

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

85th Legislative Day

Wednesday, April 1, 2009

Prayer By Senator Schultheis.

Pledge By Senator Newell.

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

Roll Call Present--32
Absent--1, Williams.
Excused--2, Cadman, Harvey.
Present later--1, Williams.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator King, reading of the Journal of Tuesday, March 31, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 3 through 13 and substitute the following:

"SECTION 2. Effective date. This act shall take effect July 1, 2009.

SECTION 3. 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."

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

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for a term expiring September 1, 2010:

Susan R. Eaton of Denver, Colorado, a representative of Colorado municipal employers, to fill the vacancy occasioned by the resignation of Patty Lynn Fannin of Colorado Springs, appointed;

for terms expiring September 1, 2012:

Clifford W. Stanton of Denver, Colorado, a member of the state's financial or business community with experience in investments, appointed;

Kirk J. Miller of Denver, Colorado, a representative of full-time paid police officers, reappointed.

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- Finance After consideration on the merits, the Committee recommends that **HB09-1133** be referred to the Committee on Appropriations with favorable recommendation. 1
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- Finance After consideration on the merits, the Committee recommends that **HB09-1301** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 4
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- Finance After consideration on the merits, the Committee recommends that **HB09-1222** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 8
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MESSAGE FROM THE HOUSE

March 31, 2009 12
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1315. 16
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The House has passed on Third Reading and returns herewith SB09-105, 092. 19
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The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-056, amended as printed in House Journal, March 26, page 916, and amended on Third Reading as printed in House Journal, March 31. 22
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24
SB09-036, amended as printed in House Journal, March 30, page 949. 25
SB09-020, amended as printed in House Journal, March 30, pages 949-950. 26
SB09-177, amended as printed in House Journal, March 30, page 950. 27
28

The House has adopted and returns herewith SJR09-029. 29
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The House has laid over SB09-216 until June 9, deeming it lost. The bill is returned herewith. 31
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MESSAGE FROM THE REVISOR OF STATUTES

March 31, 2009 34
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Without comment, HB09-1315. 37
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Without comment, as amended, SB09-020, 036, 056, and 177. 39
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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--SJR09-034. 41
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CONSIDERATION OF RESOLUTIONS

SJR09-034 by Senator(s) Kopp; also Representative(s) Rice--Concerning honoring the Colorado Rush soccer club for its outreach efforts through the Iraq REACH program, and, in connection therewith, proclaiming "Colorado Rush 'REACH' Day". 46
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On motion of Senator Kopp, the resolution was read at length and **adopted** by the following roll call vote: 52
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| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
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| 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 | E | 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 | E | Lundberg | Y | Schultheis | Y | President | Y |
| Heath | Y | Mitchell | Y | Schwartz | Y | | |

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Co-sponsors added: Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White and Williams.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Special Orders -- Second Reading of Bills Calendar (SB0-180, HB09-1180, HB09-1042, SB09-235) of Wednesday, April 1, was laid over until Thursday, April 2, retaining its place on the calendar.

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:

HB09-1217 by Representative(s) Murray; also Senator(s) Scheffel--Concerning the creation of local improvement districts for the purpose of improving public utilities.

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

Third Reading Amendment No. 1(L.008), by Senator Scheffel

Amend revised bill, page 2, strike lines 8 through 13 and substitute the following:

"installing, ~~or~~ acquiring, OR FUNDING, IN WHOLE OR IN PART, any public improvement, so long as the county that forms the";

line 16, strike "OF THE CONSTRUCTION OF" and substitute "THEREOF";

strike line 17;

line 18, strike "PROVIDE UTILITY SERVICES";

line 25, strike "lighting or drainage facilities" and substitute "lighting, ~~or~~ drainage facilities, OR SERVICE IMPROVEMENTS,".

Page 3, line 18, after "district.", add "THE TERM "SERVICE" AS USED IN THIS PARAGRAPH (a) INCLUDES THE SERVICES PROVIDED BY A PUBLIC UTILITY AS DEFINED IN SECTION 40-1-103, C.R.S., AS WELL AS ADVANCED SERVICE AS DEFINED IN SECTION 29-27-102 (1), C.R.S., CABLE TELEVISION SERVICE AS DEFINED IN SECTION 29-27-102 (2), C.R.S., TELECOMMUNICATIONS SERVICE AS DEFINED IN SECTION 40-15-102 (29), C.R.S., GEOTHERMAL HEAT SUPPLIERS AS DEFINED IN SECTION 40-40-103, C.R.S., AND INFORMATION SERVICE AS DEFINED IN 47 U.S.C. SEC. 153 (20), OR ANY SUCCESSOR SECTION.";

strike lines 19 through 27.

Page 4, strike lines 1 through 16 and substitute the following:

"(f) ANY DISTRICT FORMED PURSUANT TO THIS PART 6 AND THE COUNTY THAT FORMS THE DISTRICT SHALL IMPLEMENT THE FUNDING AUTHORIZED BY THIS PART 6 FOR SERVICE IMPROVEMENTS AS DEFINED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IN A NONDISCRIMINATORY AND TECHNOLOGICALLY AND COMPETITIVELY NEUTRAL MANNER.

(g) ANY PUBLIC UTILITY OR TELECOMMUNICATIONS SERVICE IMPROVEMENT FUNDED BY A DISTRICT ESTABLISHED PURSUANT TO THIS PART 6 SHALL BE CONSTRUCTED ONLY BY OR IN AGREEMENT WITH A PUBLIC UTILITY OR TELECOMMUNICATIONS SERVICE PROVIDER DULY AUTHORIZED BY THE PUBLIC UTILITIES COMMISSION, AS APPLICABLE, TO

PROVIDE SERVICE, FACILITIES, PLANT OR SYSTEMS IN THE AREA IN WHICH THE PUBLIC UTILITY OR TELECOMMUNICATIONS SERVICE IMPROVEMENT IS TO BE CONSTRUCTED AND SHALL BE OWNED, OPERATED, AND MAINTAINED BY SUCH PUBLIC UTILITY OR TELECOMMUNICATIONS SERVICE PROVIDER. ALL OTHER SERVICE IMPROVEMENTS AS DEFINED IN PARAGRAPH (a) OF THIS SUBSECTION (1) FUNDED PURSUANT TO THIS PART 6 SHALL BE CONSTRUCTED BY OR IN AGREEMENT WITH THE SERVICE PROVIDER AND OWNED AND OPERATED BY THE SERVICE PROVIDER. NO DISTRICT FORMED PURSUANT TO THIS PART 6, NOR THE COUNTY THAT FORMS THE DISTRICT, SHALL USE THE AUTHORITY SET FORTH HEREIN TO PROVIDE, DIRECTLY OR INDIRECTLY, ANY SERVICES AS DEFINED IN PARAGRAPH (a) OF THIS SUBSECTION (1). NO DISTRICT FORMED PURSUANT TO THIS PART 6, NOR THE COUNTY THAT FORMS THE DISTRICT, SHALL HAVE ANY RIGHT, TITLE, OR INTEREST IN ANY SERVICE IMPROVEMENT AS DEFINED IN PARAGRAPH (a) OF THIS SUBSECTION (1) FUNDED BY A DISTRICT ESTABLISHED PURSUANT TO THIS PART 6.

(h) NOTHING IN THIS PART 6 SHALL EXTEND, DIMINISH, OR OTHERWISE ALTER THE JURISDICTION OF THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101, C.R.S."

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

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (SB09-248, SB09-251, HB09-1296, HB09-1248, HB09-1294) of Wednesday, April 1, was laid over until Thursday, April 2, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB09-249, HB09-1250, HB09-1299) of Wednesday, April 1, was laid over until Thursday, April 2, retaining its place on the calendar.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Consideration of Resolutions Calendar (SJR09-030, SB09-032, SJR09-033) of Wednesday, April 1, was laid over until Thursday, April 2, retaining its place on the calendar.

MESSAGE FROM THE GOVERNOR

March 31, 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:

SB09-066 CONCERNING THE CONSOLIDATION OF PUBLIC EMPLOYEE RETIREMENT PLANS UNDER THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved March 31, 2009 at 9:17 a.m.

Sincerely,

Bill Ritter, Jr.
Governor

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-080 by Senator(s) Isgar, Romer, White; also Representative(s) Looper--Concerning limited exemptions for water collected from certain residential rooftops.

