

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

Ninety-third Legislative Day

Thursday, April 15, 2010

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.  
2  
3 The Speaker called the House to order at 9:00 a.m.  
4  
5 Pledge of Allegiance led by Thuyminh Tran, Evan Tooley, Andrew  
6 Arney, Blue Heron Elementary, Lakewood.  
7  
8 The roll was called with the following result:  
9  
10 Present--63.  
11 Excused--Representative(s) Solano, Sonnenberg--2.  
12 Present after roll call--Representative(s) Solano.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative McCann, the reading of the journal of  
18 April 14, 2010, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.  
20  
21

**THIRD READING OF BILL(S)--FINAL PASSAGE**

24 The following bill(s) was(were) considered on Third Reading. The  
25 title(s) was(were) publicly read. Reading of the bill at length was  
26 dispensed with by unanimous consent.  
27

28  
29 **HB10-1277** by Representative(s) DelGrosso, Waller; also Senator(s)  
30 Steadman--Concerning an extension of the prohibition  
31 against sexual conduct in correctional institutions, and  
32 making an appropriation therefor.  
33

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

	YES	63	NO	0	EXCUSED	2	ABSENT	0
40	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
41	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
42	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
43	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	E

1	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
2	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
3	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
4	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
5	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
6	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
7	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
8	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
9	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
10	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
11	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
12	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
13							Speaker	Y

14 Co-sponsor(s) added: Representative(s) Apuan, Bradford, Gerou, Hullinghorst,  
15 Kagan, King S., Nikkel, Primavera, Schafer S., Stephens, Vigil.

16  
17 **HB10-1352** by Representative(s) Waller, Pace, Court, Gardner B.,  
18 Gerou, Kagan, King S., Levy, Looper, Massey, May,  
19 McCann, Miklosi, Nikkel, Roberts, Ryden, Stephens; also  
20 Senator(s) Steadman and Mitchell, Carroll M., Hudak,  
21 Morse, Newell, Penry, White--Concerning changes to  
22 crimes involving controlled substances, and making an  
23 appropriation in connection therewith.

24  
25 As shown by the following roll call vote, a majority of all members  
26 elected to the House voted in the affirmative, and Representative Waller  
27 was given permission to offer a Third Reading amendment:

28	YES	55	NO	8	EXCUSED	2	ABSENT	0
30	Acree	Y	Gerou	Y	McFadyen	N	Ryden	Y
31	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
32	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
33	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	E
34	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
35	Bradford	N	Kerr A.	N	Miklosi	Y	Soper	Y
36	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
37	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
38	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
39	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	N
40	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
41	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
42	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
43	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
44	Gardner B.	Y	May	N	Riesberg	Y	Waller	Y
45	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
46							Speaker	Y

47  
48 **Third Reading amendment No. 1**, by Representative .

49  
50 Amend engrossed bill, page 23, strike lines 10 and 11.

51  
52 Renumber succeeding sections accordingly.

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

55

	YES	61	NO	2	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	N	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	E
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	N	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
18							Speaker	Y
19								

20 The question being, "Shall the bill, as amended, pass?".

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

	YES	58	NO	5	EXCUSED	2	ABSENT	0
24								
25								
26	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
27	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
28	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
29	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	E
30	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
31	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
32	Casso	Y	Kerr J.	Y	Murray	N	Stephens	Y
33	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
34	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
35	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	N
36	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
37	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
38	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
39	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
40	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
41	Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Bradford, Casso, Kerr A., Kerr J.,  
 44 Labuda, Liston, Merrifield, Summers, Todd, Vigil, Weissmann.

45  
 46 **SB10-070** by Senator(s) Kester; also Representative(s) McCann--  
 47 Concerning a statutory mechanism for the referral of a  
 48 ballot question regarding the term limit of a district  
 49 attorney.

50  
 51 The question being "Shall the bill pass?".

52 A roll call vote was taken. As shown by the following recorded vote, a  
 53 majority of those elected to the House voted in the affirmative and the bill  
 54 was declared **passed**.

55

	YES	60	NO	3	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
3	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
4	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
5	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	E
6	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
7	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
8	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
9	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
10	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
11	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
12	Ferrandino	Y	Levy	Y	Pommer	N	Todd	Y
13	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
14	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
15	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
16	Gardner B.	Y	May	N	Riesberg	Y	Waller	Y
17	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Labuda, Murray, Stephens.

20  
 21 **HB10-1363** by Representative(s) Scanlan, Liston, McFadyen; also  
 22 Senator(s) White, Boyd, Gibbs, Hodge, Johnston--  
 23 Concerning incentives for the production of biogenic gas  
 24 that was created as a result of human intervention.

25  
 26 The question being "Shall the bill pass?".

27 A roll call vote was taken. As shown by the following recorded vote, a  
 28 majority of those elected to the House voted in the affirmative and the bill  
 29 was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
31								
32	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
33	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
34	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
35	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	E
36	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
37	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
38	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y
39	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
40	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
41	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
42	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
43	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
44	Frangas	Y	Looper	Y	Priola	Y	Vaad	Y
45	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
46	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
47	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
48							Speaker	Y

49 Co-sponsor(s) added: Representative(s) Apuan, Baumgardner, Curry, Fischer,  
 50 Kerr J., King S., Labuda, Massey, Merrifield, Middleton, Pace, Priola, Tyler,  
 51 Vaad, Vigil.

52  
 53 **HB10-1375** by Representative(s) Riesberg, McFadyen; also Senator(s)  
 54 Bacon, Schwartz--Concerning the necessary authority for  
 55 Metropolitan state college of Denver to access favorable  
 56 financing.

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

	YES	39	NO	24	EXCUSED	2	ABSENT	0
7	Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
8	Apuan	Y	Hullinghorst	Y	McKinley	N	Scanlan	Y
9	Balmer	N	Judd	Y	McNulty	Y	Schafer S.	Y
10	Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	E
11	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
12	Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
13	Casso	Y	Kerr J.	N	Murray	N	Stephens	N
14	Court	Y	King S.	N	Nikkel	N	Summers	Y
15	Curry	Y	Labuda	Y	Pace	Y	Swalm	N
16	DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
17	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
18	Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
19	Frangas	Y	Looper	N	Priola	N	Vaad	N
20	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
21	Gardner B.	N	May	N	Riesberg	Y	Waller	N
22	Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
23							Speaker	Y

24 Co-sponsor(s) added: Representative(s) Casso, Court, Kagan, Labuda,  
 25 Middleton, Miklosi, Schafer S., Todd, Speaker.

26  
 27  
 28  
 29 On motion of Representative Hullinghorst, the House resolved itself into  
 30 Committee of the Whole for consideration of General Orders, and she  
 31 was called to the Chair to act as Chairman.

### 32 33 34 **GENERAL ORDERS--SECOND READING OF BILLS**

35  
 36 The Committee of the Whole having risen, the Chairman reported the  
 37 titles of the following bills had been read (reading at length had been  
 38 dispensed with by unanimous consent), the bills considered and action  
 39 taken thereon as follows:

40  
 41 (Amendments to the committee amendment are to the printed committee  
 42 report which was printed and placed in the members' bill file.)

43  
 44 On motion of Representative Weissmann the following bill is laid over  
 45 until April 16, 2010: **SB10-177, HB10-1395**.

46 On motion of Representative Weissmann the following bill is laid over  
 47 until April 19, 2010: **HB10-1391**.

48  
 49  
 50 **HB10-1013** by Representative(s) Middleton, Massey, Merrifield,  
 51 Scanlan, Stephens; also Senator(s) Romer, King K.,  
 52 Spence, Steadman--Concerning the modification of certain  
 53 provisions related to the administration of public schools  
 54 from kindergarten through the twelfth grade.  
 55

1 Amendment No. 1, Appropriations Report, dated April 9, 2010, and  
2 placed in member's bill file; Report also printed in House Journal,  
3 April 9, pages 1162-1163.

4  
5 Amendment No. 2, by Representative(s) Middleton.

6  
7 Amend the Appropriations Committee Report, dated April 9, 2010, page  
8 1, strike lines 4 and 5 and substitute:

9  
10 **"SECTION 9.** The introductory portion to 22-54-128 (2) and  
11 22-54-128 (4), (6), and (8), Colorado Revised Statutes, are amended, and  
12 the said 22-54-128 is further amended BY THE ADDITION OF A NEW  
13 SUBSECTION, to read:"

14  
15 Page 1, strike lines 7 through 18.

16  
17 Strike page 2.

18  
19 Page 3, strike lines 1 through 26 and substitute:

20  
21 **"aid - definitions.** (2) For the 2007-08 through ~~2010-11 budget years~~  
22 2009-10 BUDGET YEARS, any school district may apply for military  
23 dependent supplemental pupil enrollment aid pursuant to this section. A  
24 district shall be eligible for such aid only if:

25  
26 (4) On or before January 15, 2008, and on or before January 15  
27 each year thereafter through ~~January 15, 2011~~ JANUARY 15, 2010, any  
28 school district may apply for military dependent supplemental pupil  
29 enrollment aid pursuant to this section by submitting to the department of  
30 education an estimate of the district's military dependent supplemental  
31 pupil enrollment for the applicable budget year.

32  
33 (6) Notwithstanding the provisions of section 24-37-304 (1) (b.5),  
34 C.R.S., on or before March 1, 2008, and on or before March 1 each year  
35 thereafter through ~~March 1, 2011~~ MARCH 1, 2010, the department of  
36 education shall submit a request to the general assembly for a  
37 supplemental appropriation in an amount that will fully fund the  
38 aggregate amount of the military dependent supplemental pupil  
39 enrollment aid allowed for the budget year pursuant to subsection (3) of  
40 this section. The department shall calculate the amount of the request by  
41 applying the total military dependent supplemental pupil enrollment  
42 submitted to the department by all eligible districts pursuant to subsection  
43 (5) of this section to the formula specified in subsection (3) of this  
44 section. The department shall make the request to the general assembly  
45 during the fiscal year in which the school districts apply for the military  
46 dependent supplemental pupil enrollment aid.

