

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

66th Legislative Day Friday, March 13, 2009

Prayer By the chaplain, Rev. John Thompson, Park Hill United Methodist Church, Denver. 10
 Pledge By Senator Hodge. 11
 Call to Order By the President at 9:00 a.m. 12
 Roll Call Present--31 13
 Excused--4, Gibbs, Groff, Renfroe, Tochtrop. 14
 Present later---4, Gibbs, Groff, Renfroe, Tochtrop. 15
 Quorum The President announced a quorum present. 16
 Reading of Journal On motion of Senator Isgar, reading of the Journal of Thursday, March 12, 2009, was 17
 dispensed with and the Journal was approved as corrected by the Secretary. 18
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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions. 28
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CONSIDERATION OF RESOLUTIONS

SJR09-020 by Senator(s) Penry, White, Gibbs, Isgar, Schwartz; also Representative(s) Baumgardner, Bradford, Curry, King S., Roberts, Tipton--Concerning John R. Fetcher. 35
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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		

On motion of Senator Penry, the resolution was read at length and **adopted** by the following roll call vote: 51
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Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Groff, Harvey, Heath, Hodge, Hudak, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Shaffer B., Spence, Tapia, Tochtrop, Veiga and Williams. 56
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THIRD READING OF BILLS -- FINAL PASSAGE

SB09-228 by Senator(s) Morse, Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Marostica and Court, Ferrandino, Frangas, Green, Hullinghorst, McCann, 63
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McGihon, Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann--Concerning an increase in the flexibility of the general assembly to determine the appropriate use of state revenues.

Laid over until Monday, March 16, retaining its place on the calendar.

Committee of the Whole On motion of Senator White, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator White was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

HB09-1171 by Representative(s) Court; also Senator(s) Kester--Concerning requirements related to the installation of manufactured homes.

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

HB09-1262 by Representative(s) Casso; also Senator(s) Morse--Concerning the issuance of a summons instead of an arrest warrant in certain circumstances.

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

HB09-1263 by Representative(s) Casso; also Senator(s) Carroll M.--Concerning time computation while an inmate is incarcerated in a county jail.

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

HB09-1207 by Representative(s) Gardner C.; also Senator(s) Veiga--Concerning procedures to enforce a lien related to real property.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 10, page 676-677 and placed in members' bill files.)

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

HB09-1179 by Representative(s) Labuda, McGihon, Gardner B., Levy, Roberts; also Senator(s) Veiga--Concerning participation in the address confidentiality program by a person who resides with a victim participant.

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

HB09-1124 by Representative(s) Liston, Gardner B., Massey, Tipton, Gardner C., Bradford, Frangas, Labuda, Lambert, Murray, Soper; also Senator(s) Veiga--Concerning certain conferences with an attorney representing a state public body that may be held in an executive session at a meeting of the state public body.

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

HB09-1041 by Representative(s) Gerou; also Senator(s) Gibbs--Concerning a fire protection district board's authority to fix fees for emergency medical services.

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

HB09-1249 by Representative(s) Pommer, Ferrandino, Marostica; also Senator(s) White, Keller, Tapia--Concerning the consolidation of certain cash funds created for the department of agriculture.

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

HB09-1218 by Representative(s) Soper, Marostica; also Senator(s) Bacon--Concerning capital lease agreements entered into by the state.

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

HB09-1234 by Representative(s) Kerr J. and Solano; also Senator(s) Tochtrop--Concerning the immediate suspension of the driver's license of a person who fails to appear for a license suspension hearing.

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

HB09-1236 by Representative(s) Primavera, Casso, Peniston; also Senator(s) Hodge--Concerning the distance at which an operator of a motor vehicle shall stop when a school bus signals a stop.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator White, 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: HB09-1171, HB09-1262, HB09-1263, HB09-1207 as amended, HB09-1179, HB09-1124, HB09-1041, HB09-1249, HB09-1218, HB09-1234, HB09-1236.

Committee of the Whole On motion of Senator White, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator White was called to the Chair to act as Chairman.

GENERAL 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:

HB09-1027 by Representative(s) Rice, Fischer, Levy, Marostica, McFadyen, Merrifield, Primavera; also Senator(s) Gibbs, Williams--Concerning the duty of drivers to yield the right-of-way to transit buses entering traffic.

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

HB09-1059 by Representative(s) Primavera; also Senator(s) Carroll M.--Concerning the continuation of health care coverage while participating in a clinical trial.

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

HB09-1099 by Representative(s) Roberts and Kerr A., Massey, Merrifield; also Senator(s) Penry and Romer--Concerning the Colorado youth advisory council.

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

HB09-1182 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--Concerning changes in the funding of administrative costs incurred by the division of on-line learning in the department of education.

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

SB09-128 by Senator(s) Carroll M., Newell, Tochtrop; also Representative(s) Green--Concerning continuation of the regulation of administration of medication by unlicensed persons.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 6, page 644 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 6, page 644 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Carroll.

Amend the Health and Human Services Committee Report, dated February 11, 2009, page 1, strike line 3 and substitute the following:

"and substitute "25-1.5-302 (7) (c), Colorado Revised Statutes, is";
strike lines 7 through 20.