Senator Isgar moved that the Senate concur in House amendments to **SB09-080**, as printed in House Journal, March 26, pages 904-906. The motion was **passed** by the following roll call vote:

| YES | 32 | NO | 1 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-050

by Senator(s) Scheffel; also Representative(s) Murray--Concerning a requirement that at least one member of the limited gaming control commission be a resident of a locality in which limited gaming takes place.

Senator Scheffel moved that the Senate concur in House amendments to **SB09-050**, as printed in House Journal, March 26, page 906. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-062

by Senator(s) Shaffer B.; also Representative(s) Apuan--Concerning incentives for armed forces veterans to enter the teaching profession.

Senator Shaffer moved that the Senate concur in House amendments to **SB09-062**, as printed in House Journal, March 26, page 907. The motion was **passed** by the following roll call vote:

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| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-150 by Senator(s) Heath; also Representative(s) Levy--Concerning the priority of a purchase-money lien for a motor vehicle.

Senator Heath moved that the Senate concur in House amendments to **SB09-150**, as printed in House Journal, March 26, pages 907-908. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-101 by Senator(s) White; also Representative(s) Levy--Concerning the requirement for the

creation of an independent historic preservation commission by any city receiving moneys from the state historical fund for historic preservation purposes when the city is not a certified local government, and, in connection therewith, establishing the composition and operation of such a commission.

Laid over until Thursday, April 2, retaining its place on the calendar.

SB09-039

by Senator(s) Schwartz; also Representative(s) Curry--Concerning the discretionary authority of cooperative electric associations to establish reasonable graduated rates for increased energy consumption by residential customers.

Senator Schwartz moved that the Senate concur in House amendments to **SB09-039**, as printed in House Journal, March 26, pages 909. The motion was **passed** by the following roll call vote:

| YES | 32 | NO | 1 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 26 | NO | 7 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|---|------------|---|------------|---|
| Bacon | Y | Hodge | Y | Morse | Y | Shaffer B. | Y |
| Boyd | Y | Hudak | Y | Newell | Y | Spence | N |
| Brophy | Y | Isgar | Y | Penry | Y | Tapia | Y |
| Cadman | E | 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 | E | 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, as amended, was declared **repassed**.

SB09-165

by Senator(s) Isgar and Penry; also Representative(s) Curry and Gardner C., Fischer-- Concerning the funding of grants to small communities for water quality-related capital projects through allocation of a portion of revenues that would otherwise be credited to the severance tax trust fund.

Senator Isgar moved that the Senate concur in House amendments to **SB09-165**, as printed in House Journal, March 26, page 906. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

Co-sponsors added: Boyd, Kopp, Mitchell, Schwartz and Tochtrop.

SB09-107 by Senator(s) Kester; also Representative(s) Looper--Concerning the time during which a notarized bill of sale will exempt a vehicle that is at least twenty-five years old from being required to have a bonded title.

Senator Kester moved that the Senate concur in House amendments to **SB09-107**, as printed in House Journal, March 26, pages 909-910. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-005 by Senator(s) Spence; also Representative(s) Primavera--Concerning the Colorado traumatic brain injury program.

Senator Spence moved that the Senate concur in House amendments to **SB09-005**, as printed in House Journal, March 26, page 910. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-129 by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning the duties that may be performed by a dental hygienist.

Senator Tochtrop moved that the Senate concur in House amendments to **SB09-129**, as printed in House Journal, March 26, page 910. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

Co-sponsors added: Kester

SB09-169 by Senator(s) Tochtrop; also Representative(s) Riesberg--Concerning the continuation of the board of examiners of nursing home administrators.

Senator Tochtrop moved that the Senate concur in House amendments to **SB09-169**, as printed in House Journal, March 26, pages 911. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-013 by Senator(s) Gibbs and Schwartz, Penry; also Representative(s) Levy and King S.-- Concerning the extension of civil immunity to persons engaged in emergency response activities.

Laid over until Thursday, April 2, retaining its place on the calendar.

SB09-168 by Senator(s) Tochtrop; also Representative(s) Soper--Concerning workers' compensation procedures.

Senator Tochtrop moved that the Senate concur in House amendments to **SB09-168**, as printed in House Journal, March 30, page 937. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-042 by Senator(s) Tapia; also Representative(s) Vigil and Peniston--Concerning the administration of the exempt status of property for property tax purposes.

Senator Tapia moved that the Senate concur in House amendments to **SB09-042**, as printed in House Journal, March 26, pages 912-913. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-237 by Senator(s) Lundberg, Harvey, Schultheis, Cadman, Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfroe, Romer, Scheffel, Tochtrop, White; also Representative(s) Acree, McNulty--Concerning grounds for mandatory expulsion from a public school.

Senator Lundberg moved that the Senate concur in House amendments to **SB09-237**, as printed in House Journal, March 26, page 914. The motion was **passed** by the following roll call vote:

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| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-131 by Senator(s) Romer; also Representative(s) Massey--Concerning the requirement that students in public schools engage in a certain amount of physical activity each week.

Senator Romer moved that the Senate not concur in House amendments to **SB09-131**, as printed in House Journal, March 26, page 914, and that a Conference Committee be appointed.

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 motion was **adopted**.

The President appointed Senators Romer, Chair, Boyd, and Spence as Senate Conferees on the First Conference Committee on **SB09-131**.

SB09-231 by Senator(s) Penry; also Representative(s) Solano and Bradford, King S., Tipton--Concerning the continuation of the state methamphetamine task force.

Senator Penry moved that the Senate concur in House amendments to **SB09-231**, as printed in House Journal, March 26, page 915. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 **repassed**.

SB09-051 by Senator(s) Carroll M.; also Representative(s) Levy--Concerning measures to facilitate the financing of energy-efficient structures.

Senator Carroll moved that the Senate concur in House amendments to **SB09-051**, as printed in House Journal, March 26, page 915. The motion was **passed** by the following roll call vote:

| YES | 26 | NO | 7 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|---|------------|---|------------|---|
| Bacon | Y | Hodge | Y | Morse | Y | Shaffer B. | Y |
| Boyd | Y | Hudak | Y | Newell | Y | Spence | N |
| Brophy | Y | Isgar | Y | Penry | Y | Tapia | Y |
| Cadman | E | 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 | E | Lundberg | N | Schultheis | N | President | Y |
| 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 | 24 | NO | 9 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|---|------------|---|------------|---|
| Bacon | Y | Hodge | Y | Morse | Y | Shaffer B. | Y |
| Boyd | Y | Hudak | Y | Newell | Y | Spence | N |
| Brophy | N | Isgar | Y | Penry | Y | Tapia | Y |
| Cadman | E | 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 | E | 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**.

Co-sponsors added: Boyd

SB09-078 by Senator(s) Newell; also Representative(s) Rice--Concerning the abandonment of portions of the state highway system to local jurisdictions.

Senator Newell moved that the Senate concur in House amendments to **SB09-078**, as printed in House Journal, March 26, pages 915. The motion was **passed** by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | 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 | 23 | NO | 10 | EXCUSED | 2 | 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 | E | 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 | N | Scheffel | N | Williams | Y |
| Harvey | E | 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**.

SB09-148 by Senator(s) Brophy, Gibbs; also Representative(s) Merrifield, Carroll T., Kerr A., Marostica, McNulty--Concerning revisions to the rules governing the safe interaction of bicycles with other vehicles on roadways.

Senator Brophy moved that the Senate not concur in House amendments to **SB09-148**, as printed in House Journal, March 26, page 914, and that a Conference Committee be appointed.

| YES | 29 | NO | 4 | EXCUSED | 2 | ABSENT | 0 |
|------------|----|----------|---|------------|---|------------|---|
| Bacon | Y | Hodge | Y | Morse | Y | Shaffer B. | Y |
| Boyd | Y | Hudak | Y | Newell | Y | Spence | Y |
| Brophy | Y | Isgar | Y | Penry | N | Tapia | Y |
| Cadman | E | Keller | Y | Renfroe | N | Tochtrop | Y |
| Carroll M. | Y | Kester | Y | Romer | Y | Veiga | Y |
| Foster | Y | King K. | Y | Sandoval | Y | White | N |
| Gibbs | Y | Kopp | Y | Scheffel | Y | Williams | Y |
| Harvey | E | 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 motion was **adopted**.

