

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

86th Legislative Day Thursday, April 2, 2009

Prayer By Senator Foster. 10
 Pledge By Senator Newell. 11
 Call to Order By the President at 9:00 a.m. 12
 Roll Call Present--29 13
 Absent--2, Hudak, Williams. 14
 Excused--4, Cadman, Harvey, Mitchell, Renfroe. 15
 Present later--3, Hudak, Renfroe, Williams. 16
 Quorum The President announced a quorum present. 17
 Reading of Journal On motion of Senator King, reading of the Journal of Wednesday, April 1, 2009, was 18
 dispensed with and the Journal was approved as corrected by the Secretary. 19
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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--SJR09-030.

CONSIDERATION OF RESOLUTIONS

SJR09-030 by Senator(s) Morse; also Representative(s) Gardner B.--Concerning recognition of the Colorado department of corrections for its high standards of service to the state.

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

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

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COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **HB09-1309** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB09-254** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB09-253** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 20.

Page 3, strike lines 1 through 20.

Renumber succeeding sections accordingly.

Page 4, line 10, after "SERVICES.", insert "ACTUAL COSTS SHALL NOT INCLUDE ANY UPGRADE OR IMPROVEMENT COSTS TO THE RELOCATED INFRASTRUCTURE OR FACILITIES. FOR PURPOSES OF THIS SECTION, UPGRADE OR IMPROVEMENT COSTS SHALL BE DEFINED AS COSTS INCURRED AS PART OF A FACILITY OR INFRASTRUCTURE RELOCATION THAT ARE NOT ATTRIBUTABLE TO THE STATE OR POLITICAL SUBDIVISION'S REQUEST, AND ARE MADE SOLELY FOR THE BENEFIT OF, AND AT THE ELECTION OF, THE LOCAL EXCHANGE PROVIDER. THE USE OF NEW MATERIALS, COMPLIANCE WITH CURRENT STANDARDS IN THE PERFORMANCE OF RELOCATION, OR THE IMPLEMENTATION OF TECHNOLOGICAL IMPROVEMENTS THAT ARE ABLE TO ACHIEVE SUCH UPGRADE AT COSTS THAT ARE EQUAL TO OR LESS THAN THE COSTS OF A LIKE-FOR-LIKE REPLACEMENT OR RELOCATION ARE NOT CONSIDERED AN UPGRADE OR IMPROVEMENT."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1275** be referred to the Committee on Finance with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1086** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB09-252** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-223** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, line 22, after "(c.5)", insert "(I)";

strike lines 24 and 25 and substitute the following:

"GAS SHALL BE ASSESSED AN INITIAL LICENSING FEE BASED ON THE FOLLOWING SCHEDULE:

SEATING CAPACITY	INITIAL LICENSE FEE
0-24	\$750
OVER 24	1,250

(II) ANY FUTURE ANNUAL LICENSE FEE OR A CHANGE IN LOCATION WITHIN THE CALENDAR YEAR OF THE SAME RETAIL FOOD ESTABLISHMENT OFFERING FOOD AT A TEMPORARY LIVING QUARTER FOR WORKERS ASSOCIATED WITH OIL AND GAS SHALL BE ASSESSED A RENEWAL FEE BASED ON THE FOLLOWING SCHEDULE:

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SEATING CAPACITY	RENEWAL LICENSE FEE	1
0-24	\$275	2
OVER 24	500".	3

Page 18, after line 17, insert the following:

SECTION 14. Part 16 of article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-4-1613. General fund moneys - repeal. (1) FOR THE FISCAL YEARS 2009-10 AND 2010-11, NO GENERAL FUND MONEYS SHALL BE USED TO IMPLEMENT THIS PART 16. FOR THE FISCAL YEAR, 2011-12, THE DEPARTMENT SHALL REQUEST GENERAL FUND MONEYS FOR THE IMPLEMENTATION OF THIS PART 16.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 15. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the food protection fund created in section 24-4-1608, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the consumer protection division, for the fiscal year beginning July 1, 2009, the sum of one hundred fifteen thousand one hundred fifty-seven dollars (\$115,157) cash funds and 0.9 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB09-093** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated February 11, 2009, page 1, after line 14, insert the following:

"Page 5, strike lines 10 through 27.