Page 2, strike lines 1 through 9 and substitute the following:

"of the department - criminal history record checks. (7) (c) All private contractors shall provide the department with a list of all persons who have taken such contractor's approved training sessions or have passed the competency evaluation or both. Such contractors shall also provide the department with any other pertinent information reasonably requested by the department pursuant to its obligations and authority under this section. THE DEPARTMENT SHALL MAINTAIN A LISTING OF ALL PERSONS WHO HAVE PASSED THE COMPETENCY EVALUATION ON ITS WEB SITE."

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

SB09-174 by Senator(s) Kester, Isgar, Spence, Tochtrop, White; --Concerning pari-mutuel racing.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, February 20, page 439-440 and placed in members' bill files.)

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

SB09-170 by Senator(s) Romer, Bacon, Sandoval, Tapia, Groff; also Representative(s) Miklosi-- Concerning nondiscrimination in determining the amount paid for higher education.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 6, page 642-643 and placed in members' bill files.)

On a substitute motion, Senator King moved that the Senate refer **SB09-170** to the Committee on Appropriations. More than a majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

SB09-144 by Senator(s) Kester; also Representative(s) Gagliardi--Concerning programs for the deaf and hard of hearing.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 13, page 315 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 6, page 645 and placed in members' bill files.)

Amendment No. 3(L.003), by Senator Kester.

Amend printed bill, page 5, line 13, strike "~~rules of procedure~~" and substitute "~~rules of procedure~~ POLICIES".

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

SB09-161 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the issuance of Colorado ski country special license plates.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 6, page 646 and placed in members' bill files.)

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

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- SB09-056** by Senator(s) Kester; also Representative(s) Riesberg--Concerning the Trinidad state nursing home. 1
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Amendment No. 1, Health & Human Services Committee Amendment. 6
(Printed in Senate Journal, February 13, page 320 and placed in members' bill files.) 7
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Amendment No. 2, Appropriations Committee Amendment. 9
(Printed in Senate Journal, March 6, page 646 and placed in members' bill files.) 10
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 12
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SB09-178 by Senator(s) Heath, Schwartz, Veiga; also Representative(s) Liston, McFadyen, Rice, 14
Solano--Concerning the waiver of certain eligibility conditions for unemployment insurance 15
benefits for unemployed individuals attached to regular jobs. 16
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 18
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SB09-158 by Senator(s) Isgar; also Representative(s) Baumgardner--Concerning analysis by the 20
department of natural resources of conservation programs implemented on private lands. 21
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Amendment No. 1, Agriculture & Natural Resources Committee Amendment. 23
(Printed in Senate Journal, February 11, page 264-265 and placed in members' bill files.) 24
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Amendment No. 2, Appropriations Committee Amendment. 26
(Printed in Senate Journal, March 9, page 649-650 and placed in members' bill files.) 27
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 29
Passage. 30
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SB09-095 by Senator(s) Tapia; also Representative(s) Riesberg, Benefield--Concerning payment of 32
amounts due under a construction agreement. 33
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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 35
(Printed in Senate Journal, February 11, page 242 and placed in members' bill files.) 36
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Amendment No. 2, Appropriations Committee Amendment. 38
(Printed in Senate Journal, March 9, page 665 and placed in members' bill files.) 39
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As amended, laid over until Monday, March 16, retaining its place on the calendar. 41
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HB09-1254 by Representative(s) Judd, Rice; also Senator(s) Harvey--Concerning additional consumer 43
protections relating to like-kind exchanges facilitated by exchange facilitators. 44
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Amendment No. 1, Judiciary Committee Amendment. 46
(Printed in Senate Journal, March 10, page 676 and placed in members' bill files.) 47
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Amendment No. 2(L.006), by Senator Harvey. 49
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Amend the Judiciary Committee Report, dated March 9, 2009, page 1, 51
strike lines 1 through 5 and substitute the following: 52
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"Amend reengrossed bill, page 6, line 19, strike "OR";". 54
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As amended, laid over until Monday, March 16, retaining its place on the calendar. 56
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HB09-1233 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning the recognition of 58
acequias, and, in connection therewith, authorizing acequia ditch corporations. 59
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Laid over until Monday, March 16, retaining its place on the calendar. 61
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 65
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On motion of Senator White, the Report of the Committee of the Whole was adopted and, 67
a majority of all members elected to the Senate having voted in the affirmative, the 68
following action was taken: 69

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: SB09-128 as amended, SB09-174 as amended, SB09-144 as amended, SB09-161 as amended, SB09-056 as amended, SB09-178, SB09-158 as amended, HB09-1027, HB09-1059, HB09-1099, HB09-1182.
 Laid over until Monday, March 16 retaining their place on the Calendar: SB09-095, HB09-1254 as amended, HB09-1233.
 Referred to the Committee on Appropriations: SB09-170 as amended.

MESSAGE FROM THE GOVERNOR

March 12, 2009

To the Honorable Senate
 Sixty-seventh General Assembly
 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:

SB09-183 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE.

Approved March 12, 2009 at 1:35 p.m.

SB09-184 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS.

Approved March 12, 2009 at 1:36 p.m.

