

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

One hundred-eighth Legislative Day

Friday, April 24, 2009

1 Prayer by the Reverend Heidi McGinness, Director of Outreach with
2 Christian Solidarity International USA.

3
4 The Speaker called the House to order at 9:00 a.m.

5
6 Pledge of Allegiance led by Nina Bartell, Abe Rosenthal, Matthew
7 Hailpern, Talya Goldman, Herzl/Rocky Mountain Hebrew Academy,
8 Denver.

9
10 The roll was called with the following result:

11 Present--62.

12 Excused--Representative(s) Tipton, McKinley, Weissmann--3.

13
14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Swalm, the reading of the journal of
19 April 23, 2009, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

21
22
23
24 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

25
26 **APPROPRIATIONS**

27 After consideration on the merits, the Committee recommends the
28 following:

29
30 **HB09-1333** be referred to the Committee of the Whole with favorable
31 recommendation.

32
33
34 **SB09-037** be referred to the Committee of the Whole with favorable
35 recommendation.

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37
38 **SB09-043** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41
42 Amend reengrossed bill, page 4, strike lines 1 through 13 and substitute
43 the following:

1 **"SECTION 5. Adjustments to the 2009 long bill.** For the
2 implementation of this act, appropriations to the department of higher
3 education made in the annual general appropriation act for the fiscal year
4 beginning July 1, 2009, shall be adjusted as follows:
5

6 (1) The general fund appropriation to the college opportunity fund
7 created in section 23-18-202, Colorado Revised Statutes, for stipends is
8 increased by six hundred twelve thousand dollars (\$612,000), for an
9 estimated 300.0 full-time equivalent students attending the division of
10 Pueblo community college known as Southwest Colorado community
11 college.
12

13 (2) The general fund appropriation for fee-for-service contracts
14 with state institutions is increased by five hundred one thousand three
15 hundred seventy-four dollars (\$501,374), for a fee-for-service contract
16 with the state board for community colleges and occupational education,
17 for the division of Pueblo community college known as Southwest
18 Colorado community college.
19

20 (3) The appropriation for the state board for community colleges
21 and occupational education state system community colleges is increased
22 by two million two hundred sixteen thousand four hundred fourteen
23 thousand dollars (\$2,216,414). Of said sum, seven hundred fifty thousand
24 dollars (\$750,000) shall be cash funds from the students' share of tuition,
25 one million one hundred thirteen thousand three hundred seventy-four
26 dollars (\$1,113,374) shall be reappropriated funds out of the
27 appropriations made in subsections (1) and (2) of this section for student
28 stipend payments and fee-for-service contracts, and three hundred fifty-
29 three thousand forty dollars (\$353,040) represents federal funds
30 anticipated to be received from the education stabilization fund pursuant
31 to the federal American recovery and reinvestment act of 2009.
32

33 (4) The appropriation for area vocational school support is
34 decreased by one million four hundred sixty-six thousand four hundred
35 fourteen dollars (\$1,466,414). Of said sum, one million one hundred
36 thirteen thousand three hundred seventy-four dollars (\$1,113,374) shall
37 be from the general fund and three hundred fifty-three thousand forty
38 dollars (\$353,040) represents federal funds anticipated to be received
39 from the education stabilization fund pursuant to the federal American
40 recovery and reinvestment act of 2009."
41
42
43

44 **SB09-075** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:
47

48 Amend reengrossed bill, page 10, strike lines 16 through 23.
49

50 Renumber succeeding section accordingly.
51

52 Page 1, line 102, strike "**RIGHTS-OF-WAY, AND**" and substitute "**RIGHTS-**
53 **OF-WAY.**";
54

55 strike line 103.
56

1 **SB09-076** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **SB09-087** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 8, strike lines 26 and 27 and substitute the
10 following:
11

12 **"SECTION 6. Appropriation.** In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the
14 department of state cash fund created in section 24-21-104 (3) (b),
15 Colorado Revised Statutes, not otherwise appropriated, to the department
16 of state, for the fiscal year beginning July 1, 2009, the sum of seven
17 thousand five dollars (\$7,005), or so much thereof as may be necessary,
18 for the implementation of this act."
19

20 Page 9, strike lines 1 through 5.
21
22
23

24 **SB09-088** be referred to the Committee of the Whole with favorable
25 recommendation.
26

27
28 **SB09-099** be referred to the Committee of the Whole with favorable
29 recommendation.
30

31
32 **SB09-104** be referred to the Committee of the Whole with favorable
33 recommendation.
34

35
36 **SB09-123** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39

40 Amend reengrossed bill, page 13, before line 20, insert the following:

41 **"SECTION 3. Appropriation.** (1) In addition to any other
42 appropriation, there is hereby appropriated, out of any moneys in the
43 general fund not otherwise appropriated, to the department of education,
44 management and administration, administration and centrally-
45 appropriated line items, for legal services, for the fiscal year beginning
46 July 1, 2009, the sum of seven hundred fifty-one dollars (\$751), or so
47 much thereof as may be necessary, for the implementation of this act.
48

49 (2) In addition to any other appropriation, there is hereby
50 appropriated, out of any moneys in the general fund not otherwise
51 appropriated, to the department of education, assistance to public schools,
52 grant programs, distributions, and other assistance, summer and after-
53 school programs, for the fiscal year beginning July 1, 2009, the sum of
54 seven thousand four hundred seventy-seven dollars (\$7,477) and 0.1 FTE,
55 or so much thereof as may be necessary, for the implementation of this
56 act.

1 (3) In addition to any other appropriation, there is hereby
2 appropriated to the department of law, for the fiscal year beginning July
3 1, 2009, the sum of seven hundred fifty-one dollars (\$751), or so much
4 thereof as may be necessary, for the provision of legal services to the
5 department of education related to the implementation of this act. Said
6 sum shall be from reappropriated funds received from the department of
7 education out of the appropriation made in subsection (1) of this section."
8

9 Renumber succeeding sections accordingly.

10
11 Page 1, line 102, strike "STUDENTS." and substitute "STUDENTS, AND
12 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

13
14
15

16 **SB09-124** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:
19

20 Amend reengrossed bill, page 2, after line 13, insert the following:
21

22 "SECTION 2. 39-29-109.3 (2) (h), Colorado Revised Statutes, is
23 amended to read:
24

25 **39-29-109.3. Operational account of the severance tax trust**
26 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
27 of this section, if the general assembly chooses not to spend up to one
28 hundred percent of the moneys in the operational account as specified in
29 subsection (1) of this section, the state treasurer shall transfer the
30 following:
31

32 (h) (I) To the agriculture value-added cash fund created in section
33 35-75-205 (1), C.R.S., to promote agricultural energy-related projects and
34 research, for the state fiscal year commencing July 1, 2008, THROUGH THE
35 STATE FISCAL YEAR COMMENCING JULY 1, 2011, five hundred thousand
36 dollars.
37

38 (II) This paragraph (h) is repealed, effective July 1, ~~2010~~ 2013."
39

40 Renumber succeeding sections accordingly.
41

42
43

44 **SB09-128** be referred to the Committee of the Whole with favorable
45 recommendation.
46

47

48 **SB09-133** be referred to the Committee of the Whole with favorable
49 recommendation.
50

51

52 **SB09-158** be referred to the Committee of the Whole with favorable
53 recommendation.
54

55

- 1 **SB09-160** be referred to the Committee of the Whole with favorable
 2 recommendation.
 3
 4
 5 **SB09-161** be referred to the Committee of the Whole with favorable
 6 recommendation.
 7
 8
 9 **SB09-162** be referred to the Committee of the Whole with favorable
 10 recommendation.
 11
 12
 13 **SB09-167** be amended as follows, and as so amended, be referred to
 14 the Committee of the Whole with favorable
 15 recommendation:
 16

17 Amend reengrossed bill, page 16, strike lines 2 through 10, and insert the
 18 following:
 19

20 **"SECTION 12. Appropriation.** (1) In addition to any other
 21 appropriation, there is hereby appropriated, out of any moneys in the
 22 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
 23 Colorado Revised Statutes, not otherwise appropriated, to the department
 24 of regulatory agencies, for allocation to the division of registrations, for
 25 the continuation of the state board of chiropractic examiners, for the fiscal
 26 year beginning July 1, 2009, the sum of fourteen thousand fifty-seven
 27 dollars (\$14,057) cash funds, or so much thereof as may be necessary, for
 28 the implementation of this act."
 29
 30
 31

- 32 **SB09-178** be referred to the Committee of the Whole with favorable
 33 recommendation.
 34
 35
 36 **SB09-219** be amended as follows, and as so amended, be referred to
 37 the Committee of the Whole with favorable
 38 recommendation:
 39

40 Amend printed bill, page 2, strike line 14 and substitute the following:
 41

42 "(X) FOR THE FISCAL YEAR 2008-09:
 43

44 (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B)
 45 OF THIS SUBPARAGRAPH (X), TWO PERCENT OF THE AMOUNT";
 46

47 after line 20, insert the following:
 48

49 "(B) IF THE REVENUE ESTIMATE PREPARED FOR THE FISCAL YEAR
 50 2008-09 IN ACCORDANCE WITH SECTION 24-75-201.3 (2) IN JUNE OF 2009
 51 INDICATES THAT GENERAL FUND EXPENDITURES FOR THAT FISCAL YEAR
 52 BASED ON APPROPRIATIONS THEN IN EFFECT WILL EXCEED THE AMOUNT OF
 53 GENERAL FUND REVENUES AVAILABLE, EXCLUDING THE RESERVE
 54 REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (X), UPON
 55 WRITTEN ORDER, THE GOVERNOR MAY FURTHER REDUCE THE REQUIRED
 56 RESERVE FROM TWO PERCENT TO EITHER A LOWER PERCENTAGE OR TO A

1 ZERO PERCENTAGE AS IS NECESSARY TO COVER TO THE GREATEST EXTENT
2 POSSIBLE ANY APPROPRIATIONS THEN IN EFFECT MADE FROM THE GENERAL
3 FUND FOR WHICH GENERAL FUND MONEYS WOULD NOT OTHERWISE BE
4 AVAILABLE COMPRISING SUCH RESERVE."

5

6

7

8

9 **EDUCATION**

10 After consideration on the merits, the Committee recommends the
11 following:

12

13 **HB09-1343** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:

16

17 Amend printed bill, page 2, line 6, strike "OVERSIGHT";

18

19 line 9, strike "OVERSIGHT";

20

21 line 19, strike "OVERSIGHT";

22

23 line 22, strike "**oversight**";

24

25 line 23, strike "OVERSIGHT COMMISSION FOR THE" and substitute
26 "COMMISSION FOR";

27

28 line 24, strike "CONTINUED STUDY OF ISSUES" and substitute "POLICY
29 IMPROVEMENT";

30

31 strike line 26 and substitute the following:

32

33 "PARENTAL INVOLVEMENT, FAMILY SUPPORT, CHILD CARE, AND EARLY
34 LEARNING."

35

36 Page 4, strike lines 18 through 21 and substitute the following:

37

38 "(2) (a) BEGINNING ON OR BEFORE AUGUST 1, 2009, THE
39 COMMISSION SHALL MEET AT LEAST SIX TIMES ANNUALLY AND AS NEEDED
40 THEREAFTER.";

41

42 line 24, before "AND", insert "FAMILY SUPPORT,";

43

44 line 25, strike "EDUCATION." and substitute "EARLY LEARNING."

45

46 Page 5, after line 2, insert the following:

47

48 "(c) THE COMMISSION SHALL SOLICIT INPUT FROM THE MEMBERS
49 OF THE PUBLIC, ESPECIALLY THOSE INDIVIDUALS WITH EXPERTISE RELATED
50 TO EARLY CHILDHOOD AND SCHOOL READINESS ISSUES, TO AID THE
51 COMMISSION IN ITS WORK."

52

53 Reletter succeeding paragraph accordingly.

54

55

1 **HJR09-1020** be amended as follows, and as so amended, be referred out
2 for final action:

3
4 Amend printed joint resolution, page 2, after line 1, insert the following:

5
6 "WHEREAS, Education funding in Colorado has not kept pace
7 with student growth and inflation, and even under the provisions of
8 Amendment 23 will not reach 1988 funding levels by the year 2011; and
9

10 WHEREAS, Colorado school districts have experienced
11 significant cuts in funding for the 2008-09 and 2009-10 fiscal years, and
12 are struggling to sustain current levels of programs and services; and";
13

14 after line 27, insert the following:

15
16 "WHEREAS, School districts have encountered and will continue
17 to incur additional costs in achieving proficiency for all students; and";

18
19 line 28, strike "The" and substitute "It is possible that the";

20
21 strike line 32 and substitute the following:

22
23 "education, though it is also the case that current levels of funding do not
24 allow school districts to provide a twenty-first century education for
25 Colorado's students; and";

26
27 line 38, strike "school districts and charter";

28
29 after line 39, insert the following:

30
31 "WHEREAS, In addition to considering changes to the "Public
32 School Finance Act of 1994" in an effort to implement education reform,
33 it is also critical to consider changes that would allow school districts to
34 continue to offer services or restore services that were scaled back or
35 eliminated due to recent decreases in funding for public education from
36 preschool through the twelfth grade; and".