The President appointed Senators Brophy, Chair, Gibbs, and Heath as Senate Conferees on the First Conference Committee on **SB09-148**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE:
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2012:

Beth Lamberson Warren of Durango, Colorado, a Democrat, reappointed;

Kent C. Veio of Denver, Colorado, a Republican, reappointed.

| YES | 33 | NO | 0 | EXCUSED | 2 | 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 | E | 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 | E | Lundberg | Y | Schultheis | Y | President | Y |
| Heath | Y | Mitchell | Y | Schwartz | Y | | |

SENATE SERVICES REPORT

Correctly Engrossed: SR09-013.
Correctly Reengrossed: SB09-037.
Correctly Enrolled: SB09-117, 141 and 225; SJR09-031.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-038, 048, 069,139, HB09-1198 and 1260.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, March 31, 2009, at 9:37 a.m.: SB09-035, 097, 147 and 179.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1149** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated March 5, 2009, page 2, line 26, strike "(4) A" and substitute "(4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), A";

after line 30, insert the following:

"(b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A PERSON WHO PROVIDES VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES PURSUANT TO SECTION 24-76.5-103, C.R.S.".

Page 3, line 5, strike "SO." and substitute "SO; OR";

after line 5, insert the following:

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"(III) THE PERSON PROVIDES VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES PURSUANT TO SECTION 24-76.5-103, C.R.S.";

line 18, strike "23-7-110." and substitute "23-7-110, UNLESS THE PERSON PROVIDES VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES PURSUANT TO SECTION 24-76.5-103, C.R.S.";

after line 18, insert the following:

"SECTION 3. 24-76.5-103 (3) (f) and (3) (g), Colorado Revised Statutes, are amended, and the said 24-76.5-103 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-76.5-103. Verification of lawful presence - exceptions - reporting - rules. (3) Verification of lawful presence in the United States shall not be required:

(f) For pregnant women; or

(g) For individuals over the age of eighteen years and under the age of nineteen years who continue to be eligible for medical assistance programs after their eighteenth birthday; OR

(h) FOR PERSONS DESCRIBED IN SECTION 23-7-110, C.R.S., WHO ARE CLASSIFIED AS IN-STATE STUDENTS FOR TUITION PURPOSES SOLELY PURSUANT TO SAID SECTION."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-243** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-110** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

April 1, 2009

The House has passed on Third Reading and returns herewith SB09-084. The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-132, amended as printed in House Journal, March 31, page 965. SB09-175, amended as printed in House Journal, March 31, page 966. SB09-111, amended as printed in House Journal, March 31, page 966.

The House has adopted the First Report of the First Conference Committee on HB09-1108, as printed in House Journal, March 30, page 953, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB089-1053, 1151, 1200, 1220, 1285, 1229, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB09-1281 and requests that a conference committee be appointed. The Speaker has appointed Representatives Labuda, chairman, Schafer, and Murray as House conferees on the First Conference Committee on HB09-1281. The bill is transmitted herewith.

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 Wednesday, April 1 was laid over until Thursday, April 2, retaining its place on the calendar.

Conference Committees to Report: HB09-1153, HB09-1162, HB09-1057.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the Committee recommends that SB09-256 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 19, strike "FIFTY" and substitute "FORTY";

line 20, strike "AT WHICH THE" and substitute "IS IDENTIFIED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.3) AS A HIGH-PERFORMANCE SCHOOL, THE";

strike lines 21 through 24.

Page 5, line 3, strike "AT WHICH THE" and substitute "IS IDENTIFIED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.3) AS A HIGH-PERFORMANCE SCHOOL, THE";

strike lines 4 through 7;

strike lines 13 through 16 and substitute the following:

"IS IDENTIFIED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.3) AS A HIGH-PERFORMANCE SCHOOL,";

line 17, strike "YEAR,";

after line 19, insert the following:

"(b) THE DEPARTMENT SHALL ANNUALLY IDENTIFY EACH SCHOOL AT WHICH THE MEDIAN GROWTH PERCENTILE FOR STUDENTS IN GRADES EIGHT THROUGH ELEVEN ON THE STATEWIDE ASSESSMENTS IN AT LEAST TWO OF THE THREE SUBJECTS OF READING, WRITING, AND MATHEMATICS ADMINISTERED IN THE SCHOOL YEAR TWO YEARS PRIOR TO THE APPLICABLE BUDGET YEAR EXCEEDS THE STATEWIDE MEDIAN GROWTH PERCENTILE FOR SAID SUBJECTS IN SAID SCHOOL YEAR. EACH IDENTIFIED SCHOOL SHALL BE A HIGH-PERFORMANCE SCHOOL FOR PURPOSES OF THIS SUBSECTION (4.3)."

Reletter succeeding paragraphs accordingly.

Page 6, line 16, strike "1.54529 + (.00376058" and substitute "1.54496 + (.00375978";

line 20, strike "1.23817 + (.00167825" and substitute "1.23791 + (.00167787";

line 24, strike "1.12120 + (.00020593" and substitute "1.12096 + (.00020590".

Page 7, line 1, strike "1.05302 + (.00005385" and substitute "1.05279 + (.00005385";

line 5, strike "1.02942 + (.00001364" and substitute "1.02921 + (.00001363";

line 9, strike "1.02942" and substitute "1.02921";

after line 9, insert the following:

"SECTION 5. 22-54-104 (2) (b) (II) (A), (4), and (5) (f), Colorado Revised Statutes, are amended to read:

22-54-104. District total program. (2) (b) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine, the district's total program shall be the lesser

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of:

(II) (A) The district's total program as calculated by: Adding the amount determined by multiplying the district's per pupil funding by four hundred fifty-nine to the amount determined by multiplying ~~12%~~ 11.9% of the district's per pupil funding by the district's at-risk pupils; then dividing the sum of those two amounts by four hundred fifty-nine; then multiplying the resulting amount by the district's funded pupil count minus the district's on-line pupil enrollment; and then adding the district's on-line funding.

(4) A district's at-risk funding shall be determined in accordance with one of the following formulas:

(a) (I) If the district percentage of at-risk pupils is equal to or less than the statewide average percentage of at-risk pupils or the district's funded pupil count is equal to or less than four hundred fifty-nine, the formula shall be:

(District per pupil funding x ~~12%~~ 11.9%) x District at-risk pupils

(II) Repealed.

(b) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine, the formula shall be: ((District per pupil funding x ~~12%~~ 11.9%) x (Statewide average percentage of at-risk pupils x District pupil enrollment)) + ((District per pupil funding x District at-risk factor) x (District at-risk pupils - (Statewide average percentage of at-risk pupils x District pupil enrollment)))

(II) Repealed.

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

(f) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine but not in excess of fifty thousand, the district's at-risk factor shall be ~~12%~~ 11.9% plus a 0.30 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%.

(II) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than fifty thousand, the district's at-risk factor shall be ~~12%~~ 11.9% plus a 0.36 percentage point for each percentage point that the district percentage of at-risk pupils exceeds the statewide average percentage of at-risk pupils; except that no district's at-risk factor shall exceed 30%."

Renumber succeeding sections accordingly.

Page 12, after line 16, insert the following:

"SECTION 8. 22-54-105 (3) (a), Colorado Revised Statutes, is amended to read:

22-54-105. Instructional supplies and materials - capital reserve and insurance reserve - at-risk funding - preschool funding.

(3) (a) (I) For the 1997-98 budget year and budget years thereafter THROUGH THE 2008-09 BUDGET YEAR, every district that receives at-risk funding pursuant to the provisions of section 22-54-104 shall expend in total at least seventy-five percent of the district's at-risk funding on direct instruction or staff development, or both, for the educational program of at-risk pupils in the district.

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(II) FOR THE 2009-10 BUDGET YEAR AND BUDGET YEARS THEREAFTER, EVERY DISTRICT THAT RECEIVES AT-RISK FUNDING PURSUANT TO THE PROVISIONS OF SECTION 22-54-104 SHALL ALLOCATE AT LEAST SEVENTY-FIVE PERCENT OF THE PER PUPIL AMOUNT OF AT-RISK FUNDING RECEIVED FOR EACH AT-RISK PUPIL TO THE PUBLIC SCHOOL OF THE SCHOOL DISTRICT IN WHICH THE AT-RISK PUPIL IS ENROLLED FOR USE BY THE PUBLIC SCHOOL FOR THE EDUCATIONAL PROGRAM OF AT-RISK PUPILS ENROLLED IN THE PUBLIC SCHOOL. THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL NOT APPLY TO THE DISTRIBUTION OF AT-RISK FUNDING TO DISTRICT CHARTER SCHOOLS, WHICH DISTRIBUTION SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 22-30.5-112."