SB09-186 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE OFFICES OF THE GOVERNOR, LIEUTENANT GOVERNOR, AND STATE PLANNING AND BUDGETING.

Approved March 12, 2009 at 1:37 p.m.

SB09-187 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

Approved March 12, 2009 at 1:38 p.m.

SB09-188 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HIGHER EDUCATION.

Approved March 12, 2009 at 1:38 p.m.

SB09-189 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES.

Approved March 12, 2009 at 1:38 p.m.

SB09-190 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT.

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Approved March 12, 2009 at 1:39 p.m.

SB09-191 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LABOR AND EMPLOYMENT.

Approved March 12, 2009 at 1:39 p.m.

SB09-192 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LAW.

Approved March 12, 2009 at 1:40 p.m.

SB09-193 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LOCAL AFFAIRS.

Approved March 12, 2009 at 1:40 p.m.

SB09-194 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

Approved March 12, 2009 at 1:42 p.m.

SB09-195 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES.

Approved March 12, 2009 at 1:42 p.m.

SB09-196 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PERSONNEL AND ADMINISTRATION.

Approved March 12, 2009 at 1:42 p.m.

SB09-197 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

Approved March 12, 2009 at 1:43 p.m.

SB09-198 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY.

Approved March 12, 2009 at 1:43 p.m.

SB09-199 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REGULATORY AGENCIES.

Approved March 12, 2009 at 1:44 p.m.

SB09-200 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REVENUE.

Approved March 12, 2009 at 1:44 p.m.

SB09-201 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF STATE.

Approved March 12, 2009 at 1:45 p.m.

SB09-202 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION.

Approved March 12, 2009 at 1:45 p.m.

SB09-203 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF THE TREASURY.

Approved March 12, 2009 at 1:46 p.m.

Sincerely,
Bill Ritter, Jr.
Governor

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CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Gibbs, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2011:

Dennis R. Heap of Commerce City, Colorado, a representative of the statewide association of airport managers, reappointed;

Joseph H. Thibodeau of Denver, Colorado, a representative of the statewide association of pilots, reappointed.

Table with 4 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath and their corresponding Y/N/EXC/ABSENT votes.

On motion of Senator Schwartz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE ENERGY IMPACT ASSISTANCE ADVISORY COMMITTEE

for terms expiring August 24, 2012:

Kay Lynn Hefley of Walsh, Colorado, appointed;

Honorable Kenneth C. Parsons of Rangely, Colorado, appointed.

Table with 4 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath and their corresponding Y/N/EXC/ABSENT votes.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that SB09-018 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Local Government and Energy Committee Report, dated February 5, 2009, page 1, strike lines 6 through 14 and substitute the following:

"Page 4, strike lines 3 through 9 and substitute the following:

"FUND SHALL CONSIST OF ALL MONEYS TRANSFERRED TO THE FUND FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109 (2) (b), C.R.S., PURSUANT TO SECTION 39-29-109.3 (2) (n), C.R.S., OR CREDITED TO THE FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).";

line 15, strike "APPROPRIATION" and substitute "TRANSFER MADE TO THE FUND FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109 (2) (b), C.R.S., PURSUANT TO SECTION 39-29-109.3 (2) (n), C.R.S.,";

line 16 of the committee report, strike "ANNUAL APPROPRIATION" and substitute "SUCH ANNUAL TRANSFER".

Page 2, after line 7, insert the following:

"Page 6, after line 16, insert the following:

"SECTION 2. 39-29-109.3 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(n) (I) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009, AND FOR EACH STATE FISCAL YEAR THEREAFTER THROUGH THE FISCAL YEAR COMMENCING JULY 1, 2012, TO THE HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT PROGRAM FUND CREATED IN SECTION 23-31-309.5 (3) (a), ENACTED BY SENATE BILL 09-018, ONE HUNDRED EIGHTY THOUSAND DOLLARS.

(II) THIS PARAGRAPH (n) IS REPEALED, EFFECTIVE JULY 1, 2013."

Renumber succeeding section accordingly."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-098** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of revenue for allocation to the information technology division, for the fiscal year beginning July 1, 2009, the sum of thirty-seven thousand six hundred thirty dollars (\$37,630) federal funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from moneys received by the governor's energy office from the United States department of energy."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB09-067** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1151** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 29, after line 21, insert the following:

SECTION 17. Appropriation - adjustments to the 2009 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public school construction and inspection cash fund created in section 24-33.5-1207.7, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, office of preparedness, security, and fire safety, for oversight of school

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building code inspections, for the fiscal year beginning July 1, 2009, the sum of six hundred thirty-five thousand two hundred one dollars (\$635,201) and 8.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The appropriation to the department of labor and employment, division of oil and public safety, for oversight of public school building code inspections, is decreased by six hundred thirty-five thousand two hundred one dollars (\$635,201) and 8.0 FTE. Said sum shall be cash funds from the public safety inspection fund created in section 8-1-151, Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 103, strike "INSPECTIONS." and substitute "INSPECTIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-103** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1188** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-138** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 13, after line 21, insert the following:

"SECTION 15. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2009, the sum of seventeen thousand fifty-five dollars (\$17,055) cash funds, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "NURSING." and substitute "NURSING, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-154** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 11, insert the following:

"SECTION 2. Appropriation - adjustments to the 2009 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The cash funds appropriation to the department of agriculture, special purpose, from the veterinary vaccine and service fund created in section 35-50-106, Colorado Revised Statutes, is increased by 0.9 FTE."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-160** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 20, after line 5, insert the following:

"SECTION 13. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the

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educator licensure cash fund created in section 22-60.5-112 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of education, management and administration, office of professional services, for the fiscal year beginning July 1, 2009, the sum of five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 104, strike "**PROGRAMS.**" and substitute "**PROGRAMS, AND MAKING AN APPROPRIATION.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-180** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 19, line 16, strike "**representative - rules.**" and substitute "**representative.**";

line 21, after "SHALL", insert "CONTACT THE AMERICAN ARBITRATION ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION, WHICH SHALL".

Page 20, strike lines 10 through 12 and substitute the following:

"(4) THE AMERICAN ARBITRATION ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION, SHALL CERTIFY THE RESULTS OF THE ELECTION TO THE DIRECTOR, THE PUBLIC EMPLOYER, AND THE EMPLOYEE ORGANIZATION. THE ELECTION SHALL BE CONDUCTED PURSUANT TO THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION OR ITS SUCCESSOR ORGANIZATION. ALL COSTS OF THE ELECTION SHALL BE PAID BY THE PETITIONER."

Strike the State, Veterans & Military Affairs Committee Report, dated February 19, 2009.

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB09-1110** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, after line 16, insert the following:

"**SECTION 2.** 39-5-125 (1), Colorado Revised Statutes, is amended, and the said 39-5-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-5-125. Omission - correction of errors. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, whenever it is discovered that any taxable property has been omitted from the assessment roll of any year or series of years, the assessor shall immediately determine the value of such omitted property and shall list the same on the assessment roll of the year in which the discovery was made and shall notify the treasurer of any unpaid taxes on such property for prior years.

(3) IF TAXABLE PERSONAL PROPERTY THAT HAS BEEN OMITTED FROM THE ASSESSMENT ROLL OF ANY YEAR OR SERIES OF YEARS IS DISCOVERED DUE TO A PROPERTY OWNER OR AN AGENT OF A PROPERTY OWNER WHO ADVERTISES FOR RENT FURNISHED RESIDENTIAL REAL PROPERTY PROVIDING INFORMATION TO THE ASSESSOR PURSUANT TO SECTION 39-5-108.5 (2), THE ASSESSOR SHALL NOT NOTIFY THE TREASURER OF ANY UNPAID TAXES ON THE TAXABLE PERSONAL PROPERTY FOR PRIOR YEARS AND THE PROPERTY OWNER OR AGENT SHALL NOT BE LIABLE FOR ANY SUCH UNPAID TAXES FOR PRIOR YEARS."

Renumber succeeding section accordingly.

Health & Human

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be

Services

confirmed:

MEMBERS OF THE
STATE BOARD OF NURSING

for a term expiring July 1, 2010:

Christopher C. Dopke of Denver, Colorado to fill the vacancy occasioned by the resignation of Dennis Kaw of Denver, Colorado, and to serve as a public member, appointed.

effective as of July 2, 2008, for terms expiring July 1, 2011:

Candace E. Berardinelli of Littleton, Colorado to serve as a licensed professional nurse who is engaged in professional nursing education, reappointed;

Curtis Powells of Aurora, Colorado to serve as a licensed professional nurse who is employed as a staff nurse in a hospital, appointed;

Toni L. Gibbons of Highlands Ranch, Colorado to serve as a licensed practical nurse, reappointed.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB09-1061** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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

"SECTION 1. 10-16-122, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-122. Access to prescription drugs - definitions.

(5) (a) NEITHER A CARRIER OR AN INTERMEDIARY WHO HAS ENTERED INTO A CONTRACT WITH A CARRIER PURSUANT TO SECTION 10-16-105 (6.5) SHALL REMOVE A DRUG FROM ITS PRESCRIPTION DRUG FORMULARY, INCREASE THE COST OF THE COVERED PRESCRIPTION DRUG TO THE COVERED PERSON, ADD UTILIZATION MANAGEMENT REQUIREMENTS FOR THE PRESCRIPTION DRUG, INTERCHANGE A PRESCRIPTION DRUG, OR IMPLEMENT A MANDATORY GENERIC PRESCRIPTION DRUG SUBSTITUTION PROGRAM UNLESS THE CARRIER PROVIDES AT LEAST SIXTY DAYS' NOTICE TO PARTICIPATING PROVIDERS THAT PRESCRIBE THE DRUG, NETWORK PHARMACIES, PHARMACISTS, AND COVERED PERSONS; EXCEPT THAT THE CARRIER IS AUTHORIZED TO MAKE A PRESCRIPTION DRUG FORMULARY CHANGE IF THE COVERED PERSONS CURRENTLY PRESCRIBED THE AFFECTED DRUG ARE EXEMPT FROM THE FORMULARY CHANGE FOR THE REMAINDER OF THE HEALTH COVERAGE PLAN CONTRACT PERIOD.