47  
48 (8) ~~This section is repealed, effective July 1, 2011.~~

49  
50 (9) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE  
51 CONTRARY, IN ANY BUDGET YEAR IN WHICH THE DEPARTMENT OF  
52 EDUCATION REQUESTS IN ITS ANNUAL BUDGET REQUEST AN  
53 APPROPRIATION FOR THE PURPOSE OF FUNDING MILITARY DEPENDENT  
54 SUPPLEMENTAL PUPIL ENROLLMENT AID AND THE GENERAL ASSEMBLY  
55 MAKES AN APPROPRIATION FOR SUCH PURPOSE, THE APPLICABLE  
56 PROVISIONS OF THIS SECTION SHALL BE IN EFFECT FOR THE APPLICABLE

1 BUDGET YEAR."

2

3 Amendment No. 3, by Representative(s) Middleton.

4

5 Amend printed bill, page 14, after line 25 insert:

6

7 "SECTION 13. The introductory portion to 22-2-106 (1) (a.5),  
8 Colorado Revised Statutes, is amended to read:

9

10 **22-2-106. State board - duties.** (1) It is the duty of the state  
11 board:

12

13 (a.5) To adopt, on or before ~~December 15, 2009~~ DECEMBER 15,  
14 2011, a comprehensive set of guidelines for the establishment of high  
15 school graduation requirements to be used by each school district board  
16 of education in developing local high school graduation requirements.  
17 Each school district board of education shall retain the authority to  
18 develop its own unique high school graduation requirements, so long as  
19 those local high school graduation requirements meet or exceed any  
20 minimum standards or basic core competencies or skills identified in the  
21 comprehensive set of guidelines for high school graduation developed by  
22 the state board pursuant to this paragraph (a.5). In developing the  
23 guidelines for high school graduation, the state board shall utilize the  
24 recommendations of the state graduation guidelines development council  
25 established in section 22-7-414, as it existed prior to July 1, 2008, and  
26 shall:

27

28 **SECTION 14.** 22-2-306 (3) (b) and (4) (b), Colorado Revised  
29 Statutes, are amended to read:

30

31 **22-2-306. Advance notice - legislative declaration - data**  
32 **collection - data submission changes - web site update - submission**  
33 **windows.** (3) (b) Notwithstanding any provision of paragraph (a) of this  
34 subsection (3) to the contrary, if federally required OR STATE-REQUIRED  
35 timelines for implementing ~~federal~~ data reporting requirements conflict  
36 with the provisions of paragraph (a) of this subsection (3), the  
37 department, the school districts, and the public schools shall comply with  
38 the federally required timelines.

39

40 (4) (b) Notwithstanding any provision of paragraph (a) of this  
41 subsection (4) to the contrary, if federally required OR STATE-REQUIRED  
42 timelines for implementing ~~federal~~ data reporting requirements conflict  
43 with the provisions of paragraph (a) of this subsection (4), the state board,  
44 the school districts, and the public schools shall comply with the federally  
45 required timelines.

46

47 **SECTION 15.** 22-5.5-106 (4), Colorado Revised Statutes, is  
48 amended to read:

49

50 **22-5.5-106. Funding.** (4) Funding for a regional service area  
51 after the first grant pursuant to this section is contingent upon the  
52 successful implementation of the regional service area's plan, as evaluated  
53 by the state board and the department. The state board shall annually  
54 notify each regional service council on or before ~~August~~ SEPTEMBER 1  
55 regarding whether the regional service area will receive moneys pursuant  
56 to subsections (2) and (3) of this section in the coming year and the

1 amounts.

2

3 **SECTION 16.** 22-7-1004 (3) (a), Colorado Revised Statutes, is  
4 amended to read:

5

6 **22-7-1004. School readiness description - school readiness**  
7 **assessment - adoption - revisions.** (3) (a) On or before ~~July 1, 2015~~  
8 JULY 1, 2017, and on or before July 1 every six years thereafter, the state  
9 board shall review the school readiness description ~~and the school~~  
10 ~~readiness assessments~~ and shall adopt any appropriate revisions to ~~either~~  
11 ~~the description. or the assessments~~ THE STATE BOARD SHALL REVIEW THE  
12 SCHOOL READINESS ASSESSMENTS AND ADOPT ANY APPROPRIATE  
13 REVISIONS TO THE SCHOOL READINESS ASSESSMENTS WHEN THE BOARD  
14 REVIEWS THE ASSESSMENTS AS SPECIFIED IN SECTION 22-7-1006 (5).

15

16 **SECTION 17.** 22-7-1005 (6), Colorado Revised Statutes, is  
17 amended to read:

18

19 **22-7-1005. Preschool through elementary and secondary**  
20 **education - aligned standards - adoption - revisions.** (6) On or before  
21 ~~July 1, 2015~~ JULY 1, 2018, and on or before July 1 every six years  
22 thereafter, the state board shall review and adopt any appropriate  
23 revisions to the preschool through elementary and secondary education  
24 standards specified in this section. In adopting revisions, the state board  
25 may add or delete one or more of the specific instructional areas based on  
26 the needs of the state and changes in national and international academic  
27 expectations. In adopting revisions to the standards pursuant to this  
28 subsection (6), the state board shall ensure that the standards continue to  
29 meet the requirements specified in subsection (3) of this section.

30

31 **SECTION 18.** The introductory portion to 22-7-1006 (1) (a) and  
32 22-7-1006 (5), Colorado Revised Statutes, are amended to read:

33

34 **22-7-1006. Preschool through elementary and secondary**  
35 **education - aligned assessments - adoption - revisions.** (1) (a) On or  
36 before December 15, 2010, OR AS SOON THEREAFTER AS FISCALLY  
37 PRACTICABLE, the state board shall adopt a system of assessments that are  
38 aligned with the preschool through elementary and secondary education  
39 standards and are designed to measure students' levels of attainment of  
40 the standards and to longitudinally measure students' academic progress  
41 toward attaining the standards and toward attaining postsecondary and  
42 workforce readiness. In adopting the system of assessments, the state  
43 board shall ensure, at a minimum, that the system is designed to:

44

45 (5) ~~On or before July 1, 2016, and on or before July 1 every six~~  
46 ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE SYSTEM  
47 OF ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
48 SECTION, the state board shall review and adopt any appropriate revisions  
49 to ~~the~~ SUCH system of assessments. ~~specified in this section.~~ The state  
50 board may adopt revisions to an assessment or adopt additional  
51 assessments, regardless of whether it adopts any revision to the standards  
52 with which the assessment is aligned. In adopting revisions to the system  
53 of assessments, the state board shall ensure that the system of assessments  
54 continues to meet the requirements specified in this section.

55

56 **SECTION 19.** 22-7-1008 (2) (a) and (3) (b), Colorado Revised



1 Statutes, are amended to read:

2  
3 **22-7-1008. Postsecondary and workforce readiness description**  
4 **- postsecondary and workforce planning, preparation, and readiness**  
5 **assessments - adoption - revision.** (2) (a) On or before December 15,  
6 2010, OR AS SOON THEREAFTER AS FISCALLY PRACTICABLE, the state board  
7 and the commission shall negotiate a consensus and adopt one or more  
8 postsecondary and workforce planning assessments, postsecondary and  
9 workforce preparation assessments, and postsecondary and workforce  
10 readiness assessments that local education providers shall administer  
11 pursuant to section 22-7-1016. The state board and the commission shall  
12 base the selection of the postsecondary and workforce planning,  
13 preparation, and readiness assessments on the information received  
14 through the operation of the pilot program, ensuring that the selected  
15 assessments are aligned with the standards for grades nine through twelve  
16 and with the description of postsecondary and workforce readiness.

17  
18 ~~(3) (b) On or before July 1, 2016, and on or before July 1 every six~~  
19 ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE  
20 POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND  
21 READINESS ASSESSMENTS PURSUANT TO PARAGRAPH (a) OF SUBSECTION  
22 (2) OF THIS SECTION, the state board and the commission shall review,  
23 negotiate a consensus, and adopt any appropriate revisions to ~~the~~  
24 ~~postsecondary and workforce planning, preparation, and readiness~~ SUCH  
25 assessments. The state board and the commission may adopt revisions to  
26 the postsecondary and workforce planning, preparation, and readiness  
27 assessments, regardless of whether they adopt any revisions to the  
28 postsecondary and workforce readiness description. In adopting revisions  
29 to the assessments, the state board and the commission shall ensure that  
30 the assessments continue to meet the requirements specified in subsection  
31 (2) of this section. The state board and the commission shall also review  
32 and adopt any appropriate revisions to the scoring criteria.

33  
34 **SECTION 20.** 22-7-1009 (1) and (6), Colorado Revised Statutes,  
35 are amended to read:

36  
37 **22-7-1009. Diploma endorsements - adoption - revisions.**  
38 (1) On or before July 1, 2011, OR AS SOON THEREAFTER AS FISCALLY  
39 PRACTICABLE, the state board shall adopt criteria that a local school board,  
40 BOCES, or institute charter high school may apply if the local school  
41 board, BOCES, or institute charter high school chooses to endorse high  
42 school diplomas to indicate that students have achieved postsecondary  
43 and workforce readiness. The criteria shall include, but need not be  
44 limited to, the required minimum level of postsecondary and workforce  
45 readiness that a student must achieve to receive a readiness endorsement  
46 on his or her diploma from the local school board, BOCES, or institute  
47 charter high school. In identifying the required minimum level of  
48 postsecondary and workforce readiness, the state board shall ensure that  
49 the minimum level of postsecondary and workforce readiness reflects the  
50 expectations for postsecondary and workforce readiness that are applied  
51 nationally and internationally.

52  
53 ~~(6) On or before July 1, 2017, and on or before July 1 every six~~  
54 ~~years thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF CRITERIA FOR  
55 ENDORSEMENTS PURSUANT TO SUBSECTION (1) OF THIS SECTION, the state  
56 board shall revise and adopt any appropriate revisions to ~~the~~ SUCH criteria

1 for endorsements. ~~specified in this section.~~

2

3 **SECTION 21.** 22-7-1014 (1) (a), Colorado Revised Statutes, is  
4 amended to read:

5

6 **22-7-1014. Preschool individualized readiness plans - school**  
7 **readiness - assessments.** (1) (a) Beginning in the fall semester of ~~2012~~  
8 2013, each local education provider that provides a preschool or  
9 kindergarten program shall ensure that each student enrolled in a  
10 preschool or kindergarten program operated by the local education  
11 provider receives an individualized readiness plan that addresses the  
12 preschool standards or kindergarten standards, as appropriate, knowledge  
13 and skill areas in which a student needs assistance to make progress  
14 toward school readiness.