Renumber succeeding sections accordingly.

Page 12, strike lines 17 through 27.

Page 13, strike lines 1 through 12.

Renumber succeeding sections accordingly.

Page 14, strike lines 20 through 24 and substitute the following:

"HELD IN NOVEMBER 2001."

Page 15, line 7, strike "DEPARTMENT OF EDUCATION" and substitute "STATE BOARD";

strike lines 8 through 25 and substitute the following:

"DISTRICT'S PROPOSED USE OF THE ADDITIONAL PROPERTY TAX REVENUES, WHICH MAY INCLUDE CAPITAL CONSTRUCTION PROJECTS."

Page 16, after line 19, insert the following:

"SECTION 11. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-110.5. Replenishment of certificates of participation reserve funds. (1) AS USED IN THIS SECTION:

(a) "CERTIFICATES OF PARTICIPATION RESERVE FUND" MEANS A RESERVE FUND OR ACCOUNT THAT HAS BEEN ESTABLISHED TO SECURE THE PAYMENT OF PRINCIPAL AND INTEREST ON QUALIFYING CERTIFICATES OF PARTICIPATION AND THAT HAS BEEN FUNDED WITH PROCEEDS DERIVED FROM THE ISSUANCE OF QUALIFYING CERTIFICATES OF PARTICIPATION, OTHER LEGALLY AVAILABLE MONEYS, OR SECURITIES OR A SURETY BOND OR INSURANCE POLICY PURCHASED WITH SUCH PROCEEDS OR MONEYS.

(b) "LEASE-PURCHASE AGREEMENT" MEANS AN AGREEMENT PURSUANT TO WHICH A DISTRICT LEASES PROPERTY FROM A CORPORATION, OTHER LEGAL ENTITY, OR TRUSTEE AND IN CONNECTION WITH WHICH CERTIFICATES OF PARTICIPATION EVIDENCING INTERESTS IN THE RIGHT TO RECEIVE PAYMENTS BY THE DISTRICT UNDER THE AGREEMENT ARE ISSUED.

(c) "QUALIFYING CERTIFICATES OF PARTICIPATION" MEANS CERTIFICATES OF PARTICIPATION EVIDENCING INTERESTS IN THE RIGHT TO RECEIVE PAYMENTS BY A DISTRICT UNDER A LEASE-PURCHASE AGREEMENT THAT, AT THE TIME THEY ARE ISSUED, CARRY AT LEAST TWO CREDIT RATINGS FROM ANY OF THE NATIONALLY RECOGNIZED CREDIT RATING AGENCIES AND ARE RATED AT OR ABOVE "A" BY ALL SUCH CREDIT RATING AGENCIES THAT HAVE PROVIDED A RATING.

(d) "RESERVE FUND REQUIREMENT" MEANS THE LEVEL OF FUNDING REQUIRED FOR A CERTIFICATES OF PARTICIPATION RESERVE FUND AS SPECIFIED IN THE TRUST INDENTURE OR OTHER AGREEMENT PURSUANT TO WHICH QUALIFYING CERTIFICATES OF PARTICIPATION HAVE BEEN ISSUED.

(2) (a) A DISTRICT THAT HAS ENTERED INTO OR THAT INTENDS TO ENTER INTO A LEASE-PURCHASE AGREEMENT IN CONNECTION WITH WHICH

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QUALIFYING CERTIFICATES OF PARTICIPATION HAVE BEEN ISSUED OR WILL BE ISSUED BEFORE JULY 1, 2012, MAY APPLY TO THE STATE TREASURER FOR PERMISSION TO INCLUDE IN ANY LEASE-PURCHASE AGREEMENT EXECUTED IN CONNECTION WITH THE ISSUANCE OF, OR IN ANY TRUST INDENTURE OR OTHER AGREEMENT AUTHORIZING THE ISSUANCE OF, QUALIFYING CERTIFICATES OF PARTICIPATION AN AGREEMENT SPECIFYING THAT IF THE BALANCE OF THE CERTIFICATES OF PARTICIPATION RESERVE FUND FALLS BELOW THE RESERVE FUND REQUIREMENT:

(I) THE DISTRICT SHALL MAKE AND DELIVER TO THE STATE TREASURER A CERTIFICATE STATING THE SUM, IF ANY, REQUIRED TO RESTORE THE CERTIFICATES OF PARTICIPATION RESERVE FUND TO THE RESERVE FUND REQUIREMENT;

(II) THE STATE TREASURER SHALL SUBMIT A REQUEST FOR APPROPRIATIONS IN AN AMOUNT SUFFICIENT TO RESTORE THE CERTIFICATES OF PARTICIPATION RESERVE FUND TO THE RESERVE FUND REQUIREMENT;

(III) THE GENERAL ASSEMBLY MAY, BUT SHALL NOT BE REQUIRED TO, APPROPRIATE MONEYS FOR THE PURPOSE OF RESTORING THE CERTIFICATES OF PARTICIPATION RESERVE FUND TO THE RESERVE FUND REQUIREMENT; AND

(IV) IF THE GENERAL ASSEMBLY APPROPRIATES MONEYS FOR THE PURPOSE OF RESTORING THE CERTIFICATES OF PARTICIPATION RESERVE FUND TO THE RESERVE FUND REQUIREMENT BUT THE DISTRICT NONETHELESS TERMINATES THE RELATED LEASE-PURCHASE AGREEMENT OR FAILS TO MAKE LEASE PAYMENTS UNDER THE RELATED LEASE-PURCHASE AGREEMENT IN AN AMOUNT SUFFICIENT TO MAKE SCHEDULED PAYMENTS OF PRINCIPAL AND INTEREST TO HOLDERS OF QUALIFYING CERTIFICATES OF PARTICIPATION, THE STATE SHALL HAVE A FIRST RIGHT OF REFUSAL TO PURCHASE THE PROPERTY UNDERLYING THE QUALIFYING CERTIFICATES OF PARTICIPATION FOR AN AMOUNT EQUAL TO THE REMAINING AMOUNT OF PRINCIPAL PAYABLE TO HOLDERS OF THE QUALIFYING CERTIFICATES OF PARTICIPATION UNTIL THE STATE HAS BEEN REIMBURSED FOR THE AMOUNT THAT HAS BEEN DEPOSITED IN THE CERTIFICATES OF PARTICIPATION RESERVE FUND FROM MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY.

(b) IF, IN THE STATE TREASURER'S SOLE DISCRETION, THE STATE TREASURER DETERMINES THAT THE INCLUSION IN ANY LEASE-PURCHASE AGREEMENT EXECUTED IN CONNECTION WITH QUALIFYING CERTIFICATES OF PARTICIPATION OR ANY TRUST INDENTURE OR OTHER AGREEMENT AUTHORIZING THE REFINANCING OF EXISTING QUALIFYING CERTIFICATES OF PARTICIPATION OR THE ISSUANCE OF NEW QUALIFYING CERTIFICATES OF PARTICIPATION OF THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) WILL SIGNIFICANTLY REDUCE THE RATE OF INTEREST REQUIRED TO BE PAID TO THE HOLDERS OF THE QUALIFYING CERTIFICATES OF PARTICIPATION AND IS IN THE BEST INTEREST OF THE STATE, THE STATE TREASURER MAY GRANT PERMISSION TO THE ISSUER TO INCLUDE THE AGREEMENT IN THE LEASE-PURCHASE AGREEMENT, TRUST INDENTURE, OR OTHER AGREEMENT.

(3) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE ANY DEBT, MULTIPLE-FISCAL YEAR OBLIGATION, OR OTHER LIABILITY OF THE STATE."

Renumber succeeding sections accordingly.

Page 18, after line 2, insert the following:

"SECTION 13. 22-54-124 (3) (a) (III) (C), (4), and (5), Colorado Revised Statutes, are amended, and the said 22-54-124 (3) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-54-124. State aid for charter schools - use of state education fund moneys - definitions. (3) (a) (III) (C) For the 2004-05 budget year and each budget year thereafter THROUGH THE 2008-09 BUDGET YEAR, the amount of state education fund moneys to be distributed to any eligible

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district and any eligible institute charter school shall be an amount equal to the percentage of the sum of the district's certified charter school pupil enrollment and the institute charter school's certified pupil enrollment for all eligible districts and eligible institute charter schools in the state that is attributable to the eligible district or eligible institute charter school multiplied by the total amount of state education fund moneys distributed to all eligible districts and eligible institute charter schools for the same budget year pursuant to sub-subparagraph (A) of this subparagraph (III).