(b) FOR PURPOSES OF THIS SUBSECTION (5), "INTERCHANGE" MEANS THE SUBSTITUTION OF ONE VERSION OF A PRESCRIPTION DRUG, INCLUDING A GENERIC VERSION FOR THE PRESCRIBED BRAND OF DRUG, A BRAND VERSION FOR THE PRESCRIBED GENERIC VERSION, A GENERIC VERSION OF A DRUG FROM ONE MANUFACTURER FOR A GENERIC VERSION OF THE DRUG FROM A DIFFERENT MANUFACTURER, A DIFFERENT FORMULATION OF THE PRESCRIBED DRUG, OR A DIFFERENT DRUG IN THE SAME CLASS AS THE DRUG ORIGINALLY PRESCRIBED."

Renumber succeeding sections accordingly.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB09-1143** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 12, strike "**organizations.**" and substitute "**organizations - repeal.**";

line 15, after "(h)", insert "(I)";

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strike line 17 and substitute the following:

"HEALTH BENEFIT PLAN UNDER THE FOLLOWING CONDITIONS:

(A) A LIMITED HEALTH BENEFIT PLAN OFFERED TO EMPLOYER GROUPS SHALL BE AVAILABLE ONLY TO EMPLOYER GROUPS THAT HAVE NOT OFFERED AN EMPLOYER-SPONSORED HEALTH COVERAGE PLAN TO ITS EMPLOYEES OR TO ALL CLASSES OF ITS EMPLOYEES IN THE TWELVE MONTHS PRIOR TO APPLICATION FOR ENROLLMENT IN THE PLAN;

(B) A LIMITED HEALTH BENEFIT PLAN OFFERED TO INDIVIDUALS SHALL BE AVAILABLE ONLY TO INDIVIDUALS WHO HAVE BEEN UNINSURED FOR AT LEAST TWELVE MONTHS PRIOR TO APPLICATION FOR ENROLLMENT IN THE PLAN;

(C) A LIMITED HEALTH BENEFIT PLAN MAY BE OFFERED ONLY IN COUNTIES WITH A POPULATION OF NOT MORE THAN TWENTY-FIVE THOUSAND PEOPLE AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (h);

(D) A LIMITED HEALTH BENEFIT PLAN OFFERED PURSUANT TO THIS PARAGRAPH (h) SHALL PROVIDE A TOTAL ANNUAL MAXIMUM BENEFIT AMOUNT OF AT LEAST THIRTY THOUSAND DOLLARS AND SHALL LIMIT AN ENROLLEE'S TOTAL OUT-OF-POCKET EXPENSES, INCLUDING DEDUCTIBLES, COPAYMENTS, AND COINSURANCE, TO NOT MORE THAN FIVE PERCENT OF THE TOTAL ANNUAL MAXIMUM BENEFIT AMOUNT; AND

(E) IN CONNECTION WITH OFFERING A LIMITED HEALTH BENEFIT PLAN, THE HEALTH MAINTENANCE ORGANIZATION SHALL COUNSEL ENROLLEES REGARDING THE AVAILABILITY IN THE MARKET OF CATASTROPHIC COVERAGE PLANS.

(II) A LIMITED HEALTH BENEFIT PLAN PURSUANT TO THIS PARAGRAPH (h) SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 10-16-104 REGARDING MANDATORY COVERAGE PROVISIONS AND, FOR PLANS OFFERED TO EMPLOYER GROUPS, WITH SMALL GROUP PLAN REQUIREMENTS AND RATE REGULATIONS AS SPECIFIED IN SECTIONS 10-16-105 AND 10-16-107.

(III) THE HEALTH MAINTENANCE ORGANIZATION SHALL PARTICIPATE IN AND COOPERATE WITH ANY REGIONAL ASSESSMENT OF CARE TO ASSIST IN UNDERSTANDING THE NEEDS AND ACCESS TO CARE IN THE AREAS IN WHICH LIMITED HEALTH BENEFIT PLANS ARE PERMITTED TO BE OFFERED PURSUANT TO THIS PARAGRAPH (h).

(IV) A HEALTH MAINTENANCE ORGANIZATION OFFERING A LIMITED HEALTH BENEFIT PLAN PURSUANT TO THIS PARAGRAPH (h) SHALL SUBMIT AN ANNUAL REPORT TO THE DIVISION OF INSURANCE CONTAINING AT LEAST THE FOLLOWING INFORMATION:

(A) THE NUMBER OF EMPLOYER GROUPS ENROLLED AND THE NUMBER OF LIVES COVERED UNDER A LIMITED HEALTH BENEFIT PLAN;

(B) THE PERCENTAGE OF ENROLLEES WHO, AT ENROLLMENT, WERE UNINSURED BETWEEN TWELVE AND TWENTY-FOUR MONTHS, AND THE NUMBER WHO WERE UNINSURED MORE THAN TWENTY-FOUR MONTHS;

(C) THE TOTAL MAXIMUM ANNUAL BENEFIT AMOUNT AVAILABLE TO ENROLLEES UNDER THE LIMITED HEALTH BENEFIT PLAN AND THE NUMBER OF ENROLLEES WHO REACHED OR EXCEEDED THE MAXIMUM ANNUAL BENEFIT AMOUNT IN THE PRIOR YEAR;