15

16 **SECTION 22.** 22-7-1015 (3) (a), Colorado Revised Statutes, is  
17 amended to read:

18

19 **22-7-1015. Postsecondary and workforce readiness program**  
20 **- technical assistance.** (3) (a) It is the intent of the general assembly  
21 that, on or before ~~December 15, 2012~~ DECEMBER 15, 2013, each student  
22 who enrolls in a public high school operated by a local education provider  
23 shall enroll in and successfully complete a postsecondary and workforce  
24 readiness program. Each local education provider shall require each high  
25 school student, beginning in ninth grade and continuing through twelfth  
26 grade, to enroll in the local education provider's postsecondary and  
27 workforce readiness program.

28

29 **SECTION 23.** 22-7-1016 (1) and (5) (a), Colorado Revised  
30 Statutes, are amended to read:

31

32 **22-7-1016. Postsecondary and workforce planning,**  
33 **preparation, and readiness assessments - transcripts.** (1) ~~On or~~  
34 ~~before December 15, 2012,~~ Each local education provider shall  
35 administer the postsecondary and workforce planning, preparation, and  
36 readiness assessments adopted by the state board and the commission  
37 pursuant to section 22-7-1008 WITHIN TWO YEARS OF THE ADOPTION OF  
38 SUCH ASSESSMENTS. Upon receiving the results following administration  
39 of the postsecondary and workforce planning, preparation, and readiness  
40 assessments, the local education provider shall provide to each student a  
41 printed copy of the student's assessment results, and a teacher or  
42 counselor shall review each student's results with the student and, to the  
43 extent practicable, with the student's parent or legal guardian and  
44 determine the areas in which the student continues to need instruction in  
45 order to demonstrate postsecondary and workforce readiness prior to or  
46 upon attaining a high school diploma.

47

48 (5) (a) Beginning in the ~~2011-12~~ 2012-13 academic year, if a  
49 student whose dominant language is not English, as defined in section  
50 22-24-103 (4), is enrolled in eleventh or twelfth grade and the student has  
51 not demonstrated attainment of the standard for English language  
52 competency and has not demonstrated postsecondary and workforce  
53 readiness, the local education provider with which the student is enrolled  
54 shall provide to the student additional services and supports as necessary  
55 to assist the student in attaining the standard.

56

1           **SECTION 24.** 22-7-1018 (2) (b) and (2) (c), Colorado Revised  
2 Statutes, are amended to read:

3  
4           **22-7-1018. Cost study.** (2) The entity selected to conduct the  
5 cost study shall submit reports to the department of education and the  
6 department of higher education in accordance with the following time  
7 line:

8  
9           (b) On or before ~~October 1, 2010~~ OCTOBER 1, 2011, a report of the  
10 costs pertaining to implementation of the school readiness assessments,  
11 the system of assessments that is aligned with the preschool through  
12 elementary and secondary education standards, and the postsecondary and  
13 workforce planning, preparation, and readiness assessments; and

14  
15           (c) On or before ~~October 1, 2011~~ OCTOBER 1, 2012, a report of the  
16 costs pertaining to implementation of the diploma endorsements.

17  
18           **SECTION 25.** 22-7-1019 (2), Colorado Revised Statutes, is  
19 amended to read:

20  
21           **22-7-1019. Preschool to postsecondary and workforce**  
22 **readiness - progress reports - effectiveness reports.** (2) On or before  
23 ~~February 15, 2013~~ FEBRUARY 15, 2014, and on or before February 15  
24 each year thereafter, the department of education shall submit to the  
25 education committees of the senate and the house of representatives, or  
26 any successor committees, a report concerning the results achieved  
27 through implementation of school readiness, the preschool through  
28 elementary and secondary education standards, and postsecondary and  
29 workforce readiness.

30  
31           **SECTION 26.** 22-30.7-103 (3) (h), Colorado Revised Statutes,  
32 is amended to read:

33  
34           **22-30.7-103. Division of on-line learning - created - duties.**  
35 (3) **Duties.** The on-line division shall have the following duties:

36  
37           (h) To compile the reports submitted by authorizers and school  
38 districts pursuant to section 22-30.7-109 and prepare a summary report to  
39 be submitted on or before February 1, 2009, and on or before ~~February 1~~  
40 JUNE 1 each year thereafter, to the state board and the education  
41 committees of the house of representatives and the senate, or any  
42 successor committees;

43  
44           **SECTION 27.** 22-32-109 (1) (kk) (I), Colorado Revised Statutes,  
45 is amended to read:

46  
47           **22-32-109. Board of education - specific duties.** (1) In addition  
48 to any other duty required to be performed by law, each board of  
49 education shall have and perform the following specific duties:

50  
51           (kk) (I) To undertake a community-based process to develop a  
52 blueprint for the education system in the community and to determine the  
53 skills students will need to be successful after graduation. Each board of  
54 education shall seek input from the community at large, which may  
55 include, but need not be limited to, students, parents, business persons,  
56 neighboring school districts, and regional boards of cooperative services.

1 Each board of education shall use this blueprint, together with the  
 2 guidelines for high school graduation requirements developed by the state  
 3 board pursuant to section 22-2-106 (1) (a.5), to establish local high school  
 4 graduation requirements applicable to students enrolling in ninth grade  
 5 beginning ~~July 1, 2010~~ IN THE 2012-13 SCHOOL YEAR. To assist the state  
 6 board of education in fulfilling its duties under part 10 of article 7 of this  
 7 title, each board of education shall provide to the state board of education  
 8 information concerning the blueprint and the input received in developing  
 9 the blueprint. A board of education that has undertaken a comprehensive  
 10 community-based process and has revised its high school graduation  
 11 requirements within the previous two years shall not be required to  
 12 develop a new blueprint for the education system in its community or  
 13 make any revisions to its high school graduation requirements.

14  
 15 **SECTION 28.** 23-1-113 (6) (b), Colorado Revised Statutes, is  
 16 amended to read:

17  
 18 **23-1-113. Commission directive - admission standards for**  
 19 **baccalaureate and graduate institutions of higher education.**

20 (6) (b) ~~On or before July 1, 2016, and on or before July 1 every six years~~  
 21 ~~thereafter~~ EVERY SIX YEARS AFTER THE ADOPTION OF THE  
 22 POSTSECONDARY AND WORKFORCE PLANNING, PREPARATION, AND  
 23 READINESS ASSESSMENTS PURSUANT TO SECTION 22-7-1008, the  
 24 commission and the state board of education may negotiate a consensus  
 25 and adopt revisions to ~~the postsecondary and workforce planning,~~  
 26 ~~preparation, and readiness~~ SUCH assessments. The commission and the  
 27 state board of education may also revise the scoring criteria for the  
 28 postsecondary and workforce planning, preparation, and readiness  
 29 assessments, as necessary."  
 30

31 Renumber succeeding section accordingly.

32  
 33 Amendment No. 4, by Representative(s) Middleton.

34  
 35 Amend printed bill, page 14, after line 25 insert:

36  
 37 **"SECTION 13.** 22-20-109 (2), Colorado Revised Statutes, is  
 38 amended to read:

39  
 40 **22-20-109. Tuition.** (2) The state board shall promulgate rules  
 41 to define the contract approval process to define the types and amounts  
 42 of costs in excess of the state average per pupil ~~operating~~ revenues, as  
 43 defined in section 22-54-103 (12), and to define other applicable revenues  
 44 that a school district of residence of a child with a disability shall pay as  
 45 tuition to educate that child elsewhere at a community centered board or  
 46 an eligible facility. These rules shall include, but need not be limited to,  
 47 the limitations on the number of staff members per number of students,  
 48 the amount of equipment necessary for classroom instruction of the child,  
 49 the number of days of school, and any other expenses involved in the  
 50 provision of educational services as determined by the child's IEP.  
 51 However, these rules shall not require that, in calculating the amount of  
 52 the tuition charge for educating a child with a disability in any community  
 53 centered board or eligible facility, the costs incurred by a community  
 54 centered board or eligible facility in providing such special education  
 55 program be reduced by the amount of revenues, if any, received by the  
 56 community centered board or eligible facility as donations or special

1 education grants. The school district of residence shall be responsible for  
2 paying as tuition any excess costs above the state average per pupil  
3 ~~operating~~ revenues to provide these services.

4  
5 **SECTION 14.** 22-24-104 (4) (c) (I) and (4) (c) (II), Colorado  
6 Revised Statutes, are amended to read:

7  
8 **22-24-104. English language proficiency program established**  
9 **- funding.** (4) (c) (I) An amount equal to seventy-five percent of the  
10 appropriation made to the department for the 1998-99 fiscal year plus any  
11 increase in the annual appropriation made to the department over the  
12 appropriation made for the 1998-99 fiscal year or the amount needed to  
13 fully fund the program pursuant to this subparagraph (I), whichever is  
14 less, shall be used by the districts, the state charter school institute, and  
15 the facility schools for students certified to be within section 22-24-103  
16 (4) (a) or (4) (b). No such student shall be funded for more than an  
17 amount equal to four hundred dollars per year or an amount equal to  
18 twenty percent of the state average per pupil ~~operating~~ revenues, as  
19 defined in section 22-54-103 (12) for the preceding year as annually  
20 determined by the department, whichever is greater.

21  
22 (II) The remainder of the annual appropriation shall be used by the  
23 districts, the state charter school institute, and the facility schools for  
24 students certified to be within section 22-24-103 (4) (c). No such student  
25 shall be funded for an amount greater than two hundred dollars per year  
26 or an amount equal to ten percent of the state average per pupil ~~operating~~  
27 revenues, as defined in section 22-54-103 (12), for the preceding year as  
28 annually determined by the department, whichever is greater.