37
38 Page 3, line 2, after "reform," insert "to analyze the needs of public
39 school facilities throughout the state,";

40
41 line 36, strike "and";

42
43 line 40, after "graduation;", insert "and";

44
45 after line 40, insert the following:

46 "(j) Whether the current system by which school districts pay for
47 capital facility needs is thorough and uniform;".

48
49 Page 4, strike lines 22 through 25 and substitute the following

50
51 "(7) That, to aid the committee in its work, the Legislative Council
52 Staff shall have the authority to solicit input from the members of the
53 public, including but not necessarily limited to:

54
55 (a) Those members of the public with expertise related to school
56 finance issues;

1 (b) Representatives of school districts, such as school
2 administrators, teachers, charter school representatives, and school board
3 members;

4
5 (c) Stakeholders representing all aspects of public education, such
6 as school districts and their employees, educators, students, parents,
7 statewide associations, education-related organizations, foundations,
8 school board members, members of the State Board of Education, the
9 Governor's P-20 Council, and the Colorado Department of Education; and

10
11 (d) Any other stakeholders representing education issues or
12 experts related to school finance issues;".

13
14
15
16 **HJR09-1025** be amended as follows, and as so amended, be referred out
17 for final action:

18
19 Amend printed resolution, page 1, line 3, before "corrections", insert
20 "youth";

21
22 line 9, before "correctional", insert "youth".

23
24 Page 4, strike lines 11 through 13;

25
26 line 14, strike "nonlegislative";

27
28 strike lines 16 through 32.

29
30
31
32 **SB09-089** be referred favorably to the Committee on Appropriations.

33
34
35
36
37 **JUDICIARY**

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

40
41 **HB09-1351** be referred favorably to the Committee on Appropriations.

42
43
44 **SB09-245** be referred favorably to the Committee on Appropriations.

45
46
47
48
49 **LOCAL GOVERNMENT**

50 After consideration on the merits, the Committee recommends the
51 following:

52
53 **HB09-1350** be amended as follows, and as so amended, be referred to
54 the Committee of the Whole with favorable
55 recommendation:

56

1 Amend printed bill, page 3, strike line 3 and substitute the following:

2

3 "BE CITED AS THE "ENERGY EFFICIENCY AND RENEWABLES JOBS ACT".

4

5 Page 8, line 21, after "ADMINISTRATOR.", add "NEITHER THE DISTRICT
6 NOR ITS PROGRAM ADMINISTRATOR SHALL OFFER REBATES FOR THE
7 PURCHASE OF RENEWABLE ENERGY CREDITS. THE DISTRICT'S ACTIVITIES
8 SHALL BE LIMITED TO FUNDING NEW ENERGY IMPROVEMENTS AND TO
9 MARKETING THAT FUNDING.";

10

11 line 23, strike "AND".

12

13 Page 9, strike line 1 and substitute the following:

14

15 "PROPERTY; AND

16

17 (c) MEETS ANY STANDARD OF CREDIT-WORTHINESS THAT THE
18 DISTRICT MAY ESTABLISH.";

19

20 line 7, after "IMPROVEMENT.", insert "UTILITY REBATES OFFERED TO
21 PROGRAM PARTICIPANTS BY A QUALIFYING RETAIL UTILITY FOR THE
22 PURPOSE OF COMPLIANCE WITH RENEWABLE ENERGY TARGETS
23 ESTABLISHED IN SECTION 40-2-124, C.R.S., SHALL BE SUBJECT TO THE
24 RETAIL RATE IMPACT CAP ESTABLISHED PURSUANT TO SECTION 40-2-124
25 (1) (g) (I), C.R.S.".

26

27 Page 11, line 21, strike "FOUR" and substitute "TWO";

28

29 line 24, after "C.R.S.;", insert "AND";

30

31 strike line 27.

32

33 Page 12, strike lines 1 through 5 and substitute the following:

34

35 "(II) THE FOLLOWING THREE MEMBERS APPOINTED BY THE
36 GOVERNOR:

37

38 (A) ONE MEMBER WHO HAS EXECUTIVE-LEVEL EXPERIENCE IN THE
39 AFFORDABLE HOUSING INDUSTRY;

40

41 (B) ONE MEMBER WHO HAS EXECUTIVE-LEVEL EXPERIENCE IN THE
42 LENDING INDUSTRY; AND

43

44 (C) ONE MEMBER WHO IS AN ATTORNEY LICENSED TO PRACTICE
45 LAW IN COLORADO AND WHO SHALL SERVE AS THE SECRETARY OF THE
46 BOARD;".

47

48 Page 18, line 17, strike "GUIDELINES AND PROCEDURES" and substitute
49 "STANDARDS, GUIDELINES, AND PROCEDURES, INCLUDING BUT NOT
50 LIMITED TO STANDARDS OF CREDIT-WORTHINESS FOR QUALIFICATION OF
51 PROGRAM APPLICANTS,";

52

53 after line 19, insert the following:

54

55 "(d) ENCOURAGE ANY QUALIFIED APPLICANT TO OBTAIN AN
56 ONLINE OR ON-SITE HOME ENERGY AUDIT IN ORDER TO ENSURE THAT THE

1 EFFICIENT USE OF NEW ENERGY IMPROVEMENT FUNDING PURSUANT TO
2 THIS ARTICLE;

3

4 (e) INFORM PROSPECTIVE PROGRAM APPLICANTS AND QUALIFIED
5 APPLICANTS OF PRIVATE FINANCING OPTIONS NOT PROVIDED BY THE
6 DISTRICT, INCLUDING BUT NOT LIMITED TO HOME EQUITY LOANS AND
7 HOME EQUITY LINES OF CREDIT, THAT MAY, WITH RESPECT TO A
8 PARTICULAR APPLICANT, REPRESENT VIABLE ALTERNATIVES FOR
9 FINANCING NEW ENERGY IMPROVEMENTS;"

10

11 Reletter succeeding paragraphs accordingly.

12

13 Page 18, after line 26, insert the following:

14

15 "(4) THE DISTRICT SHALL ESTABLISH UNDERWRITING GUIDELINES
16 THAT CONSIDER PROGRAM APPLICANTS' QUALIFICATIONS,
17 CREDITWORTHINESS, HOME EQUITY, AND OTHER APPROPRIATE FACTORS,
18 CONSISTENT WITH GOOD AND CUSTOMARY LENDING PRACTICES, AND AS
19 REQUIRED IN ORDER FOR THE DISTRICT TO OBTAIN A BOND RATING
20 NECESSARY FOR A SUCCESSFUL BOND SALE. THE DISTRICT SHALL ALSO
21 ARRANGE FOR AN APPROPRIATE LOSS RESERVE IN ORDER TO OBTAIN THE
22 NECESSARY BOND RATING."

23

24 Page 23, strike lines 18 through 22 and substitute the following:

25

26 "PRINCIPAL."

27

28 Page 24, line 21, after "RESOLUTION", insert "AND ASSESSMENT ROLL".

29

30 Page 26, line 1, strike "(a)";

31

32 strike lines 10 through 27.

33

34 Strike pages 27 and 28.

35

36 Page 29, strike line 1.

37

38 Page 33, after line 25, insert the following:

39

40 "SECTION 2. 31-25-1102 (2), Colorado Revised Statutes, is
41 amended to read:

42

43 **31-25-1102. Definitions.** As used in this part 11, unless the
44 context otherwise requires:

45

46 (2) "Taxing authority" means THE COLORADO NEW ENERGY
47 IMPROVEMENT DISTRICT CREATED IN SECTION 32-20-104 (1), C.R.S., AND
48 any municipal corporation or taxing district organized under the
49 constitution and laws of the state of Colorado with power to make local
50 improvements therein and pay for the same by means of special
51 assessments based upon benefits accruing to property within the
52 municipality or taxing district by reason of such local improvement."

53

54 Renumber succeeding section accordingly.

55

56 Page 1, line 101, strike ""NEW ENERGY IMPROVEMENTS AND JOBS";

1 line 102, strike "**CREATION ACT**" and substitute ""**ENERGY EFFICIENCY**
2 **AND RENEWABLES JOBS ACT**".

3

4

5

6 **HB09-1362** be amended as follows, and as so amended, be referred to
7 the Committee of the Whole with favorable
8 recommendation:

9

10 Amend printed bill, page 3, line 5, after "**Community**", insert "**and**
11 **State**";

12

13 line 7, after "COMMUNITY", insert "AND STATE";

14

15 line 10, after "COMMUNITY", insert "AND STATE";

16

17 line 13, after "COMMUNITY", insert "AND STATE".

18

19 Page 4, line 5, after "COMMUNITY", insert "AND STATE";

20

21 line 6, after "COMMUNITY", insert "AND STATE";

22

23 after line 17, insert the following:

24

25 "(3) "DENVER METROPOLITAN SERVICE AREA" MEANS THE
26 COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER,
27 DOUGLAS, AND JEFFERSON THAT SERVE THE STATE COLLEGE AND ANY
28 COMMUNITY COLLEGE ALL OR ANY PORTION OF THE SERVICE AREA OF
29 WHICH IS LOCATED WITHIN ONE OF THE AFOREMENTIONED COUNTIES."

30

31 Renumber succeeding subsections accordingly.

32

33 Page 4, line 20, after "COMMUNITY", insert "AND STATE".

34

35 Page 5, line 1, after "MEANS", insert "EITHER";

36

37 line 4, strike "C.R.S." and substitute "C.R.S., OR THE DENVER
38 METROPOLITAN SERVICE AREA.";

39

40 after line 7, insert the following:

41

42 "(11) "STATE COLLEGE" MEANS THE METROPOLITAN STATE
43 COLLEGE OF DENVER CREATED IN SECTION 23-54-101, C.R.S."

44

45 Page 6, line 9, strike "A" and substitute "EXCEPT AS OTHERWISE
46 PROVIDED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, A".

47

48 Page 7, strike lines 20 through 26 and substitute the following:

49

50 "(2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
51 ARTICLE, UPON THE PASSAGE OF A RESOLUTION BY THE STATE BOARD AND
52 THE BOARD OF TRUSTEES OF THE STATE COLLEGE, THE STATE BOARD AND
53 BOARD OF TRUSTEES MAY JOINTLY REQUEST AT LEAST TWO LOCAL
54 GOVERNMENTS, THE TERRITORIAL BOUNDARIES OF WHICH ARE LOCATED
55 WITHIN THE DENVER METROPOLITAN SERVICE AREA, ESTABLISH A SINGLE
56 CONSOLIDATED DISTRICT THAT WILL SERVE THE STATE COLLEGE AND ANY

1 COMMUNITY COLLEGES, ALL OR ANY PORTION OF THE SERVICE AREA OF
2 WHICH IS LOCATED WITHIN SUCH AREA IN ACCORDANCE WITH THE
3 REQUIREMENTS OF THIS ARTICLE. IN SUCH CASE, A SINGLE BALLOT
4 QUESTION SEEKING VOTER APPROVAL OF THE FORMATION OF THE DISTRICT
5 MAY BE CONSOLIDATED WITHIN SUCH SERVICE AREA FOR PURPOSES OF
6 PLACEMENT ON THE BALLOT. ALL OTHER REQUIREMENTS OF THIS ARTICLE
7 SHALL APPLY TO THE CREATION, ORGANIZATION, AND ADMINISTRATION OF
8 THE DISTRICT.

9
10 (b) INSOFAR AS THE VOTERS APPROVE THE FORMATION OF THE
11 DISTRICT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE
12 STATE BOARD AND THE BOARD OF TRUSTEES OF THE STATE COLLEGE SHALL
13 SPECIFY, BY INTERGOVERNMENTAL AGREEMENT, THE ALLOCATION OF ANY
14 TAX REVENUES COLLECTED, INTO WHICH AGREEMENT THE PARTIES ARE
15 HEREBY AUTHORIZED TO ENTER.

16
17 (3) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF
18 SUBSECTION (2) OF THIS SECTION:".

19
20 Page 8, line 13, after "COMMUNITY", insert "OR STATE";

21
22 line 17, after "COMMUNITY", insert "OR STATE";

23
24 line 20, after "COMMUNITY", insert "OR STATE";

25
26 line 23, after "COMMUNITY", insert "OR STATE".