(IV) (A) FOR THE 2009-10 BUDGET YEAR, THE AMOUNT TO BE APPROPRIATED FOR ALL ELIGIBLE DISTRICTS AND FOR ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS SHALL BE DETERMINED BY MULTIPLYING ONE HUNDRED SEVENTY-FIVE DOLLARS BY THE TOTAL OF EACH DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT PLUS THE TOTAL OF EACH INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT.

(B) FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE AMOUNT TO BE APPROPRIATED FOR ALL ELIGIBLE DISTRICTS AND FOR ALL ELIGIBLE INSTITUTE CHARTER SCHOOLS SHALL DETERMINED BY MULTIPLYING ONE HUNDRED SEVENTY-FIVE DOLLARS, INCREASED BY INFLATION, BY THE TOTAL OF EACH DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT PLUS THE TOTAL OF EACH INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT.

(C) THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE THE TOTAL APPROPRIATION FOR CHARTER SCHOOL CAPITAL CONSTRUCTION TO EACH ELIGIBLE DISTRICT AND EACH ELIGIBLE INSTITUTE CHARTER SCHOOL. THE AMOUNT RECEIVED BY EACH SUCH SCHOOL SHALL BE AN AMOUNT EQUAL TO THE PER PUPIL CHARTER SCHOOL CAPITAL CONSTRUCTION FUNDING MULTIPLIED BY THE DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT OR THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT, AS APPLICABLE. THE AMOUNT APPROPRIATED SHALL BE PAYABLE 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.

(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 GENERAL FUND OR FROM the state education fund created in section 17 (4) of article IX of the state constitution, OR FROM BOTH THE GENERAL FUND AND THE STATE EDUCATION FUND, 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. ~~From the moneys appropriated for a given budget year, 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.~~

(5) A district that receives state education fund moneys OR GENERAL FUND MONEYS pursuant to this section shall distribute all moneys received to qualified charter schools as required by section 22-30.5-112.3 and may not retain any of such moneys to defray administrative expenses or for any other purpose.

SECTION 14. 22-54-124 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-124. State aid for charter schools - use of state education fund moneys - definitions. (1) As used in this section:

(e.5) "PER PUPIL CHARTER SCHOOL CAPITAL CONSTRUCTION FUNDING" MEANS AN AMOUNT EQUAL TO THE AMOUNT APPROPRIATED FOR CHARTER SCHOOL CAPITAL CONSTRUCTION FUNDING PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION FOR THE APPLICABLE BUDGET YEAR DIVIDED BY THE TOTAL OF

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EACH DISTRICT'S CERTIFIED CHARTER SCHOOL PUPIL ENROLLMENT PLUS THE TOTAL OF EACH INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT FOR SUCH BUDGET YEAR."

Renumber succeeding sections accordingly.

Page 30, line 18, strike "FOR" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, FOR";

line 19, strike "2012-13" and substitute "2013-14";

line 27, strike "BUDGET YEAR," and substitute "AND 2010-11 BUDGET YEARS,".

Page 31, line 2, strike "2010-11" and substitute "2011-12";

line 4, strike "2011-12" and substitute "2012-13";

line 6, strike "2012-13" and substitute "2013-14";

after line 7, insert the following:

"(3) IN ANY OF THE 2009-10 THROUGH 2013-14 BUDGET YEARS, IF A CHARTER SCHOOL THAT IS ELIGIBLE FOR HOLD-HARMLESS AT-RISK PUPIL FUNDING PURSUANT TO SUBSECTION (2) OF THIS SECTION DOES NOT COLLECT FROM EACH PUPIL ENROLLED IN THE CHARTER SCHOOL WHO IS ELIGIBLE FOR PARTICIPATION IN THE FEDERAL "NATIONAL SCHOOL LUNCH ACT" CREATED IN 42 U.S.C. SEC. 1751 ET SEQ., THE REQUIRED FEDERAL APPLICATION FORM, THE DEPARTMENT SHALL CALCULATE THE AMOUNT OF THE CHARTER SCHOOL'S HOLD-HARMLESS AT-RISK PUPIL FUNDING AS FOLLOWS:

(a) FOR THE 2009-10 BUDGET YEAR, SEVENTY-FIVE PERCENT OF THE CHARTER SCHOOL'S AT-RISK FUNDING DIFFERENTIAL;

(b) FOR THE 2010-11 BUDGET YEAR, FIFTY PERCENT OF THE CHARTER SCHOOL'S AT-RISK FUNDING DIFFERENTIAL;

(c) FOR THE 2011-12 BUDGET YEAR, TWENTY-FIVE PERCENT OF THE CHARTER SCHOOL'S AT-RISK FUNDING DIFFERENTIAL; AND

(d) FOR THE 2012-13 OR 2013-14 BUDGET YEAR, ZERO PERCENT OF THE CHARTER SCHOOL'S AT-RISK FUNDING DIFFERENTIAL."

Renumber succeeding subsections accordingly.

Page 31, line 8, strike "2012-13" and substitute "2013-14";

line 17, strike "2013." and substitute "2014."

Page 40, after line 11, insert the following:

"SECTION 26. 22-44-105 (1) (c.5), Colorado Revised Statutes, is amended to read:

22-44-105. Budget - contents - mandatory. (1) The budget shall be presented in the standard budget report format established by the state board of education by rule pursuant to subsection (5) of this section. The standard budget report format established by the state board shall be substantially consistent from year to year and shall adhere to the following guidelines:

(c.5) The budget shall ensure that the school district holds unrestricted general fund or cash fund emergency reserves in the amount required under the provisions of section 20 (5) of article X of the state constitution; EXCEPT THAT, IF, PURSUANT TO SECTION 22-44-106, A BOARD OF EDUCATION PROVIDES FOR AN OPERATING RESERVE IN THE GENERAL FUND FOR THE BUDGET YEAR OF AT LEAST THREE PERCENT OF THE AMOUNT BUDGETED TO THE GENERAL FUND, THE BOARD MAY DESIGNATE

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REAL PROPERTY OWNED BY THE DISTRICT AS ALL OR A PORTION OF THE RESERVE REQUIRED BY SECTION 20 (5) OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE BOARD HAS FILED WITH THE STATE TREASURER A LETTER OF INTENT THAT EXPRESSES THE INTENT OF THE BOARD TO INCREASE THE LIQUIDITY OF SUCH PROPERTY UPON THE OCCURRENCE OF A DECLARED EMERGENCY WITHIN THE MEANING OF SECTION 20 (5) OF ARTICLE X OF THE STATE CONSTITUTION BY ENTERING INTO ONE OR MORE LEASE-PURCHASE AGREEMENTS WITH RESPECT TO SUCH PROPERTY OR BY OTHER MEANS ACCEPTABLE TO THE STATE TREASURER.

SECTION 27. 22-45-103 (3), Colorado Revised Statutes, is amended to read:

22-45-103. Funds. (3) Each school district shall ensure that the district holds unrestricted general fund or cash fund emergency reserves in the amount required under the provisions of section 20 (5) of article X of the state constitution; EXCEPT THAT A DISTRICT MAY DESIGNATE PROPERTY OWNED BY THE DISTRICT AS ALL OR A PORTION OF THE REQUIRED RESERVE IN ACCORDANCE WITH SECTION 22-44-105 (1) (c.5).".

Re-number succeeding sections accordingly.

Page 40, after line 26, insert the following:

"SECTION 29. Article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 6
PILOT RESIDENTIAL SCHOOL
FOR AT-RISK STUDENTS**

22-2-601. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AT-RISK STUDENT" MEANS A STUDENT WHO IS AT RISK OF ACADEMIC FAILURE BASED ON THE STUDENT'S LEVEL OF ACADEMIC PERFORMANCE AND TRUANCY AND THE EXISTENCE OF SIGNIFICANT FAMILY RISK FACTORS.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(3) "FUND" MEANS THE PILOT SCHOOL FUND CREATED IN SECTION 22-2-605.

(4) "OPERATOR" MEANS THE SCHOOL DISTRICT, GROUP OF SCHOOL DISTRICTS, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR PRIVATE ENTITY SELECTED PURSUANT TO SECTION 22-2-602 TO CONTRACT WITH THE STATE BOARD FOR THE OPERATION OF THE PILOT SCHOOL.