29  
30 **SECTION 15.** 22-30.5-112 (2) (a) (II), (2) (a.5) (III), and (2) (c)  
31 (I), Colorado Revised Statutes, are amended to read:

32  
33 **22-30.5-112. Charter schools - financing - definitions -**  
34 **guidelines.** (2) (a) (II) For the 1999-2000 budget year, the charter school  
35 and the school district shall begin discussions on the contract using eighty  
36 percent of the district per pupil ~~operating~~ revenues.

37  
38 (a.5) As used in this subsection (2):

39  
40 (III) ~~"Per pupil operating revenues" shall have the same meaning~~  
41 ~~as provided in section 22-54-103 (9).~~

42  
43 (c) (I) ~~For the 1999-2000 budget year, in no event shall the~~  
44 ~~amount of funding negotiated pursuant to this subsection (2) be less than~~  
45 ~~eighty percent of the district per pupil operating revenues multiplied by~~  
46 ~~the number of pupils enrolled in the charter school.~~

47  
48 **SECTION 16.** 22-33-204 (3), Colorado Revised Statutes, is  
49 amended to read:

50  
51 **22-33-204. Services for at-risk students - agreements with**  
52 **state agencies and community organizations.** (3) Each school district  
53 shall use a portion of its per pupil ~~operating revenue~~ REVENUES to provide  
54 services under agreements entered into pursuant to this section for each  
55 student who is at risk of suspension or expulsion or who is suspended or  
56 expelled. In addition, the school district may use federal moneys, moneys

1 received from any other state appropriation, and moneys received from  
2 any other public or private grant to provide said services.

3  
4 **SECTION 17.** 22-43.7-109 (9) (c) (I), Colorado Revised Statutes,  
5 is amended to read:

6  
7 **22-43.7-109. Financial assistance for public school capital**  
8 **construction - application requirements - evaluation criteria - local**  
9 **match requirements.** (9) Except as otherwise provided in subsection  
10 (10) of this section, the board shall recommend and the state board shall  
11 approve financial assistance for a public school facility capital  
12 construction project only if the applicant provides matching moneys in an  
13 amount equal to a percentage of the total financing for the project  
14 determined by the board after consideration of the applicant's financial  
15 capacity, as determined by the following factors:

16  
17 (c) With respect to a charter school's application for financial  
18 assistance:

19  
20 (I) The amount of per pupil ~~operating revenue~~ REVENUES that the  
21 charter school has budgeted to expend in order to meet its facilities  
22 obligations during the fiscal year for which an application is made  
23 relative to other charter schools in the state, measured both in terms of  
24 total dollars and as a percentage of the charter school's total per pupil  
25 ~~operating revenue~~ REVENUES;

26  
27 **SECTION 18.** 22-52-104 (2) (b) (I) (B), Colorado Revised  
28 Statutes, is amended to read:

29  
30 **22-52-104. Application - payment.** (2) (b) (I) (B) Effective  
31 January 1, 1989, pursuant to rules and regulations promulgated by the  
32 state board of education, the school district of residence of the student  
33 shall transmit monthly eighty-five percent of the district of residence's per  
34 pupil ~~operating~~ revenues, as defined in ~~section 22-54-103 (9)~~ SECTION  
35 22-54-103 (9.3) to the school district or eligible school enrolling the  
36 student or the actual educational cost of the program provided, whichever  
37 is less.

38  
39 **SECTION 19.** 22-54-103 (9) and (12), Colorado Revised  
40 Statutes, are amended to read:

41  
42 **22-54-103. Definitions - repeal.** As used in this article, unless  
43 the context otherwise requires:

44  
45 (9) ~~"Per pupil operating revenues" means the district's total~~  
46 ~~program for any budget year divided by the district's funded pupil count~~  
47 ~~for said budget year, minus the minimum amount per pupil required by~~  
48 ~~section 22-54-105 to be transferred for the capital reserve fund or any~~  
49 ~~fund or account within the general fund established solely for the~~  
50 ~~management of risk-related activities.~~

51  
52 (12) "State average per pupil ~~operating~~ revenues" means the total  
53 program of all districts for any budget year divided by the total funded  
54 pupil count of all districts for said budget year. ~~minus the minimum~~  
55 ~~amount per pupil required by section 22-54-105 to be budgeted for the~~  
56 ~~capital reserve fund, the insurance reserve fund, or any other fund for the~~

1 ~~management of risk-related activities.~~

2

3 **SECTION 20.** 22-54-109 (4), Colorado Revised Statutes, is  
4 amended to read:

5

6 **22-54-109. Attendance in district other than district of**  
7 **residence.** (4) For a child with disabilities residing in a particular school  
8 district but receiving educational services from another school district, the  
9 state average per pupil ~~operating~~ revenues shall be the district of  
10 residence's total responsibility under this article for the education of that  
11 child. The provisions of this subsection (4) shall not apply to children  
12 with disabilities enrolled in an interdistrict participating school district  
13 pursuant to the provisions of article 36 of this title.

14

15 **SECTION 21.** 22-80-113 (4), Colorado Revised Statutes, is  
16 amended to read:

17

18 **22-80-113. Educational training - expenditures.** (4) ~~Effective~~  
19 ~~for budget years beginning on and after January 1, 1989, each school~~  
20 ~~district which has pupils of residence in the district attending the~~  
21 ~~Colorado school for the deaf and the blind shall count such pupils in the~~  
22 ~~district's pupil enrollment pursuant to section 22-54-103 (10).~~ No later  
23 than ~~October 10~~ OCTOBER 5 each year, the Colorado school for the deaf  
24 and the blind shall notify ~~each district of residence in writing~~ THE  
25 DEPARTMENT OF EDUCATION of the pupils' placement at the Colorado  
26 school for the deaf and the blind. The Colorado school for the deaf and  
27 the blind is entitled to receive, from the department of education, an  
28 amount equal to the state average per pupil ~~operating~~ revenues, as defined  
29 in section 22-54-103 (12), for the current fiscal year for those students in  
30 attendance. The Colorado school for the deaf and the blind shall bill the  
31 department of education for the applicable portion of such amount at the  
32 conclusion of each month during which such pupils continue to be placed  
33 at the Colorado school for the deaf and the blind.

34

35 **SECTION 22.** 22-81.5-102 (2), Colorado Revised Statutes, is  
36 amended to read:

37

38 **22-81.5-102. Legislative declaration.** (2) It is the intent of the  
39 general assembly that, for purposes of this article, any school that  
40 provides educational services to students who are ~~included on the roll of~~  
41 ~~out-of-district placed children~~ PLACED IN AN ELIGIBLE FACILITY OR STATE  
42 OPERATED PROGRAM and receives a portion of the STATE AVERAGE per  
43 pupil ~~operating~~ revenues ~~of a school district in exchange for providing~~  
44 ~~such services~~ shall be considered eligible under this article.

45

46 **SECTION 23.** The introductory portion to 23-8-101.5 (4) and  
47 23-8-101.5 (4) (a) and (4) (c), Colorado Revised Statutes, are amended to  
48 read:

49

50 **23-8-101.5. Definitions.** As used in this article, unless the context  
51 otherwise requires:

52

53 (4) "Education provider's per pupil ~~operating~~ revenues" means:

54

55 (a) For a school district, the district's per pupil ~~operating~~ revenues,  
56 as defined in ~~section 22-54-103 (9), C.R.S.~~ SECTION 22-54-103 (9.3),

1 C.R.S.;

2

3 (c) For an institute charter school, the amount received by an  
4 institute charter school pursuant to the provisions of section 22-54-115  
5 (1.3), C.R.S., for any budget year, divided by the number of pupils  
6 enrolled in the institute charter school for that budget year; ~~minus the~~  
7 ~~minimum amount per pupil required by section 22-30.5-513, C.R.S., to~~  
8 ~~be allocated for capital reserve or risk management purposes; and~~  
9

10 **SECTION 24.** 23-8-102 (1) (b), Colorado Revised Statutes, is  
11 amended to read:

12

13 **23-8-102. School districts, boards of cooperative services, and**  
14 **institute charter schools conducting career and technical education**  
15 **courses - eligibility for state moneys.** (1) An education provider of the  
16 state conducting a course of career and technical education approved  
17 pursuant to section 23-8-103 by the board is entitled to career and  
18 technical education program support from moneys appropriated for that  
19 purpose by the general assembly. The amount of career and technical  
20 education program support that an education provider is entitled to  
21 receive pursuant to the provisions of this article shall be computed as  
22 follows:

23

24 (b) As career and technical education program support, the state  
25 shall provide, to each education provider conducting an approved career  
26 and technical education program for each twelve-month period beginning  
27 July 1, eighty percent of the first one thousand two hundred fifty dollars,  
28 or part thereof, by which the education provider's approved career and  
29 technical education program cost per full-time equivalent student exceeds  
30 seventy percent of the education provider's per pupil ~~operating~~ revenues,  
31 for the school budget year during which the twelve-month period begins.  
32 In addition, if the education provider's approved career and technical  
33 education cost per full-time equivalent student exceeds seventy percent  
34 of its per pupil ~~operating~~ revenues by an additional amount in excess of  
35 one thousand two hundred fifty dollars, the state shall provide fifty  
36 percent of the additional amount.

37

38 **SECTION 25.** 27-10.5-104 (7) (b), Colorado Revised Statutes,  
39 is amended to read:

40

41 **27-10.5-104. Authorized services and supports - conditions of**  
42 **funding - purchase of services and supports - boards of county**  
43 **commissioners - appropriation.** (7) (b) Each school district shall pay  
44 to the community centered board providing programs attended by a  
45 student with a developmental disability, who is domiciled in the school  
46 district and may be counted in the district's pupil enrollment, an amount  
47 at least equal to the district's per pupil ~~operating~~ revenues as determined  
48 pursuant to the "Public School Finance Act of 1994", article 54 of title 22,  
49 C.R.S. This subsection (7) shall apply to students who are less than  
50 twenty-two years of age."