(D) THE PERCENT OF THE PREMIUM AMOUNTS COLLECTED FROM ENROLLEES IN THE LIMITED HEALTH BENEFIT PLAN THAT IS SPENT ON PROVIDING BASIC HEALTH CARE SERVICES TO ENROLLEES AND THE PERCENT OF THE PREMIUM AMOUNTS SO COLLECTED THAT IS SPENT ON ADMINISTRATION OF THE LIMITED HEALTH BENEFIT PLAN;

(E) THE PERCENTAGE OF ENROLLEES WHO CONTINUE TO PARTICIPATE IN THE LIMITED HEALTH BENEFIT PLAN UPON RENEWAL; AND

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(F) ANY OTHER INFORMATION REQUESTED BY THE COMMISSIONER.

(V) THIS PARAGRAPH (h) IS REPEALED, EFFECTIVE JULY 1, 2012.";

line 22, before "BENEFIT", insert "HEALTH";

line 26, before "BENEFIT", insert "HEALTH".

Page 3, line 6, before "BENEFIT", insert "HEALTH";

line 9, before "BENEFIT", insert "HEALTH";

line 20, strike "IF";

strike lines 21 through 26 and substitute the following:

"(c) (I) EACH ENROLLEE WHO PARTICIPATES IN A LIMITED HEALTH BENEFIT PLAN SHALL SIGN THE FOLLOWING STATEMENT OF UNDERSTANDING INDICATING HIS OR HER UNDERSTANDING OF THE LIMITATIONS OF THE PLAN:

STATEMENT OF UNDERSTANDING

I, _____, UNDERSTAND THAT I AM ENROLLING IN A LIMITED HEALTH BENEFIT PLAN THAT CONTAINS A TOTAL MAXIMUM ANNUAL AMOUNT OF BENEFITS AVAILABLE TO ME AND MY COVERED DEPENDENTS EACH PLAN YEAR FOR BASIC HEALTH CARE SERVICES. THE TOTAL MAXIMUM ANNUAL BENEFIT AMOUNT IS ____.

I UNDERSTAND THAT ONCE I RECEIVE THE TOTAL MAXIMUM AMOUNT OF BENEFITS UNDER THE LIMITED HEALTH BENEFIT PLAN IN A PLAN YEAR, I AM FULLY RESPONSIBLE FOR PAYING OUT-OF-POCKET FOR THE COSTS OR CHARGES FOR ANY HEALTH CARE SERVICES I OR MY COVERED DEPENDENTS RECEIVE DURING THE REMAINING PORTION OF THE PLAN YEAR.

I UNDERSTAND THAT I MAY EXHAUST MY TOTAL ANNUAL MAXIMUM BENEFIT AMOUNT WHILE I AM OR A COVERED DEPENDENT IS UNDERGOING TREATMENT FOR AN ILLNESS OR INJURY AND THAT I WILL BE RESPONSIBLE FOR PAYING THE COSTS OF TREATMENT PROVIDED AFTER I HAVE EXHAUSTED MY BENEFITS UNDER THE LIMITED HEALTH BENEFIT PLAN.

I UNDERSTAND THAT IF I EXHAUST MY TOTAL ANNUAL MAXIMUM BENEFIT AMOUNT IN A PLAN YEAR, I OR MY COVERED DEPENDENT MAY OR MAY NOT BE ELIGIBLE FOR THE STATE MEDICAID PROGRAM, THE COLORADO INDIGENT CARE PROGRAM, OR OTHER PUBLIC PROGRAMS, AND THAT IT IS SOLELY MY CHOICE AND RESPONSIBILITY TO INVESTIGATE MY OPTIONS AND ELIGIBILITY FOR PARTICIPATION IN ANY PUBLIC PROGRAM.

SIGNATURE OF ENROLLEE

DATE

(II) THE HEALTH MAINTENANCE ORGANIZATION SHALL RETAIN THE ORIGINAL, SIGNED STATEMENT OF UNDERSTANDING, SHALL PROVIDE A COPY TO THE ENROLLEE, AND SHALL MAKE THE STATEMENT AVAILABLE TO THE COMMISSIONER UPON REQUEST."

Page 1, line 103, after "LIMITED", insert "HEALTH".

Education

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

MEMBERS OF THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO

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for terms expiring December 31, 2012:

Stephanie A. Foote of Denver, Colorado, a Republican, reappointed.

Education

After consideration on the merits, the Committee recommends that **HB09-1057** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 4, strike "AND" and substitute "OR".

Education

After consideration on the merits, the Committee recommends that **SB09-176** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 10, insert the following:

"(b) A SCHOOL DISTRICT SHALL ALLOW FOR REPRESENTATION BY CHARTER SCHOOLS ON THE SCHOOL DISTRICT'S LONG-RANGE PLANNING COMMITTEE AND ANY COMMITTEE ESTABLISHED BY THE SCHOOL DISTRICT TO ASSESS AND PRIORITIZE THE DISTRICT'S CAPITAL CONSTRUCTION NEEDS AND SHALL NOTIFY CHARTER SCHOOLS OF THE COMMITTEE'S MEETING SCHEDULE. CHARTER SCHOOLS SHALL COOPERATE IN DETERMINING THE PERSON OR PERSONS WHO WILL REPRESENT THE INTERESTS OF CHARTER SCHOOLS ON THE COMMITTEE."

