

SENATE JOURNAL
Sixty-seventh General Assembly
STATE OF COLORADO
First Regular Session

119th Legislative Day

Tuesday, May 5, 2009

Prayer By the chaplain, Rabbi Eliot Baskin, Jewish Community Chaplaincy & Rafael Spiritual Healing Center of Jewish Family Services of Colorado.

Pledge By Senator Hodge.

Call to Order By the President at 9:00 a.m.

Roll Call Present--32
Absent--2, Hudak, Mitchell.
Excused--1, Kopp.
Present later--3, Hudak, Kopp, Mitchell.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Newell, reading of the Journal of Monday, May 4, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

May 4, 2009

The House has voted to grant the House conferees on the First Conference Committee on SB09-245 to consider matters not at issue between the two houses.

The House has voted to concur in the Senate amendments to HB089-1119, 1173, 1196, 1199, 1312, 1329, 1243, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB09-1282 and requests that a conference committee be appointed. The Speaker has appointed Representatives Fischer, chairman, Solano, and Nikkel as House conferees on the First Conference Committee on HB09-1282. The House has voted to grant the House conferees on the First Conference Committee on HB09-1282 to consider matters not at issue between the two houses. The bill is transmitted herewith.

The House has adopted the First Report of the First Conference Committee on SB09-256, as printed in House Journal, May 4, pages 1694-1699, and has repassed the bill as so amended. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

Laid over one day under Senate Rule 30(e).

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INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1369 by Representative(s) Weissmann; also Senator(s) Shaffer B.--Concerning the search process for leadership positions within state institution of higher education systems.
Education

CONSIDERATION OF MEMORIALS

SJM09-003 by Senator(s) Cadman, Groff, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams; also Representative(s) Weissmann-- Memorializing former Senate President Ray Powers.

On motion of Senator Cadman, the memorial was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Senate in recess. Senate reconvened.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Boyd, Chair, Schwartz, and Kester as Senate Conferees on the First Conference Committee on **HB09-1111**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB09-256 by Senator(s) Romer and Bacon; also Representative(s) Pommer and Scanlan--Concerning the financing of public schools, and making an appropriation therefor.

Senators Romer and Bacon moved for the adoption of the First Report of the First Conference Committee on **SB09-256**, as printed in Senate Journal, May 4, pages 1504-1509.

On a substitute motion, Senator White moved to reject the First Report of the First Conference Committee on **SB09-256**, that the Conference Committee be dissolved, that the Senate Conferees be discharged, and that a Second Conference Committee be formed.

A majority of all members elected to the Senate having voted in the affirmative, the substitute motion was declared **passed** on the following roll call vote:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Senator Romer moved that the Senate Conferees on the Second Conference Committee on SB09-256 be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

The President appointed Senators Romer, chair, Bacon, and King as Senate Conferees on the Second Conference Committee on **SB09-256**.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Schwartz, Chair, Foster, and Kester as Senate Conferees on the First Conference Committee on **HB09-1282**.

CONSIDERATION OF RESOLUTIONS

HJR09-1014 by Representative(s) Kerr J., Massey, Todd, Acree, Balmer, Casso, Gagliardi, Lambert, Looper, McNulty, Nikkel, Pace; also Senator(s) Morse, Schultheis--Concerning federal funds for COPLINK program.

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Boyd, Hodge, Kopp, Newell, Shaffer B. and Tochtrop.

HJR09-1021 by Representative(s) Benefield, Gagliardi, Gerou, Ryden, Todd; also Senator(s) Hudak, Sandoval--Concerning support of telecommuting by the state of Colorado.

On motion of Senator Hudak, the resolution was read at length and **adopted** by the following roll call vote:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

Co-sponsors added: Boyd, Carroll M., Foster, Groff, Hodge and Newell.

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd

Call of the Senate. Call raised.

HB09-1094 by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon-- Concerning wireless telephone prohibitions for drivers, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	19	NO	15	EXCUSED	0	ABSENT	1
Bacon	Y	Hodge	Y	Morse	N	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	A	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Foster, Groff, Newell, Shaffer B. and Williams.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Foster, Gibbs, Newell, Schwartz, Shaffer B. and Tochtrop.

RECONSIDERATION OF HB09-1274

Having voted on the prevailing side, Senator King moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on **HB09-1274**. The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared passed.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared passed.

Co-sponsors added: Newell

HB09-1345 by Representative(s) Solano; also Senator(s) Schwartz--Concerning integrated planning for the construction of electric transmission facilities in Colorado, and, in connection therewith, directing the public utilities commission to collect information from owners and operators of transmission infrastructure and report its findings to the general assembly.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Carroll M., Hodge, Kester, Newell, Penry, Shaffer B. and Williams.

HB09-1280 by Representative(s) Looper; also Senator(s) Tapia and Williams--Concerning the adoption of a youth challenge corps program in Colorado.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Gibbs, Groff, Hodge, King K., Morse, Newell, Schwartz, Shaffer B., Spence and Tochtrop.

HB09-1346 by Representative(s) Carroll T.; also Senator(s) Shaffer B.--Concerning authorization for public entities in the state to fully utilize the financing instruments available to them under the federal economic stimulus act known as the "American Recovery and Reinvestment Act of 2009".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Boyd, Foster, Gibbs, Groff, Hodge, Hudak, Morse, Schwartz and Tochtrop.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Morse

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Hudak and Shaffer B.

HB09-1349 by Representative(s) Fischer; also Senator(s) Heath--Concerning a special election period for the continuation of health care coverage after involuntary termination from employment.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Foster, Gibbs, Newell, Schwartz, Shaffer B., Tochtrop and Williams.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Newell and Williams.

HB09-1065 by Representative(s) Benefield, Todd; also Senator(s) Spence--Concerning the quality teachers commission, and, in connection therewith, creating an educator identifier system.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Groff and Newell.

HB09-1359 by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the governance of common interest communities under the "Colorado Common Interest Ownership Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Harvey, Newell, Penry and Schultheis.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	N	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	N	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

RECONSIDERATION OF HB09-1359

HB09-1359 by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the governance of common interest communities under the "Colorado Common Interest Ownership Act".

Having voted on the prevailing side, Senator Kopp moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on HB09-1359. The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE

HB09-1359 by Representative(s) Kerr A.; also Senator(s) Boyd--Concerning the governance of common interest communities under the "Colorado Common Interest Ownership Act".

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB09-1073 by Representative(s) Massey, Frangas, Kerr J., Riesberg; also Senator(s) Boyd and Kopp, Morse--Concerning electronic prescriptions in the medical assistance program, and making an appropriation in connection therewith.

A majority of those elected to the Senate having voted in the affirmative, Senator Boyd was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1,(L.007), by Senator Boyd.

Amend revised bill, page 2, line 6, after "SHALL", insert "CONTRACT WITH A NONPROFIT ORGANIZATION THAT FACILITATES HEALTH INFORMATION EXCHANGE TO IMPROVE THE HEALTH OF ALL COLORADANS TO";

line 10, strike "ITS" and substitute "THE".

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Gibbs, Groff, Hodge, Kester, King K., Newell, Penry, Shaffer B., Spence and Tochtrop.

HB09-1137 by Representative(s) Judd; also Senator(s) Newell--Concerning intercepts, and, in connection therewith, intercepting gambling winnings to pay outstanding restitution, and requiring the department of revenue to provide specified information to state agencies in conjunction with intercepts of tax refunds, and making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Newell was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1,(1.032), by Senator Newell.

Amend revised bill, page 3, line 21, after "DEPARTMENT", insert "OF REVENUE".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Groff, Harvey, Hudak and Schultheis.

HB09-1010 by Representative(s) Massey and McGihon; also Senator(s) Gibbs and Spence--Concerning the promotion of Colorado as a location for film production activities, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Newell and White.

HB09-1105 by Representative(s) Kefalas; also Senator(s) Scheffel--Concerning the creation of the Colorado innovation investment tax credit to be applied against state income taxes, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Groff and Shaffer B.

HB09-1343 by Representative(s) Massey, Solano, Todd, Gagliardi, Merrifield; also Senator(s) Williams, Foster, Heath, Hudak, Shaffer B.--Concerning the creation of the early childhood and school readiness legislative oversight commission.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Bacon, Groff, Newell and Schwartz.

HCR09-1003 by Representative(s) Lambert; also Senator(s) King K.--Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XVIII of the constitution of the state of Colorado, concerning the regulation of games of chance by an authority specified by the general assembly.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB09-1360 by Representative(s) Judd; also Senator(s) Sandoval--Concerning the adjustment of the ratio of valuation for assessment for residential real property.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB09-1364 by Representative(s) Riesberg; also Senator(s) Boyd--Concerning an increase in the length of terms served by members appointed to the health care task force.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Tochtrop

HB09-1347 by Representative(s) Kagan, Benefield, Frangas, Kerr J., McFadyen, Nikkel, Primavera, Solano; also Senator(s) Romer, Spence--Concerning the issuance of a donate life special license plate, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Groff, Kester, Kopp, Schwartz and Williams.

HB09-1353 by Representative(s) Miklosi; also Senator(s) Foster, Newell--Concerning legal immigrants' eligibility for public medical benefits.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd and Groff.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB09-1367 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) Keller, Tapia, White--Concerning the restriction of general fund revenues related to the pay date shift of

employees transferring to the office of information technology.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB09-1288 by Representative(s) Nikkel, Acree, Apuan, Bradford, Casso, Court, Frangas, Gardner B., Gardner C., Kerr J., King S., Lambert, Liston, Massey, May, McKinley, McNulty, Murray, Priola, Sonnenberg, Stephens, Summers, Swalm, Tipton, Vigil; also Senator(s) Kopp, Brophy, Harvey, Kester, Lundberg, Mitchell, Penry, Renfroe, Scheffel, Schultheis, Spence--Concerning the creation of a searchable database web site related to state finances, and, in connection therewith, enacting the "Colorado Taxpayer Transparency Act", and making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Cadman, Carroll M., Gibbs, Heath, King K., Sandoval, Tochtrop and White.

HB09-1126 by Representative(s) Hullinghorst, Curry; also Senator(s) Shaffer B., Heath--Concerning incentives for the development of solar thermal energy systems.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Carroll M., Foster, Gibbs, Groff, Keller, Newell, Penry and Williams.

HB09-1081 by Representative(s) Looper; also Senator(s) Morse--Concerning an increase in the length of the statute of limitations for vehicular homicide.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Boyd, Gibbs, Heath, King K., Kopp, Lundberg, Newell, Penry, Schultheis and Williams.

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB09-1319 by Representative(s) Merrifield and Massey, Todd, Baumgardner, Benefield, Carroll T., Casso, Ferrandino, Fischer, Green, Kerr A., Levy, Middleton, Miklosi, Murray, Peniston, Primavera, Priola, Riesberg, Scanlan, Schafer S., Solano, Summers; also Senator(s) Williams, King K., Hudak, Penry, Bacon, Boyd, Heath, Romer, Scheffel, Schwartz, Shaffer B., Tapia--Concerning concurrent enrollment of public high school students in courses offered by institutions of higher education, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Williams was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1, (L.041), by Senator Williams.

Amend revised bill, page 18, strike line 22 and substitute the following:

"PUPIL COUNT OF HIS OR HER SCHOOL DISTRICT OR, IN THE CASE OF A STUDENT ENROLLED IN AN INSTITUTE CHARTER SCHOOL, OF THE SCHOOL'S ACCOUNTING DISTRICT,".

Page 20, strike lines 19 through 21 and substitute the following:

"(b) IF A QUALIFIED STUDENT CONCURRENTLY ENROLLED IN A".

Page 22, line 25, strike "DEPARTMENT." and substitute "DEPARTMENT OR HIS OR HER DESIGNEE.".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Cadman, Gibbs, Groff, Hodge, Isgar, Kester, Kopp, Mitchell, Morse, Newell, Sandoval, Spence and White.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

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

Senator Schwartz moved that the Senate Conferrees on the First Conference Committee on **HB09-1282** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

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

Senator Boyd moved that the Senate Conferrees on the First Conference Committee on **HB09-1111** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1357** be referred to the Committee on Appropriations with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **HB09-1369** be postponed indefinitely.

Senate in recess. Senate reconvened.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-289

by Senator(s) Schwartz; also Representative(s) Primavera--Concerning the recycling development fee for waste tires.

Senator Schwartz moved that the Senate concur in House amendments to **SB09-289**, as printed in House Journal, May 1, page 1662.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result.

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Call of the Senate. Call raised.

SB09-232

by Senator(s) Schwartz, Heath, Mitchell; also Representative(s) McFadyen, Rice, Solano-- Concerning state financial assistance to finance local government capital construction projects.

Senator Schwartz moved that the Senate concur in House amendments to **SB09-232**, as printed in House Journal, May 1, page 1662.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result.

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsors added: White

SB09-283

by Senator(s) Sandoval; also Representative(s) Scanlan and Summers--Concerning the redaction by the secretary of state of tax identification numbers from secured transaction records filed with the secretary of state.

Senator Sandoval moved that the Senate concur in House amendments to **SB09-283**, as printed in House Journal, May 1, page 1662.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

SB09-294 by Senator(s) Romer; also Representative(s) McFadyen--Concerning applications for the issuance of a certificate of public convenience and necessity to provide taxi service that relates to counties with a population of at least seventy thousand.

Senator Romer moved that the Senate concur in House amendments to **SB09-294**, as printed in House Journal, May 1, pages 1663-1664.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result.

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

SB09-244 by Senator(s) Shaffer B.; also Representative(s) Primavera--Concerning health insurance benefits for the treatment of autism spectrum disorders.

Senator Shaffer moved that the Senate concur in House amendments to **SB09-244**, as printed in House Journal, May 1, pages 1665-1666.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote.

YES	33	NO	2	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result.

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsors added: Bacon, Keller and Schwartz.

RECONSIDERATION OF SB09-294

SB09-294 by Senator(s) Romer; also Representative(s) McFadyen--Concerning applications for the issuance of a certificate of public convenience and necessity to provide taxi service that relates to counties with a population of at least seventy thousand.

Having voted on the prevailing side, Senator Schultheis moved for reconsideration of the last Senate action, Repassage of SB09-294. The roll call was taken with the following result:

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

REPASSAGE OF SB09-294

SB09-294 by Senator(s) Romer; also Representative(s) McFadyen--Concerning applications for the issuance of a certificate of public convenience and necessity to provide taxi service that relates to counties with a population of at least seventy thousand.

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB09-1357** be referred to the Committee of the Whole with favorable recommendation.

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointment and recommend that the appointment be confirmed:

MEMBER OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

effective May 18, 2009, for a term expiring May 18, 2013:

Carol L. Block of Fort Collins, Colorado, a finance officer representing county government, reappointed

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-245

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 SB09-245, concerning changes to conform to portions of federal Public Law 110-351 relating to kinship, 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 4, strike lines 18 through 27.

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

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the office of information technology services, for Colorado TRAILS, for the fiscal year beginning July 1, 2009, the sum of eighty-six thousand dollars (\$86,000), or so much thereof as may be necessary, for the implementation of this act.";

line 9, strike "(2)," and substitute "(2) of this section,";

strike lines 12 and 13 and substitute the following:

"later; except that section 3 of this act shall take effect only if:

- (a) House Bill 09-1366 is enacted and becomes law;
- (b) The final fiscal estimate for the 2009-10 fiscal year for House Bill 09-1366, as reflected in the final fiscal analysis prepared by the legislative council staff for said act, shows an anticipated state income tax revenue gain that is equal to or greater than the general fund amount appropriated in section 3 of this act;
- (c) House Bill 09-1366, as enacted, leaves unappropriated a portion of the anticipated state income tax revenue gain for the 2009-10 fiscal year that is at least equal to the general fund amount appropriated in section 3 of this act; and
- (d) The staff director of the legislative council staff files written notice with the revisor of statutes no later than July 15, 2009, that the requirements set forth in paragraphs (b) and (c) of this subsection (2) have been met."

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

Amend rerevised bill, page 4, strike lines 6 and 7 and substitute the following:

"(1) THERE IS HEREBY ESTABLISHED A KINSHIP GUARDIANSHIP";

after line 17, insert the following:

"(3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE STATE DEPARTMENT SHALL NOT IMPLEMENT THE KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM UNLESS SECTION 3 OF SENATE BILL 09-245 IS ENACTED IN 2009 AND BECOMES LAW OR UNTIL SUCH TIME AS THE GENERAL ASSEMBLY OTHERWISE APPROPRIATES SUFFICIENT MONEYS FOR THE IMPLEMENTATION OF THE PROGRAM, WHICHEVER OCCURS FIRST."

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

Respectfully submitted,

Senate Committee:
(signed)
Senator Sandoval, Chair
Senator Romer
Senator Mitchell

House Committee:
(signed)
Representative Schafer, Chair
Representative Frangas
Representative Tipton

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-226

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 SB09-226, concerning policies for the management of food allergies among school children, and making an appropriation in connection therewith, 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 version of the bill, with the following changes:

Amend rerevised bill, page 4, strike lines 8 through 16 and substitute the following:

"(4) Now, therefore, the general assembly hereby declares that:

(a) The state board of education, in consultation with the department of public health and environment, should promulgate rules to manage the risks posed by food allergies and anaphylaxis in public schools; and

(b) Each school district of the state and the state charter school institute should develop a policy to manage the risks posed by food allergies and anaphylaxis to students, which policy, at a minimum, shall satisfy the rules promulgated by the state board of education.

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

22-2-135. Food allergy and anaphylaxis management - rules.

(1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO SCHOOL CHILDREN'S";

strike lines 26 and 27 and substitute the following:

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"(3) (a) ON OR BEFORE JANUARY 1, 2010, THE STATE BOARD OF EDUCATION, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL PROMULGATE RULES FOR THE".

Page 5, strike line 2 and substitute the following:

"ENROLLED IN THE PUBLIC SCHOOLS OF THE STATE. THE RULES SHALL";

line 5, strike "EACH SCHOOL OF THE SCHOOL DISTRICT" and substitute "SCHOOLS".

Page 6, line 2, strike "PARAGRAPH (a) OF THIS SUBSECTION (3)." and substitute "SECTION 22-32-139.".

Page 7, line 4, strike "OR SUBSECTION (4)";

line 5, strike "OF THIS SECTION";

strike lines 7 through 27.

Strike page 8.

Page 9, strike lines 1 through 21.

Page 10, line 6, strike "**required - approval of treatment**" and substitute "**required.**";

line 7, strike "**plans.**";

line 10, strike "BUT NEED" and substitute "AT A MINIMUM, MEASURES THAT SATISFY THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-2-135.";

strike lines 11 through 13;

line 24, strike "22-32-139 (3) (b)." and substitute "22-2-135 (3) (b).".

Page 11, line 4, strike "OR SUBSECTION (3)";

line 5, strike "OF THIS SECTION";

strike lines 7 through 27.

Strike page 12.

Page 13, strike lines 1 through 16, and substitute the following:

SECTION 5. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-139. Food allergies and anaphylaxis policy required.
ON OR BEFORE JULY 1, 2010, EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT AND IMPLEMENT A POLICY FOR THE MANAGEMENT OF FOOD ALLERGIES AND ANAPHYLAXIS AMONG STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT. THE POLICY SHALL INCLUDE, AT A MINIMUM, MEASURES THAT SATISFY THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-135.".

Renumber succeeding sections accordingly.

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

Amend rerevised bill, page 4, line 17, strike "POLICY".

Page 13, line 21, strike "**policy**" and substitute "**form**".

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Page 14, after line 4, insert the following:

"SECTION 7. 22-1-119.5 (1), (2) (a), (2) (b), and (4), Colorado Revised Statutes, are amended to read:

22-1-119.5. Asthma, food allergy, and anaphylaxis health management - self-administered medication. (1) This section shall be known and may be cited as the "Colorado Schoolchildren's Asthma, FOOD ALLERGY, and Anaphylaxis Health Management Act".

(2) (a) A student with asthma, A FOOD ALLERGY, OTHER severe allergies, or ~~other~~ A related, life-threatening condition may possess and self-administer medication to treat the student's asthma, FOOD OR OTHER ALLERGY, anaphylaxis, or other related, life-threatening condition if the student has a treatment plan approved pursuant to this subsection (2).

(b) A public school shall, and a nonpublic school is encouraged to, approve a treatment plan for a student enrolled in the school to possess and self-administer medication for asthma, A FOOD ALLERGY, or anaphylaxis if all of the following conditions are met:

(I) A health care practitioner has prescribed medication for use by the student during school hours, at school-sponsored activities, and while in transit to or from school or school-sponsored activities and has instructed the student in the correct and responsible use of the medication.

(II) The student demonstrates to the health care practitioner or the health care practitioner's designee and the school nurse OR A SCHOOL ADMINISTRATOR the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed.

(III) ~~The school nurse and the health care practitioner collaborate~~ OR A SCHOOL ADMINISTRATOR COLLABORATES WITH THE STUDENT'S HEALTH CARE PRACTITIONER to formulate a written treatment plan for managing asthma, FOOD ALLERGY, or anaphylaxis episodes of the student and for medication use by the student during school hours, at school-sponsored activities, and while in transit to or from school or school-sponsored activities.

(IV) The student's parent or legal guardian completes and submits to the public or nonpublic school the documentation required by rule of the state board of education, including but not limited to:

(A) A written medical authorization that includes the signature of the health care practitioner for the medication prescribed; the name, purpose, prescribed dosage, frequency, and length of time between dosages of the medications to be self-administered; and confirmation from the health care practitioner that the student has been instructed and is capable of self-administration of the prescribed medications;

(B) A written statement from the student's parent or legal guardian releasing the school, school district, any associated entity, and employees and volunteers of the school, school district, and associated entity from liability, except in cases of willful or wanton conduct or disregard of the criteria of the treatment plan; and

(C) A written contract between the school nurse OR A SCHOOL ADMINISTRATOR, the student, and the student's parent or legal guardian assigning levels of responsibility to the parent or legal guardian, student, and school employees.

(4) With the approval of the parent or legal guardian of a student with a treatment plan approved pursuant to subsection (2) of this section, a school may maintain additional asthma, FOOD OR OTHER ALLERGY, or anaphylaxis medication to be kept at the school in a location to which the student has immediate access in the event of an asthma, FOOD OR OTHER ALLERGY, or anaphylaxis emergency."

Renumber succeeding sections accordingly.

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Respectfully submitted,

Senate Committee:
(signed)
Senator Sandoval, Chair
Senator Hudak
Senator Lundberg

House Committee:
(signed)
Representative Gagliardi, Chair
Representative Benefield
Representative Summers

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB09-1111

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 HB09-1111, concerning measures to increase the availability of health resources in designated areas in Colorado, and, in connection therewith, creating the primary care office in the prevention services division in the department of public health and environment to maximize state and federal programs that provide health resources, and making an appropriation, 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.

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

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

strike line 19 and substitute the following:

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

line 20, strike "year,"

line 24, strike "sixty NINETY thousand SEVENTY" and substitute "sixty thousand".

Page 19, after line 1, insert the following:

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

Respectfully submitted,

House Committee:
(signed)

Senate Committee:
(signed)

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Representative Massey, Chair
Representative Riesberg
Representative Kegan

Senator Boyd, Chair
Senator Schwartz
Senator Kester

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB09-1282

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 HB09-1282,
concerning the recycling of certain electronic devices, and, in connection
therewith, establishing a task force within the department of public health
and environment to make recommendations regarding the implementation
of electronic device recycling programs and making an appropriation, 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 4, strike lines 4 through 8 and substitute the
following:

"(VI) THREE REPRESENTATIVES OF ELECTRONIC DEVICE
MANUFACTURERS, OF WHOM ONE SHALL REPRESENT COMPUTER
MANUFACTURERS, ONE SHALL REPRESENT SMALL ELECTRONIC DEVICE
MANUFACTURERS, AND ONE SHALL REPRESENT TELEVISION
MANUFACTURERS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT;"

strike lines 14 through 17 and substitute the following:

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

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

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

Respectfully submitted,

House Committee:
(signed)
Representative Fisher, Chair
Representative Solano
Representative Nikkel

Senate Committee:
(signed)
Senator Schwartz, Chair
Senator Foster
Senator Kester

MESSAGE FROM THE HOUSE

May 5, 2009

The House has adopted and transmits herewith HJR09-1018, and amended

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as printed in House Journal, May 5.

The House has adopted and transmits herewith HJR09-1025, and amended as printed in House Journal, April 24, page 1438.)

The House has adopted and transmits herewith HJR09-1026, and amended as printed in House Journal, April 21, page 1314.)

The House has adopted and returns herewith SJR09-040, 047.

The House has voted to concur in the Senate amendments to HB09-1039, 1047, 1123, 1132, 1202, 1266, 1267, 1290, 1298, 1310, 1320, 1326, 1330, 1348, 1067, HJR09-1020, and has repassed the bills/resolution as so amended.

The House has voted not to concur in the Senate amendments to HB09-1163 and requests that a conference committee be appointed. The Speaker has appointed Representatives C. Gardner, chairman, Levy, and A.Kerr as House conferees on the First Conference Committee on HB09-1163. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB9-1342 and requests that a conference committee be appointed. The Speaker has appointed Representatives Benefield, chairman, Kagan, and Marostica as House conferees on the First Conference Committee on HB09-1342. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has adopted and returns herewith SJM09-003.

The House has voted to grant the House conferees on the First Conference Committee on HB09-1163 to consider matters not at issue between the two houses.

The House has voted to reject the first conference committee report on SB09-256, discharge the conferees, and appoint a second conference committee, with permission to go beyond the scope of differences. The Speaker has appointed Representatives Pommer, chairman, and Scanlan, and Massey as House conferees on the Second Conference Committee on SB09-256.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Boyd, Chair, Williams, and White as Senate Conferees on the First Conference Committee on **HB09-1342**.

Senator Boyd moved that the Senate Conferees on the First Conference Committee on **HB09-1342** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

The President appointed Senators Veiga, Chair, Romer, and Harvey as Senate Conferees on the First Conference Committee on **HB09-1163**.

Senator Veiga moved that the Senate Conferees on the First Conference Committee on **HB09-1163** be granted permission to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB09-1363, HB09-1321, HB09-1337, HB09-1336, HB09-1335, HB09-1366, HB09-1351, HB09-1331, HB09-1357 were made Special Orders at 3:00 p.m.

Committee of the Whole The hour of 3:00 p.m. having arrived, Senator Isgar moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second

Reading of Bills and Senator Isgar 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 that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB09-1363 by Representative(s) Ferrandino; also Senator(s) Veiga--Concerning the authority for the unemployment compensation section of the division of employment and training in the department of labor and employment to operate as an enterprise for purposes of section 20 of article X of the state constitution.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

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

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 4, and placed in members' bill files.)

Amendment No. 2(L.010), by Senator Carroll.

Amend reengrossed bill, page 3, line 23, strike "PARAGRAPH (a) OF THIS SUBSECTION (4)," and substitute "SUBPARAGRAPH (II) OF THIS PARAGRAPH (c)."

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

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

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 4, page 1486 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, page 1488 and placed in members' bill files.)

Amendment No. 3(L.026), by Senator Isgar.

Strike the Appropriations Committee Report, dated May 4, 2009.

Strike the Finance Committee Report, dated May 1, 2009, and substitute the following:

"Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

SECTION 1. 39-22-518 (2) (b) (I) (A) and (2) (b) (I) (B), Colorado Revised Statutes, are amended, and the said 39-22-518 (2) (b) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

39-22-518. Tax modification for net capital gains - repeal.
(2) For the purposes of this section:

(b) (I) "Qualifying gains receiving capital treatment" means the amount of net capital gains, as defined in section 1222 (11) of the internal revenue code, included in any qualified taxpayer's federal income tax return and:

(A) Earned by such THE qualified taxpayer on real or tangible personal property located within Colorado that was acquired on or after May 9, 1994, and that has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction

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from which ~~such~~ THE net capital gains arise IF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE OCCURRED DURING AN INCOME TAX YEAR THAT COMMENCED BEFORE JANUARY 1, 2010; or

(B) Earned on the sale of stock or on the sale of an ownership interest in a Colorado company, limited liability company, or partnership where ~~such~~ THE stock or ownership interest was acquired on or after May 9, 1994, and has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which the net capital gains arise IF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE OCCURRED DURING AN INCOME TAX YEAR THAT COMMENCED BEFORE JANUARY 1, 2010; or

(B.5) EARNED BY THE QUALIFIED TAXPAYER ON EITHER REAL OR TANGIBLE PERSONAL PROPERTY LOCATED WITHIN COLORADO THAT WAS ACQUIRED ON OR AFTER MAY 9, 1994, BUT BEFORE THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (B.5), OR ON TANGIBLE PERSONAL PROPERTY ONLY LOCATED EITHER WITHIN OR OUTSIDE COLORADO THAT WAS ACQUIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (B.5), AND EITHER OF WHICH HAS BEEN OWNED BY THE QUALIFIED TAXPAYER FOR A HOLDING PERIOD OF AT LEAST FIVE YEARS PRIOR TO THE DATE OF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE IF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE OCCURRED DURING AN INCOME TAX YEAR THAT COMMENCED ON OR AFTER JANUARY 1, 2010; EXCEPT THAT NO MORE THAN ONE HUNDRED THOUSAND DOLLARS OF NET CAPITAL GAINS DESCRIBED IN THIS SUB-SUBPARAGRAPH (B.5) SHALL BE QUALIFYING GAINS RECEIVING CAPITAL TREATMENT FOR ANY SINGLE INCOME TAX YEAR.

SECTION 2. 39-22-518, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-22-518. Tax modification for net capital gains - repeal.
 (8) SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (8) ARE REPEALED, EFFECTIVE JANUARY 1, 2015.

SECTION 3. Repeal. 39-22-518 (2) (b) (I) (C), (2) (b) (I) (D), (2) (b) (I) (E), (2) (b) (I) (F), (5), (6), and (7), Colorado Revised Statutes, are repealed.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."."

As amended, referred to the Committee on Appropriations.

HB09-1337 by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman-- Concerning changes to certain ballot processing deadlines contained in the state election code.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1336 by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman-- Concerning the implementation of specific recommendations of the state election reform commission.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1335 by Representative(s) Todd and Murray; also Senator(s) Williams and Carroll M., Cadman-- Concerning requirements for voting equipment.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

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

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Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, May 4, page 1486 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, page 1488 and placed in members' bill files.)

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

HB09-1331 by Representative(s) Gagliardi; also Senator(s) Boyd--Concerning incentives for efficient motor vehicles, and making an appropriation in connection therewith.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, May 4, page 1487-1488 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, page 1528 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Boyd.

Amend reengrossed bill, page 8, line 22, strike "MEANS A HYBRID" and substitute "MEANS:";

strike lines 23 through 26 and substitute the following:

"(A) AN ORIGINAL EQUIPMENT MANUFACTURER PLUG-IN HYBRID ELECTRIC VEHICLE THAT CAN OPERATE SOLELY ON ELECTRIC POWER AND THAT IS CAPABLE OF RECHARGING ITS BATTERY FROM AN ON-BOARD GENERATION SOURCE AND AN OFF-BOARD ELECTRICITY SOURCE; AND

(B) A PLUG-IN HYBRID ELECTRIC VEHICLE CONVERSION THAT PROVIDES AN INCREASE IN CITY FUEL ECONOMY OF SEVENTY-FIVE PERCENT OR MORE AS COMPARED TO A COMPARABLE NONHYBRID VERSION VEHICLE FOR A MINIMUM OF TWENTY MILES AND THAT IS CAPABLE OF RECHARGING ITS BATTERY FROM AN ON-BOARD GENERATION SOURCE AND AN OFF-BOARD ELECTRICITY SOURCE. A VEHICLE SHALL BE COMPARABLE IF IT IS THE SAME MODEL YEAR AND THE SAME VEHICLE CLASS AS ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND IS COMPARABLE IN WEIGHT, SIZE, AND USE. FUEL ECONOMY COMPARISONS SHALL BE MADE USING CITY FUEL ECONOMY STANDARDS IN A MANNER THAT IS SUBSTANTIALLY SIMILAR TO THE MANNER IN WHICH CITY FUEL ECONOMY IS MEASURED IN ACCORDANCE WITH PROCEDURES SET FORTH IN 40 CFR 600, AS IN EFFECT ON AUGUST 8, 2005."

Page 14, line 15, strike "MEANS A HYBRID" and substitute "MEANS:";

strike lines 16 through 19 and substitute the following:

"(I) AN ORIGINAL EQUIPMENT MANUFACTURER PLUG-IN HYBRID ELECTRIC VEHICLE THAT CAN OPERATE SOLELY ON ELECTRIC POWER AND THAT IS CAPABLE OF RECHARGING ITS BATTERY FROM AN ON-BOARD GENERATION SOURCE AND AN OFF-BOARD ELECTRICITY SOURCE; AND

(II) A PLUG-IN HYBRID ELECTRIC VEHICLE CONVERSION THAT PROVIDES AN INCREASE IN CITY FUEL ECONOMY OF SEVENTY-FIVE PERCENT OR MORE AS COMPARED TO A COMPARABLE NONHYBRID VERSION VEHICLE FOR A MINIMUM OF TWENTY MILES AND THAT IS CAPABLE OF RECHARGING ITS BATTERY FROM AN ON-BOARD GENERATION SOURCE AND AN OFF-BOARD ELECTRICITY SOURCE. A VEHICLE SHALL BE COMPARABLE IF IT IS THE SAME MODEL YEAR AND THE SAME VEHICLE CLASS AS ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND IS COMPARABLE IN WEIGHT, SIZE, AND USE. FUEL ECONOMY COMPARISONS SHALL BE MADE USING CITY FUEL ECONOMY STANDARDS IN A MANNER THAT IS SUBSTANTIALLY SIMILAR TO THE MANNER IN WHICH CITY FUEL ECONOMY IS MEASURED IN ACCORDANCE WITH PROCEDURES SET FORTH IN 40 CFR 600, AS IN EFFECT ON AUGUST 8, 2005."

Page 21, line 3, strike "MEANS A HYBRID" and substitute "MEANS:";

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strike lines 4 through 7 and substitute the following:

"(a) AN ORIGINAL EQUIPMENT MANUFACTURER PLUG-IN HYBRID ELECTRIC VEHICLE THAT CAN OPERATE SOLELY ON ELECTRIC POWER AND THAT IS CAPABLE OF RECHARGING ITS BATTERY FROM AN ON-BOARD GENERATION SOURCE AND AN OFF-BOARD ELECTRICITY SOURCE; AND

(b) A PLUG-IN HYBRID ELECTRIC VEHICLE CONVERSION THAT PROVIDES AN INCREASE IN CITY FUEL ECONOMY OF SEVENTY-FIVE PERCENT OR MORE AS COMPARED TO A COMPARABLE NONHYBRID VERSION VEHICLE FOR A MINIMUM OF TWENTY MILES AND THAT IS CAPABLE OF RECHARGING ITS BATTERY FROM AN ON-BOARD GENERATION SOURCE AND AN OFF-BOARD ELECTRICITY SOURCE. A VEHICLE SHALL BE COMPARABLE IF IT IS THE SAME MODEL YEAR AND THE SAME VEHICLE CLASS AS ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND IS COMPARABLE IN WEIGHT, SIZE, AND USE. FUEL ECONOMY COMPARISONS SHALL BE MADE USING CITY FUEL ECONOMY STANDARDS IN A MANNER THAT IS SUBSTANTIALLY SIMILAR TO THE MANNER IN WHICH CITY FUEL ECONOMY IS MEASURED IN ACCORDANCE WITH PROCEDURES SET FORTH IN 40 CFR 600, AS IN EFFECT ON AUGUST 8, 2005."

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

HB09-1357 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning a requirement that campaign finance reports required to be filed with the county clerk and recorder be filed instead with the secretary of state, and making an appropriation therefor.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Isgar, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1363, HB09-1321 as amended, HB09-1337, HB09-1336, HB09-1335, HB09-1351 as amended, HB09-1331 as amended, HB09-1357
Referred to the Committee on Appropriations: HB09-1366 as amended

**FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON SB09-256**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your second conference committee appointed on SB09-256,

concerning the financing of public schools, and making an appropriation therefor, 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 11, strike lines 20 and 21 and substitute the following:

"this subsection (3). ~~but shall apply to the district's share of its total program pursuant to section 22-54-106 (1) (a) (f).~~".

Page 12, after line 26, insert the following:

SECTION 9. 22-54-124 (4), Colorado Revised Statutes, is amended to read:

22-54-124. State aid for charter schools - use of state education fund moneys - definitions. (4) For the 2001-02 budget year, the 2003-04 budget year, and each budget year thereafter, the general assembly shall annually appropriate from the state education fund created in section 17 (4) of article IX of the state constitution, to the department of education for distribution to eligible school districts and eligible institute charter schools in accordance with the formula set forth in paragraph (a) of subsection (3) of this section, an amount equal to the total amount of moneys to be distributed to all districts and institute charter schools as determined pursuant to said formula.

(a) PRIOR TO THE 2009-10 BUDGET YEAR, from the moneys appropriated for a given budget year PURSUANT TO THIS SECTION, the department shall make lump sum payments of all moneys to be distributed to each eligible school district and eligible institute charter school during the budget year as soon as possible.

(b) FOR THE 2009-10 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE THE TOTAL AMOUNT TO BE DISTRIBUTED PURSUANT TO THIS SECTION TO EACH ELIGIBLE SCHOOL DISTRICT AND ELIGIBLE INSTITUTE CHARTER SCHOOL IN TWELVE APPROXIMATELY EQUAL MONTHLY PAYMENTS DURING THE APPLICABLE BUDGET YEAR IN CONJUNCTION WITH THE DISTRIBUTION OF THE STATE'S SHARE OF DISTRICT TOTAL PROGRAM PURSUANT TO SECTION 22-54-115."

Re-number succeeding sections accordingly.

Page 13, after line 11, insert the following:

SECTION 11. 22-30.5-112 (2) (a.7), Colorado Revised Statutes, is amended to read:

22-30.5-112. Charter schools - financing - definitions - guidelines. (2) (a.7) For the 2000-01 budget year ~~and budget years thereafter~~ THROUGH THE 2008-09 BUDGET YEAR, each charter school shall annually allocate the minimum per pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by the number of students enrolled in the charter school who are not students enrolled in an on-line program, as defined in section 22-30.7-102 (9), to a fund created by the charter school for capital reserve purposes, as set forth in section 22-45-103 (1) (c) and (1) (e), or solely for the management of risk-related activities, as identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S., or among such allowable funds. Said moneys shall be used for the purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be expended by the charter school for any other purpose. ANY MONEYS REMAINING IN SUCH FUND THAT HAVE NOT BEEN EXPENDED PRIOR TO THE 2009-10 BUDGET YEAR SHALL BE BUDGETED FOR THE PURPOSES SET FORTH IN SECTION 22-45-103 (1) (c) AND (1) (e) IN THE 2009-10 BUDGET YEAR OR ANY BUDGET YEAR THEREAFTER."

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Renumber succeeding sections accordingly.

Page 24, line 17, strike "**study - repeal.**" and substitute "**study - authority to contract - funding.**".

Page 26, after line 12, insert the following:

"(4) (a) FOLLOWING COMPLETION OF THE FEASIBILITY STUDY, IF THE COMMISSIONER CONCLUDES THAT THE CREATION AND OPERATION OF STATE RESIDENTIAL SCHOOLS WOULD BE BENEFICIAL TO THE STATE, THE COMMISSIONER MAY CONTRACT FOR THE CREATION AND OPERATION OF ONE OR MORE STATE RESIDENTIAL SCHOOLS TO PROVIDE EDUCATIONAL SERVICES TO STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE. ANY STATE RESIDENTIAL SCHOOL OPERATED PURSUANT TO THIS SECTION SHALL PROVIDE AN EDUCATIONAL PROGRAM FOCUSED ON MATHEMATICS AND SCIENCE.

(b) IF THE COMMISSIONER DOES NOT CONTRACT FOR STATE RESIDENTIAL SCHOOLS AS AUTHORIZED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE COMMISSIONER MAY PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND PUBLIC SCHOOLS TO ADDRESS THE NEEDS OF STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE BY IMPROVING THE AVAILABILITY AND QUALITY OF SECONDARY-LEVEL MATHEMATICS AND SCIENCE CURRICULA.

(5) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT UP TO THREE MILLION DOLLARS BE APPROPRIATED TO THE COMMISSIONER TO EXPEND FOR THE IMPLEMENTATION OF SUBSECTION (4) OF THIS SECTION. THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE CREATION OF STATE RESIDENTIAL SCHOOLS AND THE PROVISION OF TECHNICAL ASSISTANCE TO IMPROVE SECONDARY-LEVEL MATHEMATICS AND SCIENCE CURRICULA AS PROVIDED IN SUBSECTION (4) OF THIS SECTION ARE IMPORTANT ELEMENTS OF ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, AND THE GENERAL ASSEMBLY MAY THEREFORE APPROPRIATE MONEYS FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE IMPLEMENTATION OF SUBSECTION (4) OF THIS SECTION.

(b) IN ADDITION TO THE FUNDING PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), IF THE COMMISSIONER CONTRACTS FOR THE CREATION AND OPERATION OF ONE OR MORE STATE RESIDENTIAL SCHOOLS, THE DEPARTMENT SHALL PROVIDE FUNDING FOR SAID SCHOOLS BY WITHHOLDING MONEYS FROM THE STATE SHARE OF TOTAL PROGRAM FUNDING PAYABLE TO THE DISTRICT OF RESIDENCE OF EACH STUDENT WHO ENROLLS IN A STATE RESIDENTIAL SCHOOL. THE AMOUNT WITHHELD SHALL BE EQUAL TO THE AMOUNT OF THE SCHOOL DISTRICT'S PER PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE NUMBER OF STUDENTS WHO RESIDE IN THE SCHOOL DISTRICT AND ARE ENROLLED IN THE STATE RESIDENTIAL SCHOOL AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR. A STUDENT WHO ENROLLS IN A STATE RESIDENTIAL SCHOOL SHALL BE COUNTED IN THE PUPIL ENROLLMENT OF THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE FOR PURPOSES OF THIS PARAGRAPH (b). THE DEPARTMENT SHALL ADOPT GUIDELINES AS NECESSARY FOR THE IMPLEMENTATION OF THIS PARAGRAPH (b).";

line 13, strike "(4)" and substitute "(c)";

line 14, strike "THIS" and substitute "THE";

line 17, after the period, add "THE COMMISSIONER IS AUTHORIZED TO SEEK AND ACCEPT ADDITIONAL PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS FOR THE IMPLEMENTATION OF THIS SECTION.";

strike line 18.

Page 37, after line 12, insert the following:

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"SECTION 36. 24-75-601.1 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-601.1. Legal investments of public funds. (1) It is lawful to invest public funds in any of the following securities:

(h.5) ANY CERTIFICATE OF PARTICIPATION OR OTHER SECURITY EVIDENCING RIGHTS IN PAYMENTS TO BE MADE BY A SCHOOL DISTRICT UNDER A LEASE, LEASE-PURCHASE AGREEMENT, OR SIMILAR ARRANGEMENT IF THE SECURITY, AT THE TIME OF PURCHASE, CARRIES AT LEAST TWO CREDIT RATINGS FROM ANY OF THE NATIONALLY RECOGNIZED CREDIT RATING AGENCIES AND IS RATED AT OR ABOVE "A" BY ALL SUCH CREDIT AGENCIES THAT HAVE PROVIDED A RATING."

Renumber succeeding sections accordingly.

Page 39, line 20, strike "22 through 24, 26, and 34" and substitute "26 through 28, 30, and 43";

line 22, strike "27 through 29 and 35" and substitute "31 through 33, 40, and 44";

line 24, strike "31" and substitute "35".

Page 40, line 1, strike "32" and substitute "41".

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

Amend rerevised bill, page 9, after line 2, insert the following:

"SECTION 4. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-106.5. Fiscal emergency restricted reserve - calculation of reserve amount. (1) FOR THE 2009-10 BUDGET YEAR, THE GENERAL ASSEMBLY DETERMINES THAT A STATE FINANCIAL CRISIS REQUIRES EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE TO BUDGET AN AMOUNT TO A FISCAL EMERGENCY RESTRICTED RESERVE PURSUANT TO SECTION 22-44-119. USING THE TOTAL AMOUNT TO BE BUDGETED FOR THE RESERVE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE AMOUNT TO BE BUDGETED TO THE FISCAL EMERGENCY RESTRICTED RESERVE BY EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE. THE AMOUNT BUDGETED BY EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BE RELEASED FOR EXPENDITURE BY THE DISTRICT OR FOR DISTRIBUTION TO INSTITUTE CHARTER SCHOOLS BY THE STATE CHARTER SCHOOL INSTITUTE, AS APPLICABLE, ON JANUARY 29, 2010, IF A NEGATIVE SUPPLEMENTAL APPROPRIATION TO EFFECT A RECISSION OF THE TOTAL AMOUNT OF RESTRICTED RESERVE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, OR ANY PORTION THEREOF, HAS NOT BEEN ENACTED AND BECOME LAW BY SAID DATE.

(2) THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE AMOUNT TO BE BUDGETED TO THE FISCAL EMERGENCY RESTRICTED RESERVE FOR THE 2009-10 BUDGET YEAR BY DIVIDING THE TOTAL AMOUNT TO BE BUDGETED FOR THE 2009-10 BUDGET YEAR, AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, BY THE SUM OF THE TOTAL PROGRAM OF ALL DISTRICTS AND INSTITUTE CHARTER SCHOOL FUNDING. THE DEPARTMENT SHALL CALCULATE THE AMOUNT TO BE BUDGETED BY EACH DISTRICT AS AN AMOUNT EQUAL TO THE TOTAL RESTRICTED RESERVE MULTIPLIED BY THE DISTRICT'S TOTAL PROGRAM AS CALCULATED PURSUANT TO SECTION 22-54-104 (2) (a) (VIII) OR (2) (b), WHICHEVER IS APPLICABLE. THE DEPARTMENT SHALL CALCULATE THE AMOUNT TO BE BUDGETED BY THE STATE CHARTER SCHOOL INSTITUTE FOR EACH INSTITUTE CHARTER SCHOOL BASED ON THE TOTAL RESTRICTED RESERVE MULTIPLIED BY THE TOTAL PROGRAM OF THE ACCOUNTING DISTRICT FOR EACH INSTITUTE CHARTER SCHOOL.

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(3) FOR THE 2009-10 BUDGET YEAR, THE TOTAL AMOUNT OF THE RESTRICTED RESERVE SHALL BE ONE HUNDRED TEN MILLION DOLLARS."

Renumber succeeding sections accordingly.

Page 23, after line 1, insert the following:

"SECTION 21. Part 1 of article 44 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-44-119. Fiscal emergency restricted reserve. FOR THE 2009-10 BUDGET YEAR, EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BUDGET A TOTAL DOLLAR AMOUNT DETERMINED BY THE DEPARTMENT OF EDUCATION TO A FISCAL EMERGENCY RESTRICTED RESERVE IN THE GENERAL FUND. THE AMOUNT BUDGETED BY EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BE RELEASED FOR EXPENDITURE BY THE DISTRICT OR FOR DISTRIBUTION TO INSTITUTE CHARTER SCHOOLS BY THE STATE CHARTER SCHOOL INSTITUTE, AS APPLICABLE, ON JANUARY 29, 2010, IF A NEGATIVE SUPPLEMENTAL APPROPRIATION TO EFFECT A RECISSION OF THE TOTAL AMOUNT OF THE RESTRICTED RESERVE AS SPECIFIED IN SECTION 22-54-106.5 (3), OR ANY PORTION THEREOF, HAS NOT BEEN ENACTED AND BECOME LAW BY SAID DATE."

Renumber succeeding sections accordingly.

Page 37, before line 13, insert the following:

"SECTION 37. **Repeal.** 22-43.7-109 (9) (c) (II), Colorado Revised Statutes, is repealed as follows:

22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements. (9) Except as otherwise provided in subsection (10) of this section, the board shall recommend and the state board shall approve financial assistance for a public school facility capital construction project only if the applicant provides matching moneys in an amount equal to a percentage of the total financing for the project determined by the board after consideration of the applicant's financial capacity, as determined by the following factors:

(c) With respect to a charter school's application for financial assistance:

~~(II) The per pupil revenue received by the charter school from the state that is required by law to be credited to a capital construction reserve;~~

SECTION 38. 22-43.7-202 (4) (b), Colorado Revised Statutes, is amended to read:

22-43.7-202. Applications for grants and matching grants - rules. (4) The board shall prioritize each application for a grant or a matching grant that describes a capital construction project deemed eligible by the board for a grant or matching grant pursuant to this part 2. The board shall prioritize the applications based on the following criteria, in descending order of importance:

(b) Capital construction projects in school districts or for institute charter schools that have previously demonstrated consistent efforts to allocate moneys to the school districts' or institute charter schools' capital reserve fund. ~~in excess of the minimum amounts required pursuant to section 22-54-105 (2) or 22-30.5-514 (1).~~

SECTION 39. 22-44-112 (2) (a), Colorado Revised Statutes, is amended to read:

22-44-112. Transfer of moneys. (2) (a) A board of education

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may transfer by resolution any unencumbered moneys from one fund to another, except the capital reserve fund, any fund or account in the general fund established solely for the management of risk-related activities; the transportation fund, the special building and technology fund, OR the bond redemption fund. or the instructional supplies and materials account or the instructional capital outlay account in the general fund; except that unencumbered moneys may be transferred by resolution of the board between the capital reserve fund and any fund or account in the general fund established solely for the management of risk-related activities and between the instructional supplies and materials account and the instructional capital outlay account in the general fund.

SECTION 40. 22-11-601 (2), Colorado Revised Statutes, as enacted in Senate Bill 09-163, is amended to read:

22-11-601. Colorado school awards program - created - rules.

(2) In addition to the monetary awards made and distributed pursuant to sections ~~22-11-602, 22-11-603~~ SECTIONS 22-11-602, 22-11-603, 22-11-603.5, and 22-11-605, the state board may annually apply any amount remaining from the amount annually appropriated for implementation of section 22-11-202 to provide tangible items of recognition, such as banners or trophies, to schools that receive the John Irwin schools of excellence awards and the governor's distinguished improvement awards."

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:
(signed)
Senator Bacon, Chair
Senator Romer

House Committee:
(signed)
Representative Pommer, Chair
Representative Scanlan
Representative Massey

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR09-1018 by Representative(s) Frangas; also Senator(s) Carroll M.--Concerning citizens' freedom of speech rights.

Laid over one day under Senate Rule 30(e).

HJR09-1025 by Representative(s) Schafer S., Apuan, Benefield, Massey, Murray, Priola; also Senator(s) Bacon--Concerning the creation of an interim committee to study ways to improve the safety of school communities.

Laid over one day under Senate Rule 30(e).

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

Laid over one day under Senate Rule 30(e).

MESSAGE FROM THE HOUSE

May 5, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-110, amended as printed in House Journal, May 4, page 1706.
SB09-241, amended as printed in House Journal, May 4, pages 1706-1707.
SB09-247, amended as printed in House Journal, May 4, pages 1707-1708.

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SB09-297, amended as printed in House Journal, May 4, page 1738. 1
 SB09-290, amended as printed in House Journal, May 4, page 1738. 2
 SB09-085, amended as printed in House Journal, May 4, pages 1738-1739. 3
 SB09-292, amended as printed in House Journal, May 4, page 1739, and on 4
 Third Reading as printed in House Journal, May 5. 5
 6
 The House has postponed indefinitely SJR09-048. The resolution is returned herewith. 7
 8
 The House has adopted and returns herewith SJR09-055. 9
 10
 The House has adopted and transmits herewith SJR09-058. Pursuant to SJR09-058, the 11
 Speaker has appointed Representatives Primavera, Court and Stephans as House 12
 members on the joint committee to notify the Governor of adjournment sine die. 13
 14
 The House has passed on Third Reading and returns herewith SB09-164. 15
 16
 The House has adopted the First Report of the First Conference Committee on HB09- 17
 1338, as printed in House Journal, May 4, page 1751, and has repassed the bill as 18
 amended. 19
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 The House has adopted the First Report of the First Conference Committee on SB09- 21
 245, as printed in House Journal, May 5, and has repassed the bill as so amended. The 22
 bill is returned herewith. 23
 24
 The House has adopted the First Report of the First Conference Committee on SB09- 25
 226, as printed in House Journal, May 5, and has repassed the bill as so amended. The 26
 bill is returned herewith. 27
 28
 The House has adopted and returns herewith SJR09-056, amended as printed in House 29
 Journal, May 5. 30
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 The House has adopted and returns herewith SJR09-044, amended as printed in House 32
 Journal, May 5. 33
 34
 The House has adopted and returns herewith SJR09-057. 35
 36
 The House has voted to concur in the Senate amendments to HB089-1126, 1204, 37
 1280, 1333, 1349, 1065, 1359, and has repassed the bills as so amended. 38
 39
 The House has voted not to concur in the Senate amendments to HB09-1274 and 40
 requests that a conference committee be appointed. The Speaker has appointed 41
 Representatives Weissmann, chairman, Miklosi, and Waller as House conferees on the 42
 First Conference Committee on HB09-1274. The bill is transmitted herewith. 43
 44
 The House has voted not to concur in the Senate amendments to HB09-1094 and 45
 requests that a conference committee be appointed. The Speaker has appointed 46
 Representatives Levy, chairman, Fischer, and McNulty as House conferees on the First 47
 Conference Committee on HB09-1094. The House has voted to grant the House 48
 conferees to consider matters not at issue between the two houses. The bill is transmitted 49
 herewith. 50
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MESSAGE FROM THE REVISOR OF STATUTES

May 5, 2009

We herewith transmit:

Without comment, as amended, SB09-085, 110, 241, 247, 290, 292, and 297.

MESSAGE FROM THE GOVERNOR

May 4, 2009

To the Honorable Senate
 Sixty-seventh General Assembly

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First Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

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

SB09-031 CONCERNING THE CREATION OF THE CLEAN TECHNOLOGY DISCOVERY EVALUATION GRANT PROGRAM.

Approved May 4, 2009 at 2:44 p.m.

SB09-104 CONCERNING THE PROVISION OF VERIFIABLE DOCUMENTS TO YOUTH LEAVING FOSTER CARE.

Approved May 2, 2009 at 11:28 a.m.

SB09-119 CONCERNING A CLARIFICATION OF THE ENFORCEMENT OF WATER QUALITY LAWS RELATING TO THE DISCHARGE OF CERTAIN HAZARDOUS POLLUTANTS..

Approved May 4, 2009 at 2:24 p.m.

SB09-126 CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE MULTIPLE SCLEROSIS FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND, IN CONNECTION THEREWITH, EXTENDING THE PERIOD FOR THE CONTRIBUTION DESIGNATION.

Approved May 2, 2009 at 8:45 a.m.

SB09-132 CONCERNING DISCOUNTED PRESCRIPTION DRUG PROGRAMS, AND, IN CONNECTION THEREWITH, PROVIDING INFORMATION REGARDING DISCOUNTED PRESCRIPTION DRUG PROGRAMS AND MODIFYING THE "COLORADO CARES RX ACT" AND MAKING AN APPROPRIATION.

Approved May 4, 2009 at 2:25 p.m.

SB09-144 CONCERNING THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING AND PROGRAMS ADMINISTERED IN CONNECTION THEREWITH, AND MAKING AN APPROPRIATION THEREFOR.

Approved May 2, 2009 at 11:30 a.m.

SB09-169 CONCERNING THE CONTINUATION OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS.

Approved May 4, 2009 at 2:26 p.m.

SB09-171 CONCERNING THE USE OF MONEYS IN THE COLORADO CUSTOMIZED TRAINING PROGRAM.

Approved May 4, 2009 at 8:58 a.m.

SB09-175 CONCERNING THE ISSUANCE OF GROUP SPECIAL LICENSE PLATES.

Approved May 4, 2009 at 2:26 p.m.

SB09-230 CONCERNING THE AUTHORIZATION OF CHARTER SCHOOLS AS SCHOOL FOOD AUTHORITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved May 4, 2009 at 2:27 p.m.

Sincerely,

Bill Ritter, Jr.

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SENATE SERVICES REPORT

Correctly Printed: SJR09-059; SR09-017.
Correctly Engrossed: SJR09-040, 055, 057 and 058; SR09-015.
Correctly Revised: HB09-1010, 1020, 1065, 1073, 1081, 1094, 1105, 1126, 1137, 1157, 1204, 1246, 1274, 1280, 1288, 1319, 1333, 1334, 1341, 1343, 1345, 1346, 1347, 1349, 1353, 1359, 1360, 1364, 1365 and 1367; HCR09-1003; HJR09-1016.
Correctly Rerevised: HB09-1067 and 1342.
Correctly Enrolled: SB09-022, 088 and 178.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-160.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, May 5, 2009, at 2:18 p.m.: SB09-160.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

May 5, 2009

The House has voted to concur in the Senate amendments to HB089-1073, 1010 1105, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB09-1157 and requests that a conference committee be appointed. The Speaker has appointed Representatives Waller, chairman, McCann, and Pommer as House conferees on the First Conference Committee on HB09-1157. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB09-1137 and requests that a conference committee be appointed. The Speaker has appointed Representatives Judd, chairman, Levy, and Bradford as House conferees on the First Conference Committee on HB09-1137. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB089-1343, HCR09-1003, 1288, 1081, 1319, 1346, 1170, and has repassed the bills as so amended.

The Speaker has appointed Representative Pace to replace Representative McCann as House conferee on the First Conference Committee on HB09-1157. The House has voted to grant the House conferees on the First Conference Committee on HB09-1157 to consider matters not at issue between the two houses.

The House has adopted the First Report of the Second Conference Committee on SB09-256, as printed in House Journal, May 5, and has repassed the bill as so amended. The bill is returned herewith.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Conference Committee Reports, SB09-256.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB09-256

by Senator(s) Romer and Bacon; also Representative(s) Pommer and Scanlan--
Concerning the financing of public schools, and making an appropriation therefor.

Senator Romer moved for the adoption of the First Report of the Second Conference
Committee on **SB09-256**, as printed in Senate Journal, May 5.

On a substitute motion, Senator King moved that the Senate adhere to its position on
SB09-256. The motion was declared **lost** by the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

Senator Romer moved for the adoption of the First Report of the Second Conference
Committee on **SB09-256**, as printed in Senate Journal, May 5. The motion **passed** on the
following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	N
Heath	Y	Mitchell	N	Schwartz	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the
following result:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as
amended, was declared **repassed**.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1366** be referred
to the Committee of the Whole with favorable recommendation.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate
having voted in the affirmative, HB09-1366 was made Special Orders at 7:07 p.m.

Committee of the Whole

The hour of 7:07 p.m. having arrived, Senator Isgar moved that the Senate resolve
itself into the Committee of the Whole for consideration of Special Orders -- Second

Reading of Bills and Senator Isgar 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 that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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

Amendment No. 1, Special Orders Amendment.
(Printed in Senate Journal, May 5, pages 1574-1575 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Isgar, the Report of the Committee of the Whole was adopted on the following roll call vote:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1366 as amended.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Carroll M., Chair, Bacon, and Penry as Senate Conferees on the First Conference Committee on **SB09-1274**.

The President appointed Senators Newell, Chair, Harvey, and Morse as Senate Conferees on the First Conference Committee on **SB09-1137**.

The President appointed Senators Kopp, Chair, Newell, and Hodge as Senate Conferees on the First Conference Committee on **SB09-1157**.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, May 5 was laid over until Wednesday, May 6, retaining its place on the calendar.

Consideration of Resolutions: SJR09-050, HJR09-1022, HJR09-1024, SJR09-059, HJR09-1023, HJR09-1027, SR09-017.

Consideration of Memorials: SJM09-004, SJM09-005, SJM09-006, SJM09-009.

Consideration of Governor's Veto: SB09-259.

Consideration of Governor's Appointments:

Members of the Pinnacol Assurance Board of Directors

On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Wednesday, May 6, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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