51

52 Renumber succeeding section accordingly.

53

54 As amended, ordered engrossed and placed on the Calendar for Third  
55 Reading and Final Passage.

56



- 1 **HB10-1269** by Representative(s) Levy, Casso, Court, Ferrandino,  
2 Hullinghorst, Judd, McFadyen, Middleton, Miklosi,  
3 Pommer, Solano, Tyler, Weissmann, Carroll T., Frangas,  
4 Kagan, Labuda, Pace, Schafer S.; also Senator(s) Carroll  
5 M., Bacon, Boyd, Hodge, Hudak, Morse, Romer,  
6 Steadman, Tapia--Concerning the creation of remedies  
7 available in employment discrimination cases.  
8
- 9 Amendment No. 1, Judiciary Report, dated March 1, 2010, and placed in  
10 member's bill file; Report also printed in House Journal, March 2,  
11 page 625.  
12
- 13 Amendment No. 2, Appropriations Report, dated April 9, 2010, and  
14 placed in member's bill file; Report also printed in House Journal,  
15 April 9, pages 1169-1171.  
16
- 17 Amendment No. 3, by Representative(s) Levy.  
18
- 19 Amend printed bill, page 8, strike line 14.  
20
- 21 Page 8, line 15, strike "AND PUNITIVE DAMAGES PURSUANT TO" and  
22 substitute "2011, THE DAMAGES SPECIFIED IN".  
23
- 24 Page 8, line 17, strike "ONLY" and substitute "SHALL BE AVAILABLE ONLY  
25 IN CLAIMS ASSERTED".  
26
- 27 Page 8, line 21, strike "A COMPLAINING PARTY OR PLAINTIFF MAY  
28 RECOVER".  
29
- 30 Page 8, line 24, after "SECTION" insert "SHALL BE AVAILABLE IN CLAIMS  
31 ASSERTED".  
32
- 33 As amended, declared **lost** on Second Reading.  
34
- 35 **HB10-1351** by Representative(s) Ferrandino, Apuan, Casso, Curry,  
36 Gagliardi, Hullinghorst, Kerr A., McCann, Merrifield,  
37 Miklosi, Pace, Pommer, Ryden, Scanlan, Solano, Tyler,  
38 Vigil; also Senator(s) Romer, Carroll M., Foster, Keller,  
39 Morse--Concerning the maximum authorized interest rate  
40 for a payday loan.  
41
- 42 Amendment No. 1, Judiciary Report, dated March 8, 2010, and placed in  
43 member's bill file; Report also printed in House Journal, March 9,  
44 pages 721-722.  
45
- 46 Amendment No. 2, Judiciary Report, dated April 8, 2010, and placed in  
47 member's bill file; Report also printed in House Journal, April 9,  
48 pages 1176-1177.  
49
- 50 As amended, ordered engrossed and placed on the Calendar for Third  
51 Reading and Final Passage.  
52  
53  
54  
55

1 **SB10-073** by Senator(s) Tapia; also Representative(s) McFadyen--  
 2 Concerning the nurse home visitor program duties of the  
 3 health sciences facility at the university of Colorado.  
 4

5 Ordered revised and placed on the Calendar for Third Reading and Final  
 6 Passage.  
 7

8 **SB10-117** by Senator(s) Foster; also Representative(s) Primavera--  
 9 Concerning medicaid coverage for over-the-counter  
 10 medications.  
 11

12 Amendment No. 1, Health & Human Services Report, dated  
 13 April 12, 2010, and placed in member's bill file; Report also printed in  
 14 House Journal, April 13, page 1212.  
 15

16 As amended, ordered revised and placed on the Calendar for Third  
 17 Reading and Final Passage.  
 18

19 **HB10-1399** by Representative(s) Weissmann; also Senator(s) Gibbs--  
 20 Concerning the authority of the Colorado bureau of  
 21 investigation to assist a chief of a fire department in the  
 22 investigation of a fire related to the crime of arson.  
 23

24 Amendment No. 1, Judiciary Report, dated April 12, 2010, and placed in  
 25 member's bill file; Report also printed in House Journal, April 13,  
 26 pages 1213-1214.  
 27

28 As amended, ordered engrossed and placed on the Calendar for Third  
 29 Reading and Final Passage.  
 30

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### 33 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

34  
 35 Passed Second Reading: **HB10-1013 amended, 1351 amended,**  
 36 **SB10-073, 117 amended, HB10-1399 amended.**  
 37

38 Lost on Second Reading: **HB10-1269 amended.**  
 39

40 Laid over until date indicated retaining place on Calendar: **SB10-177,**  
 41 **HB10-1395--April 16, 2010.**  
 42 **HB10-1391--April 19, 2010.**  
 43

44 The Chairman moved the adoption of the Committee of the Whole  
 45 Report. As shown by the following roll call vote, a majority of those  
 46 elected to the House voted in the affirmative, and the Report was  
 47 **adopted.**  
 48

49	YES	63	NO	1	EXCUSED	1	ABSENT	0
50	Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
51	Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
52	Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
53	Baumgardner	Y	Kagan	Y	Merrifield	Y	Solano	Y
54	Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
55	Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
56	Casso	Y	Kerr J.	Y	Murray	Y	Stephens	Y

1	Court	Y	King S.	Y	Nikkel	Y	Summers	Y
2	Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
3	DelGrosso	Y	Lambert	Y	Peniston	Y	Tipton	Y
4	Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
5	Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
6	Frangas	N	Looper	Y	Priola	Y	Vaad	Y
7	Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
8	Gardner B.	Y	May	Y	Riesberg	Y	Waller	Y
9	Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	Y
10							Speaker	Y

11  
12  
13 House in recess. House reconvened.  
14  
15

16  
17 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

18  
19 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

22  
23 **HB10-1398** be referred favorably to the Committee on Appropriations.  
24

25  
26 **HJR10-1019** be amended, as follows, and as so amended, be referred  
27 out to the House for final action.  
28

29 Amend printed joint resolution, page 2, line 40, after "to" insert  
30 "Governor Bill Ritter, Jr., Colorado Department of Local Affairs  
31 Executive Director Susan Kirkpatrick, Colorado Department of Natural  
32 Resources Executive Director Jim Martin,".  
33

34  
35  
36  
37 **BUSINESS AFFAIRS & LABOR**

38 After consideration on the merits, the Committee recommends the  
39 following:

40  
41 **HB10-1400** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:  
44

45 Amend printed bill, page 3, line 4, after "A" insert "NATURAL".

46  
47 Page 3, line 13, strike "TAXPAYER" and substitute "COLORADO  
48 CONSUMER" and strike "TAXPAYER'S" and substitute "COLORADO  
49 CONSUMER'S".

50  
51 Page 4, line 19, strike "INTEREST" and substitute "ANNUAL PERCENTAGE".

52  
53 Page 7, line 11, strike "ESTIMATED".

54  
55 Page 7, line 27, before "- penalties." insert "- investigation".  
56

1 Page 8, after line 8 insert:

2

3 "(c) MAKE INVESTIGATIONS, ISSUE SUBPOENAS TO REQUIRE THE  
4 ATTENDANCE OF WITNESSES OR THE PRODUCTION OF DOCUMENTS,  
5 ADMINISTER OATHS, AND CONDUCT HEARINGS IN AID OF ANY  
6 INVESTIGATION OR INQUIRY NECESSARY TO ADMINISTER THE PROVISIONS  
7 OF THIS ARTICLE;"

8

9 Reletter succeeding paragraphs accordingly.

10

11 Page 8, line 14, strike "MAKING" and substitute "MAKING, FACILITATING,".

12

13

14

15

16 **FINANCE**

17 After consideration on the merits, the Committee recommends the  
18 following:

19

20 **HB10-1285** be amended as follows, and as so amended, be referred to  
21 the Committee on Appropriations with favorable  
22 recommendation:

23

24 Amend printed bill, page 2, line 6, before "THE" insert "(1)"

25

26 Page 2, strike lines 9 through 17 and substitute "THE GENERAL ASSEMBLY  
27 SHALL ANNUALLY APPROPRIATE THE MONEYS IN THE FUND TO COVER THE  
28 COST OF THE SALES TAX REFUND CREATED BY SECTION 39-26-113.5,  
29 C.R.S., AND THE ACTUAL COST OF ADMINISTERING SECTIONS 39-26-113.5  
30 AND 39-30-104 (1) (b), C.R.S. AFTER RECEIVING THE STATEMENT  
31 PURSUANT TO SECTION 39-30-104 (1) (b) (V), THE STATE TREASURER  
32 SHALL CREDIT THE TOTAL COST OF THE AMOUNT OF THE TAX CREDITS  
33 STATED THEREIN TO THE GENERAL FUND. ANY MONEYS REMAINING IN THE  
34 COMMERCIAL VEHICLE ENTERPRISE TAX FUND AT THE END OF THE FISCAL  
35 YEAR SHALL NOT REVERT TO THE GENERAL FUND.

36

37 (2) (a) ON JULY 1, 2011, AND EACH JULY 1 THEREAFTER, THE  
38 DEPARTMENT SHALL ALLOCATE ONE-THIRD OF THE FUND BALANCE, NOT  
39 INCLUDING THE AMOUNT APPROPRIATED TO COVER THE ACTUAL COST OF  
40 ADMINISTERING SECTIONS 39-26-113.5 AND 39-30-104 (1) (b), C.R.S., TO  
41 MAKE THE SALES TAX REFUNDS GRANTED IN SECTION 39-26-113.5, C.R.S.

42

43 (b) ON JULY 1, 2011, AND EACH JULY 1 THEREAFTER, THE  
44 DEPARTMENT SHALL ALLOCATE TWO-THIRDS OF THE FUND BALANCE, NOT  
45 INCLUDING THE AMOUNT APPROPRIATED TO COVER THE ACTUAL COST OF  
46 ADMINISTERING SECTIONS 39-26-113.5 AND 39-30-104 (1) (b), C.R.S., TO  
47 OFFSET THE INCOME TAX CREDIT GRANTED IN SECTION 39-30-104 (1) (b),  
48 C.R.S. BY JANUARY 1, 2012, THE DEPARTMENT SHALL NOTIFY THE  
49 COLORADO ECONOMIC DEVELOPMENT COMMISSION CREATED IN SECTION  
50 24-46-102, C.R.S., OF THE AMOUNT ALLOCATED FOR SUCH PURPOSES."

51

52 Page 6, strike lines 16 through 26 and substitute:

53

54 "SECTION 4. 39-26-113.5 (1) (a) and (1) (c), Colorado Revised  
55 Statutes, are amended, and the said 39-26-113.5 is further amended BY  
56 THE ADDITION OF A NEW SUBSECTION to read:

1           **39-26-113.5. Refund of state sales taxes for vehicles used in**  
2 **interstate commerce - fund.** (1) (a) EXCEPT AS PROVIDED IN  
3 SUBSECTION (3) OF THIS SECTION, for the calendar year commencing on  
4 January 1, 2011, and for each calendar year thereafter, a taxpayer may  
5 claim a refund of a percentage of all state sales and use taxes paid by the  
6 taxpayer pursuant to this part 1 and part 2 of this article on the sale,  
7 storage, or use of a model year 2010 or newer truck tractor OR  
8 SEMITRAILER with a gross vehicle weight rating of ~~twenty-six~~ FIFTY-FOUR  
9 thousand pounds or greater ~~designated as Class A personal property as~~  
10 ~~specified in section 42-3-106 (2) (a), C.R.S.~~ THAT IS PURCHASED ON OR  
11 AFTER JULY 1, 2011.

12  
13           (c) The total refund shall be claimed as follows:

14  
15           (I) For the calendar year in which the truck tractor OR  
16 SEMITRAILER was purchased, stored, or used, ~~ten~~ THIRTY-THREE percent  
17 of the total amount of the refund IF THE MODEL YEAR OF THE TRUCK  
18 TRACTOR OR SEMITRAILER WAS SOLD AS NEW DURING SUCH CALENDAR  
19 YEAR;

20  
21           (II) For the first calendar year after the calendar year in which the  
22 truck tractor OR SEMITRAILER was purchased, stored, or used, ~~fifteen~~  
23 THIRTY-THREE percent of the total amount of the refund IF THE MODEL  
24 YEAR OF THE TRUCK TRACTOR OR SEMITRAILER WAS SOLD AS NEW DURING  
25 SUCH CALENDAR YEAR; AND

26  
27           (III) For the second calendar year after the calendar year in which  
28 the truck tractor OR SEMITRAILER was purchased, stored, or used,  
29 ~~twenty-five~~ THIRTY-THREE percent of the total amount of the refund IF  
30 THE MODEL YEAR OF THE TRUCK TRACTOR OR SEMITRAILER WAS SOLD AS  
31 NEW DURING SUCH CALENDAR YEAR.

32  
33           (IV) ~~For the third calendar year after the calendar year in which~~  
34 ~~the truck tractor was purchased, stored, or used, twenty-five percent of the~~  
35 ~~total amount of the refund, and~~

36  
37           (V) ~~For the fourth calendar year after the calendar year in which~~  
38 ~~the truck tractor was purchased, stored, or used, twenty-five percent of the~~  
39 ~~total amount of the refund.~~

40  
41           (3) (a) THE DEPARTMENT OF REVENUE SHALL DENY A CLAIMANT  
42 THE SALES TAX REFUND OR A PORTION OF SUCH REFUND GRANTED IN THIS  
43 SECTION IF THE CLAIM RESULTS IN MORE THAN THE AMOUNT ALLOCATED  
44 FOR THE CREDIT PURSUANT TO SECTION 42-1-224, C.R.S.

45  
46           (b) TO IMPLEMENT THIS SECTION, THE DEPARTMENT OF REVENUE  
47 SHALL TRACK THE AMOUNT OF THE REFUNDS GRANTED UNDER THIS  
48 SECTION.

49  
50           **SECTION 5.** 39-26-712 (2), Colorado Revised Statutes, is  
51 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

52  
53           **39-26-712. Trailers and trucks.** (2) The following shall be  
54 exempt from taxation under the provisions of part 2 of this article:

55  
56           (c) THE STORAGE OR USE OF A NEW OR USED TRAILER,

1 SEMITRAILER, TRUCK, TRUCK TRACTOR, OR TRUCK BODY IF THE VEHICLE  
2 HAS BEEN RELOCATED WITHIN THIS STATE, WAS USED IN INTERSTATE  
3 COMMERCE, AND THE OWNER CAN PROVIDE EVIDENCE OF THE VEHICLE  
4 BEING PREVIOUSLY REGISTERED IN ANOTHER STATE FOR AT LEAST SIX  
5 MONTHS."

6  
7 Renumber succeeding sections accordingly.

8  
9 Strike pages 7 and 8 and substitute "Colorado Revised Statutes, are  
10 amended, and the said 39-30-104 (1) (b) is further amended BY THE  
11 ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

12  
13 **39-30-104. Credit against tax - investment in certain property**  
14 **- repeal.** (1) (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS  
15 PARAGRAPH (b), for income tax years commencing on or after January 1,  
16 2011, ~~but before January 1, 2016~~ AND FOR EACH INCOME TAX YEAR  
17 THEREAFTER, a commercial truck, truck tractor, tractor, or semitrailer with  
18 a gross vehicle weight rating of ~~sixteen~~ FIFTY-FOUR thousand pounds or  
19 greater that is model year 2010 or newer AND IS DESIGNATED AS CLASS A  
20 PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), C.R.S., as  
21 well as any parts associated with the vehicle at the time of purchase, shall  
22 be deemed to be used solely and exclusively in an enterprise zone if it is  
23 licensed and registered within the state and predominantly housed and  
24 based at the taxpayer's business trucking facility within an enterprise zone  
25 for the twelve-month period following its purchase.

26  
27 (II) The income tax credit for a qualified investment in a  
28 commercial truck, truck tractor, tractor, or semitrailer with a gross vehicle  
29 weight rating of ~~sixteen~~ FIFTY-FOUR thousand pounds or greater that is  
30 model year 2010 or newer AND IS DESIGNATED AS CLASS A PERSONAL  
31 PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), C.R.S., as well as  
32 any parts associated with the vehicle at the time of purchase, shall be  
33 allowed as follows:

34  
35 ~~(A) For the income tax year commencing on January 1, 2011, an~~  
36 ~~amount equal to ONE AND one-half of one percent of the total qualified~~  
37 ~~investment IF THE MODEL YEAR OF THE COMMERCIAL TRUCK, TRUCK~~  
38 ~~TRACTOR, TRACTOR, OR SEMITRAILER WAS SOLD AS NEW DURING SUCH~~  
39 ~~INCOME TAX YEAR;~~

40  
41 ~~(B) For the income tax year commencing on January 1, 2012, an~~  
42 ~~amount equal to one percent of the total qualified investment;~~

43  
44 ~~(C) For the income tax year commencing on January 1, 2013, an~~  
45 ~~amount equal to one and one-half percent of the total qualified~~  
46 ~~investment;~~

47  
48 ~~(D) For the income tax year commencing on January 1, 2014, an~~  
49 ~~amount equal to two percent of the total qualified investment; and~~

50  
51 ~~(E) For the income tax year commencing on January 1, 2015, an~~  
52 ~~amount equal to three percent of the total qualified investment.~~

53  
54 (IV) ~~This paragraph (b) is repealed, effective January 1, 2017. TO~~  
55 ~~QUALIFY FOR THE TAX CREDIT GRANTED UNDER THIS PARAGRAPH (b), A~~  
56 ~~CLAIMANT SHALL BE CERTIFIED BY THE COLORADO ECONOMIC~~

1 DEVELOPMENT COMMISSION CREATED IN SECTION 24-46-102, C.R.S.

2

3 (V) THE COLORADO ECONOMIC DEVELOPMENT COMMISSION SHALL  
4 CERTIFY PEOPLE ELIGIBLE FOR THE INCOME TAX CREDIT GRANTED IN THIS  
5 PARAGRAPH (b) BUT SHALL NOT CERTIFY THE INCOME TAX CREDIT  
6 GRANTED IN THIS PARAGRAPH (b) IF THE CERTIFICATION RESULTS IN MORE  
7 CREDITS BEING CLAIMED THAN ARE ALLOCATED PURSUANT TO SECTION  
8 42-1-224, C.R.S.

9

10 (VI) TO IMPLEMENT THIS SECTION, THE COLORADO ECONOMIC  
11 DEVELOPMENT COMMISSION SHALL TRACK THE AMOUNT OF THE CREDITS  
12 AUTHORIZED AND, BY JANUARY 30 OF EACH YEAR, TRANSMIT TO THE  
13 STATE TREASURER A STATEMENT OF THE AMOUNT OF TAX CREDITS  
14 CERTIFIED PURSUANT TO THIS PARAGRAPH (b) FOR THE PREVIOUS YEAR.

15

16 (VII) NO LATER THAN SEPTEMBER 1, 2012, AND NO LATER THAN  
17 SEPTEMBER 1 OF EACH YEAR THEREAFTER THROUGH SEPTEMBER 1, 2014,  
18 THE COLORADO ECONOMIC DEVELOPMENT COMMISSION SHALL PROVIDE  
19 THE DEPARTMENT OF REVENUE WITH AN ELECTRONIC REPORT OF THE  
20 TAXPAYERS RECEIVING A CREDIT ALLOWED IN THIS PARAGRAPH (b) FOR  
21 THE PRECEDING CALENDAR YEAR OR ANY FISCAL YEAR ENDING IN THE  
22 PRECEDING CALENDAR YEAR AND ANY CREDITS DISALLOWED PURSUANT  
23 TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (b). THE REPORT SHALL  
24 CONTAIN THE FOLLOWING INFORMATION:

25

26 (A) THE TAXPAYER'S NAME;

27

28 (B) THE TAXPAYER'S COLORADO ACCOUNT NUMBER AND FEDERAL  
29 EMPLOYER IDENTIFICATION NUMBER;

30

31 (C) THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION; AND

32

33 (D) ANY ASSOCIATED TAXPAYER'S NAMES, COLORADO ACCOUNT  
34 NUMBERS, AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS OR SOCIAL  
35 SECURITY NUMBERS, IF THE CREDIT ALLOWED IN THIS SECTION IS  
36 ALLOCATED FROM A PASS-THROUGH ENTITY.