Reletter succeeding paragraph accordingly.

Page 3, line 22, after "(a)", insert "(I)".

Page 4, line 2, after "of", insert "OTHER SCHOOLS IN", and strike "entire" and substitute "entire";

line 3, strike "THE BOARD OF EDUCATION SHALL" and substitute "IF THE CHARTER SCHOOL'S CAPITAL CONSTRUCTION PLAN REMEDIES SHORTCOMINGS IN THE CHARTER SCHOOL'S FACILITIES IDENTIFIED IN THE FINANCIAL ASSISTANCE PRIORITY ASSESSMENT OF PUBLIC SCHOOL FACILITIES CREATED PURSUANT TO SECTION 22-43.7-108, OR, WHEN THE ASSESSMENT CREATED PURSUANT TO SECTION 22-43.7-108 IS NO LONGER VALID, IN ANOTHER ASSESSMENT USING SIMILAR CRITERIA FOR ALL SCHOOLS IN THE DISTRICT, THE BOARD OF EDUCATION SHALL PRIORITIZE A CHARTER SCHOOL'S CAPITAL CONSTRUCTION NEEDS IN THE SCHOOL DISTRICT'S LONG-RANGE PLAN AND INCLUDE THOSE NEEDS IN THE CURRENT BALLOT QUESTION IN THE UPCOMING ELECTION IF THE CHARTER SCHOOL'S FACILITY NEEDS RECEIVE A HIGHER PRIORITY ASSESSMENT THAN THE OTHER SCHOOLS IN THE DISTRICT.

(II) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (4) CONCERNING THE PRIORITIZATION OF A CHARTER SCHOOL'S CAPITAL CONSTRUCTION PLAN AND INCLUSION IN A DISTRICT BALLOT QUESTION FOR APPROVAL OF BONDED INDEBTEDNESS, THE BOARD OF EDUCATION OF A SCHOOL DISTRICT AND A CHARTER SCHOOL MAY AGREE TO AN ALTERNATIVE FINANCIAL PLAN THAT ADDRESSES A CHARTER SCHOOL'S FACILITIES NEEDS, INCLUDING RETIRING FINANCIAL OBLIGATIONS OR BONDS PREVIOUSLY ISSUED FOR THE BENEFIT OF THE CHARTER SCHOOL.

(III) (A) NOTHING IN THIS SUBSECTION (4) SHALL REQUIRE A SCHOOL DISTRICT TO PRIORITIZE THE CAPITAL CONSTRUCTION PLAN OF A CHARTER SCHOOL THAT IS ON PROBATION WITH THE DISTRICT OR THAT HAS BEEN AUTHORIZED WITHIN THE PREVIOUS FIVE YEARS.

(B) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), THE BOARD OF EDUCATION OF A SCHOOL DISTRICT AND A CHARTER SCHOOL MAY AGREE TO RESERVE OR ESCROW FUNDS FOR THE BENEFIT OF THE CHARTER SCHOOL.

(IV) THE BOARD OF EDUCATION SHALL";

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line 5, after "NEEDS", insert "FOR INCLUSION IN THE BALLOT QUESTION AT THE UPCOMING ELECTION";

line 7, strike "(I)" and substitute "(A)";

line 9, strike "(II)" and substitute "(B)";

line 16, strike "(4)," and substitute "(4) FOR INCLUSION IN THE BALLOT QUESTION AT THE UPCOMING ELECTION,";

line 17, strike "a" and substitute "a THE SAME" and, after "question", insert "BEING SUBMITTED BY THE DISTRICT".

Page 5, line 14, strike "NEEDS," and substitute "NEEDS FOR INCLUSION IN THE BALLOT QUESTION AT THE UPCOMING ELECTION,";

line 17, strike everything after the period;

strike lines 18 through 20.

Page 7, line 5, strike "that:" and substitute "that: THAT, IF THE CHARTER SCHOOL'S CHARTER IS REVOKED OR NOT RENEWED, THE CHARTER SCHOOL BECOMES INSOLVENT AND CAN NO LONGER OPERATE AS A CHARTER SCHOOL, OR THE CHARTER SCHOOL OTHERWISE CEASES TO OPERATE, FOLLOWING PAYMENT OF ALL OTHER DEBTS SECURED BY THE CAPITAL CONSTRUCTION, THE OWNERSHIP OF ANY CAPITAL CONSTRUCTION FINANCED BY THE BOND PROCEEDS SHALL AUTOMATICALLY REVERT TO THE SCHOOL DISTRICT.";

strike lines 11 and 12 and substitute the following:

~~"(b) The charter school shall not encumber any capital construction financed by bond revenues with any additional debt.";~~

before line 13, insert the following:

SECTION 3. 22-30.5-405 (1) and (5), Colorado Revised Statutes, are amended to read:

22-30.5-405. Mill levy for charter school capital construction.