Strike pages 6 through 8.

Page 9, strike lines 1 through 23 and substitute the following:

SECTION 5. Effective date - applicability. (1) Sections 1, 3, 5, and 6 of this act shall take effect July 1, 2009, and shall apply to offenses committed on or after said date.

(2) Sections 2 and 4 of this act shall take effect July 1, 2011, and shall apply to offenses committed on or after said date."

Renumber succeeding section accordingly.

Page 1, line 101, strike "THEFT, AND MAKING AN APPROPRIATION IN" and substitute "THEFT.";

strike line 102."

Amend printed bill, page 5, strike lines 10 through 27.

Strike pages 6 through 8.

Page 9, strike lines 1 through 20.

Renumber succeeding sections accordingly.

Page 1, line 101, strike "THEFT, AND MAKING AN APPROPRIATION IN"

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and substitute "**THEFT.**";

strike line 102.

Judiciary

After consideration on the merits, the Committee recommends that **HB09-1287** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR09-014

by Senator(s) Shaffer B., Groff, Penry; --Concerning the appointment of an employee for the Senate of the Sixty-seventh General Assembly.

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

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 (SB09-180, HB09-1180, HB09-1042, SB09-235) of Thursday, April 2, was laid over until Friday, April 3, 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 -- Consent Calendar (SB09-248, SB09-251, HB09-1296, HB09-1248, HB09-1294) of Thursday, April 2, was laid over until Friday, April 3, 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 Thursday, April 2, was laid over until Friday, April 3, 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 (SB09-032, SJR09-033) of Thursday, April 2, was laid over until Friday, April 3, 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 Memorials Calendar (SJM09-002) of Thursday, April 2, was laid over until Friday, April 3, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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.

Senator White moved that the Senate not concur in House amendments to **SB09-101**, as printed in House Journal, March 26, pages 908-909, and that a Conference Committee be appointed.

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YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

The President appointed Senators White, Chair, Tochtrop, and Morse as Senate Conferees on the First Conference Committee on **SB09-101**.

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 Friday, April 3, retaining its place on the calendar.

SB09-056 by Senator(s) Kester; also Representative(s) Riesberg--Concerning the Trinidad state nursing home.

Senator Kester moved that the Senate concur in House amendments to **SB09-056**, as printed in House Journal, March 26, page 916. The motion was **passed** by the following roll call vote:

YES	26	NO	6	EXCUSED	3	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	E	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	E	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	1	EXCUSED	3	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	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	E	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-036 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning theft of sound recordings.

Senator Gibbs moved that the Senate concur in House amendments to **SB09-036**, as printed in House Journal, March 30, page 949. The motion was **passed** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

SB09-020

by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the responsibility for responding to wild land fires.

Senator Gibbs moved that the Senate concur in House amendments to **SB09-020**, as printed in House Journal, March 30, page 949. The motion was **passed** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

YES	31	NO	1	EXCUSED	3	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	E	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

SB09-177

by Senator(s) Schwartz; also Representative(s) Vigil--Concerning the valuation of new solar

energy facilities for the purpose of property taxation.

Senator Schwartz moved that the Senate concur in House amendments to **SB09-177**, as printed in House Journal, March 30, page 950. The motion was **passed** by the following roll call vote:

YES	30	NO	2	EXCUSED	3	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	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	32	NO	0	EXCUSED	3	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	E	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: Newell

SB09-132 by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning discounted prescription drug programs, and, in connection therewith, providing information regarding discounted prescription drug programs and modifying the "Colorado Cares Rx Act" and making an appropriation.

Laid over until Friday, April 3, retaining its place on the calendar.

SB09-175 by Senator(s) Sandoval; also Representative(s) Pommer--Concerning the issuance of group special license plates.

Laid over until Friday, April 3, retaining its place on the calendar.

SB09-111 by Senator(s) Bacon, Boyd, Schultheis; also Representative(s) Court--Concerning continuation of the "Notaries Public Act".

Senator Bacon moved that the Senate concur in House amendments to **SB09-111**, as printed in House Journal, March 31, page 966. The motion was **passed** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB09-1162 by Representative(s) Gerou; also Senator(s) Kopp--Concerning intergovernmental cooperation for the purpose of mitigating wildfires.

Senator Kopp moved for the adoption of the First Report of the First Conference Committee on **HB09-1162**, as printed in Senate Journal, March 6, page 638. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

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

SENATE SERVICES REPORT

- Correctly Printed:** SB09-257.
- Correctly Engrossed:** SJR09-034.
- Correctly Rerevised:** HB09-1217.
- Correctly Enrolled:** SB09-014, 047, 054, 059, 060, 109 and 222.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

April 2, 2009
Mr. President:

The House has adopted and returns herewith SJR09-030.

The House failed to pass SB09-143 on Second Reading. The bill is returned herewith.

The Speaker has announced that Representative Baumgardner will replace Representative McNulty as a conferee on the First Conference Committee on SB09-148.

In response to the request of the Senate, the Speaker has appointed Representatives Levy, chairman, J.Kerr, and Middleton as House conferees on the First Conference Committee on SB09-101.

In response to the request of the Senate, the Speaker has appointed Representatives Massey, chairman, Merrifield, and Riesberg as House conferees on the First Conference Committee on SB09-131.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that SB09-093 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

CORRECTED

Amend the Judiciary Committee Report, dated February 11, 2009, page 1, after line 14, insert the following:

"Page 5, strike lines 10 through 27.

Strike pages 6 through 8.

Page 9, strike lines 1 through 23 and substitute the following:

"SECTION 5. Effective date - applicability. (1) Sections 1, 3, 5, and 6 of this act shall take effect July 1, 2009, and shall apply to offenses committed on or after said date.

(2) Sections 2 and 4 of this act shall take effect July 1, 2011, and shall apply to offenses committed on or after said date."

Renumber succeeding section accordingly.

Page 1, line 101, strike "THEFT, AND MAKING AN APPROPRIATION IN" and substitute "THEFT.";

strike line 102."

Appropriations

After consideration on the merits, the Committee recommends that SB09-256 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 April 1, 2009, page 1, strike line 1 and substitute the following:

"Amend printed bill, page 3, after line 8, insert the following:

"SECTION 2. The introductory portion to 22-54-103 (7) (d) (I), Colorado Revised Statutes, is amended, and the said 22-54-103 (7) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(7) "Funded pupil count" means:

(d) (I) For THE budget years YEAR commencing on and after July 1, 2008, BUT PRIOR TO JULY 1, 2009, the district's on-line pupil enrollment for the applicable budget year plus the district's preschool program enrollment for the applicable budget year plus the district's supplemental kindergarten enrollment for the applicable budget year plus the greater of:

(e) (I) FOR THE 2009-10 BUDGET YEAR, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT FOR THE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN ENROLLMENT FOR THE BUDGET YEAR PLUS THE GREATER OF:

(A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR

(B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

(C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

(D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE IMMEDIATELY PRECEDING BUDGET YEARS.

(II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE THE CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-104.

(f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1, 2010, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE GREATER OF:

(A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR

(B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

(C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE TWO IMMEDIATELY PRECEDING BUDGET YEARS.

(II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

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CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE THE CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-104."

Renumber succeeding sections accordingly.

Page 4, line 19, strike "FIFTY" and substitute "FORTY";".

Page 2 of the committee report, strike lines 10 through 20 and substitute the following:

"Page 6 of the printed bill, line 16, strike "1.54529 + (.00376058" and substitute "1.50706 + (.00366754";

line 20, strike "1.23817 + (.00167825" and substitute "1.20754 + (.00163672";

line 24, strike "1.12120 + (.00020593" and substitute "1.09346 + (.00020085".

Page 7, line 1, strike "1.05302 + (.00005385" and substitute "1.02697 + (.00005252";

line 5, strike "1.02942 + (.00001364" and substitute "1.00396 + (.00001330";

line 9, strike "1.02942" and substitute " 1.00396";".

Page 9 of the committee report, strike lines 26 through 31.

Page 10 of the committee report, strike lines 1 through 23 and substitute the following:

"Page 31 of the printed bill, line 8, after "(3)", insert "(a)";

after line 16 of the printed bill, insert the following:

"(b) THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED A CATEGORICAL PROGRAM FOR PURPOSES OF FUNDING UNDER SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION."."

Page 17 of the committee report, line 25, strike "TIME." and substitute "TIME.";

after line 25 of the committee report, insert the following:

SECTION 33. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-135. Hold-harmless at-risk pupil funding - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AT-RISK FUNDING DIFFERENTIAL" MEANS THE DIFFERENCE BETWEEN A DISTRICT'S PER-PUPIL AT-RISK DISTRIBUTION FUNDING MULTIPLIED BY THE DISTRICT'S FUNDED PUPIL COUNT MINUS ANY PUPILS ENROLLED IN A DISTRICT CHARTER SCHOOL FOR THE APPLICABLE BUDGET YEAR AND ONE HUNDRED PERCENT OF THE DISTRICT'S PER-PUPIL AT-RISK FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT, BUT NOT ENROLLED IN A DISTRICT CHARTER SCHOOL, FOR THE APPLICABLE BUDGET YEAR.

(b) "PER-PUPIL AT-RISK DISTRIBUTION FUNDING" MEANS THE

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AMOUNT OF AT-RISK FUNDING, AS DETERMINED PURSUANT TO SECTION 22-54-104(4), RECEIVED BY A SCHOOL DISTRICT FOR THE 2008-09 BUDGET YEAR DIVIDED BY THE DISTRICT'S FUNDED PUPIL COUNT FOR THE 2008-09 BUDGET YEAR.

(c) "PER-PUPIL AT-RISK FUNDING" MEANS THE DISTRICT'S AT-RISK FUNDING DETERMINED PURSUANT TO SECTION 22-54-104 (4) FOR THE APPLICABLE BUDGET YEAR DIVIDED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT FOR THE APPLICABLE BUDGET YEAR.

(2) FOR THE 2009-10 BUDGET YEAR, AND FOR EACH BUDGET YEAR THEREAFTER THROUGH THE 2012-13 BUDGET YEAR, A SCHOOL DISTRICT THAT PAID TO A DISTRICT CHARTER SCHOOL PER-PUPIL REVENUES CALCULATED PURSUANT TO SECTION 22-30.5-112 FOR THE 2008-09 BUDGET YEAR SHALL RECEIVE HOLD-HARMLESS AT-RISK PUPIL FUNDING PURSUANT TO THIS SECTION. FOR EACH BUDGET YEAR, THE DEPARTMENT SHALL CALCULATE THE AMOUNT OF A DISTRICT'S HOLD-HARMLESS AT-RISK PUPIL FUNDING AS FOLLOWS:

(a) FOR THE 2009-10 BUDGET YEAR, ONE HUNDRED PERCENT OF THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL;

(b) FOR THE 2010-11 BUDGET YEAR, SEVENTY-FIVE PERCENT OF THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL;

(c) FOR THE 2011-12 BUDGET YEAR, FIFTY PERCENT OF THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL; AND

(d) FOR THE 2012-13 BUDGET YEAR, TWENTY-FIVE PERCENT OF THE DISTRICT'S AT-RISK FUNDING DIFFERENTIAL.

(3) (a) FOR EACH OF THE 2009-10 THROUGH 2012-13 BUDGET YEARS, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT THE AMOUNT REQUIRED FOR THE HOLD-HARMLESS AT-RISK FUNDING PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL ALLOCATE TO EACH DISTRICT, AS APPLICABLE, THE AMOUNT OF THE DISTRICT'S HOLD-HARMLESS AT-RISK FUNDING CALCULATED PURSUANT TO THIS SECTION.

(b) THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED A CATEGORICAL PROGRAM FOR PURPOSES OF FUNDING UNDER SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 34. Appropriation - adjustments to the 2009 long bill.

(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, assistance to public schools, for charter school hold-harmless at-risk pupil funding, for the fiscal year beginning July 1, 2009, the sum of four million four hundred fifty-nine thousand eight hundred dollars (\$4,459,800), or so much thereof as may be necessary, for the implementation of section 22-30.5-112.2, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, assistance to public schools, for school district hold-harmless at-risk pupil funding, for the fiscal year beginning July 1, 2009, the sum of two million three hundred fifty-three thousand eight hundred thirty-seven dollars (\$2,353,837), or so much thereof as may be necessary, for the implementation of section 22-54-135, Colorado Revised Statutes.

(3) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows:

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(a) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by nine million four hundred three thousand five hundred ten dollars (\$9,403,510) based on adjustments to the funded pupil count in section 22-54-103 (7) (e), Colorado Revised Statutes. Said sum shall be cash funds from the state education fund.

(b) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is decreased by one hundred forty-two million eighty-six thousand three hundred fifty-eight dollars (\$142,086,358) based on adjustments to the size factor and at-risk funding in section 22-54-104, Colorado Revised Statutes. Said sum shall be cash funds from the state education fund.

(c) The appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by four million five hundred thousand dollars (\$4,500,000) for centers of excellence funding pursuant to section 22-54-104 (4.3), Colorado Revised Statutes. Said sum shall be cash funds from the state education fund.

(d) The appropriation to the department of education, assistance to public schools, categorical programs, for the English language proficiency program, shall be decreased by two million two hundred twenty-three thousand six hundred forty-nine dollars (\$2,223,649). Said sum shall be cash funds from the state education fund.

(e) The appropriation to the department of education, assistance to public schools, categorical programs, for public school transportation, shall be decreased by two million four hundred eight thousand four hundred sixty-one dollars (\$2,408,461). Said sum shall be cash funds from the state education fund.

(f) The appropriation to the department of education, assistance to public schools, categorical programs, for Colorado vocational act distributions, shall be decreased by nine hundred sixty-one thousand one hundred four dollars (\$961,104). Said sum shall be cash funds from the state education fund.

(g) The appropriation to the department of education, assistance to public schools, categorical programs, for special education - gifted and talented children, shall be decreased by three hundred eighty-four thousand six hundred fifty-three dollars (\$384,653). Said sum shall be cash funds from the state education fund.

(h) The appropriation to the department of education, assistance to public schools, categorical programs, for the expelled and at-risk student services grant program, shall be decreased by six hundred thirty-five thousand five hundred dollars (\$635,500). Said sum shall be cash funds from the state education fund.

(i) The appropriation to the department of education, assistance to public schools, categorical programs, for small attendance center aid, shall be decreased by ten thousand one hundred sixty-eight dollars (\$10,168). Said sum shall be cash funds from the state education fund.

(j) The appropriation to the department of education, assistance to public schools, categorical programs, for the comprehensive health education grant program, shall be decreased by one hundred ninety thousand one hundred two dollars (\$190,102). Said sum shall be cash funds from the state education fund.

(k) The appropriation to the department of education, assistance to public schools, for charter school capital construction, is increased by four million six hundred sixteen thousand dollars (\$4,616,000). Said sum shall be from the general fund."";

after line 26 of the committee report, insert the following:

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"Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR."."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that HB09-1015 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, after line 12, insert the following:

"(4) AN AMOUNT EQUAL TO THE AMOUNT OF FUNDS SAVED AND THAT ARE NOT EXPENDED BY A COUNTY AS A RESULT OF THE CANCELLATION OF A PRIMARY ELECTION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE HELD IN RESERVE BY SUCH COUNTY FOR EXPENDITURE IN SUBSEQUENT ELECTIONS."

Page 7, line 9, strike "twenty-five TWENTY-THREE" and substitute "twenty-five".

Page 8, line 17, after the period, add "NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4.5) TO THE CONTRARY, IF A COUNTY HAS FEWER THAN FIFTEEN THOUSAND AFFILIATED ACTIVE REGISTERED ELECTORS FOR EACH COUNTY MOTOR VEHICLE OFFICE IN THE COUNTY, THE COUNTY CLERK AND RECORDER SHALL DESIGNATE AT LEAST ONE SERVICE CENTER FOR EACH TWENTY-FIVE THOUSAND AFFILIATED ACTIVE REGISTERED ELECTORS."

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that HB09-1160 be referred to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that HB09-1293 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 10, line 24, strike "EARN" and substitute "HAVE INCOME OF".

Page 12, line 13, strike "DEPARTMENTS" and substitute "DEPARTMENTS, IN CONNECTION WITH SECTION 25.5-4-205,".

Page 41, line 10, strike "11" and substitute "12";

line 16, strike "12" and substitute "13".

Call of the Senate.

Call raised.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB09-256 was made Special Orders at 3:45 p.m.

Committee of the Whole

The hour of 3:45 p.m. having arrived, Senator Schwartz moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Schwartz was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bill,

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reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 2, page 908 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 2, and placed in members' bill files.)

Amendment No. 3(L.034), by Senator Heath.

Amend printed bill, page 32, line 5, strike "NINTH" and substitute "SIXTH";

line 12, strike "(f)." and substitute "(f) AND TO ENSURE THAT ANY COMMUNICATIONS FROM COLLEGE IN COLORADO DIRECTLY AND SOLELY TO A STUDENT DO NOT OCCUR UNTIL THE STUDENT ENROLLS IN THE NINTH GRADE.".

Page 38, line 23, strike "NINTH" and substitute "SIXTH".

Page 39, line 4, strike "(mm)." and substitute "(mm) AND TO ENSURE THAT ANY COMMUNICATIONS FROM COLLEGE IN COLORADO DIRECTLY AND SOLELY TO A STUDENT DO NOT OCCUR UNTIL THE STUDENT ENROLLS IN THE NINTH GRADE.".

Amendment No. 4(L.037), by Senator Romer.

Amend the Education Committee Report, dated April 1, 2009, page 8, line 9, strike "SEVENTY-FIVE" and substitute "FORTY";

after line 11, insert the following:

"(B) FOR THE 2010-11 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 SIXTY 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.".

Reletter succeeding sub-subparagraphs accordingly.

Page 8, line 12, strike "2010-11" and substitute "2011-12";

line 15, strike "SEVENTY-FIVE" and substitute "SIXTY".

Amendment No. 5(L.036), by Senator Heath.

Amend printed bill, page 24, strike line 14 and substitute the following:

"(II) (A) FOR THE 2009-10 BUDGET YEAR, EACH CHARTER SCHOOL THAT RECEIVES AT-RISK FUNDING PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL EXPEND IN TOTAL AT LEAST TWENTY-FIVE PERCENT OF THE CHARTER SCHOOL'S AT-RISK FUNDING ON DIRECT INSTRUCTION OR STAFF DEVELOPMENT, OR BOTH FOR THE EDUCATIONAL PROGRAM FOR AT-RISK PUPILS ENROLLED IN THE CHARTER SCHOOL.

(B) FOR THE 2010-11 BUDGET YEAR, EACH CHARTER SCHOOL THAT RECEIVES AT-RISK FUNDING PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL EXPEND IN TOTAL AT LEAST FIFTY PERCENT OF THE CHARTER SCHOOL'S AT-RISK FUNDING ON DIRECT INSTRUCTION OR STAFF DEVELOPMENT, OR BOTH FOR THE EDUCATIONAL PROGRAM FOR AT-RISK PUPILS ENROLLED IN THE CHARTER SCHOOL.

(C) FOR THE 2011-12 BUDGET YEAR AND BUDGET YEARS".

Amendment No. 6(L.025), by Senator Romer.

Amend the Education Committee Report, dated April 1, 2009, page 11, strike lines 8 through 21 and substitute the following:

"constitution; EXCEPT THAT, IF A BOARD OF EDUCATION PROVIDES FOR A DISTRICT EMERGENCY RESERVE IN THE GENERAL FUND FOR THE BUDGET YEAR, ESTABLISHED AT AN AMOUNT EQUAL TO AT LEAST THREE PERCENT OF THE AMOUNT BUDGETED TO THE GENERAL FUND, THE BOARD MAY:

(I) DESIGNATE 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 AND THE DEPARTMENT OF EDUCATION 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; OR

(II) SECURE A LETTER OF CREDIT FROM AN INVESTMENT-GRADE BANK 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 AND THE DEPARTMENT OF EDUCATION 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.

(c.6) IF AT ANY TIME THE BOARD OF EDUCATION EXPENDS ANY MONEYS FROM THE DISTRICT EMERGENCY RESERVE CREATED PURSUANT TO PARAGRAPH (c.5) OF THIS SUBSECTION (1), THE BOARD SHALL RESTORE THE RESERVE TO THREE PERCENT OF THE AMOUNT BUDGETED TO THE GENERAL FUND AS FOLLOWS:

(I) IF THE BOARD OF EDUCATION EXPENDS MONEYS FROM THE DISTRICT EMERGENCY RESERVE IN A SINGLE FISCAL YEAR, THE BOARD SHALL RESTORE THE RESERVE PURSUANT TO THIS PARAGRAPH (c.6) WITHIN THIRTY-SIX MONTHS OF THE FIRST DRAW OF THE MONEY FROM THE RESERVE; AND

(II) IF THE BOARD OF EDUCATION EXPENDS MONEYS FROM THE DISTRICT EMERGENCY RESERVE IN TWO CONSECUTIVE FISCAL YEARS, THE BOARD SHALL RESTORE THE RESERVE PURSUANT TO THIS PARAGRAPH (c.6) BY THE END OF THE FISCAL YEAR FOLLOWING THE SECOND FISCAL YEAR IN WHICH THE BOARD EXPENDED MONEYS FROM THE RESERVE."

Amendment No. 7(L.038), by Senator Heath.

Amend the Appropriations Committee Report, dated April 2, 2009, page 4, before line 1, insert the following:

"Page 4 of the Education Committee Report, strike line 20 and substitute the following:

"(II) FOR THE 2009-10 BUDGET YEAR, EACH DISTRICT THAT RECEIVES AT-RISK FUNDING PURSUANT TO THE PROVISIONS OF SECTION 22-54-104 SHALL ALLOCATE AT LEAST TWENTY-FIVE PERCENT OF THE PER PUPIL AMOUNT OF AT-RISK FUNDING RECEIVED FOR EACH AT-RISK PUPIL TO THE PUBLIC SCHOOL OF THE 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 DISTRICT SHALL EXPEND AN ADDITIONAL FIFTY PERCENT OF THE AMOUNT OF AT-RISK FUNDING RECEIVED ON DIRECT INSTRUCTION OR STAFF

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DEVELOPMENT OR BOTH FOR THE EDUCATIONAL PROGRAM OF AT-RISK PUPILS IN THE DISTRICT. 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.

(III) FOR THE 2010-11 BUDGET YEAR, EACH DISTRICT THAT RECEIVES AT-RISK FUNDING PURSUANT TO THE PROVISIONS OF SECTION 22-54-104 SHALL ALLOCATE AT LEAST FIFTY PERCENT OF THE PER PUPIL AMOUNT OF AT-RISK FUNDING RECEIVED FOR EACH AT-RISK PUPIL TO THE PUBLIC SCHOOL OF THE 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 DISTRICT SHALL EXPEND AN ADDITIONAL TWENTY-FIVE PERCENT OF THE AMOUNT OF AT-RISK FUNDING RECEIVED ON DIRECT INSTRUCTION OR STAFF DEVELOPMENT OR BOTH FOR THE EDUCATIONAL PROGRAM OF AT-RISK PUPILS IN THE DISTRICT. THE PROVISIONS OF THIS SUBPARAGRAPH (III) 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.

(IV) FOR THE 2011-12 BUDGET YEAR AND BUDGET YEARS";

line 28 of the Education Committee Report, strike "(II)" and substitute "(IV)".

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	32	NO	0	EXCUSED	3	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	E	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-256 as amended.

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 Thursday, April 2, was laid over until Friday, April 3, retaining its place on the calendar.

Conference Committees to Report: HB09-1153, HB09-1057
 Request for Conference Committees: SB09-131, SB09-148, HB09-1281

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Friday, April 3, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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