(5) "PILOT SCHOOL" MEANS THE PILOT RESIDENTIAL SCHOOL FOR AT-RISK STUDENTS OPERATED PURSUANT TO CONTRACT WITH THE STATE BOARD AS PROVIDED IN THIS PART 6.

(6) "SIGNIFICANT FAMILY RISK FACTORS" MEANS ANY OF THE FOLLOWING:

(a) THE STUDENT IS ELIGIBLE TO RECEIVE FREE OR REDUCED-COST LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(b) HOMELESSNESS OF THE STUDENT'S FAMILY;

(c) AN ABUSIVE ADULT RESIDING IN THE STUDENT'S HOME;

(d) DRUG OR ALCOHOL ABUSE IN THE STUDENT'S FAMILY;

(e) THE STUDENT'S PARENT OR GUARDIAN HAS NOT SUCCESSFULLY

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COMPLETED A HIGH SCHOOL EDUCATION OR ITS EQUIVALENT;

(f) FREQUENT RELOCATION BY THE CHILD'S FAMILY TO NEW RESIDENCES; OR

(g) OTHER FACTORS IDENTIFIED BY RULE OF THE STATE BOARD THAT RESEARCH DEMONSTRATES CONTRIBUTE TO THE PROBABILITY THAT A STUDENT WILL DROP OUT OF SCHOOL.

(7) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-2-602. Residential pilot school - request for proposals - selection of operator - rules. (1) THE STATE BOARD SHALL CONTRACT WITH AN OPERATOR FOR OPERATION OF A RESIDENTIAL PILOT SCHOOL FOR AT-RISK STUDENTS, WHICH PILOT SCHOOL SHALL BEGIN OPERATIONS IN THE FALL SEMESTER OF THE 2010-11 SCHOOL YEAR. THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR IMPLEMENTATION OF THIS PART 6, WHICH RULES MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) PROCEDURES AND TIME FRAMES FOR THE DEPARTMENT TO ISSUE A REQUEST FOR PROPOSALS, FOR ENTITIES TO RESPOND TO THE REQUEST, FOR THE SELECTION OF AN OPERATOR, AND FOR FINALIZING THE CONTRACT WITH THE OPERATOR;

(b) PARAMETERS AND REQUIREMENTS FOR OPERATION OF THE PILOT SCHOOL IN ADDITION TO THOSE SPECIFIED IN SUBSECTION (2) OF THIS SECTION;

(c) ISSUES TO BE INCLUDED IN THE CONTRACT BETWEEN THE STATE BOARD AND THE OPERATOR IN ADDITION TO THOSE SPECIFIED IN SUBSECTION (3) OF THIS SECTION; AND

(d) REPORTING REQUIREMENTS FOR THE PILOT SCHOOL.

(2) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE CREATION AND OPERATION OF A PILOT RESIDENTIAL SCHOOL FOR AT-RISK STUDENTS IN COLORADO. THE REQUEST FOR PROPOSALS SHALL SET THE PARAMETERS AND REQUIREMENTS FOR OPERATION OF THE PILOT SCHOOL, WHICH SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE OPERATOR SHALL DESIGN THE PILOT SCHOOL TO ENROLL AT LEAST ONE HUNDRED AT-RISK STUDENTS IN EACH OF GRADES NINE THROUGH TWELVE, BEGINNING THE FIRST YEAR OF OPERATIONS BY ENROLLING STUDENTS IN GRADE NINE ONLY AND ADDING A GRADE EACH SUBSEQUENT YEAR FOR FOUR YEARS.

(b) THE PILOT SCHOOL SHALL PROVIDE AN EDUCATIONAL PROGRAM WITH AN EMPHASIS ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(c) THE PILOT SCHOOL SHALL OPERATE AS A YEAR-ROUND RESIDENTIAL SCHOOL THAT OFFERS SERVICES FOR AN EXTENDED PERIOD OF MORE THAN EIGHT HOURS DURING EACH EDUCATIONAL DAY. THE PILOT SCHOOL SHALL ALSO PROVIDE SUPPORTING SERVICES AS MAY BE NECESSARY THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO, HEALTH SERVICES AND MENTAL HEALTH SERVICES.

(d) AT-RISK STUDENTS ENROLLED IN THE PILOT SCHOOL SHALL PARTICIPATE IN STATEWIDE ASSESSMENTS, AND THE PILOT SCHOOL SHALL BE SUBJECT TO THE PERFORMANCE REQUIREMENTS AND ACCREDITATION PROCESS APPLICABLE TO OTHER PUBLIC SCHOOLS IN THE STATE.

(e) THE PILOT SCHOOL SHALL BE A PUBLIC, NONSECTARIAN, NONRELIGIOUS, NON-HOME-BASED SCHOOL.

(f) THE PILOT SCHOOL SHALL BE ADMINISTERED AND GOVERNED

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BY A BOARD OF DIRECTORS IN A MANNER AGREED TO BY THE PILOT SCHOOL OPERATOR AND THE STATE BOARD.

(g) THE PILOT SCHOOL SHALL BE SUBJECT TO ALL FEDERAL AND STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, RELIGION, OR ANCESTRY. ENROLLMENT DECISIONS SHALL BE MADE IN A NONDISCRIMINATORY MANNER SPECIFIED BY THE OPERATOR.

(3) A SCHOOL DISTRICT, A GROUP OF SCHOOL DISTRICTS, A BOARD OF COOPERATIVE SERVICES, A CHARTER SCHOOL, OR A PRIVATE ENTITY MAY CHOOSE TO RESPOND TO THE REQUEST FOR PROPOSALS. AN ENTITY SHALL SUBMIT ITS RESPONSE TO THE DEPARTMENT IN ACCORDANCE WITH THE TIMEFRAMES ESTABLISHED BY RULE. THE DEPARTMENT SHALL ASSIST THE STATE BOARD IN REVIEWING THE RESPONSES AND MAKE RECOMMENDATIONS TO THE STATE BOARD FOR SELECTION OF AN OPERATOR. THE STATE BOARD SHALL SELECT AN OPERATOR AND NEGOTIATE WITH THE OPERATOR THE CONTRACT FOR OPERATION OF THE PILOT SCHOOL. AT A MINIMUM, THE CONTRACT SHALL ADDRESS:

(a) THE OPERATOR'S ADMISSIONS POLICIES AND PROCEDURES TO ENSURE THAT THE PILOT SCHOOL SERVES AT-RISK STUDENTS IN THE STATE WHO ARE MOST IN NEED OF THE EDUCATIONAL PROGRAM AND SERVICES THAT ARE PROVIDED BY THE PILOT SCHOOL; AND

(b) WAIVERS OF ANY PROVISIONS OF THIS TITLE OR STATE REGULATIONS AGREED TO BY THE OPERATOR AND THE STATE BOARD TO ENABLE THE PILOT SCHOOL TO OPERATE EFFICIENT, EFFECTIVE, AND INNOVATIVE EDUCATIONAL PROGRAMS.

22-2-603. Pilot school - governance. THE PILOT SCHOOL SHALL OPERATE AS A STATE EDUCATIONAL INSTITUTION SUBJECT TO THE OVERSIGHT OF THE STATE BOARD. THE PILOT SCHOOL SHALL NOT BE CONSIDERED A SCHOOL OF A SCHOOL DISTRICT.

22-2-604. Pilot school contract - term - renewal - revocation.
(1) THE TERM OF THE CONTRACT BETWEEN THE STATE BOARD AND THE OPERATOR SHALL BE FIVE YEARS. PRIOR TO THE EXPIRATION OF THE CONTRACT, THE STATE BOARD SHALL REVIEW THE OPERATIONS OF THE PILOT SCHOOL AND DETERMINE WHETHER TO RENEW THE CONTRACT BASED AT LEAST PARTIALLY ON THE ACADEMIC RESULTS ACHIEVED BY AT-RISK STUDENTS ENROLLED IN THE PILOT SCHOOL. IF THE STATE BOARD DECIDES NOT TO RENEW THE CONTRACT, IT SHALL DIRECT THE DEPARTMENT TO ISSUE A REQUEST FOR PROPOSALS AND SELECT A NEW OPERATOR WITHIN A TIME FRAME THAT WILL ENSURE THAT THE PILOT SCHOOL DOES NOT CEASE OPERATIONS DURING THE TRANSITION FROM ONE OPERATOR TO ANOTHER.