(1) With the agreement of all charter schools that will receive the revenues generated by a special mill levy, the board of education of any school district shall, at any time at which a ballot issue arising under section 20 of article X of the state constitution may be decided, submit to the eligible electors of the district the question of whether to impose a mill levy of a stated amount AND FOR A STATED DURATION for the purpose of financing capital construction for one or more charter schools chartered by the district. ~~which mill levy shall not exceed one mill in any year or exceed ten years in duration.~~ When a mill levy for more than one year has been approved, the board shall, without calling an election, decrease the amount or duration of the mill levy as necessary to avoid excessive collections as each capital construction project financed by the mill levy is completed OR THE FINANCING FOR SUCH CAPITAL CONSTRUCTION HAS BEEN PAID BY THE TAXPAYERS OF SUCH SCHOOL DISTRICT. If the board is required to submit the ballot question for a mill levy pursuant to section 22-30.5-404 (4), the board shall consult with all affected charter schools that will receive the revenues generated by the special mill levy before determining the amount and duration of the special mill levy. THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT HAS THE DISCRETION TO COMBINE THE BALLOT QUESTION FOR A MILL LEVY WITH ANY OTHER TAX QUESTION THAT THE SCHOOL DISTRICT IS SUBMITTING TO THE ELIGIBLE ELECTORS OF THE DISTRICT OR TO SUBMIT THE BALLOT QUESTION AS A SEPARATE QUESTION.

~~(5) A school district may impose a total mill levy pursuant to this section in excess of one mill in any year if the voters of the district approve multiple ballot questions, but the mill levy imposed pursuant to any single ballot question submitted pursuant to this section shall not exceed one mill in any year as specified in subsection (1) of this section.~~

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~~The imposition of a second or subsequent mill levy pursuant to this section shall not affect the rights of any charter school to the revenues generated by any preexisting special mill levy."~~

Renumber succeeding sections accordingly.

Page 8, line 1, strike "AND WITHOUT REVERSIONARY";

line 2, strike "INTERESTS TO THE SCHOOL DISTRICT".

INTRODUCTION OF BILLS -- FIRST READING

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

- SB09-245** by Senator(s) Sandoval; --Concerning changes to conform to portions of federal Public Law 110-351 relating to kinship.
Health and Human Services
- SB09-246** by Senator(s) Morse; also Representative(s) Pommer--Concerning the award of moratory interest to claimants in residential construction defect actions, and, in connection therewith, enacting the "Homeowner Protection Act of 2009".
State, Veterans & Military Affairs
- HB09-1018** by Representative(s) Bradford; also Senator(s) Spence--Concerning the removal of obsolete language in statutory provisions implementing the statewide voter registration and election system for purposes of compliance with the federal "Help America Vote Act".
State, Veterans & Military Affairs
- HB09-1193** by Representative(s) McFadyen; also Senator(s) Tochtrop, Carroll M., Hodge, Morse, Tapia--Concerning a prohibition against the shifting of financial responsibility for negligence in motor carrier transportation agreements.
Transportation
- HB09-1276** by Representative(s) Ferrandino, Apuan, Benefield, Carroll T., Casso, Court, Gagliardi, Gerou, Hullinghorst, Kerr A., Kerr J., Labuda, Marostica, Massey, McCann, Merrifield, Middleton, Miklosi, Pace, Peniston, Pommer, Ryden, Scanlan, Schafer S., Solano, Vigil; also Senator(s) Carroll M.--Concerning a delay in the foreclosure of residential property for eligible borrowers.
Judiciary
- HB09-1279** by Representative(s) Pace; also Senator(s) Kopp--Concerning abandoned motor vehicles.
Transportation
- HB09-1292** by Representative(s) McGihon, Labuda, Levy; also Senator(s) Veiga, Morse, Schwartz--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.
Legal Services

MESSAGE FROM THE HOUSE

March 13, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1287, amended as printed in House Journal, March 6, page 628.
HB09-1247, amended as printed in House Journal, March 12, pages 696-697.
HB09-1129, amended as printed in House Journal, March 12, page 698.
HB09-1136, amended as printed in House Journal, March 12, page 698.
HB09-1292, amended as printed in House Journal, March 12, page 699.

The House has adopted and returns herewith SJR09-020.

The House has adopted and returns herewith SJR09-021.

MESSAGE FROM THE REVISOR OF STATUTES

March 13, 2009

We herewith transmit:

Without comment, as amended, HB09-1129, 1136, 1247, 1287, and 1292.

SENATE SERVICES REPORT

Correctly Engrossed: SJR09-021.

Correctly Rerevised: HB09-1185, 1189, 1197, 1198, 1203, 1223 and 1272.

Correctly Enrolled: SB09-017, 065, 115, 116 and 127; SJR09-017 and 019.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-224.

The President has signed: HB09-1002, 1004, 1007, 1023, 1025, 1046, 1050, 1088, 1109, 1141, 1148, 1159, 1161, 1257, 1265.

The President has signed: HB09-1080, 1090, 1092, 1112, 1169.

The President has signed: SB09-079 and SB09-185.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 12, 2009, at 10:10 a.m.:
SB09-032 and 055.

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 Friday, March 13, was laid over until Monday, March 16, retaining its place on the calendar.

Conference Committees to Report: SB09-215, SB09-208, SB09-210, HB09-1153.

On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, March 16, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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