27
28 Page 10, line 15, strike "In" and substitute "IN CONNECTION WITH A
29 DISTRICT ESTABLISHED IN";

30
31 line 18, after "GOVERNMENTS.", insert "IN CONNECTION WITH A DISTRICT
32 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
33 32-20-105 (2) (a), THE TERRITORY OF THE DISTRICT SHALL BE
34 COTERMINOUS WITH THE DENVER METROPOLITAN SERVICE AREA.";

35
36 line 27, after "(a)", insert "OR (2) (a)".

37
38 Page 15, line 27, after "COMMUNITY", insert "OR STATE".

39
40 Page 16, line 9, after "ARTICLE,", insert "IN THE CASE OF A DISTRICT
41 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
42 32-20-105 (1) (a),";

43
44 line 13, after "ARTICLE.", add "IN THE CASE OF A DISTRICT ESTABLISHED
45 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (2) (a),
46 A LOCAL GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF THE STATE
47 BOARD AND THE BOARD OF TRUSTEES OF THE STATE COLLEGE PRIOR TO
48 PLACING ANY QUESTION ON THE BALLOT SEEKING VOTER APPROVAL FOR
49 THE IMPOSITION OR INCREASE OF A SALES OR AD VALOREM TAX PURSUANT
50 TO THIS ARTICLE.".

51
52 Page 18, line 22, after "COMMUNITY", insert "OR STATE";

53
54 line 25, after "COMMUNITY", insert "OR STATE";

55
56 line 26, after "COMMUNITY", insert "OR STATE".

1 Page 19, line 2, after "COMMUNITY", insert "OR STATE";

2

3 line 5, strike "BOARD." and substitute "BOARD IN THE CASE OF A DISTRICT
4 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
5 32-20-105 (1) (a), OR AS MAY BE MUTUALLY AGREED UPON BY THE
6 DISTRICT, THE STATE BOARD, AND THE BOARD OF TRUSTEES OF THE STATE
7 COLLEGE IN THE CASE OF A DISTRICT ESTABLISHED IN ACCORDANCE WITH
8 THE REQUIREMENTS OF SECTION 32-20-105 (2) (a).";

9

10 line 6, after "(2)", insert "(a)", and, after "ARTICLE,", insert "IN THE CASE
11 OF A DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF
12 SECTION 32-20-105 (1) (a).";

13

14 strike lines 11 and 12 and substitute the following:

15

16 "ARTICLE WITHOUT THE PRIOR CONSENT OF THE STATE BOARD.

17

18 (b) IN THE CASE OF A DISTRICT ESTABLISHED IN ACCORDANCE WITH
19 THE REQUIREMENTS OF SECTION 32-20-105 (2) (a), ANY DETERMINATION
20 ABOUT THE USE OF TAX REVENUES COLLECTED PURSUANT TO THIS ARTICLE
21 ON BEHALF OF ANY PARTICULAR COMMUNITY OR STATE COLLEGE SHALL
22 BE MADE IN CONSULTATION AMONG THE DISTRICT, THE STATE BOARD, AND
23 THE BOARD OF TRUSTEES OF THE STATE COLLEGE. NO REVENUES SHALL
24 BE EXPENDED PURSUANT TO THIS ARTICLE WITHOUT THE PRIOR CONSENT
25 OF THE STATE BOARD AND THE BOARD OF TRUSTEES OF THE STATE
26 COLLEGE.".

27

28 Page 1, line 105, after "COMMUNITY", insert "AND STATE".

29

30

31

32

33 **TRANSPORTATION & ENERGY**

34 After consideration on the merits, the Committee recommends the
35 following:

36

37 **SB09-228** be amended as follows, and as so amended, be referred to
38 the Committee on Appropriations with favorable
39 recommendation:

40

41 Amend reengrossed bill, page 6, strike lines 2 through 8 and substitute the
42 following:

43

44 "SECTION 2. 22-55-102 (15), Colorado Revised Statutes, is
45 amended to read:

46

47 **22-55-102. Definitions.** As used in this article, unless the context
48 otherwise requires:

49

50 (15) "Statutory limitation on general fund appropriations ~~growth~~
51 means the limitation on annual general fund appropriations set forth in
52 section 24-75-201.1, C.R.S.";

53

54 line 9, strike "(5)," and substitute "(5) (c).";

55

56 line 14, strike "STATE EDUCATION";

1 strike lines 17 through 27.

2

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

4

5 "(c) The statutory limitation on general fund appropriations.
6 ~~growth~~".

7

8 Renumber succeeding sections accordingly.

9

10 Page 7, line 14, after "percent", insert "OR HIGHER";

11

12 line 15, strike "(1) (d)," and substitute "(1),".

13

14 Page 8, strike lines 16 through 27.

15

16 Strike pages 9 through 18.

17

18 Page 19, strike lines 1 through 18 and substitute the following:

19

20 **SECTION 6.** 24-75-201.1 (1) (a) (II), the introductory portion
21 to 24-75-201.1 (1) (a) (III), 24-75-201.1 (1) (a) (IV), the introductory
22 portion to 24-75-201.1 (1) (a) (V), and 24-75-201.1 (1) (c.5) (II),
23 Colorado Revised Statutes, are amended, and the said 24-75-201.1 (1) (a)
24 is further amended BY THE ADDITION OF A NEW
25 SUBPARAGRAPH, to read:

26

27 **24-75-201.1. Restriction on state appropriations - legislative**
28 **declaration - definitions.** (1) (a) (II) Except as otherwise provided for
29 in subparagraphs (III) and (IV) of this paragraph (a), for the fiscal year
30 1991-92 and each fiscal year thereafter ENDING WITH THE FISCAL YEAR
31 2008-09, the total state general fund appropriations shall be limited to
32 such moneys as are necessary for reappraisals of any class or classes of
33 taxable property for property tax purposes as required by section
34 39-1-105.5, C.R.S., plus the lesser of:

35

36 (A) An amount equal to five percent of Colorado personal
37 income; or

38

39 (B) Six percent over the total state general fund appropriations for
40 the previous fiscal year.

41

42 (II.5) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (III)
43 AND (IV) OF THIS PARAGRAPH (a), FOR THE FISCAL YEAR 2009-10 AND
44 EACH FISCAL YEAR THEREAFTER, THE TOTAL STATE GENERAL FUND
45 APPROPRIATIONS SHALL BE LIMITED TO SUCH MONEYS AS ARE NECESSARY
46 FOR REAPPRAISALS OF ANY CLASS OR CLASSES OF TAXABLE PROPERTY FOR
47 PROPERTY TAX PURPOSES AS REQUIRED BY SECTION 39-1-105.5, C.R.S.,
48 PLUS AN AMOUNT EQUAL TO FIVE PERCENT OF COLORADO PERSONAL
49 INCOME.

50

51 (III) The limitation on the level of state general fund
52 appropriations set forth in ~~subparagraph (II)~~ SUBPARAGRAPHS (II) AND
53 (II.5) of this paragraph (a) shall not apply to:

54

55 (IV) (A) The limitation on the level of state general fund
56 appropriations as set forth in ~~subparagraph (II)~~ SUBPARAGRAPHS (II) AND

1 (II.5) of this paragraph (a) may be exceeded for a given fiscal year upon
2 the declaration of a state fiscal emergency by the general assembly. A
3 state fiscal emergency may be declared by the passage of a joint
4 resolution which is approved by a two-thirds majority vote of the
5 members of both houses of the general assembly and which is approved
6 by the governor in accordance with section 39 of article V of the state
7 constitution.

8
9 (B) Any funds appropriated in a given fiscal year which exceed
10 the limitation on state general fund appropriations established by
11 ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (a)
12 because of the declaration of a state fiscal emergency by the general
13 assembly pursuant to sub-subparagraph (A) of this subparagraph (IV)
14 shall not be included in the calculation of the maximum level of state
15 general fund appropriations pursuant to sub-subparagraph (B) of
16 subparagraph (II) of this paragraph (a) for subsequent fiscal years.

17
18 (V) No state cash fund appropriation which either supplants any
19 state general fund appropriation or, if not made, would necessitate a state
20 general fund appropriation shall be made in order to circumvent the
21 limitation on the level of state general fund appropriations set forth in
22 ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND (II.5) of this paragraph (a).
23 The provisions of this subparagraph (V) shall not apply to any state cash
24 fund appropriation:

25
26 (c.5) (II) (A) ~~(Deleted by amendment, L. 2002, p. 1005, § 1,~~
27 ~~effective August 7, 2002.)~~

28
29 ~~(B) Except as otherwise provided in sub-subparagraph (B.8) of~~
30 ~~this subparagraph (II), for each fiscal year, following the adoption by the~~
31 ~~general assembly of the general appropriation bill, there may be~~
32 ~~transferred to the controlled maintenance trust fund fifty percent of the~~
33 ~~general fund revenues for the prior fiscal year in excess of general fund~~
34 ~~appropriations, statutory rebates, and statutory transfers, not to exceed~~
35 ~~fifty million dollars, and after retention of the reserve required by~~
36 ~~paragraph (d) of this subsection (1). The capital development committee~~
37 ~~shall consider the extent to which excess general fund revenues are the~~
38 ~~result of expenditures of other general fund dollars and make a~~
39 ~~recommendation to the joint budget committee regarding excess dollars~~
40 ~~to be allocated to the controlled maintenance trust fund. The general~~
41 ~~assembly shall, by joint resolution, presented to and signed by the~~
42 ~~governor, determine the amount to be transferred and direct the state~~
43 ~~treasurer and the controller to make such transfer to the controlled~~
44 ~~maintenance trust fund.~~

45
46 ~~(B.5) and (B.7) (Deleted by amendment, L. 2002, p. 1005, § 1,~~
47 ~~effective August 7, 2002.)~~

48
49 ~~(B.8) The state treasurer and controller shall transfer fifty-five~~
50 ~~million dollars from the general fund to the controlled maintenance trust~~
51 ~~fund on June 30, 2005.~~

52
53 ~~(C) The interest earned on the trust fund balance may be~~
54 ~~appropriated by the general assembly pursuant to the provisions of section~~
55 ~~24-75-302.5. Any transfer made pursuant to the provisions of this~~
56 ~~subparagraph (II) shall not be deemed to be an appropriation subject to~~

1 ~~the limitations of this section.~~

2
3 **SECTION 7.** The introductory portion to 24-75-201.1 (1) (d) and
4 24-75-201.1 (1) (d) (III), Colorado Revised Statutes, are amended, and
5 the said 24-75-201.1 (1) (d) is further amended BY THE ADDITION OF
6 THE FOLLOWING NEW SUBPARAGRAPHS, to read:

7
8 **24-75-201.1. Restriction on state appropriations - legislative**
9 **declaration - definitions.** (1) (d) EXCEPT AS OTHERWISE PROVIDED IN
10 PARAGRAPH (e) OF THIS SUBSECTION (1), for each fiscal year, unrestricted
11 general fund year-end balances shall be retained as a reserve in the
12 following amounts:

13
14 (III) For the fiscal year 1988-89 and each fiscal year thereafter
15 ENDING WITH THE FISCAL YEAR 2011-12, except for the fiscal years
16 1990-91, 1991-92, 1992-93, 2001-02, 2002-03, 2003-04, and 2006-07, as
17 provided in subparagraphs (IV), (V), (VI), (VII), (VIII), and (IX) of this
18 paragraph (d), four percent of the amount appropriated for expenditure
19 from the general fund for that fiscal year;

20
21 (X) FOR THE FISCAL YEAR 2012-13, FOUR AND ONE-HALF PERCENT
22 OF THE AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL
23 FUND FOR THAT FISCAL YEAR;

24
25 (XI) FOR THE FISCAL YEAR 2013-14, FIVE PERCENT OF THE
26 AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR
27 THAT FISCAL YEAR;

28
29 (XII) FOR THE FISCAL YEAR 2014-15, FIVE AND ONE-HALF PERCENT
30 OF THE AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL
31 FUND FOR THAT FISCAL YEAR;

32
33 (XIII) FOR THE FISCAL YEAR 2015-16, SIX PERCENT OF THE
34 AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR
35 THAT FISCAL YEAR;

36
37 (XIV) FOR THE FISCAL YEAR 2016-17 AND EACH FISCAL YEAR
38 THEREAFTER, AT LEAST SIX AND ONE-HALF PERCENT OF THE AMOUNT
39 APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR THAT
40 FISCAL YEAR.

41
42 **SECTION 8.** 24-75-201.1 (1), Colorado Revised Statutes, is
43 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

44
45 **24-75-201.1. Restriction on state appropriations - legislative**
46 **declaration - definitions.** (1) (e) (I) SUBPARAGRAPH (X) OF PARAGRAPH
47 (d) OF THIS SUBSECTION (1) SHALL NOT APPLY IN THE FISCAL YEAR
48 2012-13 IF COLORADO PERSONAL INCOME INCREASES BY LESS THAN FIVE
49 PERCENT FROM THE CALENDAR YEAR 2011 TO THE CALENDAR YEAR 2012.
50 IN SUCH CASE, THE UNRESTRICTED GENERAL FUND YEAR-END BALANCE
51 FOR FISCAL YEAR 2012-13 SHALL BE FOUR PERCENT OF THE AMOUNT
52 APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR THAT
53 FISCAL YEAR, AND THE ANNUAL RESERVE REQUIRED FOR EACH
54 SUCCEEDING FISCAL YEAR SHALL REMAIN THE SAME UNTIL THE NEXT
55 FISCAL YEAR DURING WHICH COLORADO PERSONAL INCOME INCREASES BY
56 AT LEAST FIVE PERCENT. FOR SUCH FISCAL YEAR, THE UNRESTRICTED

1 GENERAL FUND YEAR-END BALANCE RETAINED AS A RESERVE SHALL BE
2 FOUR AND ONE-HALF PERCENT. FOR PURPOSES OF THIS SUBPARAGRAPH (I),
3 COLORADO PERSONAL INCOME SHALL BE CONSIDERED TO INCREASE BY AT
4 LEAST FIVE PERCENT DURING A GIVEN FISCAL YEAR IF, FROM THE
5 CALENDAR YEAR THAT COMMENCES EIGHTEEN MONTHS PRIOR TO THE
6 FIRST DAY OF THE FISCAL YEAR, AND TO THE NEXT CALENDAR YEAR,
7 COLORADO PERSONAL INCOME INCREASES BY AT LEAST FIVE PERCENT.

8
9 (II) THE RESERVE REQUIREMENTS SET FORTH IN SUBPARAGRAPHS
10 (XI), (XII), (XIII), AND (XIV) OF PARAGRAPH (d) OF THIS SUBSECTION (1)
11 SHALL BE DELAYED BY THE NUMBER OF FISCAL YEARS THAT THE RESERVE
12 IS FOUR PERCENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
13 (e).

14
15 (III) AS USED IN THIS PARAGRAPH (e), "COLORADO PERSONAL
16 INCOME" MEANS THE TOTAL PERSONAL INCOME FOR COLORADO, AS
17 DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC
18 ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE."

19
20 Renumber succeeding sections accordingly.

21
22 Page 20, strike lines 12 through 26.

23
24 Renumber succeeding sections accordingly.

25
26 Page 21, line 14, strike "allocation" and substitute "allocation TRANSFER";

27
28 strike lines 18 through 21 and substitute the following:

29
30 **"SECTION 11. Repeal.** 24-75-218, Colorado Revised Statutes,
31 is repealed as follows:";

32
33 line 22, strike "(1) On" and substitute "(1) On".

34
35 Page 22, strike lines 9 through 27.

36
37 Page 23, strike lines 1 through 4 and substitute the following:

38
39 ~~"(2) For the 2006-07 state fiscal year and for each succeeding~~
40 ~~state fiscal year, the state shall credit and allocate the estimated amounts~~
41 ~~of general fund surplus required to be credited and allocated to the~~
42 ~~highway users tax fund and the capital construction fund pursuant to~~
43 ~~subsection (1) of this section as follows:~~

44
45 ~~(a) On September 20 of the state fiscal year, the state controller~~
46 ~~shall credit and allocate amounts estimated by the controller to equal~~
47 ~~ninety percent of the amounts required to be credited and allocated.~~

48
49 ~~(b) On the date during the state fiscal year on which the state~~
50 ~~controller distributes the comprehensive annual financial report of the~~
51 ~~state, the controller shall credit and allocate amounts equal to the~~
52 ~~differences between the actual amounts required to be credited and~~
53 ~~allocated and the estimated amounts previously credited and allocated~~
54 ~~pursuant to paragraph (a) of this subsection (2).~~

55
56

1 **SECTION 12.** Part 2 of article 75 of title 24, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4
5 **24-75-219. Transfers - transportation - capital construction -**
6 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8
9 (a) "CAPITAL CONSTRUCTION FUND" MEANS THE CAPITAL
10 CONSTRUCTION FUND CREATED IN SECTION 24-75-302.

11
12 (b) "COLORADO PERSONAL INCOME" MEANS THE TOTAL PERSONAL
13 INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE
14 BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF
15 COMMERCE.

16
17 (c) "FUNDS" MEANS THE HIGHWAY USERS TAX FUND AND THE
18 CAPITAL CONSTRUCTION FUND.

19
20 (d) "HIGHWAY USERS TAX FUND" MEANS THE HIGHWAY USERS TAX
21 FUND CREATED IN SECTION 43-4-201, C.R.S.

22
23 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (e) OF
24 THIS SUBSECTION (2), FOR THE STATE FISCAL YEAR 2012-13, THE STATE
25 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE:

26
27 (I) HIGHWAY USERS TAX FUND, AN AMOUNT EQUAL TO TWO
28 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR SUCH STATE FISCAL
29 YEAR; AND

30
31 (II) CAPITAL CONSTRUCTION FUND, AN AMOUNT EQUAL TO
32 ONE-HALF OF ONE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR
33 SUCH STATE FISCAL YEAR.

34
35 (b) EXCEPT AS OTHERWISE SET FORTH IN PARAGRAPH (e) OF THIS
36 SUBSECTION (2), FOR THE STATE FISCAL YEAR 2013-14, THE STATE
37 TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE:

38
39 (I) HIGHWAY USERS TAX FUND, AN AMOUNT EQUAL TO TWO
40 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR SUCH STATE FISCAL
41 YEAR; AND

42
43 (II) CAPITAL CONSTRUCTION FUND, AN AMOUNT EQUAL TO
44 ONE-HALF OF ONE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR
45 SUCH STATE FISCAL YEAR.

46
47 (c) EXCEPT AS OTHERWISE SET FORTH IN PARAGRAPH (e) OF THIS
48 SUBSECTION (2), FOR EACH STATE FISCAL YEAR FROM 2014-15 THROUGH
49 THE STATE FISCAL YEAR 2016-17, THE STATE TREASURER SHALL TRANSFER
50 FROM THE GENERAL FUND TO THE:

51
52 (I) HIGHWAY USERS TAX FUND, AN AMOUNT EQUAL TO TWO
53 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR THE STATE FISCAL
54 YEAR IN WHICH THE TRANSFER IS MADE; AND

55
56

1 (II) CAPITAL CONSTRUCTION FUND, AN AMOUNT EQUAL TO ONE
2 PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR THE STATE FISCAL
3 YEAR IN WHICH THE TRANSFER IS MADE.

4
5 (d) FOR EACH STATE FISCAL YEAR AFTER THE LAST STATE FISCAL
6 YEAR IN WHICH A TRANSFER IS REQUIRED TO BE MADE PURSUANT TO
7 PARAGRAPH (c) OF THIS SUBSECTION (2), THE GENERAL ASSEMBLY MAY
8 APPROPRIATE OR TRANSFER, IN ITS SOLE DISCRETION, MONEYS FROM THE
9 GENERAL FUND TO THE HIGHWAY USERS TAX FUND, THE CAPITAL
10 CONSTRUCTION FUND, OR BOTH FUNDS.

11
12 (e) (I) PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT APPLY
13 IN THE FISCAL YEAR 2012-13 IF PERSONAL INCOME INCREASES BY LESS
14 THAN FIVE PERCENT FROM THE CALENDAR YEAR 2011 TO THE CALENDAR
15 YEAR 2012, AND IN SUCH CASE THE TRANSFERS REQUIRED BY PARAGRAPH
16 (a) SHALL BE MADE INSTEAD IN THE NEXT STATE FISCAL YEAR DURING
17 WHICH COLORADO PERSONAL INCOME INCREASES BY AT LEAST FIVE
18 PERCENT. FOR PURPOSES OF THIS SUBPARAGRAPH (I), COLORADO
19 PERSONAL INCOME SHALL BE CONSIDERED TO INCREASE BY AT LEAST FIVE
20 PERCENT DURING A GIVEN STATE FISCAL YEAR, IF, FROM THE CALENDAR
21 YEAR THAT COMMENCES EIGHTEEN MONTHS PRIOR TO THE FIRST DAY OF
22 THE STATE FISCAL YEAR, AND TO THE NEXT CALENDAR YEAR, COLORADO
23 PERSONAL INCOME INCREASES BY AT LEAST FIVE PERCENT.

24
25 (II) THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPHS (b) AND
26 (c) OF THIS SUBSECTION (2) SHALL BE DELAYED BY THE SAME NUMBER OF
27 STATE FISCAL YEARS THAT THE TRANSFER REQUIRED PURSUANT TO
28 PARAGRAPH (a) OF THIS SUBSECTION (2) WAS DELAYED.

29
30 (3) (a) EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION (4) OF
31 THIS SECTION, THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPH (a) OF
32 SUBSECTION (2) OF THIS SECTION SHALL BE MADE AS FOLLOWS:

33
34 (I) ON APRIL 15 OF THE STATE FISCAL YEAR IN WHICH THE
35 TRANSFERS ARE REQUIRED, EIGHTY PERCENT OF THE TOTAL AMOUNTS
36 THAT ARE REQUIRED TO BE TRANSFERRED TO THE HIGHWAY USERS TAX
37 FUND AND THE CAPITAL CONSTRUCTION FUND FOR SUCH STATE FISCAL
38 YEAR, WHICH AMOUNTS SHALL BE BASED ON THE MOST RECENT REVENUE
39 ESTIMATE PREPARED BY THE LEGISLATIVE COUNCIL STAFF THAT IS
40 AVAILABLE AT THE TIME OF THE TRANSFERS, SHALL BE TRANSFERRED TO
41 THE RESPECTIVE FUNDS.

42
43 (II) ON THE DATE DURING THE STATE FISCAL YEAR ON WHICH THE
44 STATE CONTROLLER DISTRIBUTES THE COMPREHENSIVE ANNUAL
45 FINANCIAL REPORT OF THE STATE, THE STATE TREASURER SHALL
46 TRANSFER AN AMOUNT EQUAL TO THE DIFFERENCES BETWEEN THE ACTUAL
47 AMOUNTS REQUIRED TO BE TRANSFERRED TO THE FUNDS AND THE
48 ESTIMATED AMOUNTS PREVIOUSLY TRANSFERRED PURSUANT TO
49 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

50
51 (b) EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION (4) OF THIS
52 SECTION, THE TRANSFERS REQUIRED PURSUANT TO PARAGRAPHS (b) AND
53 (c) OF SUBSECTION (2) OF THIS SECTION SHALL BE MADE AS FOLLOWS:

54
55 (I) ON THE FIFTEENTH DAY OF THE FIRST MONTH OF EACH QUARTER
56 OF EACH STATE FISCAL YEAR IN WHICH THE TRANSFERS ARE REQUIRED, AN

1 AMOUNT EQUAL TO TWENTY PERCENT OF THE TOTAL AMOUNTS THAT ARE
2 REQUIRED TO BE TRANSFERRED TO THE HIGHWAY USERS TAX FUND AND
3 THE CAPITAL CONSTRUCTION FUND FOR SUCH STATE FISCAL YEAR, WHICH
4 AMOUNTS SHALL BE BASED ON THE MOST RECENT REVENUE ESTIMATE
5 PREPARED BY LEGISLATIVE COUNCIL STAFF THAT IS AVAILABLE AT THE
6 TIME OF THE TRANSFERS, SHALL BE TRANSFERRED TO THE RESPECTIVE
7 FUNDS.

8
9 (II) ON THE DATE DURING THE STATE FISCAL YEAR ON WHICH THE
10 STATE CONTROLLER DISTRIBUTES THE COMPREHENSIVE ANNUAL
11 FINANCIAL REPORT OF THE STATE, THE STATE TREASURER SHALL
12 TRANSFER AN AMOUNT EQUAL TO THE DIFFERENCES BETWEEN THE ACTUAL
13 AMOUNTS REQUIRED TO BE TRANSFERRED TO THE FUNDS AND THE
14 ESTIMATED AMOUNTS PREVIOUSLY TRANSFERRED PURSUANT TO
15 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

16
17 (4) (a) FOR ANY STATE FISCAL YEAR FOR WHICH THERE ARE
18 EXCESS STATE REVENUES THAT ARE REQUIRED TO BE REFUNDED
19 PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
20 QUARTERLY AND YEAR-END AMOUNTS THAT ARE REQUIRED TO BE
21 TRANSFERRED TO THE FUNDS PURSUANT TO SUBSECTION (3) OF THIS
22 SECTION SHALL:

23
24 (I) BE REDUCED BY FIFTY PERCENT, IF THE AMOUNT OF THE
25 REFUND IS GREATER THAN ONE PERCENT OF THE GENERAL FUND REVENUES
26 FOR THE STATE FISCAL YEAR BUT LESS THAN OR EQUAL TO THREE PERCENT
27 OF THE TOTAL GENERAL FUND REVENUES FOR THE STATE FISCAL YEAR;
28 AND

29
30 (II) NOT BE MADE IF THE AMOUNT OF THE REFUND IS GREATER
31 THAN THREE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR THE
32 STATE FISCAL YEAR.

33
34 (b) THE CALCULATIONS REQUIRED PURSUANT TO PARAGRAPH (a)
35 OF THIS SUBSECTION (4) SHALL BE BASED ON THE MOST RECENT REVENUE
36 ESTIMATE PREPARED BY THE LEGISLATIVE COUNCIL STAFF THAT IS
37 AVAILABLE AT THE TIME OF EACH TRANSFER; EXCEPT THAT THE LAST
38 TRANSFER MADE FOR EACH STATE FISCAL YEAR SHALL BE BASED ON THE
39 ACTUAL REVENUES FOR THE STATE FISCAL YEAR."

40
41 Renumber succeeding sections accordingly.

42
43 Page 23, line 23, strike "**Repeal.**";

44
45 line 24, strike "is repealed as follows:" and substitute "is amended to
46 read:";

47
48 strike line 27.

49
50 Page 24, strike lines 1 through 11 and substitute the following:

51
52 "**report.** (3) The statutory limitation on general fund appropriations set
53 forth in ~~section 24-75-201.1(1)(a)(H)~~ SECTION 24-75-201.1 (1) (a), and
54 the exceptions or exclusions thereto, shall apply to the moneys in the
55 general fund exempt account."

56

1 Renumber succeeding sections accordingly.

2

3 Page 25, strike lines 4 through 17.

4

5 Renumber succeeding sections accordingly.

6

7 Page 27, line 27, after "(3) (a) (IV) (A),", insert "(3) (b), the introductory
8 portion to 39-26-123 (4) (a), 39-26-123";

9

10 Page 29, after line 17, insert the following:

11

12 ~~(b) Notwithstanding the provisions of subparagraphs (I) and (II)~~
13 ~~of paragraph (a) of this subsection (3), the amount of the net revenue~~
14 ~~allocated and credited to the sales and use tax holding fund shall be~~
15 ~~increased and the amount allocated and credited to the general fund shall~~
16 ~~be decreased in accordance with section 24-75-216, C.R.S., in order to~~
17 ~~offset lower motor vehicle registration fees pursuant to the application of~~
18 ~~the fee reductions enacted by House Bill 00-1227, enacted at the second~~
19 ~~regular session of the sixty-second general assembly.";~~

20

21 line 19, strike "JULY 1, 2009," and substitute "THE FIRST STATE FISCAL
22 YEAR IN WHICH AN APPROPRIATION OR TRANSFER IS PERMITTED PURSUANT
23 TO SECTION 24-75-219 (2) (d), C.R.S.,".

24

25 Page 31, line 12, strike "2009-10" and substitute "2017-18";

26

27 line 15, after "percent", insert "OR HIGHER";

28

29 line 16, strike "(1) (d)," and substitute "(1),";

30

31 line 20, strike "2009-10" and substitute "2017-18";

32

33 line 23, after "percent", insert "OR HIGHER";

34

35 line 24, strike "(1) (d)," and substitute "(1),".

36

37 Page 32, line 7, strike "(1) (d)," and substitute "(1),".

38

39 Page 34, line 8, after "percent", insert "OR HIGHER";

40

41 strike lines 24 through 27.

42

43 Strike pages 35 through 37.

44

45 Page 38, strike lines 1 and 2 and substitute the following:

46 **"SECTION 22.** 43-4-205 (6.5) (a) and (6.6), Colorado Revised
47 Statutes, are amended to read:

48

49 **43-4-205. Allocation of fund.** (6.5) (a) Except as provided in
50 paragraph (d) of this subsection (6.5), the revenues accrued to and
51 transferred to the highway users tax fund pursuant to section 39-26-123
52 (4) (a) ~~C.R.S.~~, OR 24-75-219, C.R.S., or appropriated to the highway users
53 tax fund pursuant to House Bill 02-1389, enacted during the second
54 regular session of the sixty-third general assembly, shall be paid to the
55 state highway fund for allocation to the department of transportation and
56 shall be expended as provided in section 43-4-206 (2).

1 ~~(6.6) The revenues credited to the highway users tax fund~~
 2 ~~pursuant to section 24-75-218 (1) (a), C.R.S., shall be paid to the state~~
 3 ~~highway fund for allocation to the department of transportation and shall~~
 4 ~~be expended for state highway reconstruction, repair, maintenance, and~~
 5 ~~capital expansion projects.~~

6
 7 **SECTION 23.** The introductory portion to 43-4-206 (2) (a),
 8 Colorado Revised Statutes, is amended to read:

9
 10 **43-4-206. State allocation.** (2) (a) Notwithstanding the
 11 provisions of subsection (1) of this section, the revenues accrued to and
 12 transferred to the highway users tax fund pursuant to section 39-26-123
 13 (4) (a), ~~C.R.S.~~, OR 24-75-219, C.R.S., OR appropriated to the highway
 14 users tax fund pursuant to House Bill 02-1389, enacted at the second
 15 regular session of the sixty-third general assembly, and credited to the
 16 state highway fund pursuant to section 43-4-205 (6.5) shall be expended
 17 by the department of transportation for the implementation of the strategic
 18 transportation project investment program in the following manner:".

19
 20 Renumber succeeding sections accordingly.

21
 22
 23
 24 **THIRD READING OF BILLS--FINAL PASSAGE**

25
 26 The following bills were considered on Third Reading. The titles were
 27 publicly read. Reading of the bill at length was dispensed with by
 28 unanimous consent.

29
 30 **SB09-052** by Senator(s) Bacon, Heath, King K., Newell, Williams;
 31 also Representative(s) Pommer, Ferrandino, Hullinghorst,
 32 Levy, Massey, Merrifield, Middleton, Primavera, Rice,
 33 Schafer S., Todd--Concerning the funding source for the
 34 innovative higher education research fund, and making an
 35 appropriation in connection therewith.

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

41
 42

| | YES | 49 | NO | 13 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 43 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 44 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 45 | Balmer | N | Judd | Y | McKinley | E | Scanlan | Y |
| 46 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 47 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 48 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 49 | Casso | Y | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 50 | Court | Y | King S. | Y | Murray | Y | Stephens | N |
| 51 | Curry | Y | Labuda | Y | Nikkel | N | Summers | Y |
| 52 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | Y |
| 53 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | E |
| 54 | Frangas | Y | Liston | N | Pommer | Y | Todd | Y |
| 55 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | Y |
| 56 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |

| | | | | | | | | |
|---|------------|---|--------|---|----------|---|-----------|---|
| 1 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 2 | Gerou | Y | May | N | Riesberg | Y | Weissmann | E |
| 3 | | | | | | | Speaker | Y |

4 Co-sponsor(s) added: Representative(s) Fischer, Labuda, Marostica, Ryden,
5 Summers, Vigil

6
7 **SB09-068** by Senator(s) Morse; also Representative(s) McCann--
8 Concerning funding to support domestic abuse services,
9 and making an appropriation therefor.

10
11 As shown by the following roll call vote, a majority of all members
12 elected to the House voted in the affirmative, and Representative Gerou
13 was given permission to offer a Third Reading amendment:

| 15 | YES | 52 | NO | 10 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 16 | Acree | Y | Green | N | McCann | Y | Roberts | Y |
| 17 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 18 | Balmer | Y | Judd | N | McKinley | E | Scanlan | Y |
| 19 | Baumgardner | Y | Kagan | Y | McNulty | Y | Schafer S. | Y |
| 20 | Benefield | N | Kefalas | N | Merrifield | N | Solano | Y |
| 21 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | Y |
| 22 | Casso | N | Kerr J. | Y | Miklosi | Y | Soper | Y |
| 23 | Court | Y | King S. | Y | Murray | Y | Stephens | Y |
| 24 | Curry | Y | Labuda | N | Nikkel | Y | Summers | Y |
| 25 | Ferrandino | Y | Lambert | Y | Pace | Y | Swalm | Y |
| 26 | Fischer | N | Levy | Y | Peniston | Y | Tipton | E |
| 27 | Frangas | N | Liston | Y | Pommer | Y | Todd | Y |
| 28 | Gagliardi | N | Looper | Y | Primavera | Y | Vaad | Y |
| 29 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | Y |
| 30 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | Y |
| 31 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | E |
| 32 | | | | | | | Speaker | Y |

33
34 **Third Reading amendment No. 1**, by Representative Gerou.

35
36 Amend revised bill, page 3, strike line 19 and substitute the following:

37
38 "SECTION 14-2-106 (1) (a), C.R.S.,";

39
40 strike lines 24 through 27.

41
42 Strike page 4.

43
44 Page 5, strike lines 1 through 26.

45
46 Renumber succeeding sections accordingly.

47
48 Page 6, strike lines 14 through 23.

49
50 Renumber succeeding sections accordingly.

51
52 Page 6, line 24, strike "(1)".

53
54 Page 7, line 2, strike "eight hundred forty-three" and substitute "seven
55 hundred thousand dollars (\$700,000) cash funds and 0.7 FTE,";

56

1 strike line 3;
 2
 3 strike lines 6 through 13;
 4
 5 line 15, strike "petitions, responses, and".
 6

7 The amendment was declared **lost** by the following roll call vote:
 8

| | YES | 31 | NO | 31 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 10 | Acree | Y | Green | Y | McCann | N | Roberts | Y |
| 11 | Apuan | Y | Hullinghorst | N | McFadyen | N | Ryden | N |
| 12 | Balmer | Y | Judd | N | McKinley | E | Scanlan | N |
| 13 | Baumgardner | Y | Kagan | N | McNulty | Y | Schafer S. | N |
| 14 | Benefield | N | Kefalas | N | Merrifield | N | Solano | N |
| 15 | Bradford | Y | Kerr A. | N | Middleton | N | Sonnenberg | Y |
| 16 | Casso | N | Kerr J. | Y | Miklosi | N | Soper | N |
| 17 | Court | N | King S. | Y | Murray | Y | Stephens | Y |
| 18 | Curry | N | Labuda | N | Nikkel | Y | Summers | Y |
| 19 | Ferrandino | N | Lambert | Y | Pace | N | Swalm | Y |
| 20 | Fischer | N | Levy | Y | Peniston | N | Tipton | E |
| 21 | Frangas | N | Liston | Y | Pommer | N | Todd | N |
| 22 | Gagliardi | N | Looper | Y | Primavera | Y | Vaad | Y |
| 23 | Gardner B. | Y | Marostica | Y | Priola | Y | Vigil | N |
| 24 | Gardner C. | Y | Massey | Y | Rice | N | Waller | Y |
| 25 | Gerou | Y | May | Y | Riesberg | N | Weissmann | E |
| 26 | | | | | | | Speaker | Y |

27
 28 The question being, "Shall the bill pass?".

29 A roll call vote was taken. As shown by the following recorded vote, a
 30 majority of those elected to the House voted in the affirmative, and the
 31 bill was declared **passed**.
 32

| | YES | 36 | NO | 26 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 34 | Acree | N | Green | Y | McCann | Y | Roberts | Y |
| 35 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 36 | Balmer | N | Judd | Y | McKinley | E | Scanlan | Y |
| 37 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 38 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 39 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 40 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 41 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 42 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 43 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 44 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | E |
| 45 | Frangas | Y | Liston | N | Pommer | Y | Todd | Y |
| 46 | Gagliardi | Y | Looper | N | Primavera | N | Vaad | N |
| 47 | Gardner B. | N | Marostica | N | Priola | N | Vigil | Y |
| 48 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 49 | Gerou | N | May | N | Riesberg | Y | Weissmann | E |
| 50 | | | | | | | Speaker | N |

51 Co-sponsor(s) added: Representative(s) Court, Fischer, Frangas, Green,
 52 Hullinghorst, Labuda, Merrifield, Miklosi, Ryden, Schafer S., Todd, Vigil
 53

54 **SB09-090** by Senator(s) Hudak, Williams, Heath, Bacon, Foster,
 55 Groff, King K., Tapia; also Representative(s) Benefield
 56 and Merrifield, Carroll T., Solano, Todd, Pace, Scanlan,

1 Levy, Summers, Ferrandino, Miklosi, Schafer S.--
 2 Concerning measures to increase parent involvement in
 3 public education.
 4

5 The question being "Shall the bill pass?".
 6 A roll call vote was taken. As shown by the following recorded vote, a
 7 majority of those elected to the House voted in the affirmative and the bill
 8 was declared **passed**.
 9

| | YES | 41 | NO | 21 | EXCUSED | 3 | ABSENT | 0 |
|----|-------------|----|--------------|----|------------|---|------------|---|
| 11 | Acree | N | Green | Y | McCann | Y | Roberts | N |
| 12 | Apuan | Y | Hullinghorst | Y | McFadyen | Y | Ryden | Y |
| 13 | Balmer | N | Judd | Y | McKinley | E | Scanlan | Y |
| 14 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 15 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | Y |
| 16 | Bradford | N | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 17 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 18 | Court | Y | King S. | N | Murray | N | Stephens | N |
| 19 | Curry | Y | Labuda | Y | Nikkel | N | Summers | Y |
| 20 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | N |
| 21 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | E |
| 22 | Frangas | Y | Liston | N | Pommer | Y | Todd | Y |
| 23 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | N |
| 24 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |
| 25 | Gardner C. | Y | Massey | Y | Rice | Y | Waller | N |
| 26 | Gerou | N | May | N | Riesberg | Y | Weissmann | E |
| 27 | | | | | | | Speaker | Y |

28 Co-sponsor(s) added: Representative(s) Casso, Fischer, Frangas, Green,
 29 Labuda, Primavera, Priola, Ryden, Vigil
 30

31 32 33 MESSAGE(S) FROM THE SENATE 34

35 The Senate has adopted and transmits herewith: SJR09-037, SJR09-041.
 36
 37

38 39 INTRODUCTION AND CONSIDERATION OF RESOLUTIONS 40

41 On motion of Representative Kerr A., the rules were suspended and the
 42 following resolutions were given immediate consideration.
 43

44 **SJR09-041** by Senator(s) Tochtrop; also Representative(s) Ryden--
 45 Concerning remembrance of the Armenian Genocide on
 46 April 24, 2009, and, in connection therewith, designating
 47 every April 24 hereafter as "Colorado Day of
 48 Remembrance of the Armenian Genocide".
 49

50 (Printed and placed in member's file).
 51

52 On motion of Representative Ryden, the resolution was read at length and
 53 **adopted by viva voce** vote.
 54

55 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
 56 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,

1 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green,
 2 Hulinghorst, Judd, Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert,
 3 Levy, Liston, Looper, Marostica, Massey, May, McCann, McFadyen, McNulty,
 4 Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer,
 5 Primavera, Priola, Rice, Riesberg, Roberts, Scanlan, Schafer S., Solano,
 6 Sonnenberg, Soper, Stephens, Summers, Swalm, Todd, Vaad, Vigil, Waller,
 7 Speaker

8
 9 **SJR09-037** by Senator(s) Foster; also Representative(s) Todd--
 10 Concerning recognition of the national Court-appointed
 11 Special Advocates program and the sixteen Court-
 12 appointed Special Advocates programs in Colorado.

13
 14 (Printed and placed in member's file).

15
 16 On motion of Representative Todd, the resolution was read at length and
 17 **adopted by viva voce** vote.

18
 19 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,
 20 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,
 21 Fischer, Frangas, Gagliardi, Gardner B., Gardner C., Gerou, Green,
 22 Hulinghorst, Judd, Kagan, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert,
 23 Levy, Liston, Looper, Marostica, Massey, May, McCann, McFadyen, McNulty,
 24 Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer,
 25 Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,
 26 Sonnenberg, Soper, Stephens, Summers, Swalm, Vaad, Vigil, Waller, Speaker

27
 28
 29
 30 On motion of Representative Kerr A., **HB09-1349, SB09-243, 254, 258,**
 31 **HB09-1346, 1359, SB09-249, HB09-1335, 1336, 1337, SB09-248,**
 32 **HB09-1345, 1333, SB09-037, 075, 076, 087, 088, 099, 104, 123, 124,**
 33 **043, 128, 133, 158, 160, 161, 162, 167, 178, 219** were added to the
 34 Special Orders Calendar on Friday, April 24, 2009.

35
 36
 37
 38 On motion of Representative Judd, the House resolved itself into
 39 Committee of the Whole for consideration of Special Orders and he was
 40 called to the Chair to act as Chairman.

41
 42
 43
 44 **SPECIAL ORDERS--SECOND READING OF BILLS**

45
 46 The Committee of the Whole having risen, the Chairman reported the
 47 titles of the following bills had been read (reading at length had been
 48 dispensed with by unanimous consent), the bills considered and action
 49 taken thereon as follows:

50
 51 (Amendments to the committee amendment are to the printed committee
 52 report which was printed and placed in the members' bill file.)

53
 54 **HB09-1269** by Representative(s) Ferrandino, Court, Middleton, Pace,
 55 Pommer, Scanlan, Weissmann--Concerning the creation of
 56 a state rainy day account, and, in connection therewith,

- 1 specifying the manner in which the account is to be funded
2 and the circumstances in which moneys may be expended
3 from the account.
4
- 5 Laid over until April 27, retaining place on Calendar.
6
- 7 **HB09-1323** by Representative(s) Levy, Fischer, Green, Hullinghorst,
8 Kerr A., Labuda, McFadyen, Merrifield, Pace, Pommer,
9 Primavera, Scanlan, Solano; also Senator(s) Veiga, Bacon,
10 Heath, Romer, Shaffer B.--Concerning energy efficiency
11 programs implemented by cooperative electric
12 associations.
13
- 14 Laid over until April 27, retaining place on Calendar.
15
- 16 **SB09-256** by Senator(s) Romer and Bacon; also Representative(s)
17 Pommer and Scanlan--Concerning the financing of public
18 schools, and making an appropriation therefor.
19
- 20 Laid over until April 27, retaining place on Calendar.
21
22
- 23 **HB09-1349** by Representative(s) Fischer; also Senator(s) Heath--
24 Concerning a special election period for the continuation
25 of health care coverage after involuntary termination from
26 employment.
27
- 28 Ordered engrossed and placed on the Calendar for Third Reading and
29 Final Passage.
30
- 31 **SB09-243** by Senator(s) Boyd, Carroll M.; also Representative(s)
32 Riesberg--Concerning payments for workers'
33 compensation benefits.
34
- 35 Ordered revised and placed on the Calendar for Third Reading and Final
36 Passage.
37
- 38 **SB09-254** by Senator(s) Bacon, Veiga; also Representative(s)
39 Scanlan and Balmer--Concerning the authority of certain
40 licensed beer manufacturers to use common licensed
41 premises for the production of beer products in this state.
42
- 43 Ordered revised and placed on the Calendar for Third Reading and Final
44 Passage.
45
- 46 **SB09-258** by Senator(s) Veiga; also Representative(s) Scanlan--
47 Concerning required acts of employee leasing companies
48 by the department of labor and employment pursuant to
49 the "Colorado Employment Security Act".
50
- 51 Ordered revised and placed on the Calendar for Third Reading and Final
52 Passage.
53
54
- 55 **HB09-1346** by Representative(s) Carroll T.; also Senator(s) Shaffer B.-
56 -Concerning authorization for public entities in the state to

1 fully utilize the financing instruments available to them
2 under the federal economic stimulus act known as the
3 "American Recovery and Reinvestment Act of 2009".
4

5 Amendment No. 1, Local Government Report, dated April 21, 2009, and
6 placed in member's bill file; Report also printed in House Journal,
7 April 22, pages 1325-1326.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **HB09-1359** by Representative(s) Kerr A.; also Senator(s) Boyd--
13 Concerning the governance of common interest
14 communities under the "Colorado Common Interest
15 Ownership Act".
16

17 Amendment No. 1, by Representative(s) Kerr A.
18

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

20 **"SECTION 1.** 38-33.3-209.5 (1) (b), Colorado Revised Statutes,
21 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to
22 read:
23

24 **38-33.3-209.5. Responsible governance policies - due process**
25 **for imposition of fines.** (1) To promote responsible governance,
26 associations shall:
27

28 (b) Adopt policies, procedures, and rules and regulations
29 concerning:
30

31 (IX) WHEN THE ASSOCIATION HAS A RESERVE STUDY PREPARED
32 FOR THE PORTIONS OF THE COMMUNITY MAINTAINED, REPAIRED,
33 REPLACED, AND IMPROVED BY THE ASSOCIATION AND WHETHER THERE IS
34 A FUNDING PLAN, PROJECTED SOURCES OF FUNDING, AND WHETHER THE
35 RESERVE STUDY IS BASED ON A PHYSICAL ANALYSIS AND FINANCIAL
36 ANALYSIS."
37

38 Renumber succeeding sections accordingly.
39

40 Page 2, line 2, strike "(1), (2.5)," and substitute "(1)";
41

42 strike lines 9 through 24.
43

44 Page 3, strike lines 1 through 22 and substitute the following:
45

46 "(b) NOTWITHSTANDING ANY PROVISION OF THE DECLARATION OR
47 BYLAWS TO THE CONTRARY, ALL MEMBERS OF THE EXECUTIVE BOARD
48 SHALL HAVE AVAILABLE TO THEM ALL INFORMATION RELATED TO THE
49 RESPONSIBILITIES AND OPERATION OF THE ASSOCIATION OBTAINED BY ANY
50 OTHER MEMBER OF THE EXECUTIVE BOARD. THIS INFORMATION SHALL
51 INCLUDE, BUT IS NOT NECESSARILY LIMITED TO, REPORTS OF DETAILED
52 MONTHLY EXPENDITURES, CONTRACTS TO WHICH THE ASSOCIATION IS A
53 PARTY, AND COPIES OF COMMUNICATIONS, REPORTS, AND OPINIONS TO
54 AND FROM ANY MEMBER OF THE EXECUTIVE BOARD OR ANY MANAGING
55 AGENT, ATTORNEY, OR ACCOUNTANT EMPLOYED OR ENGAGED BY THE
56 EXECUTIVE BOARD TO WHOM THE EXECUTIVE BOARD DELEGATES

1 RESPONSIBILITIES UNDER THIS ARTICLE."

2

3 Page 4, strike lines 2 through 4 and substitute the following:

4

5 "(b) COMMITTEES OF THE ASSOCIATION SHALL BE APPOINTED
6 PURSUANT TO THE GOVERNING DOCUMENTS OF THE ASSOCIATION OR, IF
7 THE GOVERNING DOCUMENTS CONTAIN NO APPLICABLE PROVISIONS,
8 PURSUANT TO SECTION 7-128-206, C.R.S. THE PERSON APPOINTED AFTER
9 THE EFFECTIVE DATE OF THIS PARAGRAPH (b) TO PRESIDE OVER ANY";

10

11 after line 8, insert the following:

12

13 "SECTION 3. 38-33.3-117 (1), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15

16 **38-33.3-117. Applicability to preexisting common interest**
17 **communities.** (1) Except as provided in section 38-33.3-119, the
18 following sections shall apply to all common interest communities created
19 within this state before July 1, 1992, with respect to events and
20 circumstances occurring on or after July 1, 1992:

21

22 (i.7) 38-33.3-303 (1) (b) AND (3) (b);

23

24 **SECTION 4.** 38-33.3-117 (1.5) (h), Colorado Revised Statutes,
25 is amended, and the said 38-33.3-117 is further amended BY THE
26 ADDITION OF A NEW SUBSECTION, to read:

27

28 **38-33.3-117. Applicability to preexisting common interest**
29 **communities.** (1.5) Except as provided in section 38-33.3-119, the
30 following sections shall apply to all common interest communities created
31 within this state before July 1, 1992, with respect to events and
32 circumstances occurring on or after January 1, 2006:

33

34 (h) ~~38-33.3-303 (4) (b)~~ 38-33.3-303 (1) (b), (3) (b), AND (4) (b);

35

36 (1.7) EXCEPT AS PROVIDED IN SECTION 38-33.3-119, SECTION
37 38-33.3-209.5 (1) (b) (IX) SHALL APPLY TO ALL COMMON INTEREST
38 COMMUNITIES CREATED WITHIN THIS STATE BEFORE JULY 1, 1992, WITH
39 RESPECT TO EVENTS AND CIRCUMSTANCES OCCURRING ON OR AFTER JULY
40 1, 2010."

41

42 Renumber succeeding section accordingly.

43

44 Amendment No. 2, by Representative(s) Acree.

45

46 Amend, Amendment No. 1 by Representative Kerr A., printed in House
47 Journal page 1458, line 36, strike "ANALYSIS." and substitute the
48 following:

49

50 "ANALYSIS. FOR THE PURPOSES OF THIS SUBPARAGRAPH (IX), AN
51 INTERNALLY CONDUCTED RESERVE STUDY SHALL BE SUFFICIENT."."

52

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

55

56

1 **SB09-249** by Senator(s) Penry and Carroll M.; also Representative(s)
2 Kerr A., Bradford, May--Concerning the applicability to
3 small common-interest communities of recently enacted
4 provisions of the "Colorado Common Interest Ownership
5 Act".
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10 **HB09-1335** by Representative(s) Todd and Murray; also Senator(s)
11 Williams and Carroll M., Cadman--Concerning
12 requirements for voting equipment.
13

14 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
15 April 21, 2009, and placed in member's bill file; Report also printed in
16 House Journal, April 22, page 1327.
17

18 Amendment No. 2, by Representative(s) Todd.
19 Amend printed bill, page 9, line 8, strike "SIGNIFICANT";
20

21 strike lines 11 through 16 and substitute the following:

22 "REQUEST. IF THE SECRETARY, UPON COMPLETION OF HIS OR HER
23 PRELIMINARY REVIEW OF THE REQUEST, DETERMINES THAT THE PROPOSED
24 MODIFICATION WILL CAUSE SIGNIFICANT ADVERSE EFFECTS, THE
25 MODIFICATION SHALL BE SUBJECT TO FURTHER REVIEW UNDER THE
26 PROVISIONS OF SUBSECTION (2) OF THIS SECTION. IF THE SECRETARY
27 DETERMINES, UPON COMPLETION OF HIS OR HER PRELIMINARY REVIEW,
28 THAT THE PROPOSED MODIFICATION CAUSES NO ADVERSE EFFECTS, THE
29 SECRETARY SHALL APPROVE THE MODIFICATION. IF THE SECRETARY
30 DETERMINES, UPON COMPLETION OF HIS OR HER PRELIMINARY REVIEW,
31 THAT THE PROPOSED MODIFICATION CAUSES POSSIBLE ADVERSE EFFECTS,
32 THE MODIFICATION SHALL BE SUBJECT TO FURTHER REVIEW UNDER THE
33 PROVISIONS OF SUBSECTION (4) OF THIS SECTION. FOLLOWING SUCH
34 ADDITIONAL REVIEW, IF THE SECRETARY DETERMINES THAT ANY ADVERSE
35 EFFECTS OF THE PROPOSED MODIFICATION ARE INSIGNIFICANT, THE
36 SECRETARY SHALL APPROVE THE MODIFICATION. IF, HOWEVER,
37 FOLLOWING SUCH ADDITIONAL REVIEW, THE SECRETARY DETERMINES
38 THAT THE ADVERSE EFFECTS OF THE MODIFICATION ARE SIGNIFICANT, THE
39 MODIFICATION SHALL BE SUBJECT TO FURTHER REVIEW UNDER THE
40 PROVISIONS OF SUBSECTION (2) OF THIS SECTION."
41

42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.
44

45 **HB09-1336** by Representative(s) Todd and Murray; also Senator(s)
46 Williams and Carroll M., Cadman--Concerning the
47 implementation of specific recommendations of the state
48 election reform commission.
49

50 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
51 April 21, 2009, and placed in member's bill file; Report also printed in
52 House Journal, April 22, pages 1327-1328.
53

54 Amendment No. 2, by Representative(s) Todd.
55 Amend printed bill, page 2, strike lines 8 through 13 and substitute the
56 following:

1 "OF TITLE 25, C.R.S., A HOME FOR PERSONS WITH DEVELOPMENTAL
2 DISABILITIES AS DEFINED IN SECTION 27-10.5-102, C.R.S., AN ASSISTED
3 LIVING RESIDENCE LICENSED PURSUANT TO SECTION 25-27-105, C.R.S., OR
4 A RESIDENTIAL TREATMENT FACILITY FOR MENTAL ILLNESS."

5

6 Page 3, line 6, strike "TEN" and substitute "SEVEN".

7

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

10

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

15

16 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
17 April 21, 2009, and placed in member's bill file; Report also printed in
18 House Journal, April 22, page 1328.

19

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

22

23 **SB09-248** by Senator(s) Heath; also Representative(s) McNulty--
24 Concerning contractor surety requirements for a public
25 works project contract having a total value of five hundred
26 million dollars or more, and, in connection therewith,
27 requiring a bond or other acceptable surety, including but
28 not limited to a letter of credit, to be filed in a specified
29 minimum amount for the duration of the contract.

30

31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33

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

41

42 Amendment No. 1, Transportation & Energy Report, dated
43 April 21, 2009, and placed in member's bill file; Report also printed in
44 House Journal, April 22, page 1331.

45

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

48

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

52

53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.

55

1 **SB09-037** by Senator(s) Kopp; also Representative(s) McNulty--
2 Concerning funding for certain workers' compensation
3 funds.
4

5 Amendment No. 1, Business Affairs & Labor Report, dated
6 April 14, 2009, and placed in member's bill file; Report also printed in
7 House Journal, April 14, pages 1183-1184.
8

9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **SB09-075** by Senator(s) Schwartz, Gibbs, Williams, Heath; also
13 Representative(s) Marostica, Curry, Kerr A., Levy,
14 McFadyen, Primavera, Scanlan, Vigil--Concerning the
15 operation of low-speed electric self-propelled vehicles on
16 public rights-of-way, and making an appropriation in
17 connection therewith.
18

19 Amendment No. 1, Transportation & Energy Report, dated
20 March 19, 2009, and placed in member's bill file; Report also printed in
21 House Journal, March 20, page 826.
22

23 Amendment No. 2, Appropriations Report, dated April 24, 2009, and
24 placed in member's bill file; Report also printed in House Journal,
25 April 24, page 1432.
26

27 Amendment No. 3, by Representative(s) Rice.
28

29 Amend reengrossed bill, page 3, line 18, strike "A NEW SUBSECTION,"
30 and substitute "THE FOLLOWING NEW SUBSECTIONS,";
31

32 after line 20, insert the following:
33

34 "(39.5) "GOLF CAR" MEANS A SELF-PROPELLED VEHICLE NOT
35 DESIGNED PRIMARILY FOR OPERATION ON ROADWAYS AND THAT HAS:
36

37 (a) A DESIGN SPEED OF LESS THAN TWENTY MILES PER HOUR;
38

39 (b) AT LEAST THREE WHEELS IN CONTACT WITH THE GROUND;
40

41 (c) AN EMPTY WEIGHT OF NOT MORE THAN ONE THOUSAND THREE
42 HUNDRED POUNDS; AND
43

44 (d) A CARRYING CAPACITY OF NOT MORE THAN FOUR PERSONS."
45

46 Page 7, line 6, strike "amended" and substitute "amended, and the said
47 42-4-111 (1) is further amended BY THE ADDITION OF A NEW
48 PARAGRAPH,";
49

50 after line 22, insert the following:
51

52 "(bb) AUTHORIZING AND REGULATING THE OPERATION OF GOLF
53 CARS ON ROADWAYS BY RESOLUTION OR ORDINANCE OF THE GOVERNING
54 BODY, IF THE AUTHORIZATION OR REGULATION IS CONSISTENT WITH THIS
55 TITLE AND DOES NOT AUTHORIZE:
56

1 (I) AN UNLICENSED DRIVER OF A GOLF CAR TO CARRY A
2 PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE;

3
4 (II) OPERATION OF A GOLF CAR BY A PERSON UNDER FOURTEEN
5 YEARS OF AGE; OR

6
7 (III) OPERATION OF A GOLF CAR ON A STATE HIGHWAY.".

8
9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.

11
12 **SB09-076** by Senator(s) Heath, Schwartz; also Representative(s)
13 Court--Concerning the appropriation of employer tax
14 surcharge moneys to the employment and training
15 technology fund for use by the division of employment
16 and training within the department of labor and
17 employment.

18
19 Ordered revised and placed on the Calendar for Third Reading and Final
20 Passage.

21
22 **SB09-087** by Senator(s) Carroll M.; also Representative(s) Peniston--
23 Concerning increased accountability requirements for
24 special districts, and making an appropriation in
25 connection therewith.

26
27 Laid over until April 27, retaining place on Calendar.

28
29 **SB09-088** by Senator(s) Veiga; also Representative(s) Ferrandino--
30 Concerning the extension of state employee group benefits
31 to domestic partners of state employees.

32
33 Ordered revised and placed on the Calendar for Third Reading and Final
34 Passage.

35
36
37
38 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

39
40 Passed Second Reading: **HB09-1349, SB09-243, 254, 258, HB09-1346**
41 **amended, 1359 amended, SB09-249, HB09-1335 amended, 1336**
42 **amended, 1337 amended, SB09-248, HB09-1345 amended, 1333,**
43 **SB09-037 amended, 075 amended, 076, 088.**

44
45 Laid over until date indicated retaining place on Calendar: **HB09-1269,**
46 **1323, SB09-256, 087--April 27, 2009.**

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

52
53

| | YES | 47 | NO | 14 | EXCUSED | 4 | ABSENT | 0 |
|----|--------|----|----------------|----|----------|---|---------|---|
| 54 | Acree | Y | Green | Y | McCann | Y | Roberts | Y |
| 55 | Apuan | Y | Hullingerhorst | Y | McFadyen | Y | Ryden | Y |
| 56 | Balmer | Y | Judd | Y | McKinley | E | Scanlan | Y |

| | | | | | | | | |
|----|-------------|---|-----------|---|------------|---|------------|---|
| 1 | Baumgardner | N | Kagan | Y | McNulty | N | Schafer S. | Y |
| 2 | Benefield | Y | Kefalas | Y | Merrifield | Y | Solano | E |
| 3 | Bradford | Y | Kerr A. | Y | Middleton | Y | Sonnenberg | N |
| 4 | Casso | Y | Kerr J. | N | Miklosi | Y | Soper | Y |
| 5 | Court | Y | King S. | N | Murray | Y | Stephens | N |
| 6 | Curry | Y | Labuda | Y | Nikkel | N | Summers | N |
| 7 | Ferrandino | Y | Lambert | N | Pace | Y | Swalm | Y |
| 8 | Fischer | Y | Levy | Y | Peniston | Y | Tipton | E |
| 9 | Frangas | Y | Liston | N | Pommer | Y | Todd | Y |
| 10 | Gagliardi | Y | Looper | N | Primavera | Y | Vaad | Y |
| 11 | Gardner B. | N | Marostica | Y | Priola | Y | Vigil | Y |
| 12 | Gardner C. | N | Massey | Y | Rice | Y | Waller | N |
| 13 | Gerou | Y | May | Y | Riesberg | Y | Weissmann | E |
| 14 | | | | | | | Speaker | Y |

House in recess. House reconvened.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB09-275**

This Report Amends the Reengrossed Bill.

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

Your first conference committee appointed on SB09-275, concerning the temporary elimination of the ability of any vendor to retain any amount of state sales tax revenues to compensate for the vendor's expenses incurred in the collection and remittance of the tax revenues to the state, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

That the House recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendment be substituted therefor:

Amend reengrossed bill, page 3, line 10, strike "COMMENCING" and substitute "FOR PERIODS COMMENCING ON OR AFTER".

Respectfully submitted,

Senate Committee:

(signed)
Moe Keller
Abel Tapia
Al White

House Committee:

(signed)
Mark Ferrandino
Don Marostica
Jack Pommer

1 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2
3 **APPROPRIATIONS**

4 After consideration on the merits, the Committee recommends the
5 following:

6
7 **SB09-228** be referred to the Committee of the Whole with favorable
8 recommendation.
9

10
11
12
13 **BUSINESS AFFAIRS & LABOR**

14 After consideration on the merits, the Committee recommends the
15 following:

16
17 **HB09-1358** be postponed indefinitely.
18

19
20 **HB09-1363** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:
23

24 Amend printed bill, page 3, line 3, strike "THE" and substitute
25 "(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b),
26 THE";
27

28 after line 10, insert the following:
29

30 "(II) THE EMPLOYMENT SUPPORT FUND ESTABLISHED IN SECTION
31 8-77-109 (1) SHALL NOT BE INCLUDED IN OR ADMINISTERED BY THE
32 ENTERPRISE ESTABLISHED PURSUANT TO THIS SUBSECTION (2)."
33

34 Page 21, after line 26, insert the following:
35

36 "**SECTION 13.** 8-76-102 (4) (d), Colorado Revised Statutes, as
37 amended by Senate Bill 09-076, enacted at the First Regular Session of
38 the Sixty-seventh General Assembly, is amended to read:
39

40 **8-76-102. Rate of tax - surcharge.** (4) (d) Effective calendar
41 year 2009, the annual PREMIUM surcharge ~~tax~~ rate shall be established at
42 0.22 percent, with thirty percent of the PREMIUM surcharge ~~tax~~ rate
43 allocated to the unemployment compensation fund created in section
44 8-77-101, fifty percent of the PREMIUM surcharge ~~tax~~ rate allocated to the
45 employment support fund created under section 8-77-109, and twenty
46 percent of the PREMIUM surcharge allocated to the employment and
47 training technology fund created in ~~section 8-77-109~~ SECTION 8-77-109
48 (2) (a.9). Effective January 1, 2017, fifty percent of the PREMIUM
49 surcharge ~~tax~~ rate shall be allocated to the unemployment compensation
50 fund and fifty percent of the PREMIUM surcharge ~~tax~~ rate shall be
51 allocated to the employment support fund. The PREMIUM surcharge ~~tax~~
52 rate shall then be added to the employer's standard or computed ~~tax~~
53 PREMIUM rate. ~~This tax~~ THE PREMIUM SURCHARGE rate added to the
54 employer ~~tax~~ PREMIUM rate shall also be identified separately on the
55 employer ~~tax~~ PREMIUM rate notice as the ~~tax~~ PREMIUM surcharge for
56 benefits not effectively charged. The combined rate shall be the

1 employer's ~~tax~~ PREMIUM rate for the ensuing calendar year. The PREMIUM
2 surcharge established by this subsection (4) shall not be assessed against
3 any employer whose benefit-charge account balance is zero; except that,
4 if the employer is still being rated under the provisions of section
5 8-76-103 (3) (a), such employer is subject to the PREMIUM surcharge ~~tax~~
6 rate.".

7
8 Renumber succeeding sections accordingly.

9
10 Page 48, line 15, after "1999.", add "THE EMPLOYMENT SUPPORT FUND
11 SHALL NOT BE INCLUDED IN OR ADMINISTERED BY THE ENTERPRISE
12 ESTABLISHED PURSUANT TO SECTION 8-71-103 (2).";

13
14 after line 15, insert the following:

15
16 **"SECTION 26.** 8-77-109 (2) (a.9), Colorado Revised Statutes, as
17 enacted by Senate Bill 09-076, enacted at the First Regular Session of the
18 Sixty-seventh General Assembly, is amended to read:

19
20 **8-77-109. Employment support fund - employment and**
21 **training technology fund - created - uses.** (2) (a.9) Notwithstanding
22 any provision of this subsection (2) to the contrary, beginning July 1,
23 2009, through December 31, 2016, twenty percent of the PREMIUM
24 surcharge ~~tax~~ established by section 8-76-102 (4) shall be credited to the
25 employment and training technology fund, which is hereby created in the
26 state treasury. Moneys in the employment and training technology fund
27 shall be used for employment and training automation initiatives
28 established by the director of the division. Moneys in the employment
29 and training technology fund shall be subject to annual appropriation by
30 the general assembly for the implementation of this paragraph (a.9) and
31 shall not revert to the general fund or any other fund at the end of any
32 fiscal year. The moneys in the employment and training technology fund
33 shall be exempt from section 24-75-402, C.R.S. If the balance of the
34 unemployment compensation fund, created in section 8-77-101, falls
35 below twenty-five million dollars, the moneys in the employment and
36 training technology fund shall be allocated to the unemployment
37 compensation fund. At any other time, the moneys in the employment
38 and training technology fund may be allocated to the unemployment
39 compensation fund at the discretion of the executive director of the
40 department of labor and employment.".

41
42 Renumber succeeding sections accordingly.

43
44 Page 59, line 20, strike "This" and substitute "(1) Except as provided in
45 subsections (2) and (3) of this section, this";

46
47 after line 21, insert the following:

48
49 "(2) Section 8-76-102 (4) (d), Colorado Revised Statutes, as
50 amended in section 12 of this act, shall not take effect if Senate Bill
51 09-076 is enacted at the First Regular Session of the Sixty-seventh
52 General Assembly and becomes law.

53
54 (3) Sections 13 and 26 of this act shall take effect on July 1, 2009,
55 only if Senate Bill 09-076 is enacted at the First Regular Session of the
56 Sixty-seventh General Assembly and becomes law.".

1 **HEALTH & HUMAN SERVICES**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SB09-239** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 7, line 15, after "PROBATION,", insert "TO
10 IMPOSE AN ADMINISTRATIVE FINE ON A LICENSEE,";

11
12 after line 19, insert the following:

13
14 **"SECTION 5.** The introductory portion to 12-38-116.5 (4) (c)
15 (III), Colorado Revised Statutes, is amended to read:

16
17 **12-38-116.5. Disciplinary procedures of the board - inquiry**
18 **and hearings panels.** (4) (c) (III) If the hearings panel finds the charges
19 proven and orders that discipline be imposed, it shall also determine the
20 extent of such discipline, which may be in the form of a letter of
21 admonition regarding a license or suspension for a definite or indefinite
22 period, revocation, or nonrenewal of a license to practice. IN ADDITION
23 TO ANY OTHER DISCIPLINE THAT MAY BE IMPOSED PURSUANT TO THIS
24 SECTION, THE HEARINGS PANEL MAY IMPOSE A FINE OF NO LESS THAN TWO
25 HUNDRED FIFTY DOLLARS BUT NO MORE THAN ONE THOUSAND DOLLARS
26 PER VIOLATION ON ANY NURSE WHO VIOLATES THIS ARTICLE OR ANY RULE
27 ADOPTED PURSUANT TO THIS ARTICLE. THE BOARD SHALL ADOPT RULES
28 ESTABLISHING A FINE STRUCTURE AND THE CIRCUMSTANCES UNDER WHICH
29 FINES MAY BE IMPOSED. ALL FINES COLLECTED PURSUANT TO THIS
30 SUBPARAGRAPH (III) SHALL BE TRANSMITTED TO THE STATE TREASURER
31 WHO SHALL CREDIT THE SAME TO THE GENERAL FUND. In determining
32 appropriate disciplinary action, the hearings panel shall first consider
33 sanctions that are necessary to protect the public. Only after the panel has
34 considered such sanctions shall it consider and order requirements
35 designed to rehabilitate the nurse. If discipline other than revocation of
36 a license to practice is imposed, the hearings panel may also order that the
37 nurse be granted probation and allowed to continue to practice during the
38 period of such probation. The hearings panel may also include in any
39 disciplinary order that allows the nurse to continue to practice such
40 conditions as the panel may deem appropriate to assure that the nurse is
41 physically, mentally, and otherwise qualified to practice nursing in
42 accordance with generally accepted standards of practice, including any
43 of the following:".

44
45 Renumber succeeding sections accordingly.

46
47 Page 19, line 27, before "STRUCTURED,", insert "MUTUALLY".

48
49 Page 20, line 2, after "HUNDRED", insert "DOCUMENTED";

50
51 line 7, strike "OR" and substitute "AND, IF APPLICABLE,";

52
53 line 8, after "BE", insert "ACTIVELY";

54
55 line 10, strike "SPECIALTY AREA" and substitute "ROLE AND POPULATION
56 FOCUS";

- 1 line 11, strike "OR" and substitute "AND, IF APPLICABLE,";
2
3 line 12, strike "FROM OR EMPLOYMENT BY AN" and substitute "OR
4 EMPLOYMENT";
5
6 line 13, strike "ADVANCED PRACTICE NURSE";
7
8 line 14, strike "THE" and substitute "A";
9
10 line 20, after "AUTHORITY", insert "THAT IS GRANTED";
11
12 line 21, strike "OR" and substitute "AND";
13
14 line 22, strike "SPECIALTY AREA." and substitute "ROLE AND POPULATION
15 FOCUS.";
16
17 line 24, strike "OR" and substitute "AND";
18
19 line 26, strike "SPECIALTY AREA," and substitute "ROLE AND POPULATION
20 FOCUS,".
21
22 Page 21, line 7, strike "MENTOR" and substitute "PERSONS";
23
24 line 11, strike "SPECIALTY AREA" and substitute "ROLE AND POPULATION
25 FOCUS";
26
27 line 13, strike "OR" and substitute "AND, IF APPLICABLE,";
28
29 line 14, strike "FROM OR EMPLOYMENT BY AN" and substitute "OR
30 EMPLOYMENT";
31
32 line 15, strike "ADVANCED PRACTICE NURSE";
33
34 line 22, strike "SPECIFIED HOURS OF".
35
36 Page 22, line 2, strike "ONE YEAR" and substitute "FIVE YEARS";
37
38 line 8, strike "SPECIALTY";
39
40 line 9, strike "AREA." and substitute "ROLE AND POPULATION FOCUS.";
41
42 strike lines 10 and 11 and substitute the following:
43
44 "NURSE'S PRESCRIPTIVE PRACTICE. THE PHYSICIAN OR";
45
46 line 26, strike "FOLLOWING CRITERIA:" and substitute "FOLLOWING:".
47
48 Page 23, line 26, strike "SPECIALTY AREA" and substitute "ROLE AND
49 POPULATION FOCUS".
50
51 Page 28, line 15, strike "SPECIALTY AREA" and substitute "ROLE AND
52 POPULATION FOCUS";
53
54 line 22, strike "FROM OR EMPLOYMENT BY THE ADVANCED" and substitute
55 "OR EMPLOYMENT";
56

- 1 line 23, strike "PRACTICE NURSE".
2
3 Page 29, line 3, strike "SPECIFIED HOURS OF";
4
5 line 24, strike "SPECIALTY AREA" and substitute "ROLE AND POPULATION
6 FOCUS".
7
8 Page 31, strike line 27.
9
10 Page 32, strike lines 1 through 4.
11
12 Renumber succeeding subparagraph accordingly.
13
14 Page 32, line 6, strike "FROM";
15
16 line 7, strike "BY AN ADVANCED PRACTICE NURSE".
17
18 Page 34, strike lines 13 through 15 and substitute the following:
19
20 "THE TRANSITION TO THE ARTICULATED PLAN MODEL AND HARMONIZING
21 LANGUAGE FOR ARTICULATED PLANS; AND".
22
23 Page 36, strike lines 8 through 12 and substitute the following:
24
25 "12-36-106.4, C.R.S.;"
26
27 strike lines 17 through 20 and substitute the following:
28 "(d) EVIDENCE-BASED GUIDELINES;
29
30 (e) DECISION SUPPORT TOOLS;"
31
32 Page 37, line 10, before "COLLABORATION", insert "CONSULTATION OR".
33
34 Page 38, line 9, after "MAINTAINS", insert "OR IS COVERED BY".
35

36
37 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

38
39 The Speaker has signed: **HB09-1063, 1130, 1149, 1151, 1222, 1230,**
40 **1295, 1309; SB09-259.**

41
42
43 **MESSAGE(S) FROM THE SENATE**

44
45 The Senate has passed on Third Reading and transmitted to the Revisor
46 of Statutes:

47
48 SB09-250 amended as printed in Senate Journal, April 21, 2009,
49 page 1175.

50
51
52 **MESSAGE(S) FROM THE REVISOR**

53
54 We herewith transmit:
55 Without comment, as amended, SB09-250.
56

INTRODUCTION OF BILLS
First Reading

1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:

6
7 **HB09-1367** by Representative(s) Marostica, Ferrandino, Pommer; also
8 Senator(s) Keller, Tapia, White--Concerning the
9 restriction of general fund revenues related to the pay date
10 shift of employees transferring to the office of information
11 technology.

12 Committee on Appropriations

13
14 **HB09-1368** by Representative(s) Labuda; also Senator(s) Carroll M.--
15 Concerning the exclusion of specified types of state
16 contracts from statutory provisions governing the state's
17 centralized contract management system.

18 Committee on State, Veterans, & Military Affairs

19
20 **SB09-250** by Senator(s) Tochtrop, Williams, Penry, Shaffer B.,
21 Boyd, Carroll M., Hodge, Hudak, Keller, Kester, Newell,
22 Schwartz, Tapia; also Representative(s) Primavera,
23 McNulty, Massey, Merrifield, Frangas, Gagliardi, Kefalas,
24 Liston, Marostica, Green--Concerning health benefit plan
25 coverage for oral anticancer medication.

26 Committee on State, Veterans, & Military Affairs

LAY OVER OF CALENDAR ITEM(S)

27
28
29
30
31
32 On motion of Representative Kerr A., the following item(s) on the
33 Calendar were laid over until April 27, retaining place on Calendar:

34
35 Consideration of Special Orders--**SB09-099, 104, 123, 124, 043, 128,**
36 **133, 158, 160, 161, 162, 167, 178, 219.**

37 Consideration of Conference Committee Report(s)--**SB09-094, 148.**

38 Consideration of Resolution(s)--**HJR09-1018, 1022, 1023, 1024, 1027,**
39 **SJR09-034, 053.**

40 Consideration of Memorial(s)--**SJM09-002, HM09-1005, SJM09-010.**

41 Consideration of Senate Amendment(s)--**HB09-1180, HJR09-1019,**
42 **HB09-1252, 1242, 1129, 1160.**

43
44
45 On motion of Representative Kerr A., the House adjourned until
46 10:00 a.m., April 27, 2009.

47
48 Approved:
49 TERRANCE D. CARROLL,
50 Speaker

51 Attest:
52 MARILYN EDDINS,
53 Chief Clerk