO | 0 | EXCUSED | 1 | ABSENT | 0 |
|---------------|-----|--------------|----|------------|---------|------------|--------|---|
| 5 Acree | Y | Green | Y | McCann | Y | Roberts | Y | |
| 6 Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y | |
| 7 Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y | |
| 8 Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y | |
| 9 Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y | |
| 10 Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y | |
| 11 Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y | |
| 12 Court | Y | King S. | Y | Murray | Y | Stephens | Y | |
| 13 Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y | |
| 14 Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y | |
| 15 Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y | |
| 16 Frangas | Y | Liston | Y | Pommer | Y | Todd | E | |
| 17 Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y | |
| 18 Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y | |
| 19 Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y | |
| 20 Gerou | Y | May | Y | Riesberg | Y | Weissmann | Y | |
| 21 | | | | | | Speaker | Y | |

22
23 The question being "Shall the bill, as amended, pass?".
24 A roll call vote was taken. As shown by the following recorded vote, a
25 majority of those elected to the House voted in the affirmative and the
26 bill, as amended, was declared **repassed**.

| | YES | 52 | NO | 12 | EXCUSED | 1 | ABSENT | 0 |
|----------------|-----|--------------|----|------------|---------|------------|--------|---|
| 29 Acree | Y | Green | Y | McCann | Y | Roberts | Y | |
| 30 Apuan | Y | Hullinghorst | N | McFadyen | N | Ryden | Y | |
| 31 Balmer | Y | Judd | N | McKinley | N | Scanlan | Y | |
| 32 Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | Y | |
| 33 Benefield | N | Kefalas | Y | Merrifield | Y | Solano | Y | |
| 34 Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y | |
| 35 Casso | Y | Kerr J. | Y | Miklosi | N | 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 | N | Swalm | Y | |
| 39 Fischer | Y | Levy | N | Peniston | Y | Tipton | Y | |
| 40 Frangas | Y | Liston | Y | Pommer | Y | Todd | E | |
| 41 Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y | |
| 42 Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | N | |
| 43 Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y | |
| 44 Gerou | Y | May | Y | Riesberg | Y | Weissmann | N | |
| 45 | | | | | | Speaker | N | |

46 Co-sponsor(s) added: Representative(s) Acree, Bradford, Casso, Curry,
47 Gardner B., Kerr J., Lambert, Peniston, Priola, Scanlan

51 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

52
53 The Speaker has signed: **HB09-1250, 1303, 1311; SJM09-003;**
54 **SJR09-034, 040, 047, 054, 055, 057, 058.**

55
56

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB09-1205, 1248,1313, 1339** at 1:00 p.m. on May 6, 2009.

MESSAGE(S) FROM THE SENATE

The Senate has adopted the First Report of the First Conference Committee on HB09-1274, as printed in Senate Journal, May 6, 2009, and failed to repass the bill as amended. The bill is returned herewith.

The Senate has adopted and transmits herewith: HJR09-1028.

House in recess. House reconvened.

MESSAGE(S) FROM THE SENATE

The Senate has adopted the First Report of the Second Conference Committee on HB09-1163, as printed in Senate Journal, May 6, 2009, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on HB09-1094, as printed in Senate Journal, May 6, 2009, and repassed the bill as amended. The bill is returned herewith.

The Senate voted to concur in House amendments to SB09-285, SB09-286, and repassed the bills as so amended.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on HB09-1094**

This Report Amends the Rerevised Bill.

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB09-1094, concerning wireless telephone prohibitions for drivers, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 9, strike "EIGHTEEN" and substitute "UNDER EIGHTEEN";

- 1 line 10, strike "OR YOUNGER";
2
3 line 11, strike "FOR THE PURPOSE OF ENGAGING IN TEXT MESSAGING";
4
5 line 12, strike "OR OTHER FORMS OF MANUAL DATA ENTRY OR
6 TRANSMISSION";
7
8 line 13, strike "vehicle" and substitute "vehicle."
9
10 line 14, strike "WHILE THE VEHICLE IS IN";
11
12 strike line 15;
13
14 after line 18, insert the following:
15
16 "(3) A PERSON EIGHTEEN YEARS OF AGE OR OLDER SHALL NOT USE
17 A WIRELESS TELEPHONE FOR THE PURPOSE OF ENGAGING IN TEXT
18 MESSAGING OR OTHER SIMILAR FORMS OF MANUAL DATA ENTRY OR
19 TRANSMISSION WHILE OPERATING A MOTOR VEHICLE."
20
21 Renumber succeeding subsections accordingly.
22
23 Page 3, line 19, after "(2)", insert "OR (3)";
24
25 line 24, after "(2)", insert "OR (3)";
26
27 line 27, after "(2)", insert "OR (3)".
28
29 Page 4, strike lines 4 through 8.
30
31 Renumber succeeding subsections accordingly.
32
33 Page 5, line 21, strike "(4)" and substitute "(5)";
34
35 line 22, strike "(4)" and substitute "(5)";
36
37 strike lines 24 through 27.
38
39 Page 6, strike lines 1 through 23.
40
41 Renumber succeeding sections accordingly.
42
43 Page 1, line 101, strike "**DRIVERS, AND**" and substitute "**DRIVERS.**";
44
45 strike line 102.
46
47 2. That, under the authority granted the committee to consider
48 matters not at issue between the two houses, the following amendments
49 be recommended:
50
51 Amend rerevised bill, page 2, line 19, strike ""HANDS-FREE ACCESSORY"
52 MEANS A" and substitute ""OPERATING A MOTOR VEHICLE" MEANS
53 DRIVING A MOTOR VEHICLE ON A PUBLIC HIGHWAY, BUT "OPERATING A
54 MOTOR VEHICLE" SHALL NOT MEAN MAINTAINING THE INSTRUMENTS OF
55 CONTROL WHILE THE MOTOR VEHICLE IS AT REST IN A SHOULDER LANE OR
56 LAWFULLY PARKED.";

1 strike lines 20 through 26.

2

3 Reletter succeeding paragraphs accordingly.

4

5 Page 3, line 3, after "OTHER", insert "SIMILAR".

6

7 Page 4, strike lines 9 through 14 and substitute the following:

8

9 ~~"(4) (5) (a) An operator of a motor vehicle shall not be cited for~~
10 ~~a violation of subsection (2) of this section unless such operator was~~
11 ~~stopped by~~ THE OPERATOR WAS UNDER EIGHTEEN YEARS OF AGE AND a
12 law enforcement officer ~~for an alleged violation of articles 1 to 4 of this~~
13 ~~title other than a violation of this section~~ SAW THE OPERATOR USE, AS
14 DEFINED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, A
15 WIRELESS TELEPHONE.

16

17 (b) AN OPERATOR OF A MOTOR VEHICLE SHALL NOT BE CITED FOR
18 A VIOLATION OF SUBSECTION (3) OF THIS SECTION UNLESS THE OPERATOR
19 WAS EIGHTEEN YEARS OF AGE OR OLDER AND A LAW ENFORCEMENT
20 OFFICER SAW THE OPERATOR USE A WIRELESS TELEPHONE FOR THE
21 PURPOSE OF ENGAGING IN TEXT MESSAGING OR OTHER SIMILAR FORMS OF
22 MANUAL DATA ENTRY OR TRANSMISSION."

23

24 Respectfully submitted,

25 House Committee:
26 (signed)
27 Claire Levy
28 Randy Fischer
29 Frank McNulty

Senate Committee:
(signed)
Bob Bacon
Joyce Foster
Ken Kester

30

31

32

33

34

35 **FIRST REPORT OF SECOND CONFERENCE COMMITTEE**
36 **on HB09-1163**

37

38 This Report Amends the Rerevised Bill.

39

40 To the President of the Senate and the
41 Speaker of the House of Representatives:

42

43 Your second conference committee appointed on HB09-1163,
44 concerning crimes in which the victim is a child, has met and reports that
45 it has agreed upon the following:

46

47 That the House accede to the Senate amendments made to the bill,
48 as the amendments appear in the rerevised bill, with the following
49 changes:

50

51 Amend rerevised bill, page 6, strike lines 7 through 27.

52

53 Strike pages 7 through 10.

54

55

1 Page 11, strike lines 1 through 7.
 2
 3 Renumber succeeding sections accordingly.
 4
 5 Respectfully submitted,
 6 House Committee: Senate Committee:
 7 (signed) (signed)
 8 Andy Kerr Jennifer Veiga
 9 Claire Levy Chris Romer

10
 11
 12 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

13
 14 **HB09-1094** by Representative(s) Levy, Fischer, Hulinghorst, Kefalas;
 15 also Senator(s) Bacon--Concerning wireless telephone
 16 prohibitions for drivers, and making an appropriation in
 17 connection therewith.

18
 19 (Conference Committee Report printed in House Journal, May 6,
 20 pages 1867-1869.)

21
 22 On motion of Representative Levy, the Conference Committee Report
 23 was **adopted** by the following roll call vote:

| | YES | 61 | NO | 3 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 26 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 27 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 28 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 29 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 30 | Benefield | Y | Kefalas | N | Merrifield | Y | Solano | Y |
| 31 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 32 | Casso | N | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 33 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 34 | Curry | Y | Labuda | Y | Nikkel | Y | Summers | Y |
| 35 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 36 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | Y |
| 37 | Frangas | Y | Liston | Y | Pommer | Y | Todd | E |
| 38 | Gagliardi | Y | Looper | Y | Primavera | Y | Vaad | Y |
| 39 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 40 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 41 | Gerou | Y | May | Y | Riesberg | N | Weissmann | Y |
| 42 | | | | | | | Speaker | Y |

43
 44 The question being "Shall the bill, as amended, pass?".
 45 A roll call vote was taken. As shown by the following recorded vote, a
 46 majority of those elected to the House voted in the affirmative and the
 47 bill, as amended, was declared **repassed**.

| | YES | 50 | NO | 14 | EXCUSED | 1 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 49 | Acree | Y | Green | Y | McCann | Y | Roberts | N |
| 50 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 51 | Balmer | Y | Judd | Y | McKinley | N | Scanlan | Y |
| 52 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 53 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 54 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 55 | Casso | N | Kerr J. | N | Miklosi | Y | Soper | Y |
| 56 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |

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

10 Representative Kefalas requested his name be removed as sponsor.

11 Co-sponsor(s) added: Representative(s) Bradford, King S., Merrifield

12

13 **HB09-1163** by Representative(s) Gardner C., Baumgardner, Bradford,
14 King S., Looper, May, McNulty, Murray, Scanlan,
15 Summers, Tipton, Todd, Vaad; also Senator(s) Romer,
16 Spence, Brophy, Harvey--Concerning crimes in which the
17 victim is a child.

18

19 (First Report of the Second Conference Committee printed in House
20 Journal, May 6, pages 1869-1870.)

21

22 On motion of Representative Levy, the Conference Committee Report
23 was **adopted** by the following roll call vote:

24

| 25 | YES | 35 | NO | 28 | EXCUSED | 2 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 26 | Acree | N | Green | Y | McCann | Y | Roberts | Y |
| 27 | Apuan | N | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 28 | Balmer | N | Judd | Y | McKinley | Y | Scanlan | Y |
| 29 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 30 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 31 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 32 | Casso | N | Kerr J. | N | Miklosi | N | Soper | Y |
| 33 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 34 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 35 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 36 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | N |
| 37 | Frangas | Y | Liston | N | Pommer | Y | Todd | E |
| 38 | Gagliardi | E | Looper | N | Primavera | Y | Vaad | N |
| 39 | Gardner B. | N | Marostica | N | Priola | N | Vigil | Y |
| 40 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 41 | Gerou | N | May | N | Riesberg | Y | Weissmann | Y |
| 42 | | | | | | | Speaker | Y |

43

44 The question being "Shall the bill, as amended, pass?".

45 A roll call vote was taken. As shown by the following recorded vote, a
46 majority of those elected to the House voted in the affirmative and the
47 bill, as amended, was declared **repassed**.

| 48 | YES | 63 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 49 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 50 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 51 | Balmer | Y | Judd | Y | McKinley | Y | Scanlan | Y |
| 52 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 53 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 54 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 55 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 56 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |

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

10 Co-sponsor(s) added: Representative(s) Apuan, Kerr A., Kerr J., Labuda,
11 Massey, Pace, Rice

14 MESSAGE(S) FROM THE SENATE

16 The Senate voted to reject House amendments to SB09-295 and to adhere
17 to its position. The bill is returned herewith.

19 The Senate has adopted HJR09-1022, HJR09-1024, HJR09-1023,
20 HJR09-1027, HJR09-1025, and returns the resolutions herewith.

23 The Senate has adopted the First Report of the First Conference
24 Committee on SB09-241, as printed in Senate Journal, May 6, 2009, and
25 repassed the bill as amended.

27 The Senate has adopted and returns herewith: HJR09-1017, HJR09-1018.

29 The Senate has adopted and returns herewith:
30 HJR09-1026 amended as printed in Senate Journal, May 6.

32 The Senate has adopted and transmits herewith: SJR09-059; SJM09-006.

36 CONSIDERATION OF SENATE AMENDMENTS TO 37 HOUSE RESOLUTION

39 **HJR09-1026** by Representative(s) Acree, Todd, Kerr J.; also Senator(s)
40 Newell--Concerning the creation of an interim committee
41 to address the home- and community-based services
42 waivers waiting list for children with developmental
43 disabilities.

45 (Printed and placed in members' file.)

47 (Amended, as printed in Senate Journal, May 6.)

49 Representative Acree moved that the House **concur** in Senate
50 amendments. The motion was declared **passed** by **viva voce** vote.

52 The question being, "Shall the resolution, as amended, pass?"

53 The resolution, as amended, was declared **repassed** by **viva voce** vote.

55 Co-sponsor(s) added: Representative(s) Massey

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CONSIDERATION OF RESOLUTION(S)

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HJR09-1029 by Representative(s) Weissmann and Kerr A., Carroll T., May; also Senator(s) Shaffer B., Groff, Penry--Concerning the adjournment sine die of the First Regular Session of the Sixty-seventh General Assembly.

(Printed and placed in members file)

On motion of Representative Weissmann, the resolution was adopted by **viva voce** vote.

Co-sponsor(s) added: Representative(s) Acree, Apuan, Baumgardner, Bradford, Casso, Court, Curry, Ferrandino, Gardner B., Gerou, Green, Hulinghorst, Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Marostica, Massey, McCann, McFadyen, McKinley, McNulty, Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Primavera, Priola, Roberts, Scanlan, Solano, Soper, Stephens, Summers, Swalm, Tipton, Vaad, Vigil, Waller

House in recess. House reconvened.

REPORT OF SINE DIE COMMITTEE

The Committee appointed pursuant to SJR09-058 reported that they had notified Governor Ritter that the First Regular Session of the 67th General Assembly was ready to adjourn sine die.

The hour of 6:50 p.m., having arrived, and both the House of Representatives and the Senate being in agreement, on motion of Representative Weissmann, the 67th Regular Session of the First General Assembly was declared adjourned sine die.

The following items did not receive final action in the House:

- Consideration of Adherence--**SB09-295**.
- Consideration of Resolution--**SJR09-059**.
- Consideration of Memorial--**SJM09-006**.

Approved:
TERRANCE D. CARROLL,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