37

38 **SECTION 7.** Section 7 of chapter 417, Session Laws of Colorado  
39 2009, is amended to read:

40

41 Section 7. **Effective date.** This act shall take effect upon passage.  
42 ~~except that sections 1 and 2 of this act shall not take effect unless a~~  
43 ~~sustainable source of revenue has been identified for the implementation~~  
44 ~~of sections 1 and 2 of this act and the revisor of statutes has received~~  
45 ~~written notice from the executive director of the department of revenue~~  
46 ~~to that effect.~~

47

48 **SECTION 8. Specified effective date - applicability.** This act  
49 shall take effect July 1, 2010, and shall apply to offenses committed on  
50 or after July 1, 2010, and vehicles purchased on or after July 1, 2011.

51

52 **SECTION 9. Safety clause.** The general assembly hereby finds,  
53 determines, and declares that this act is necessary for the immediate  
54 preservation of the public peace, health, and safety."

55

56

1 **HB10-1287** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4

5 Strike the State, Veterans, & Military Affairs Committee Report, dated  
6 February 23, 2010, and substitute:  
7

8 "Amend printed bill, strike everything below the enacting clause and  
9 substitute:  
10

11 **"SECTION 1. Legislative declaration.** (1) The general  
12 assembly hereby finds, determines, and declares that:  
13

14 (a) The state of Colorado should generally limit the use of  
15 state-owned motor vehicles to official state business, but incidental  
16 personal use is sometimes unavoidable, reasonable, and for the benefit of  
17 the state;  
18

19 (b) Regular personal use of state-owned motor vehicles for  
20 commuting is considered to be a fringe benefit, and in most instances  
21 employees should fairly and fully reimburse the state for this personal  
22 use;  
23

24 (c) Unreimbursed fringe benefits may be subject to federal and  
25 state taxation; and  
26

27 (d) Actual vehicle operating costs and reimbursements for  
28 commuting must be reported accurately to ensure appropriate oversight  
29 of state assets, preparation of the state budget, and compliance with  
30 federal and state laws.  
31

32 (2) Now, therefore, the general assembly intends to increase  
33 transparency and oversight of the use of state-owned motor vehicles and  
34 to ensure that such vehicles used for commuting are managed in a fair,  
35 responsible, and economical manner.  
36

37 **SECTION 2.** 24-30-1113, Colorado Revised Statutes, is amended  
38 to read:  
39

40 **24-30-1113. Commuting - reimbursement by state officers and**  
41 **employees - state-owned motor vehicle commuter cash fund -**  
42 **creation - definitions.** (1) Except as provided in this section, ~~the~~ A state  
43 agency shall not assign any state-owned motor vehicle to an ~~officer or~~  
44 employee of a state agency for any reason other than as necessitated by  
45 the conduct of official state business.  
46

47 (2) The use of state-owned motor vehicles for commuting  
48 ~~purposes by officers and employees of state agencies between official~~  
49 ~~work stations and residences~~ may be authorized by the state agency's  
50 executive director where the state agency's executive director determines  
51 that such use is based on rules ~~and regulations~~ promulgated by the  
52 division. ~~and which includes~~ SUCH RULES SHALL INCLUDE THE FOLLOWING  
53 REQUIREMENTS:  
54

55 (a) ~~Promotion of~~ COMMUTING WITH THE STATE-OWNED MOTOR  
56 VEHICLE PROMOTES a legitimate nonpartisan state interest;



1 (b) ~~Promotion of~~ COMMUTING WITH THE STATE-OWNED MOTOR  
2 VEHICLE PROMOTES the efficient operation of the state motor vehicle fleet  
3 system; and  
4

5 (c) COMMUTING WITH THE STATE-OWNED MOTOR VEHICLE is  
6 cost-effective to the state agency; AND  
7

8 (d) THE NEED FOR AN EMPLOYEE TO COMMUTE WITH A  
9 STATE-OWNED MOTOR VEHICLE IS SET FORTH IN THE POSITION  
10 DESCRIPTION QUESTIONNAIRE FOR THE EMPLOYEE'S POSITION.  
11

12 (3) (a) A STATE AGENCY SHALL SUBMIT A WRITTEN APPLICATION  
13 FOR EACH EMPLOYEE WHO THE EXECUTIVE DIRECTOR OF THE STATE  
14 AGENCY AUTHORIZES FOR COMMUTING WITH A STATE-OWNED MOTOR  
15 VEHICLE. BEGINNING OCTOBER 1, 2010, NO EMPLOYEE SHALL USE A  
16 STATE-OWNED MOTOR VEHICLE FOR COMMUTING, UNLESS THE DIVISION  
17 DETERMINES THAT THE USE MEETS THE CRITERIA FOR COMMUTING  
18 AUTHORIZATION AND APPROVES SUCH USE. A determination by the  
19 ~~director~~ DIVISION that ~~commuting purposes meet~~ AN EMPLOYEE MEETS the  
20 criteria for commuting authorization shall be based on review and  
21 verification of written application forms and supporting documentation  
22 submitted in the manner provided in rules and regulations adopted by the  
23 division. THE DIVISION SHALL NOT GRANT APPROVAL FOR AN EMPLOYEE  
24 TO USE A STATE-OWNED MOTOR VEHICLE FOR COMMUTING IF THE  
25 APPLICATION FORM FOR THE EMPLOYEE IS INCOMPLETE.  
26

27 (b) BEGINNING OCTOBER 1, 2010, AN EMPLOYEE WHO IS NOT  
28 EXEMPT FROM REIMBURSEMENT PURSUANT TO PARAGRAPH (b) OF  
29 SUBSECTION (4) OF THIS SECTION SHALL NOT BE ASSIGNED A MOTOR  
30 VEHICLE FOR COMMUTING UNLESS THE EMPLOYEE AGREES IN WRITING  
31 THAT THE REIMBURSEMENT FOR COMMUTING MAY BE DEDUCTED FROM HIS  
32 OR HER SALARY.  
33

34 (c) IF AN EMPLOYEE AUTHORIZED TO USE A STATE-OWNED MOTOR  
35 VEHICLE FOR COMMUTING HAS THE ASSIGNMENT OF THAT MOTOR VEHICLE  
36 REVOKED PURSUANT TO SECTION 24-30-1112 (3) (a), THE DIVISION SHALL  
37 COLLECT REIMBURSEMENT FROM THE EMPLOYEE FOR THE OTHER THAN  
38 OFFICIAL BUSINESS USE THAT LEAD TO THE REVOCATION, WHICH AMOUNT  
39 SHALL BE IN ADDITION TO ANY OTHER REIMBURSEMENT REQUIRED  
40 PURSUANT TO THIS SECTION.  
41

42 (4) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS  
43 SUBSECTION (4), any ~~individual~~ EMPLOYEE who has received the state  
44 agency executive director's authorization to use a state-owned motor  
45 vehicle for commuting purposes shall reimburse the state for such use at  
46 a rate ~~computed by the division. This rate shall approximate the benefit~~  
47 ~~derived from the use of the vehicle. Reimbursement shall be for twenty~~  
48 ~~days per month regardless of how many days the individual uses the~~  
49 ~~vehicle to commute during the month. Reimbursement shall be made as~~  
50 ~~provided by rule~~ THAT IS ESTABLISHED ANNUALLY BASED ON THE  
51 AUTOMOBILE LEASE-VALUE RULE ESTABLISHED BY THE INTERNAL  
52 REVENUE SERVICE PURSUANT TO 26 CFR 1.61-21 OR ANY SUCCESSOR  
53 PROVISION. SUCH REIMBURSEMENT SHALL BE DEDUCTED FROM THE  
54 EMPLOYEE'S SALARY BY THE STATE AGENCY, BUT SHALL NOT BE  
55 CONSIDERED TO BE STATE AGENCY MONEYS OR APPROPRIATED TO THE  
56 STATE AGENCY. THE STATE AGENCY SHALL CAUSE THE REIMBURSEMENT

1 TO BE PAID TO THE DIVISION AND THE REIMBURSEMENT SHALL BE  
2 CREDITED TO THE STATE-OWNED MOTOR VEHICLE COMMUTER CASH FUND,  
3 WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN THE  
4 FUND SHALL BE APPROPRIATED TO THE DIVISION TO PAY THE OPERATING  
5 EXPENSES FOR THE STATE-OWNED MOTOR VEHICLE USED BY THE  
6 EMPLOYEE FOR COMMUTING, AND THE APPROPRIATION TO THE STATE  
7 AGENCY OR OTHER FUNDING FOR OPERATING EXPENSES FOR THE  
8 STATE-OWNED MOTOR VEHICLE SHALL BE REDUCED BY THE AMOUNT OF  
9 SUCH APPROPRIATION FROM THE FUND. ALL INTEREST AND INCOME  
10 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND  
11 SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED BY  
12 THE GENERAL ASSEMBLY SHALL REMAIN IN THE FUND AND SHALL NOT BE  
13 TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY  
14 FISCAL YEAR.

15  
16 (b) ~~Unless provided by rule, no exceptions shall be made to the~~  
17 ~~reimbursement provisions of this subsection~~ (4) REIMBURSEMENT SHALL  
18 NOT BE REQUIRED IF THE DIVISION DETERMINES THAT THE EMPLOYEE IS  
19 DRIVING A CLEARLY MARKED POLICE OR FIRE VEHICLE OR OTHER  
20 QUALIFIED NONPERSONAL USE VEHICLE.

21  
22 (c) THE STATE AGENCY SHALL TAX THE BENEFIT ASSOCIATED WITH  
23 USING THE STATE-OWNED MOTOR VEHICLE FOR COMMUTING IF THE  
24 AMOUNT OF REIMBURSEMENT REQUIRED BY THIS SECTION FOR COMMUTING  
25 IS LESS THAN THE VALUE OF THE BENEFIT AS DETERMINED BY THE  
26 REGULATIONS ESTABLISHED BY THE INTERNAL REVENUE SERVICE.