(2) AT ANY TIME DURING THE TERM OF THE CONTRACT, THE STATE BOARD MAY REVOKE THE CONTRACT IF IT DETERMINES THAT REVOCATION AND SELECTION OF A NEW OPERATOR ARE IMMEDIATELY NECESSARY.

22-2-605. Pilot school fund - created - legislative declaration.
(1) (a) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 6; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 6 OR ANY OTHER LAW OF THE STATE. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PILOT SCHOOL FUND, WHICH FUND IS HEREBY CREATED. THE GENERAL ASSEMBLY MAY ALSO APPROPRIATE MONEYS TO THE FUND.

(b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 6. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART

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6 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

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(2) THE GENERAL ASSEMBLY FINDS THAT, DUE TO SEVERAL EDUCATION REFORM MEASURES PASSED IN RECENT LEGISLATIVE SESSIONS, COLORADO IS IN AN EXCELLENT POSITION TO RECEIVE SIGNIFICANT AMOUNTS OF FEDERAL MONEYS THROUGH DISTRIBUTIONS UNDER THE "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, INCLUDING MONEYS TO BE DISTRIBUTED BY THE FEDERAL DEPARTMENT OF EDUCATION THROUGH WHAT IS COMMONLY REFERRED TO AS THE "RACE TO THE TOP" PROGRAM. IN THE EVENT COLORADO RECEIVES THIS MONEY, THE GENERAL ASSEMBLY STRONGLY ENCOURAGES THE GOVERNOR TO ALLOCATE MONEYS TO THE FUND FOR OPERATION OF THE PILOT RESIDENTIAL SCHOOL FOR AT-RISK STUDENTS.

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SECTION 30. 24-75-601.1 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

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(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.

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SECTION 31. 36-1-152, Colorado Revised Statutes, is amended to read:

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36-1-152. Public school districts - charter schools - lease, purchase, or other use of state lands. (1) The state board of land commissioners shall provide opportunities for public school districts within which school trust lands are located to lease, purchase, or otherwise use such lands or portions thereof as are necessary for school building sites, at an amount to be determined by the board, which shall not exceed the appraised fair market value, which amount may be paid over time.

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(2) THE STATE BOARD OF LAND COMMISSIONERS MAY PROVIDE OPPORTUNITIES FOR CHARTER SCHOOLS THAT ARE AUTHORIZED BY SCHOOL DISTRICTS PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S., OR CHARTER SCHOOLS THAT ARE AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S., TO LEASE, PURCHASE, OR OTHERWISE USE SCHOOL TRUST LANDS, OR PORTIONS THEREOF, FOR SCHOOL BUILDING SITES. THE BOARD SHALL DETERMINE THE AMOUNT A CHARTER SCHOOL SHALL BE REQUIRED TO PAY TO LEASE, PURCHASE, OR OTHERWISE USE SAID LANDS, WHICH AMOUNT SHALL NOT EXCEED THE APPRAISED FAIR MARKET VALUE AND MAY BE PAID OVER TIME."

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Renumber succeeding section accordingly.

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Trans-
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After consideration on the merits, the Committee recommends that **HB09-1244** be referred to the Committee on Appropriations with favorable recommendation.

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After consideration on the merits, the Committee recommends that **HB09-1230** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

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"SECTION 4. 40-7-113, Colorado Revised Statutes, is amended

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BY THE ADDITION OF A NEW SUBSECTION to read:

40-7-113. Civil penalties - fines. (5) ANY PERSON WHO FAILS TO PAY IN FULL ALL CIVIL PENALTIES FOR A SECOND OR SUBSEQUENT VIOLATION ASSESSED BY COMMISSION ORDER PURSUANT TO THIS SECTION, SUBJECT TO ALL APPLICABLE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., WITHIN THIRTY DAYS OF THE DUE DATE ESTABLISHED BY SUCH ORDER MAY BE SUBJECT TO HAVE HIS OR HER VEHICLE REGISTRATION CANCELLED BY THE DEPARTMENT OF REVENUE AS SPECIFIED IN SECTION 42-3-120 (4), C.R.S. REGISTRATION OF ANY VEHICLES OWNED BY SUCH PERSON FOR WHICH THE PENALTY WAS ASSESSED MAY BE DENIED UNTIL ALL PENALTIES ARE PAID OR COLLECTED. UPON WRITTEN NOTICE FROM THE COMMISSION, THE DEPARTMENT OF REVENUE SHALL CANCEL SUCH REGISTRATION AS SPECIFIED IN SECTION 42-3-120 (4), C.R.S.

SECTION 5. 42-3-112 (3), Colorado Revised Statutes, as amended by Senate Bill 09-108, enacted in 2009, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-3-112. Failure to pay tax - penalty. (3) The late fee described in subsection (1) of this section shall not be imposed on a vehicle subject to taxation under this article if:

(c) THE VEHICLE REGISTRATION EXPIRED DURING THE PERIOD THE VEHICLE WAS REPORTED STOLEN.

SECTION 6. 42-3-120, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-120. Department may cancel or deny registration - repeal. (4) UPON RECEIVING WRITTEN NOTICE FROM THE PUBLIC UTILITIES COMMISSION THAT A PERSON HAS FAILED TO TIMELY PAY CIVIL PENALTIES IMPOSED IN ACCORDANCE WITH SECTION 40-7-113, THE DEPARTMENT SHALL CANCEL THE REGISTRATION OF ANY VEHICLE THAT IS OWNED BY THE PERSON FOR WHICH THE PENALTY WAS ASSESSED AND SHALL DENY THE REGISTRATION OF ANY SUCH VEHICLE UNTIL THE DEPARTMENT RECEIVES WRITTEN NOTICE THAT THE PENALTY HAS BEEN PAID IN FULL."

Renumber succeeding section accordingly.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1026** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 14, line 19, strike "(28.5)" and substitute "(28.7)".

Page 16, line 8, strike "AND 42-2-206," and substitute "42-2-206, 42-2-1301, AND 42-2-1301.1,".

Page 25, after line 27, insert the following:

SECTION 26. 42-3-105 (1) (d) and (2), Colorado Revised Statutes, are amended to read:

42-3-105. Application for registration - tax. (1) (d) (I) The department or its authorized agents shall not register a motor vehicle OR LOW-POWER SCOOTER unless the applicant has a complying motor vehicle insurance policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance in full force and effect as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements of this paragraph (d) apply only to motor vehicles classified as Class C personal property under section 42-3-106 (2) (c), to light trucks that do not exceed sixteen thousand pounds empty weight, and to sports utility vehicles that are classified as Class B personal property under section 42-3-106 (2) (b), OR TO LOW-POWER SCOOTERS. The applicant shall provide the department or its authorized agents with the proof of insurance certificate or insurance identification card provided to the applicant by the applicant's insurer

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pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in such other media as is authorized by the department. Nothing in this paragraph (d) shall be interpreted to preclude the department from electronically transmitting insurance information to designated agents pursuant to section 42-7-604 for the purpose of ensuring compliance with mandatory insurance requirements.

(II) Any person who knowingly provides fraudulent information or documents under subparagraph (I) of this paragraph (d) to obtain registration of a motor vehicle OR LOW-POWER SCOOTER is guilty of a misdemeanor and is subject to the criminal and civil penalties provided under section 42-6-139 (3) and (4).

(2) Upon applying for registration, the owner of a motor vehicle OR LOW-POWER SCOOTER shall receive a written notice printed on the application for registration in type that is larger than the other information contained on the application for registration. Such notice shall state that motor vehicle insurance or operator's coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a five-hundred-dollar fine, and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, and that such owner shall be required as a condition of obtaining a registration card to sign an affirmation clause that appears on the registration. The clause shall state, "I swear or affirm in accordance with section 24-12-102, C.R.S., under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance including an operator's policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle or operator of the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous. Signature _____, Date _____."

Renumber succeeding sections accordingly.

Page 27, after line 3, insert the following:

"SECTION 29. 42-3-304 (18) (d), Colorado Revised Statutes, is amended to read:

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund. (18) (d) (I) In addition to any other fee imposed by this section, the owner shall pay, at the time of registration of any A motor vehicle in the state OR LOW-POWER SCOOTER, a motorist insurance identification fee. The fee shall be adjusted annually by the department, based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. In no event shall the fee exceed fifty cents. The fee shall be transmitted to the state treasurer, who shall credit it to a special account within the highway users tax fund, to be known as the motorist insurance identification account, which is hereby created. Moneys in the motorist insurance identification account shall be used, subject to appropriation by the general assembly, to cover the costs of administration and enforcement of the motorist insurance identification database program, created in section 42-7-604; except that the state treasurer shall transfer moneys in the account in excess of the amount of moneys appropriated from the account to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (5.5) (c), C.R.S.

~~(II) This paragraph (d) is repealed, effective July 1, 2006, unless the motorist insurance identification database program created in section 42-7-604 is extended by the general assembly beyond such date."~~

Renumber succeeding sections accordingly.

Page 31, strike lines 2 and 3 and substitute the following:

"said 42-4-111 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:";

line 16, strike "(3)." and substitute "(3)";

after line 16, insert the following:

"(cc) AUTHORIZING THE USE OF THE ELECTRICAL MOTOR ON AN ELECTRICAL ASSISTED BICYCLE ON A BIKE OR PEDESTRIAN PATH."

Page 40, line 14, strike "(1) (h), (1) (i)," and strike "(2) (c),";

strike lines 20 and 21 and substitute the following:

"alcohol and one or more drugs, to drive ~~any vehicle in this state~~ A MOTOR VEHICLE OR VEHICLE.";

strike lines 24 and 25 and substitute the following:

"drugs, to drive ~~any vehicle in this state~~ A MOTOR VEHICLE OR VEHICLE."

Page 41, strike lines 3 and 4 and substitute the following:

"(f) "Driving under the influence" means driving a MOTOR vehicle OR VEHICLE when a person has consumed alcohol";

strike lines 11 and 12 and substitute the following:

"(g) "Driving while ability impaired" means driving a MOTOR vehicle OR VEHICLE when a person has consumed";

strike lines 20 through 27.

Page 42, strike lines 1 through 4 and substitute the following:

"(2) (a) It is a misdemeanor for any person to drive ~~any~~ A MOTOR vehicle ~~in this state~~ OR VEHICLE when the person's";

strike lines 15 and 16 and substitute the following:

"twenty-one years of age to drive ~~any~~ A MOTOR vehicle ~~in this state~~ OR VEHICLE when the person's BAC, as shown by";

strike lines 26 and 27.

Page 43, strike lines 1 through 3;

strike lines 10 and 11 and substitute the following:

"and that the defendant's ability to operate a MOTOR vehicle OR VEHICLE was not impaired by the consumption of alcohol.";

strike lines 14 and 15 and substitute the following:

"defendant's ability to operate a MOTOR vehicle OR VEHICLE was impaired by the consumption of alcohol, and such fact may";

strike lines 22 and 23 and substitute the following:

"defendant's ability to operate a MOTOR vehicle OR VEHICLE was impaired by the consumption of alcohol.";

line 25, strike "MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER," and substitute "MOTOR vehicle OR VEHICLE";

line 27, strike "MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER" and substitute "MOTOR vehicle OR VEHICLE".

Page 44, strike lines 12 and 13 and substitute the following:

"to believe such person was driving a MOTOR vehicle OR VEHICLE in violation of this section and whether to".

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Page 46, after line 4, insert the following:

"SECTION 54. 42-4-1412, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1412. Operation of bicycles and other human-powered vehicles. (14) EXCEPT AS AUTHORIZED BY SECTION 42-4-111, THE RIDER OF AN ELECTRICAL ASSISTED BICYCLE SHALL NOT USE THE ELECTRICAL MOTOR ON A BIKE OR PEDESTRIAN PATH."

Renumber succeeding sections accordingly.

Page 46, strike lines 16 through 21.

Renumber succeeding sections accordingly.

Page 49, line 18, strike "1 and 49" and substitute "1, 26, 29, and 53".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB09-1162

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 HB09-1162, concerning intergovernmental cooperation for the purpose of mitigating wildfires, 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 3, after line 21, insert the following:

"(a) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-33.5-1202 (3.5), C.R.S., AND INCLUDES A FIRE DEPARTMENT THAT USES PAID FIREFIGHTERS, VOLUNTEER FIREFIGHTERS, OR BOTH. THE TERM INCLUDES, WITHOUT LIMITATION, A NOT-FOR-PROFIT NONGOVERNMENTAL ENTITY THAT IS ORGANIZED TO PROVIDE FIREFIGHTING SERVICES."

Reletter succeeding paragraphs accordingly.

Page 5, after line 23, insert the following:

"(5) (a) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 33-10-108 (3) (a), C.R.S., AND PURSUANT TO A CONTRACT, INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF UNDERSTANDING, THE DIVISION OF PARKS AND OUTDOOR RECREATION CREATED IN SECTION 33-10-103 (1), C.R.S., MAY ALLOW FIRE MITIGATION PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER STATE PARKS, STATE RECREATION AREAS, AND NATURAL AREAS FOR THE PURPOSE OF MITIGATING FOREST LAND OR WILD LAND FIRES IN OR AROUND SUCH PARKS, RECREATION AREAS, AND NATURAL AREAS. PERMISSIBLE ACTIVITIES TO BE UNDERTAKEN BY A FIRE DEPARTMENT UNDER THIS PARAGRAPH (a) INCLUDE, WITHOUT LIMITATION, PRESCRIBED BURNING AS A COMPONENT OF WILDFIRE MITIGATION OR FOREST OR WILD LAND MANAGEMENT AND EXERCISES TO PROMOTE THE TRAINING OF

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FIREFIGHTING PERSONNEL.

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE CONSTRUED AS AFFECTING THE AUTHORITY OF ANY STATE AGENCY OTHER THAN THE DIVISION OF PARKS AND OUTDOOR RECREATION TO ENTER INTO A CONTRACT, INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF UNDERSTANDING FOR THE PURPOSE OF ALLOWING FIRE MITIGATION PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER LAND AREAS UNDER THE JURISDICTION OF THE STATE AGENCY TO UNDERTAKE THE PERMISSIBLE ACTIVITIES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5).

(c) FOR PURPOSES OF THIS SUBSECTION (5), "STATE AGENCY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-18-102 (9), C.R.S.

SECTION 2. 33-10-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-10-108. Duties of the division of parks and outdoor recreation - definitions. (3) (a) PURSUANT TO A CONTRACT, INTERGOVERNMENTAL AGREEMENT, OR MEMORANDUM OF UNDERSTANDING, THE DIVISION MAY ALLOW FIRE MITIGATION PERSONNEL AND ACCOMPANYING EQUIPMENT AND MATERIAL UNDER THE CONTROL OR SUPERVISION OF A FIRE DEPARTMENT TO ENTER STATE PARKS, STATE RECREATION AREAS, AND NATURAL AREAS FOR THE PURPOSE OF MITIGATING FOREST LAND OR WILD LAND FIRES IN OR AROUND SUCH PARKS, RECREATION AREAS, AND NATURAL AREAS. PERMISSIBLE ACTIVITIES TO BE UNDERTAKEN BY A FIRE DEPARTMENT UNDER THIS PARAGRAPH (a) INCLUDE, WITHOUT LIMITATION, PRESCRIBED BURNING AS A COMPONENT OF WILDFIRE MITIGATION OR FOREST OR WILD LAND MANAGEMENT AND EXERCISES TO PROMOTE THE TRAINING OF FIREFIGHTING PERSONNEL.

(b) AS USED IN THIS SUBSECTION (3):

(I) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 29-20-105.5 (2) (a), C.R.S.

(II) "NATURAL AREA" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 33-33-103 (8).".

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:

Senate Committee:

(signed)
Representative Gerou, Chairman
Representative Curry
Representative Scanlan

(signed)
Senator Kopp, Chairman
Senator Gibbs
Senator Isgar

MESSAGE FROM THE REVISOR OF STATUTES
April 1, 2009

We herewith transmit:

Without comment, as amended, SB09-111, 132, and 175.

INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committees indicated:

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SJM09-002 by Senator(s) Sandoval; also Representative(s) Kefalas--Concerning the 2009 reauthorization of the "Child Nutrition and WIC Reauthorization Act of 2004".

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

INTRODUCTION OF BILLS -- FIRST READING

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

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

HB09-1314 by Representative(s) Judd; also Senator(s) Sandoval--Concerning safety in day treatment centers.
Health and Human Services

HB09-1315 by Representative(s) Todd; also Senator(s) Williams--Concerning clarifying restrictions on public employee leave for purposes of public service.
State, Veterans & Military Affairs

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Thursday, April 2, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate