

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

One hundred-fourteenth Legislative Day      Thursday, April 30, 2009

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 Pledge of Allegiance led by Alec Greven, Soaring Hawk Elementary,  
6 Castle Rock.  
7  
8 The roll was called with the following result:  
9  
10        Present--63.  
11        Excused--Representative(s) Gardner B., Middleton--2.  
12        Present after roll call--Representative(s) Gardner B., Middleton.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative Tipton, the reading of the journal of  
18 April 29, 2009, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.  
20  
21

**CONSIDERATION OF RESOLUTION(S)**

22  
23  
24  
25  
26 **HJR09-1017** by Representative(s) Riesberg and Roberts, Acree, Apuan,  
27 Benefield, Casso, Gagliardi, Gerou, Green, Hullinghorst,  
28 Kerr J., Massey, McCann, McKinley, Merrifield,  
29 Peniston, Primavera, Solano, Todd, Vaad, Gardner B.,  
30 Gardner C., Liston, Looper, Scanlan, Sonnenberg,  
31 Summers, Swalm, Tipton, Vigil, Waller; also Senator(s)  
32 Williams, Boyd, Carroll M., Hodge, Isgar, Kester, Morse,  
33 Newell, Penry, Shaffer B., Tochtrop--Concerning the  
34 creation of an interim committee to study hospice and  
35 palliative care in Colorado.  
36

37 (Printed and placed in member's files.)  
38

39 Representative Roberts moved that the resolution be adopted.  
40

41 Representative Roberts moved the following amendment:  
42  
43

1 Amendment No. 1, Health & Human Services Report, dated  
 2 April 20, 2009, and placed in member's bill file; Report also printed in  
 3 House Journal, April 21, page 1314.

4  
 5 The amendment was declared **passed** by **viva voce** vote.

6  
 7 On motion of Representative Riesberg the resolution as amended was  
 8 **adopted** by **viva voce** vote.

9  
 10 Co-sponsor(s) added: Representative(s) Balmer, Baumgardner, Bradford, Court,  
 11 Curry, Ferrandino, Fischer, Frangas, Judd, Kagan, Kefalas, Kerr A., King S.,  
 12 Labuda, Lambert, Levy, Marostica, May, McFadyen, McNulty, Middleton,  
 13 Miklosi, Murray, Nikkel, Pace, Pommer, Priola, Rice, Ryden, Schafer S., Soper,  
 14 Stephens, Speaker

### 17 18 **THIRD READING OF BILLS--FINAL PASSAGE**

19  
 20 The following bills were considered on Third Reading. The titles were  
 21 publicly read. Reading of the bill at length was dispensed with by  
 22 unanimous consent.

23  
 24 **SB09-180** by Senator(s) Tochtrop, Carroll M.; also Representative(s)  
 25 Casso--Concerning collective bargaining by employees of  
 26 public safety agencies.

27  
 28 The question being "Shall the bill pass?".  
 29 A roll call vote was taken. As shown by the following recorded vote, a  
 30 majority of those elected to the House voted in the affirmative and the  
 31 bill was declared **passed**.

|    | YES         | 34 | NO           | 30 | EXCUSED    | 0 | ABSENT     | 1 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 34 | Acree       | N  | Green        | Y  | McCann     | - | Roberts    | N |
| 35 | Apuan       | Y  | Hullinghorst | Y  | McFadyen   | Y | Ryden      | Y |
| 36 | Balmer      | N  | Judd         | Y  | McKinley   | Y | Scanlan    | Y |
| 37 | Baumgardner | N  | Kagan        | Y  | McNulty    | N | Schafer S. | Y |
| 38 | Benefield   | N  | Kefalas      | Y  | Merrifield | Y | Solano     | Y |
| 39 | Bradford    | N  | Kerr A.      | Y  | Middleton  | Y | Sonnenberg | N |
| 40 | Casso       | Y  | Kerr J.      | N  | Miklosi    | Y | Soper      | Y |
| 41 | Court       | N  | King S.      | N  | Murray     | N | Stephens   | N |
| 42 | Curry       | Y  | Labuda       | Y  | Nikkel     | N | Summers    | N |
| 43 | Ferrandino  | Y  | Lambert      | N  | Pace       | Y | Swalm      | N |
| 44 | Fischer     | Y  | Levy         | Y  | Peniston   | Y | Tipton     | N |
| 45 | Frangas     | Y  | Liston       | N  | Pommer     | Y | Todd       | Y |
| 46 | Gagliardi   | Y  | Looper       | N  | Primavera  | Y | Vaad       | N |
| 47 | Gardner B.  | N  | Marostica    | N  | Priola     | N | Vigil      | Y |
| 48 | Gardner C.  | N  | Massey       | N  | Rice       | N | Waller     | N |
| 49 | Gerou       | N  | May          | N  | Riesberg   | Y | Weissmann  | Y |
| 50 |             |    |              |    |            |   | Speaker    | Y |

51 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Gagliardi, Green,  
 52 Kagan, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Primavera, Ryden,  
 53 Solano, Soper, Vigil, Fischer, Pace

54  
 55

1 **SB09-226** by Senator(s) Sandoval; also Representative(s) Gagliardi--  
 2 Concerning policies for the management of food allergies  
 3 among school children, and making an appropriation in  
 4 connection therewith.

5  
 6 The question being "Shall the bill 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 bill  
 9 was declared **passed**.

|    | YES         | 64 | NO           | 0 | EXCUSED    | 0 | ABSENT     | 1 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 12 | Acree       | Y  | Green        | Y | McCann     | - | 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 Co-sponsor(s) added: Representative(s) Benefield, Fischer, Gerou, Green,  
 30 Labuda, Levy, Marostica, McFadyen, Merrifield, Primavera, Schafer S., Solano,  
 31 Stephens, Todd

32  
 33 **HB09-1366** by Representative(s) Pommer; also Senator(s) Romer--  
 34 Concerning the elimination of the state income tax  
 35 modification for qualifying Colorado capital gains.

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

|    | YES         | 35 | NO           | 30 | EXCUSED    | 0 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 43 | Acree       | N  | Green        | Y  | McCann     | Y | Roberts    | N |
| 44 | Apuan       | N  | Hullinghorst | Y  | McFadyen   | Y | Ryden      | Y |
| 45 | Balmer      | N  | Judd         | Y  | McKinley   | N | 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       | N  | Labuda       | Y  | Nikkel     | N | Summers    | N |
| 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       | Y |
| 55 | Gagliardi   | Y  | Looper       | N  | Primavera  | Y | Vaad       | N |
| 56 | Gardner B.  | N  | Marostica    | N  | 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 Co-sponsor(s) added: Representative(s) Frangas, Green, Labuda, Merrifield

5  
 6 **HB09-1365** by Representative(s) Marostica, Ferrandino, Pommer; also  
 7 Senator(s) White, Keller, Tapia--Concerning modifications  
 8 to the property tax exemption for certain property leased  
 9 by governmental entities that use the property for  
 10 governmental purposes.

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

| 17 | 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 Co-sponsor(s) added: Representative(s) Gardner B., Gerou, McNulty, Stephens

36  
 37 **HB09-1367** by Representative(s) Marostica, Ferrandino, Pommer; also  
 38 Senator(s) Keller, Tapia, White--Concerning the  
 39 restriction of general fund revenues related to the pay date  
 40 shift of employees transferring to the office of information  
 41 technology.

42  
 43 The question being "Shall the bill 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 bill  
 46 was declared **passed**.

| 48 | YES         | 57 | NO           | 8 | 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    | N | Schafer S. | Y |
| 53 | Benefield   | Y  | Kefalas      | Y | Merrifield | Y | Solano     | Y |
| 54 | Bradford    | Y  | Kerr A.      | Y | Middleton  | Y | Sonnenberg | N |
| 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    | N | Summers   | Y |
| 2 | Ferrandino | Y | Lambert   | N | Pace      | Y | Swalm     | N |
| 3 | Fischer    | Y | Levy      | Y | Peniston  | Y | Tipton    | Y |
| 4 | Frangas    | Y | Liston    | Y | Pommer    | Y | Todd      | Y |
| 5 | Gagliardi  | Y | Looper    | N | Primavera | Y | Vaad      | Y |
| 6 | Gardner B. | Y | Marostica | Y | Priola    | Y | Vigil     | Y |
| 7 | Gardner C. | N | Massey    | Y | Rice      | Y | Waller    | N |
| 8 | Gerou      | Y | May       | Y | Riesberg  | Y | Weissmann | Y |
| 9 |            |   |           |   |           |   | Speaker   | Y |

10 Co-sponsor(s) added: Representative(s) McFadyen

11  
 12 **SB09-163** by Senator(s) Hudak and King K.; also Representative(s)  
 13 Middleton and Massey--Concerning the education  
 14 accountability system, and making an appropriation  
 15 therefor.

16  
 17 As shown by the following roll call vote, a majority of all members  
 18 elected to the House voted in the affirmative, and Representative Massey  
 19 was given permission to offer a Third Reading amendment:

| 21 | YES         | 63 | NO           | 2 | EXCUSED    | 0 | ABSENT     | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 22 | Acree       | Y  | Green        | Y | McCann     | Y | Roberts    | Y |
| 23 | Apuan       | Y  | Hullinghorst | Y | McFadyen   | Y | Ryden      | Y |
| 24 | Balmer      | Y  | Judd         | Y | McKinley   | Y | Scanlan    | Y |
| 25 | Baumgardner | Y  | Kagan        | Y | McNulty    | Y | Schafer S. | Y |
| 26 | Benefield   | Y  | Kefalas      | Y | Merrifield | Y | Solano     | Y |
| 27 | Bradford    | Y  | Kerr A.      | Y | Middleton  | Y | Sonnenberg | N |
| 28 | Casso       | Y  | Kerr J.      | Y | Miklosi    | Y | Soper      | Y |
| 29 | Court       | Y  | King S.      | Y | Murray     | Y | Stephens   | Y |
| 30 | Curry       | Y  | Labuda       | Y | Nikkel     | Y | Summers    | Y |
| 31 | Ferrandino  | Y  | Lambert      | Y | Pace       | Y | Swalm      | Y |
| 32 | Fischer     | Y  | Levy         | Y | Peniston   | Y | Tipton     | Y |
| 33 | Frangas     | Y  | Liston       | N | Pommer     | Y | Todd       | Y |
| 34 | Gagliardi   | Y  | Looper       | Y | Primavera  | Y | Vaad       | Y |
| 35 | Gardner B.  | Y  | Marostica    | Y | Priola     | Y | Vigil      | Y |
| 36 | Gardner C.  | Y  | Massey       | Y | Rice       | Y | Waller     | Y |
| 37 | Gerou       | Y  | May          | Y | Riesberg   | Y | Weissmann  | Y |
| 38 |             |    |              |   |            |   | Speaker    | Y |

39  
 40  
 41 **Third Reading amendment No.**, by Representative Massey.

42  
 43 Amend revised bill, page 81, line 26, strike "SCHOOL ACCOUNTABILITY  
 44 COMMITTEE" and substitute "PRINCIPAL AND SCHOOL DISTRICT  
 45 SUPERINTENDENT, OR HIS OR HER DESIGNEE,".

46  
 47 Page 84, line 21, strike "SCHOOL ACCOUNTABILITY COMMITTEE" and  
 48 substitute "PRINCIPAL AND SCHOOL DISTRICT SUPERINTENDENT, OR HIS OR  
 49 HER DESIGNEE,".

50  
 51 Page 87, line 24, strike "SCHOOL ACCOUNTABILITY COMMITTEE" and  
 52 substitute "LOCAL SCHOOL BOARD OR THE INSTITUTE".

53  
 54 The amendment was declared **passed** by the following roll call vote:

55  
 56

|    | YES         | 65 | NO           | 0 | 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  | Y |
| 18 |             |    |              |   |            |   | Speaker    | Y |
| 19 |             |    |              |   |            |   |            |   |

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

|    | YES         | 65 | NO           | 0 | EXCUSED    | 0 | ABSENT     | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 25 |             |    |              |   |            |   |            |   |
| 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      | Y | Merrifield | Y | Solano     | Y |
| 31 | Bradford    | Y  | Kerr A.      | Y | Middleton  | Y | Sonnenberg | Y |
| 32 | Casso       | Y  | 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       | Y |
| 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   | Y | Weissmann  | Y |
| 42 |             |    |              |   |            |   | Speaker    | Y |

43 Co-sponsor(s) added: Representative(s) Ferrandino, Fischer, Frangas,  
 44 Gardner B., Labuda, Merrifield, Pace, Pommer, Ryden, Scanlan, Schafer S.,  
 45 Solano, Stephens, Summers, Todd, Vigil

46  
 47 **SB09-223** by Senator(s) Boyd, Kester, White; also Representative(s)  
 48 Kerr A. and Gardner B.--Concerning revisions to the retail  
 49 food establishment inspection process, and making an  
 50 appropriation in connection therewith.

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

56

|    | YES         | 55 | NO           | 9 | EXCUSED    | 1 | 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 | N |
| 8  | Casso       | Y  | Kerr J.      | Y | Miklosi    | Y | Soper      | Y |
| 9  | Court       | Y  | King S.      | Y | Murray     | N | Stephens   | Y |
| 10 | Curry       | Y  | Labuda       | Y | Nikkel     | N | Summers    | N |
| 11 | Ferrandino  | Y  | Lambert      | N | Pace       | Y | Swalm      | N |
| 12 | Fischer     | Y  | Levy         | Y | Peniston   | Y | Tipton     | Y |
| 13 | Frangas     | N  | Liston       | Y | Pommer     | Y | Todd       | Y |
| 14 | Gagliardi   | Y  | Looper       | N | Primavera  | Y | Vaad       | Y |
| 15 | Gardner B.  | Y  | Marostica    | Y | Priola     | Y | Vigil      | Y |
| 16 | Gardner C.  | N  | Massey       | Y | Rice       | Y | Waller     | Y |
| 17 | Gerou       | Y  | May          | Y | Riesberg   | Y | Weissmann  | E |
| 18 |             |    |              |   |            |   | Speaker    | Y |

19 Representative Weissmann excused from voting under House Rule 21(c).  
 20 Co-sponsor(s) added: Representative(s) Hullinghorst, Labuda, Merrifield,  
 21 Pommer, Scanlan, Todd

22  
 23 **SB09-118** by Senator(s) Gibbs, Hodge, Isgar; also Representative(s)  
 24 Fischer--Concerning continuation of pet animal care  
 25 regulation, and making an appropriation therefor.

26  
 27 The question being "Shall the bill pass?".  
 28 A roll call vote was taken. As shown by the following recorded vote, a  
 29 majority of those elected to the House voted in the affirmative and the bill  
 30 was declared **passed**.

|    | YES         | 61 | NO           | 4 | 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.      | N | Miklosi    | Y | Soper      | Y |
| 40 | Court       | Y  | King S.      | Y | Murray     | Y | Stephens   | Y |
| 41 | Curry       | Y  | Labuda       | Y | Nikkel     | Y | Summers    | N |
| 42 | Ferrandino  | Y  | Lambert      | N | Pace       | Y | Swalm      | Y |
| 43 | Fischer     | Y  | Levy         | Y | Peniston   | Y | Tipton     | Y |
| 44 | Frangas     | Y  | Liston       | N | 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 Co-sponsor(s) added: Representative(s) Curry, Hullinghorst, Todd

51  
 52 **HB09-1368** by Representative(s) Labuda; also Senator(s) Carroll M.--  
 53 Concerning the exclusion of specified types of state  
 54 contracts from statutory provisions governing the state's  
 55 centralized contract management system.

56

1 The question being "Shall the bill 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 bill  
 4 was declared **passed**.

|    | YES         | 40 | NO           | 25 | EXCUSED    | 0 | ABSENT     | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 7  | Acree       | N  | Green        | Y  | McCann     | Y | Roberts    | Y |
| 8  | Apuan       | Y  | Hullinghorst | Y  | McFadyen   | Y | Ryden      | Y |
| 9  | Balmer      | N  | 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.      | 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       | N  | Pommer     | Y | Todd       | Y |
| 19 | Gagliardi   | Y  | Looper       | N  | Primavera  | Y | Vaad       | N |
| 20 | Gardner B.  | N  | Marostica    | N  | Priola     | N | 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) Schafer S.

25  
 26 **SB09-006** by Senator(s) Boyd, Keller; also Representative(s) Solano-  
 27 -Concerning creation of an identification processing unit  
 28 for detention facilities, and making an appropriation in  
 29 connection therewith.

30  
 31 The question being "Shall the bill pass?".  
 32 A roll call vote was taken. As shown by the following recorded vote, a  
 33 majority of those elected to the House voted in the affirmative and the bill  
 34 was declared **passed**.

|    | 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 | 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.  | Y  | Massey       | Y | Rice       | Y | Waller     | Y |
| 52 | Gerou       | Y  | May          | Y | Riesberg   | Y | Weissmann  | Y |
| 53 |             |    |              |   |            |   | Speaker    | Y |

54 Co-sponsor(s) added: Representative(s) Casso, Fischer, Kerr J., Labuda,  
 55 Merrifield, Pace, Ryden, Todd

56



**MESSAGE(S) FROM THE SENATE**

The Senate has adopted and transmits herewith: SJR09-048, SJR09-039, and SJR09-056.

The Senate has adopted and returns herewith:, HJR09-1020.

**INTRODUCTION AND CONSIDERATION OF RESOLUTION**

On motion of Representative Weissmann, the rules were suspended and the following resolution was given immediate consideration.

**SJR09-039** by Senator(s) Spence; also Representative(s) Primavera-- Concerning recognition of the history of the disability rights movement, and, in connection therewith, proclaiming Disability History Week in Colorado.

(Printed and placed in member's file).

Representative Primavera moved that the resolution be adopted and requested that it be read at length.

Amendment No. 1, moved by Representative Primavera.

Amend engrossed joint resolution, page 3, line 34, after "Springs," insert "the Brain Injury Association of Colorado,".

The amendment was declared **passed by viva voce** vote.

On motion of Representative Primavera, the resolution as amended was **adopted by viva voce** vote.

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

**CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL(S)**

**HB09-1164** by Representative(s) Primavera, Gagliardi, Green, Kefalas, Kerr J., McGihon; also Senator(s) Kester--Concerning a surcharge on breast cancer awareness special license plates to provide funding for cancer treatment for women who are not currently eligible to participate in the breast and cervical cancer prevention and treatment program under the "Colorado Medical Assistance Act", and requiring a post-enactment review of the implementation of this act.

1 (Amended as printed in Senate Journal, April 28, pages 1351-1352.)

2

3 Representative Primavera moved that the House **not concur** in Senate  
4 amendments and that a Conference Committee be appointed with  
5 permission to go beyond the scope of the differences between the House  
6 and the Senate.

7

8 The motion was declared **passed** by the following roll call vote:

9

|    | YES         | 63 | NO           | 2 | EXCUSED    | 0 | ABSENT     | 0 |
|----|-------------|----|--------------|---|------------|---|------------|---|
| 11 | Acree       | Y  | Green        | Y | McCann     | Y | Roberts    | Y |
| 12 | Apuan       | Y  | Hullinghorst | Y | McFadyen   | Y | Ryden      | Y |
| 13 | Balmer      | Y  | Judd         | Y | McKinley   | Y | Scanlan    | Y |
| 14 | Baumgardner | Y  | Kagan        | Y | McNulty    | Y | Schafer S. | Y |
| 15 | Benefield   | Y  | Kefalas      | Y | Merrifield | Y | Solano     | Y |
| 16 | Bradford    | Y  | Kerr A.      | Y | Middleton  | Y | Sonnenberg | Y |
| 17 | Casso       | Y  | Kerr J.      | Y | Miklosi    | Y | Soper      | Y |
| 18 | Court       | Y  | King S.      | Y | Murray     | N | Stephens   | Y |
| 19 | Curry       | Y  | Labuda       | Y | Nikkel     | Y | Summers    | Y |
| 20 | Ferrandino  | Y  | Lambert      | N | Pace       | Y | Swalm      | Y |
| 21 | Fischer     | Y  | Levy         | Y | Peniston   | Y | Tipton     | Y |
| 22 | Frangas     | Y  | Liston       | Y | Pommer     | Y | Todd       | Y |
| 23 | Gagliardi   | Y  | Looper       | Y | Primavera  | Y | Vaad       | Y |
| 24 | Gardner B.  | Y  | Marostica    | Y | Priola     | Y | Vigil      | Y |
| 25 | Gardner C.  | Y  | Massey       | Y | Rice       | Y | Waller     | Y |
| 26 | Gerou       | Y  | May          | Y | Riesberg   | Y | Weissmann  | Y |
| 27 |             |    |              |   |            |   | Speaker    | Y |

28 The Speaker appointed Representatives Primavera, Chairman, McFadyen  
29 and Kerr J., as House conferees to the bill.

30

31

32

33 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
34 **on SB09-279**

35

36

This Report Amends the Rerevised Bill.

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

Your first conference committee appointed on SB09-279,  
concerning the augmentation of the general fund through transfers of  
certain moneys, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 5, line 11, strike "THE EFFECTIVE DATE OF  
THIS" and substitute "JULY 1, 2009,";

line 12, strike "PARAGRAPH (b),".

Page 10, strike lines 10 through 20.

Page 13, strike line 23 and substitute the following:

1 "CONTRARY:  
2

3 (a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2.6), THE  
4 STATE";

5  
6 line 24, strike "SEVENTY-FIVE" and substitute "FIFTY";

7  
8 strike line 26 and substitute the following:  
9

10 "GENERAL FUND; AND  
11

12 (b) ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT  
13 TWENTY-FIVE MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TRUST  
14 FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."  
15

16 Page 15, line 12, strike "TWENTY-SEVEN" and substitute "SEVEN".  
17

18 2. That, under the authority granted the committee to consider  
19 matters not at issue between the two houses, the following amendments  
20 be recommended:  
21

22 Amend rerevised bill, page 10, after line 9, insert the following:  
23

24 "SECTION 13. 38-13-116.7, Colorado Revised Statutes, is  
25 amended BY THE ADDITION OF A NEW SUBSECTION to read:  
26

27 **38-13-116.7. Unclaimed property tourism promotion trust  
28 fund - creation - payments - interest - transfers.**

29 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
30 CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT FIVE  
31 MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TOURISM PROMOTION  
32 TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."  
33

34 Page 11, line 16, strike "TEN MILLION" and substitute "TWELVE MILLION  
35 FIVE HUNDRED THOUSAND";  
36

37 line 20, strike "FIVE MILLION" and substitute "TWO MILLION FIVE HUNDRED  
38 THOUSAND".  
39

40 Page 17, after line 26, insert the following:  
41

42 "SECTION 27. 34-63-102 (5.4), Colorado Revised Statutes, is  
43 amended BY THE ADDITION OF A NEW PARAGRAPH to read:  
44

45 **34-63-102. Creation of mineral leasing fund - distribution -  
46 advisory committee - definitions.** (5.4) Except as otherwise provided

47 in subsection (5.5) of this section, on and after July 1, 2008, all moneys  
48 other than bonus payments, as defined in paragraph (b) of subsection  
49 (5.3) of this section, credited to the mineral leasing fund created in  
50 subparagraph (I) of paragraph (a) of subsection (1) of this section shall be  
51 distributed on a quarterly basis for quarters beginning on July 1, October  
52 1, January 1, and April 1 of each state fiscal year as follows:  
53

54 (b.5) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF  
55 THIS SUBSECTION (5.4) TO THE CONTRARY, FOR EACH QUARTER  
56 COMMENCING DURING THE 2009-10 FISCAL YEAR, AS SOON AS

1 PRACTICABLE AFTER MONEYS ARE CREDITED TO THE LOCAL GOVERNMENT  
2 MINERAL IMPACT FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION  
3 (5.4), THE STATE TREASURER SHALL TRANSFER FROM THE LOCAL  
4 GOVERNMENT MINERAL IMPACT FUND TO THE GENERAL FUND AN AMOUNT  
5 EQUAL TO FIFTY PERCENT OF THE AMOUNT SO CREDITED TO THE FUND FOR  
6 SUCH QUARTER; EXCEPT THAT THE AGGREGATE AMOUNT OF MONEYS SO  
7 TRANSFERRED PURSUANT TO THIS PARAGRAPH (b.5) SHALL NOT EXCEED  
8 TWENTY-TWO MILLION SIX HUNDRED THOUSAND DOLLARS.  
9

10 **SECTION 28.** 24-75-201.5 (1), Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:  
12

13 **24-75-201.5. Revenue shortfalls - required actions by the**  
14 **governor with respect to the reserve.** (1) (g) (I) FOR THE FISCAL YEAR  
15 2008-09 ONLY, IF THE REVENUE ESTIMATE PREPARED IN ACCORDANCE  
16 WITH SECTION 24-75-201.3 (2) IN JUNE 2009 INDICATES THAT GENERAL  
17 FUND EXPENDITURES FOR SUCH FISCAL YEAR BASED ON APPROPRIATIONS  
18 THEN IN EFFECT WILL EXCEED THE AMOUNT OF GENERAL FUND REVENUES  
19 AVAILABLE FOR EXPENDITURE FOR SUCH FISCAL YEAR, THE STATE  
20 TREASURER AND THE CONTROLLER, UPON THE WRITTEN ORDER OF THE  
21 GOVERNOR, SHALL TRANSFER TO THE GENERAL FUND ON JUNE 30, 2009,  
22 FROM ANY OR ALL OF SUCH FUNDS DESCRIBED IN SUBPARAGRAPH (II) OF  
23 THIS PARAGRAPH (g), SUCH AMOUNTS AS ARE REQUIRED TO PERMIT  
24 PROMPT DISBURSEMENT FROM THE GENERAL FUND OF ANY APPROPRIATION  
25 MADE THEREFROM FOR ANY LAWFUL PURPOSE.  
26

27 (II) THE TRANSFER OR TRANSFERS DESCRIBED IN SUBPARAGRAPH  
28 (I) OF THIS PARAGRAPH (g) SHALL BE MADE FROM ONE OR MORE OF THE  
29 FOLLOWING FUNDS:  
30

31 (A) THE EMPLOYMENT SUPPORT FUND CREATED IN SECTION  
32 8-77-109 (1), C.R.S., NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS;  
33

34 (B) THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED  
35 IN SECTION 24-22-115 (1) (a), NOT TO EXCEED EIGHTY-FOUR MILLION SIX  
36 HUNDRED THOUSAND DOLLARS;  
37

38 (C) THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN  
39 SECTION 34-63-102 (5) (a) (I), C.R.S., NOT TO EXCEED SEVENTY-TWO  
40 MILLION DOLLARS;  
41

42 (D) THE COLORADO WATER CONSERVATION BOARD  
43 CONSTRUCTION FUND CREATED IN SECTION 37-60-121 (1) (a), C.R.S., NOT  
44 TO EXCEED SIXTY MILLION DOLLARS;  
45

46 (E) THE UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION  
47 38-13-116.5 (1) (a), C.R.S., NOT TO EXCEED ONE HUNDRED MILLION  
48 DOLLARS;  
49

50 (F) THE PERPETUAL BASE ACCOUNT OF THE SEVERANCE TAX TRUST  
51 FUND CREATED IN SECTION 39-29-109 (2) (a), C.R.S., NOT TO EXCEED  
52 SEVENTY-FIVE MILLION DOLLARS;  
53

54 (G) THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST  
55 FUND CREATED IN SECTION 39-29-109 (2) (b), C.R.S., NOT TO EXCEED  
56 TWENTY-ONE MILLION THREE HUNDRED THOUSAND DOLLARS;

1 (H) THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN  
 2 SECTION 39-29-110 (1) (a) (I), C.R.S., NOT TO EXCEED ONE HUNDRED  
 3 TWENTY-EIGHT MILLION DOLLARS.

4  
 5 (III) EFFECTIVE JULY 1, 2009, THE STATE TREASURER AND THE  
 6 CONTROLLER SHALL TRANSFER MONEYS FROM THE GENERAL FUND TO ANY  
 7 OR ALL FUNDS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g)  
 8 IN ORDER TO RESTORE TO SAID FUNDS ANY AMOUNT TRANSFERRED  
 9 THEREFROM PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g).".

10  
 11 Renumber succeeding sections accordingly.

12  
 13 Respectfully submitted,

14 Senate Committee:

15 (signed)  
 16 Moe Keller  
 17 Abel Tapia  
 18 Al White

House Committee:

15 (signed)  
 16 Jack Pommer  
 17 Don Marostica  
 18 Mark Ferrandino

19  
 20  
 21  
 22 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

23  
 24 **BUSINESS AFFAIRS & LABOR**

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

27  
 28 **SB09-244** be amended as follows, and as so amended, be referred to  
 29 the Committee of the Whole with favorable  
 30 recommendation:

31  
 32 Amend reengrossed bill, page 2, line 5, strike "and the health benefit  
 33 plans for state employees".

34  
 35 Page 3, line 3, strike "and the health benefits plans for state employees";  
 36  
 37 line 4, strike "programs" and substitute "program";  
 38  
 39 strike line 27.

40  
 41 Page 4, strike lines 1 through 10 and substitute the following:

42  
 43 "(II) "AUTISM SERVICES PROVIDER" MEANS ANY PERSON WHO  
 44 PROVIDES DIRECT SERVICES TO A PERSON WITH AUTISM SPECTRUM  
 45 DISORDER, IS LICENSED, CERTIFIED, OR REGISTERED BY THE APPLICABLE  
 46 STATE LICENSING BOARD OR BY A NATIONALLY RECOGNIZED  
 47 ORGANIZATION, AND WHO MEETS ONE OF THE FOLLOWING:

48  
 49 (A) HAS A DOCTORAL DEGREE WITH A SPECIALTY IN PSYCHIATRY,  
 50 MEDICINE, OR CLINICAL PSYCHOLOGY, IS ACTIVELY LICENSED BY THE  
 51 STATE BOARD OF MEDICAL EXAMINERS, AND HAS ONE YEAR OF DIRECT  
 52 EXPERIENCE IN BEHAVIORAL THERAPIES THAT ARE CONSISTENT WITH BEST  
 53 PRACTICE AND RESEARCH ON EFFECTIVENESS FOR PEOPLE WITH AUTISM  
 54 SPECTRUM DISORDERS;

55  
 56 (B) HAS A DOCTORAL DEGREE IN ONE OF THE BEHAVIORAL OR

1 HEALTH SCIENCES AND HAS COMPLETED ONE YEAR OF EXPERIENCE IN  
2 BEHAVIORAL THERAPIES THAT ARE CONSISTENT WITH BEST PRACTICE AND  
3 RESEARCH ON EFFECTIVENESS FOR PEOPLE WITH AUTISM SPECTRUM  
4 DISORDERS;

5

6 (C) HAS A MASTER'S DEGREE OR HIGHER IN BEHAVIORAL SCIENCES  
7 AND IS NATIONALLY CERTIFIED AS A "BOARD CERTIFIED BEHAVIOR  
8 ANALYST" OR CERTIFIED BY A SIMILAR NATIONALLY RECOGNIZED  
9 ORGANIZATION;

10

11 (D) HAS A MASTER'S DEGREE OR HIGHER IN ONE OF THE BEHAVIOR  
12 OR HEALTH SCIENCES, IS CREDENTIALLED AS A RELATED SERVICES  
13 PROVIDER, AND HAS COMPLETED ONE YEAR OF DIRECT SUPERVISED  
14 EXPERIENCE IN BEHAVIORAL THERAPIES THAT ARE CONSISTENT WITH BEST  
15 PRACTICE AND RESEARCH ON EFFECTIVENESS FOR PEOPLE WITH AUTISM  
16 SPECTRUM DISORDERS. FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH  
17 (D), "RELATED SERVICES PROVIDER" MEANS A PHYSICAL THERAPIST,  
18 OCCUPATIONAL THERAPIST, OR SPEECH THERAPIST.

19

20 (E) HAS A BACCALAUREATE DEGREE OR HIGHER IN BEHAVIORAL  
21 SCIENCES AND IS NATIONALLY CERTIFIED AS A "BOARD CERTIFIED  
22 ASSOCIATE BEHAVIOR ANALYST" OR CERTIFIED BY A SIMILAR NATIONALLY  
23 RECOGNIZED ORGANIZATION.";

24

25 line 22, after the period, add ""HEALTH BENEFIT PLAN", AS USED IN THIS  
26 SUBSECTION (1.4), DOES NOT INCLUDE INDIVIDUAL HEALTH BENEFIT  
27 PLANS.".

28

29 Page 5, strike lines 23 through 25 and substitute the following:  
30 "SERVICES PROVIDER. "THERAPEUTIC CARE" INCLUDES, BUT IS NOT  
31 LIMITED TO, SPEECH, OCCUPATIONAL, AND".

32

33 Page 6, line 5, strike "INCLUDE, BUT IS NOT LIMITED TO" and substitute  
34 "INCLUDE";

35

36 line 27, strike "APPROPRIATELY QUALIFIED HEALTH CARE".

37

38 Page 7, strike line 1 and substitute the following:

39

40 "AUTISM SERVICES PROVIDER AND";

41

42 line 7, strike "THE LICENSED";

43

44 strike lines 8 through 11;

45

46 line 12, strike "IS A MEDICAL NECESSITY ON AN INDIVIDUAL BASIS.";

47

48 line 16, strike "FOR THE" and substitute "OF APPLIED BEHAVIOR ANALYSIS  
49 FOR AUTISM SPECTRUM";

50

51 strike line 17;

52

53 line 18, strike "TEN" and substitute "EIGHT";

54

55 line 19, strike "ELEVEN" and substitute "NINE";

56

1 line 20, after "BENEFIT", insert "FOR APPLIED BEHAVIOR ANALYSIS" and,  
2 after "DISORDERS", insert "REQUIRED BY THIS SUBSECTION (1.4)";

3

4 strike line 21 through 27 and substitute the following:

5 "TO EXCEED THIRTY-FOUR THOUSAND DOLLARS AND FOR A CHILD NINE  
6 YEARS OF AGE OR OLDER AND UNDER NINETEEN YEARS OF AGE, THE  
7 ANNUAL MAXIMUM BENEFIT FOR APPLIED BEHAVIOR ANALYSIS FOR  
8 AUTISM SPECTRUM DISORDERS REQUIRED BY THIS SUBSECTION (1.4) SHALL  
9 BE IN AN AMOUNT NOT TO EXCEED TWELVE THOUSAND DOLLARS."

10

11 Page 8, strike line 1;

12

13 strike lines 20 and 21 and substitute the following:

14 "DISORDERS."

15

16 Page 9, strike lines 15 through 27.

17

18 Page 10, strike lines 1 through 19 and substitute the following:

19 "(h) ANY REVIEW OF A TREATMENT PLAN OR ANY APPEAL OF A  
20 DECISION REGARDING TREATMENT SHALL BE SUBJECT TO THE RULES OF  
21 THE COMMISSIONER ON PROMPT INVESTIGATION OF HEALTH PLAN CLAIMS  
22 INVOLVING UTILIZATION REVIEW AND DENIAL OF BENEFITS.

23

24 (i) THE COVERAGE REQUIRED UNDER THIS SUBSECTION (1.4) MAY  
25 BE SUBJECT TO OTHER GENERAL EXCLUSIONS AND LIMITATIONS OF THE  
26 CARRIER'S HEALTH BENEFIT PLAN INCLUDING, BUT NOT LIMITED TO,  
27 COORDINATION OF BENEFITS, PARTICIPATING PROVIDER REQUIREMENTS,  
28 RESTRICTIONS ON SERVICES PROVIDED BY FAMILY OR HOUSEHOLD  
29 MEMBERS, AND UTILIZATION REVIEW OF HEALTH CARE SERVICES,  
30 INCLUDING THE REVIEW OF MEDICAL NECESSITY, CASE MANAGEMENT, AND  
31 OTHER MANAGED CARE PROVISIONS."

32

33 Page 11, strike lines 24 through 27.

34

35 Page 12, strike lines 1 through 9.

36

37 Renumber succeeding sections accordingly.

38

39

40

41 **SB09-247** be amended as follows, and as so amended, be referred to  
42 the Committee on Appropriations with favorable  
43 recommendation;

44

45 Amend reengrossed bill, page 15, line 7, strike "THREE" and substitute  
46 "FOUR".

47

48

49

50 **FINANCE**

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

53

54 **SB09-282** be referred to the Committee of the Whole with favorable  
55 recommendation.

56

**DELIVERY OF BILLS TO GOVERNOR**

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The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB09-1213, 1237** at 8:25 a.m. on April 30, 2009.

---

**MESSAGE(S) FROM THE SENATE**

The Senate has postponed indefinitely HB09-1308. The bill is returned herewith.

---

On motion of Representative Weissmann, **SB09-244, 282, 293, 255** were added to the Special Orders Calendar on Thursday, April 30, 2009.

---

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

---

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

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

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

**SB09-245** by Senator(s) Sandoval; also Representative(s) Schafer S.-  
-Concerning changes to conform to portions of federal  
Public Law 110-351 relating to kinship.

Amendment No. 1, Appropriations Report, dated April 29, 2009, and placed in member's bill file; Report also printed in House Journal, April 29, page 1605.

Amendment No. 1, by Representative(s) Schafer S.

Amend reengrossed bill, page 4, line 13, strike "CERTIFIED".

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

**SB09-235** by Senator(s) Gibbs and Isgar; also Representative(s) Merrifield--Concerning certain fees charged by the division of wildlife, and making an appropriation in connection therewith.

Amendment No. 1, Agriculture, Livestock, & Natural Resources Report, dated April 22, 2009, and placed in member's bill file; Report also printed in House Journal, April 23, pages 1416-1417.



1 Amendment No. 2, Appropriations Report, dated April 29, 2009, and  
 2 placed in member's bill file; Report also printed in House Journal,  
 3 April 29, pages 1604-1605.

4  
 5 Amendment No. 3 by Representative(s) Merrifield  
 6 Amend the Appropriations Committee Report, dated April 29, 2009, page  
 7 1, line 9, strike "6, 10, and 11" and substitute "6 and 10".

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

11  
 12 **SB09-293** by Senator(s) Isgar; also Representative(s) Curry, Labuda,  
 13 Looper, Sonnenberg--Concerning changes to certain tier  
 14 two transfers out of the operational account of the  
 15 severance tax trust fund to compensate for a projected  
 16 revenue loss in that fund for the 2009-10 state fiscal year.

17  
 18 Ordered revised and placed on the Calendar for Third Reading and Final  
 19 Passage.

20  
 21 On motion of Representative Weissmann, the remainder of the Special  
 22 Orders Calendar (**HB09-1269, 1323, 1356, SB09-244, 282, 255**) was laid  
 23 over until May 1, retaining place on Calendar.

24  
 25  
 26 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

27  
 28 Passed Second Reading: **SB09-245 amended, 235 amended, 293.**

29  
 30 Laid over until date indicated retaining place on Calendar: **HB09-1269,**  
 31 **1323, 1356, SB09-244, 282, 255.**

32  
 33 The Chairman moved the adoption of the Committee of the Whole  
 34 Report. As shown by the following roll call vote, a majority of those  
 35 elected to the House voted in the affirmative, and the Report was  
 36 **adopted.**

37  
 38

|    | YES         | 65 | NO             | 0 | EXCUSED    | 0 | ABSENT     | 0 |
|----|-------------|----|----------------|---|------------|---|------------|---|
| 39 | Acree       | Y  | Green          | Y | McCann     | Y | Roberts    | Y |
| 40 | Apuan       | Y  | Hullingerhorst | Y | McFadyen   | Y | Ryden      | Y |
| 41 | Balmer      | Y  | Judd           | Y | McKinley   | Y | Scanlan    | Y |
| 42 | Baumgardner | Y  | Kagan          | Y | McNulty    | Y | Schafer S. | Y |
| 43 | Benefield   | Y  | Kefalas        | Y | Merrifield | Y | Solano     | Y |
| 44 | Bradford    | Y  | Kerr A.        | Y | Middleton  | Y | Sonnenberg | Y |
| 45 | Casso       | Y  | Kerr J.        | Y | Miklosi    | Y | Soper      | Y |
| 46 | Court       | Y  | King S.        | Y | Murray     | Y | Stephens   | Y |
| 47 | Curry       | Y  | Labuda         | Y | Nikkel     | Y | Summers    | Y |
| 48 | Ferrandino  | Y  | Lambert        | Y | Pace       | Y | Swalm      | Y |
| 49 | Fischer     | Y  | Levy           | Y | Peniston   | Y | Tipton     | Y |
| 50 | Frangas     | Y  | Liston         | Y | Pommer     | Y | Todd       | Y |
| 51 | Gagliardi   | Y  | Looper         | Y | Primavera  | Y | Vaad       | Y |
| 52 | Gardner B.  | Y  | Marostica      | Y | Priola     | Y | Vigil      | Y |
| 53 | Gardner C.  | Y  | Massey         | Y | Rice       | Y | Waller     | Y |
| 54 | Gerou       | Y  | May            | Y | Riesberg   | Y | Weissmann  | Y |
| 55 |             |    |                |   |            |   | Speaker    | Y |

56

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

2  
3 In response to the request of the House for a Conference Committee on  
4 HB09-1164, the President appoints Senators Kester-Chair, Tochtrop and  
5 Romer as conferees on the First Conference Committee on HB09-1164.  
6 The Senate has granted permission to the First Conference Committee on  
7 HB09-1164 to go beyond the scope of differences between the two  
8 houses.

9  
10                                   **INTRODUCTION OF BILLS**  
11                                   **First Reading**

12  
13 The following bills were read by title and referred to the committees  
14 indicated:

15  
16 **HB09-1369** by Representative(s) Weissmann; also Senator(s) Shaffer  
17 B.--Concerning the search process for leadership positions  
18 within state institution of higher education systems.  
19 Committee on Education

20  
21 **SB09-253** by Senator(s) Veiga, Spence; also Representative(s) Casso,  
22 Kerr J., Looper--Concerning the recovery of costs for the  
23 relocation of certain utility infrastructure relocated at the  
24 request of a Colorado governmental entity, and making an  
25 appropriation in connection therewith.  
26 Committee on Business Affairs and Labor

27  
28 **SB09-287** by Senator(s) Mitchell; also Representative(s) Levy--  
29 Concerning the voluntary contribution designation  
30 benefiting the Special Olympics Colorado fund that  
31 appears on the state individual income tax return forms,  
32 and, in connection therewith, extending the period for the  
33 contribution designation.  
34 Committee on Judiciary

35  
36                                   **INTRODUCTION OF RESOLUTIONS**

37  
38  
39 The following resolutions were read by title and laid over one day under  
40 the rules:

41  
42 **HJR09-1028** by Representative(s) Benefield, Court, Massey, Vaad; also  
43 Senator(s) Shaffer B., Groff, Penry--Concerning the  
44 retention of officers and employees of the First Regular  
45 Session of the Sixty-seventh General Assembly.

46  
47 **SJR09-048** by Senator(s) Schwartz, Kester; also Representative(s)  
48 McKinley--Concerning the protection and restoration of  
49 Colorado's shortgrass prairie ecosystem.

50  
51 **SJR09-056** by Senator(s) Romer; also Representative(s) Middleton--  
52 Concerning continuing Colorado's significant advances in  
53 education reform through the use of federal "Race to the  
54 Top" moneys.

1 House in recess. House reconvened.  
2  
3  
4

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

6  
7 **APPROPRIATIONS**

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

10  
11 **HB09-1357** be amended as follows, and as so amended, be referred to  
12 the Committee of the Whole with favorable  
13 recommendation:  
14

15 Amend printed bill, page 7, after line 4, insert the following:

16  
17 **"SECTION 4. Appropriation.** In addition to any other  
18 appropriation, there is hereby appropriated, out of any moneys in the  
19 department of state cash fund created in section 24-21-104 (3) (b),  
20 Colorado Revised Statutes, not otherwise appropriated, to the department  
21 of state, for the fiscal year beginning July 1, 2009, the sum of two  
22 hundred six thousand fifty-three dollars (\$206,053) cash funds and 4.3  
23 FTE, or so much thereof as may be necessary, for the implementation of  
24 this act."  
25

26 Renumber succeeding sections accordingly.

27  
28 Page 1, line 103, strike "STATE." and substitute "STATE, AND MAKING AN  
29 APPROPRIATION THEREFOR."  
30  
31  
32  
33

34 **LOCAL GOVERNMENT**

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

37  
38 **SB09-232** be amended as follows, and as so amended, be referred to  
39 the Committee of the Whole with favorable  
40 recommendation:  
41

42 Amend reengrossed bill, page 3, line 2, after "34-63-102", insert "(5) (a)  
43 (I) and";

44  
45 line 3, strike "is amended" and substitute "are amended, and the said  
46 34-63-102 (5) (a) is further amended BY THE ADDITION OF A NEW  
47 SUBPARAGRAPH,";

48  
49 after line 5, insert the following:

50  
51 "(5) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS  
52 PARAGRAPH (a), before July 1, 2008, the remaining fifteen percent of all  
53 moneys described in paragraph (a) of subsection (1) of this section, any  
54 moneys received pursuant to subparagraph (II) of paragraph (b) of  
55 subsection (3) of this section, and any moneys received pursuant to  
56 subparagraph (II) of paragraph (c) of subsection (3) of this section shall,

1 upon receipt, be paid into the local government mineral impact fund,  
2 which is hereby created. Before July 1, 2008, the executive director of  
3 the department of local affairs shall distribute said moneys from the fund  
4 pursuant to subsection (3) of this section; except that the remainder  
5 provided for in this paragraph (a) shall be distributed in accordance with  
6 the purposes and priorities described in subsection (1) of this section. On  
7 and after July 1, 2008, moneys shall be paid into the fund as specified in  
8 paragraph (b) of subsection (5.4) of this section and distributed as  
9 specified in paragraphs (b) and (c) of said subsection. Notwithstanding  
10 any other provision of this paragraph (a) or subsection (5.5) of this  
11 section, in the fiscal years commencing July 1, 2006, July 1, 2007, July  
12 1, 2008, July 1, 2009, and July 1, 2010, the executive director of the  
13 department of local affairs shall transfer three million two hundred fifty  
14 thousand dollars of the moneys in the fund to the state treasurer, who  
15 shall credit the moneys to the wildfire preparedness fund created in  
16 section 23-31-309 (4), C.R.S.

17

18 (IV) ONE HUNDRED PERCENT OF THE MONEYS CREDITED TO THE  
19 LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SUBPARAGRAPH  
20 (I) OF THIS PARAGRAPH (a) BY OPERATION OF SUB-SUBPARAGRAPH (C) OF  
21 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5.3) OF THIS  
22 SECTION SHALL BE DISTRIBUTED BY THE EXECUTIVE DIRECTOR OF THE  
23 DEPARTMENT OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PURPOSES AND  
24 PRIORITIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AND IN  
25 DISTRIBUTING SUCH MONEYS THE EXECUTIVE DIRECTOR SHALL GIVE  
26 PRIORITY TO THOSE COMMUNITIES MOST DIRECTLY AND SUBSTANTIALLY  
27 IMPACTED BY PRODUCTION OF ENERGY RESOURCES ON FEDERAL MINERAL  
28 LANDS AND TO GRANT APPLICATIONS THAT:

29

30 (A) ARE SUBMITTED JOINTLY BY MULTIPLE LOCAL GOVERNMENTS;  
31 OR

32

33 (B) SEEK FUNDING FOR A PROJECT THAT IS A  
34 MULTI-JURISDICTIONAL PROJECT OR THAT REQUIRES A SUBSTANTIAL  
35 AMOUNT OF FUNDING."

36

37 Page 4, line 27, strike "SEVERANCE".

38

39 Page 5, line 1, strike "TAX" and substitute "MINERAL IMPACT" and strike  
40 "SECTION 39-29-110, C.R.S.," and substitute "SUBPARAGRAPH (I) OF  
41 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION";

42

43 line 2, strike "SECTION 39-29-110 (1) (c.7), C.R.S." and substitute  
44 "SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS  
45 SECTION.";

46

47 strike lines 3 through 27.

48

49 Page 6, strike lines 1 through 19.

50

51 Renumber succeeding section accordingly.

52

53

54

55

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4  
5 **SB09-250** be amended as follows, and as so amended, be referred to  
6 the Committee on Appropriations with favorable  
7 recommendation:

8  
9 Amend reengrossed bill, page 2, line 10, strike "MEDICATIONS." and  
10 substitute "MEDICATIONS, IF THE MAKER OF SUCH CANCER CHEMOTHERAPY  
11 TREATMENT SELLS TO THE HEALTH BENEFIT PLAN ORALLY ADMINISTERED  
12 ANTICANCER MEDICATION ON A BASIS NO LESS FAVORABLE THAN IT SELLS  
13 INTRAVENOUSLY ADMINISTERED OR INJECTED CANCER MEDICATIONS FOR  
14 THE TREATMENT OF A PARTICULAR INDICATION.".

15  
16  
17  
18  
19 **TRANSPORTATION & ENERGY**

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

22  
23 **SB09-294** be amended as follows, and as so amended, be referred to  
24 the Committee of the Whole with favorable  
25 recommendation:

26  
27 Amend reengrossed bill, page 2, strike lines 2 through 4 and substitute the  
28 following:

29  
30 "SECTION 1. 40-10-105 (2) (b) (II) (B), Colorado Revised  
31 Statutes, is amended to read:";

32  
33 strike lines 10 through 23 and substitute the following:

34  
35 "(B) If the applicant sustains its THE initial burden of proof as set  
36 forth in sub-subparagraph (A) of this subparagraph (II), there shall be a  
37 rebuttable presumption of public need for the service, and ~~the ANY party~~  
38 ~~or parties~~ opposing the application shall ~~bear the burden to prove~~ PREVAIL  
39 UPON PROVING that the public convenience and necessity does not require  
40 granting the application and OR that the issuance of the certificate would  
41 be detrimental to the public interest.".

42  
43 Page 3, strike lines 1 through 7.

44  
45 Page 4, line 6, strike "act." and substitute "act and shall not apply to  
46 applications submitted prior to the effective date of this act.".

47  
48  
49  
50  
51 **PRINTING REPORT**

52  
53 The Chief Clerk reports the following bill has been correctly printed:  
54 **HB09-1369.**

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB09-1041, 1224, 1276.**

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**ANNOUNCEMENT**

The Speaker announced that House Rule 32A (a) shall be waived for the purpose of the Education Committee hearing on HB09-1369.

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**MESSAGE(S) FROM THE SENATE**

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

SB09-290 amended as printed in Senate Journal, April 29, 2009, page 1386, and amended on Third Reading, April 30, 2009, as printed in the Senate Journal,  
SB09-292 amended as printed in Senate Journal, April 29, 2009, page 1397,  
SB09-286 amended as printed in Senate Journal, April 29, 2009, page 1397, and amended on Third Reading, April 30, 2009, as printed in the Senate Journal,  
SB09-233 amended as printed in Senate Journal, April 29, 2009, pages 1397-1398,  
SB09-295 amended as printed in Senate Journal, April 29, 2009, pages 1398-1400,  
SB09-085 amended as printed in Senate Journal, April 29, 2009, page 1400,  
SB09-289 amended as printed in Senate Journal, April 29, 2009, page 1400,  
SB09-296 amended as printed in Senate Journal, April 29, 2009, page 1400.

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

HB09-1338 amended as printed in Senate Journal, April 29, 2009, page 1388.  
HB09-1243 amended as printed in Senate Journal, April 28, 2009, page 1354, and amended on Third Reading, April 30, 2009, as printed in the Senate Journal.

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**MESSAGE(S) FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, HB09-1338 and 1243.

Without comment, as amended, SB09-290, 292, 286, 233, 295, 085, 289, and 296.

---

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

- 1  
2  
3  
4 The following bills were read by title and referred to the committees  
5 indicated:  
6  
7 **SB09-085** by Senator(s) Scheffel and Williams, Mitchell; also  
8 Representative(s) Rice and Priola, Lambert, McNulty--  
9 Concerning the creation of a legislative task force to study  
10 property tax exemption for business personal property.  
11 Committee on Business Affairs and Labor  
12  
13 **SB09-233** by Senator(s) Schwartz, Heath, Scheffel; also  
14 Representative(s) Liston, McFadyen, Rice, Solano--  
15 Concerning entrepreneurial uses of property for property  
16 tax purposes.  
17 Committee on Finance  
18  
19 **SB09-286** by Senator(s) Morse and Carroll M., Bacon, Boyd, Foster,  
20 Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer,  
21 Shaffer B., Tapia, Tochtrop, Veiga, Williams; also  
22 Representative(s) Levy and Merrifield, Ferrandino, Kagan,  
23 Miklosi, Pommer, Pace, Benefield, Carroll T., Court,  
24 Fischer, Green, Hullinghorst, Judd, Kerr A., Labuda,  
25 McFadyen, Middleton, Rice, Ryden, Schafer S., Solano,  
26 Todd, Weissmann--Concerning criminal law, and, in  
27 connection therewith, changing the provisions related to  
28 legal representation of indigent defendants for certain  
29 misdemeanor cases; changing the offense level or  
30 sentencing options for select nonviolent offenses, property  
31 offenses, and drug offenses; changing the presumptive  
32 sentencing ranges for certain felony offenses; repealing  
33 certain extraordinary risk sentencing provisions; making  
34 changes to the habitual offender statute; and allowing for  
35 certain sentencing time credits for certain offenders.  
36 Committee on Judiciary  
37  
38 **SB09-289** by Senator(s) Schwartz; also Representative(s) Primavera--  
39 Concerning the recycling development fee for waste tires.  
40 Committee on Transportation & Energy  
41  
42 **SB09-290** by Senator(s) Bacon, Kopp, Schwartz; also  
43 Representative(s) Riesberg, McFadyen, Sonnenberg--  
44 Concerning flexibility for capital construction projects.  
45 Committee on Finance  
46  
47 **SB09-292** by Senator(s) Brophy, Mitchell, Morse, Schwartz, Shaffer  
48 B., Veiga; also Representative(s) Labuda, Gardner B.,  
49 Kagan, Levy, Roberts--Concerning the revision of statutes  
50 in the Colorado Revised Statutes, as amended, and, in  
51 connection therewith, amending or repealing obsolete,  
52 inconsistent, and conflicting provisions of law and  
53 clarifying the language to reflect the legislative intent of  
54 the laws.  
55 Committee on Judiciary  
56

1 **SB09-295** by Senator(s) Boyd, Groff, Heath, Hodge, Kopp, Romer,  
 2 Schwartz, Tochtrop, Williams; also Representative(s) May  
 3 and Middleton, Merrifield--Concerning accessibility at  
 4 state-supported institutions of higher education, and  
 5 making an appropriation in connection therewith.  
 6 Committee on Education

7  
 8  
 9 \

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

11  
 12  
 13 On motion of Representative Judd, the following item(s) on the Calendar  
 14 were laid over until May 1, retaining place on Calendar:

- 15  
 16 Consideration of Conference Committee Report(s)--**SB09-271,**  
 17 **HB09-1057, SB09-269.**  
 18 Consideration of Resolution(s)--**HJR09-1018, 1023, 1025, 1026, 1027,**  
 19 **SJR09-034.**  
 20 Consideration of Memorial(s)--**HM09-1005, SJM09-010.**  
 21 Consideration of Senate Amendment(s)--**HB09-1170, 1180, 1242, 1250,**  
 22 **1252, 1303, 1316, 1035, 1119, 1173, 1196, 1199, 1282, 1312, 1329.**

23  
 24  
 25

26 On motion of Representative Judd, the House adjourned until 9:00 a.m.,  
 27 May 1, 2009.

28  
 29  
 30

Approved:  
 TERRANCE D. CARROLL,  
 Speaker

31  
 32  
 33  
 34

Attest:  
 MARILYN EDDINS,  
 Chief Clerk