27  
28 (5) ON OR BEFORE OCTOBER 1, 2011, AND ON OR BEFORE OCTOBER  
29 1 OF EACH YEAR THEREAFTER, THE DIVISION SHALL PROVIDE A REPORT TO  
30 THE JOINT BUDGET COMMITTEE THAT INCLUDES THE FOLLOWING  
31 INFORMATION:

32  
33 (a) AN ESTIMATE OF THE AUTOMOBILE LEASE-VALUE RULE THAT  
34 WILL BE USED FOR THE NEXT STATE FISCAL YEAR TO DETERMINE THE  
35 REIMBURSEMENT OWED BY EACH EMPLOYEE PURSUANT TO THIS SECTION;

36  
37 (b) THE NAME OF EACH EMPLOYEE AUTHORIZED TO USE A  
38 STATE-OWNED MOTOR VEHICLE FOR COMMUTING AND THE ESTIMATED  
39 REIMBURSEMENT TO BE PAID BY THE EMPLOYEE FOR THE NEXT STATE  
40 FISCAL YEAR, WHICH INFORMATION SHALL BE ORGANIZED BY  
41 DEPARTMENT, DIVISION, AND PROGRAM;

42  
43 (c) FOR EACH EMPLOYEE IDENTIFIED IN PARAGRAPH (b) OF THIS  
44 SUBSECTION (5), THE ANTICIPATED APPROPRIATION LINE ITEM IN THE  
45 ANNUAL GENERAL APPROPRIATION ACT AND FUNDING SOURCE THAT WILL  
46 BE USED TO PAY EXPENSES FOR THE STATE-OWNED MOTOR VEHICLE USED  
47 FOR COMMUTING;

48  
49 (d) THE TOTAL PERCENTAGE OF MILES TRAVELED AND OPERATING  
50 COSTS FOR STATE-OWNED MOTOR VEHICLES ATTRIBUTED TO COMMUTING  
51 FOR EACH DEPARTMENT FOR THE PRIOR STATE FISCAL YEAR;

52  
53 (e) THE TOTAL NUMBER OF EMPLOYEES FROM EACH DEPARTMENT  
54 FOR THE PRIOR STATE FISCAL YEAR WHO WERE NOT REQUIRED TO  
55 REIMBURSE THE STATE FOR THE USE OF A STATE-OWNED MOTOR VEHICLE  
56 FOR COMMUTING; AND

1 (f) THE TOTAL MAINTENANCE COSTS FOR EACH DEPARTMENT FOR  
2 THE PRIOR STATE FISCAL YEAR FOR STATE-OWNED MOTOR VEHICLES USED  
3 FOR COMMUTING.

4  
5 (6) THE DIVISION SHALL PROMULGATE, IN ACCORDANCE WITH  
6 ARTICLE 4 OF THIS TITLE, ANY RULES NECESSARY FOR THE  
7 ADMINISTRATION OF THIS SECTION.

8  
9 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES:

11  
12 (a) "CLEARLY MARKED POLICE OR FIRE VEHICLE" SHALL HAVE THE  
13 SAME MEANING AS SET FORTH IN 26 CFR 1.274-5T (k) (3) OR ANY  
14 SUCCESSOR PROVISION.

15  
16 (b) (I) "COMMUTING" MEANS DRIVING BETWEEN AN EMPLOYEE'S  
17 RESIDENCE AND:

18  
19 (A) THE EMPLOYEE'S PRINCIPAL PLACE OF BUSINESS; OR

20  
21 (B) TEMPORARY WORK LOCATIONS, IF SUB-SUBPARAGRAPH (B) OF  
22 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) DOES NOT APPLY.

23  
24 (II) "COMMUTING" DOES NOT INCLUDE DRIVING BETWEEN AN  
25 EMPLOYEE'S RESIDENCE AND:

26  
27 (A) A LOCATION OTHER THAN THE EMPLOYEE'S PRINCIPAL  
28 WORKPLACE THAT IS IN RESPONSE TO AN EMERGENCY SITUATION; OR

29  
30 (B) TEMPORARY WORK LOCATIONS, IF THE EMPLOYEE HAS AN  
31 OFFICE IN HIS OR HER RESIDENCE, WHICH OFFICE QUALIFIES AS A PRINCIPAL  
32 PLACE OF BUSINESS.

33  
34 (c) "DIVISION" MEANS THE DIVISION OF CENTRAL SERVICES IN THE  
35 DEPARTMENT OF PERSONNEL.

36  
37 (d) "EMPLOYEE" MEANS AN EMPLOYEE OF A STATE AGENCY AND  
38 INCLUDES AN OFFICER.

39  
40 (e) "QUALIFIED NONPERSONAL USE VEHICLE" SHALL HAVE THE  
41 SAME MEANING AS SET FORTH IN 26 CFR 1.274-5T (k) (2) OR ANY  
42 SUCCESSOR PROVISION.

43  
44 **SECTION 3. Safety clause.** The general assembly hereby finds,  
45 determines, and declares that this act is necessary for the immediate  
46 preservation of the public peace, health, and safety."."

47  
48  
49  
50 **HCR10-1003** be amended as follows, and as so amended, be referred to  
51 the Committee on Appropriations with favorable  
52 recommendation:

53  
54 Amend printed concurrent resolution, page 2, line 9, strike "**use.**" and  
55 substitute "**use - definitions.**".

56

1 Page 2, strike line 10 and substitute:  
2

3 "(1) AS USED IN THIS SECTION, "SEVERANCE TAX REVENUES"  
4 MEANS THE TOTAL GROSS RECEIPTS RECEIVED BY THE STATE FROM THE  
5 COLLECTION OF ALL OF THE SEVERANCE TAXES IMPOSED PURSUANT TO  
6 ARTICLE 29 OF TITLE 39, COLORADO REVISED STATUTES, OR ANY  
7 SUCCESSOR PROVISION OF LAW.  
8

9 (2) THE STATE RAINY DAY FUND IS HEREBY CREATED IN THE  
10 STATE".  
11

12 Renumber succeeding subsection accordingly.  
13

14 Page 2, line 11, strike "GROSS RECEIPTS".  
15

16 Page 2, strike line 12.  
17

18 Page 2, line 13, strike "MINERAL FUELS" and substitute "SEVERANCE TAX  
19 REVENUES".  
20

21 Page 2, line 14, strike "RECEIPTS" and substitute "REVENUES".  
22

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## 25 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

26  
27 The Speaker has signed: **HB10-1058, 1062, 1083, 1236.**  
28  
29

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## 31 MESSAGE(S) FROM THE SENATE

32  
33 The Senate voted to concur in House amendments to SB10-143,  
34 SB10-094, SB10-100, SB10-166 and repassed the bills as amended.  
35

36 The Senate has adopted and returns herewith: HJR10-1017.  
37  
38

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## 40 INTRODUCTION OF BILLS

### 41 First Reading

42  
43 The following bills were read by title and referred to the committees  
44 indicated:  
45

46 **HB10-1407** by Representative(s) Kagan, Gagliardi, Hullinghorst,  
47 Looper, Solano, Vigil; also Senator(s) Steadman--  
48 Concerning the creation of the range worker advisory  
49 council.  
50 Committee on Agriculture, Livestock, & Natural Resources  
51

52 **HB10-1408** by Representative(s) Weissmann; also Senator(s) Morse--  
53 Concerning the repeal of statutory directions concerning  
54 congressional districts.  
55 Committee on State, Veterans, & Military Affairs  
56

1 **HB10-1409** by Representative(s) Pommer, Ferrandino, Lambert; also  
2 Senator(s) Tapia, Keller, White--Concerning the process  
3 by which annual salary increases may be awarded to  
4 employees in the state personnel system based on  
5 performance, job core competencies, and years of service.

6 Committee on State, Veterans, & Military Affairs  
7

8 **HB10-1410** by Representative(s) Rice; also Senator(s) Steadman--  
9 Concerning a requirement that the state treasurer transmit  
10 moneys appropriated to departments of state government  
11 that are unexpended and unencumbered at the end of a  
12 fiscal year to the state employee payday shift fund so that  
13 the moneys may be used to pay salaries in June for work  
14 performed by state employees during the month of June.

15 Committee on Business Affairs and Labor  
16

17 **SB10-183** by Senator(s) Morse and Tochtrop, Boyd, Penry,  
18 Steadman, Williams; also Representative(s) Gagliardi,  
19 Balmer, Kagan, Primavera, Riesberg--Concerning the  
20 continuation of a statutory prohibition on balance billing  
21 of certain charges for health care services.

22 Committee on Health and Human Services  
23

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## 24 INTRODUCTION OF RESOLUTIONS

25  
26  
27  
28 The following resolution was read by title and referred to the committee  
29 indicated:

30  
31 **HJR10-1022** by Representative(s) Tipton and Baumgardner; also  
32 Senator(s) White--Concerning modification of the federal  
33 "Hatch Act of 1939" for certain government employees in  
34 rural areas whose positions preclude them from running  
35 for partisan political office.

36 Committee on State, Veterans, & Military Affairs  
37

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38  
39 The following resolution was read by title and laid over one day under the  
40 rules:

41  
42 **HJR10-1023** by Representative(s) Vaad, Baumgardner, Bradford,  
43 DelGrosso, Frangas, Gardner C., King S., Lambert,  
44 Looper, Massey, McFadyen, Merrifield, Primavera, Rice,  
45 Sonnenberg, Stephens--Concerning a recommendation to  
46 lift the freeze on longer combination vehicles in western  
47 states.  
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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Weissmann, the following item(s) on the Calendar (was)were laid over until April 16, retaining place on Calendar:

Consideration of Conference Committee Report(s)--**SB10-109, HB10-1099.**

Consideration of Resolution(s)--**HJR10-1020, 1021, SJR10-025.**

Consideration of Senate Amendment(s)--**HB10-1188, 1378, 1379, 1381, 1383, 1384, 1385, 1386, 1388, 1220, 1293, 1387, HJR10-1015, HB10-1096, 1208, 1252, 1273.**



On motion of Representative Weissmann, the House adjourned until 9:00 a.m., April 16, 2010.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk