

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

One hundred-eighteenth Legislative Day                      Monday, May 4, 2009

- 1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.  
2  
3 The Speaker called the House to order at 10:00 a.m.  
4  
5 Pledge of Allegiance led by Dominic and Cameron Piccone, Monroe  
6 Elementary, Loveland.  
7  
8 The roll was called with the following result:  
9  
10            Present--65.  
11  
12 The Speaker declared a quorum present.  
13  
14  
15 On motion of Representative Waller, the reading of the journal of  
16 May 1, 2009, was declared dispensed with and approved as corrected by  
17 the Chief Clerk.  
18  
19  
20

**THIRD READING OF BILLS--FINAL PASSAGE**

- 21  
22  
23 The following bills were considered on Third Reading. The titles were  
24 publicly read. Reading of the bill at length was dispensed with by  
25 unanimous consent.  
26  
27 **HB09-1357** by Representative(s) Vigil; also Senator(s) Schwartz--  
28 Concerning a requirement that campaign finance reports  
29 required to be filed with the county clerk and recorder be  
30 filed instead with the secretary of state, and making an  
31 appropriation therefor.  
32  
33 The question being "Shall the bill pass?".  
34 A roll call vote was taken. As shown by the following recorded vote, a  
35 majority of those elected to the House voted in the affirmative and the  
36 bill was declared **passed**.  
37

	YES	65	NO	0	EXCUSED	0	ABSENT	0
39	Acree	Y	Green	Y	McCann	Y	Roberts	Y
40	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
41	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
42	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
43	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y

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

13 Co-sponsor(s) added: Representative(s) Court, Fischer, Labuda, Massey

14  
15  
16 **SB09-285** by Senator(s) Heath, Mitchell, Schwartz, Foster, Gibbs,  
17 Groff, Isgar, King K., Newell, Romer, Spence, Tapia,  
18 Veiga, White, Williams; also Representative(s) Summers  
19 and Solano, McFadyen, Rice--Concerning the inclusion of  
20 career and technical education program providers among  
21 the institutions of higher education that are permitted to  
22 offer concurrent enrollment opportunities to high school  
23 students.

24  
25 Laid over until May 5, retaining place on Calendar.

26  
27  
28 **SB09-291** by Senator(s) Bacon, Boyd, Carroll M., Foster, Groff,  
29 Heath, Hodge, Hudak, Isgar, Keller, Morse, Newell,  
30 Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also  
31 Representative(s) Middleton, Merrifield--Concerning the  
32 state share of district total program for school districts that  
33 have obtained voter approval to be exempt from the  
34 constitutional revenue limit but then obtain voter approval  
35 to again be subject to such limit.

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**.

	YES	37	NO	28	EXCUSED	0	ABSENT	0
43	Acree	N	Green	Y	McCann	Y	Roberts	N
44	Apuan	N	Hullinghorst	Y	McFadyen	Y	Ryden	Y
45	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
46	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
47	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
48	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
49	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
50	Court	Y	King S.	N	Murray	N	Stephens	N
51	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
52	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
53	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
54	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
55	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
56	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y

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

4 Co-sponsor(s) added: Representative(s) Green, Judd, Kerr A., Labuda

5  
6 **SB09-289** by Senator(s) Schwartz; also Representative(s) Primavera-  
7 -Concerning the recycling development fee for waste tires.

8  
9 The question being "Shall the bill pass?".

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

14	YES	37	NO	28	EXCUSED	0	ABSENT	0
15	Acree	N	Green	Y	McCann	Y	Roberts	N
16	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
17	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
18	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
21	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
22	Court	Y	King S.	N	Murray	N	Stephens	N
23	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
24	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
26	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
27	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
28	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
29	Gardner C.	N	Massey	N	Rice	Y	Waller	N
30	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
31							Speaker	Y

32 Co-sponsor(s) added: Representative(s) Fischer, Green, Labuda, Ryden,  
33 Schafer S., Solano

34  
35 **SB09-232** by Senator(s) Schwartz, Heath, Mitchell; also  
36 Representative(s) McFadyen, Rice, Solano--Concerning  
37 state financial assistance to finance local government  
38 capital construction projects.

39  
40 The question being "Shall the bill pass?".

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

45	YES	54	NO	11	EXCUSED	0	ABSENT	0
46	Acree	N	Green	Y	McCann	Y	Roberts	Y
47	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
48	Balmer	Y	Judd	Y	McKinley	N	Scanlan	Y
49	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
50	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
51	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
52	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
53	Court	Y	King S.	N	Murray	Y	Stephens	Y
54	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
55	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
56	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y

1	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
2	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
3	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
4	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
5	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
6							Speaker	Y

7 Co-sponsor(s) added: Representative(s) Todd, Vigil

8  
 9 **SB09-283** by Senator(s) Sandoval; also Representative(s) Scanlan  
 10 and Summers--Concerning the redaction by the secretary  
 11 of state of tax identification numbers from secured  
 12 transaction records filed with the secretary of state.

13  
 14 The question being "Shall the bill pass?".

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

	YES	65	NO	0	EXCUSED	0	ABSENT	0
20	Acree	Y	Green	Y	McCann	Y	Roberts	Y
21	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
22	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
23	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
24	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
25	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
26	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
27	Court	Y	King S.	Y	Murray	Y	Stephens	Y
28	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
29	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
30	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
31	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
32	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
33	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
34	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
35	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
36							Speaker	Y

37 Co-sponsor(s) added: Representative(s) Priola, Ryden, Vigil

38  
 39 **SB09-294** by Senator(s) Romer; also Representative(s) McFadyen--  
 40 Concerning applications for the issuance of a certificate of  
 41 public convenience and necessity to provide taxi service  
 42 that relates to counties with a population of at least seventy  
 43 thousand.

44  
 45 The question being "Shall the bill pass?".

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

	YES	38	NO	27	EXCUSED	0	ABSENT	0
51	Acree	N	Green	Y	McCann	Y	Roberts	N
52	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
53	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
54	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
55	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
56	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N

1	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
2	Court	Y	King S.	N	Murray	N	Stephens	N
3	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
4	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
5	Fischer	N	Levy	Y	Peniston	Y	Tipton	N
6	Frangas	N	Liston	N	Pommer	Y	Todd	Y
7	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
8	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
9	Gardner C.	N	Massey	N	Rice	N	Waller	N
10	Gerou	N	May	N	Riesberg	Y	Weissmann	N
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Labuda

13  
 14 **SB09-284** by Senator(s) Newell, Morse, Shaffer B., Boyd, Foster,  
 15 Hodge; also Representative(s) Levy--Concerning the  
 16 authority of a law enforcement officer under specified  
 17 circumstances to prevent a person from communicating  
 18 with someone other than a peace officer.

19  
 20 The question being "Shall the bill pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative and the bill  
 23 was declared **passed**.

24	YES	64	NO	1	EXCUSED	0	ABSENT	0
26	Acree	Y	Green	Y	McCann	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
28	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
30	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
31	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
33	Court	Y	King S.	Y	Murray	Y	Stephens	Y
34	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
36	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
37	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
38	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
39	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
40	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
41	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Baumgardner, King S., Ryden

44  
 45 **SB09-287** by Senator(s) Mitchell; also Representative(s) Levy--  
 46 Concerning the voluntary contribution designation  
 47 benefiting the Special Olympics Colorado fund that  
 48 appears on the state individual income tax return forms,  
 49 and, in connection therewith, extending the period for the  
 50 contribution designation.

51  
 52 The question being "Shall the bill pass?".  
 53 A roll call vote was taken. As shown by the following recorded vote, a  
 54 majority of those elected to the House voted in the affirmative and the bill  
 55 was declared **passed**.

	YES	63	NO	2	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Gardner B., Labuda, McFadyen,  
20 Pace, Ryden, Schafer S., Summers, Todd

21

22 **SB09-282** by Senator(s) Sandoval and Spence, Bacon, Foster, Groff,  
23 Hudak, Veiga; also Representative(s) Kerr A., Benefield,  
24 Court, Ferrandino, Frangas, Judd, Labuda, Levy, Massey,  
25 McCann, Merrifield, Miklosi, Scanlan, Schafer S., Solano,  
26 Summers--Concerning the merger of the Denver public  
27 schools retirement system with the public employees'  
28 retirement association.

29

30 The question being "Shall the bill pass?".

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

34

	YES	51	NO	14	EXCUSED	0	ABSENT	0
36	Acree	N	Green	Y	McCann	Y	Roberts	Y
37	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
38	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
39	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
40	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
41	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
42	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
43	Court	Y	King S.	Y	Murray	Y	Stephens	Y
44	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
45	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
46	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
47	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
48	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
49	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
50	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
51	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
52							Speaker	Y

53 Co-sponsor(s) added: Representative(s) Apuan, Kagan, McFadyen, Middleton,  
54 Pace, Peniston, Todd, Vigil, Speaker

55

1 **SB09-244** by Senator(s) Shaffer B.; also Representative(s)  
 2 Primavera--Concerning health insurance benefits for the  
 3 treatment of autism spectrum disorders.  
 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	45	NO	20	EXCUSED	0	ABSENT	0
11	Acree	N	Green	Y	McCann	Y	Roberts	N
12	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
13	Balmer	Y	Judd	Y	McKinley	Y	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	Y
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	N
22	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
23	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
24	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
25	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
26	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Benefield, Casso, Court, Ferrandino,  
 29 Fischer, Green, Hullinghorst, Kagan, Kefalas, Labuda, McFadyen, Middleton,  
 30 Miklosi, Pace, Peniston, Pommer, Priola, Ryden, Scanlan, Schafer S., Solano,  
 31 Soper, Todd, Speaker  
 32  
 33

34 Representative Weissmann, moved that House Rule 13 (d) be suspended  
 35 during discussion of HCR1004.  
 36

37 **HCR09-1004** by Representative(s) Lambert; also Senator(s) Kopp--  
 38 Submitting to the registered electors of the state of  
 39 Colorado an amendment to section 3 of article VIII of the  
 40 constitution of the state of Colorado, concerning the  
 41 declaration of a disaster emergency that substantially  
 42 affects the ability of the state government to operate in the  
 43 city and county of Denver, and, in connection therewith,  
 44 requiring the general assembly to meet and allowing the  
 45 general assembly to enact a statute to designate a  
 46 temporary location for the seat of government.  
 47

48 The question being "Shall the resolution pass?".  
 49 A roll call vote was taken. As shown by the following recorded vote, less  
 50 than a constitutional two thirds majority of those elected to the House  
 51 voted in the affirmative and the resolution was declared **lost**.  
 52

	YES	43	NO	22	EXCUSED	0	ABSENT	0
54	Acree	Y	Green	N	McCann	N	Roberts	Y
55	Apuan	Y	Hullinghorst	N	McFadyen	N	Ryden	Y
56	Balmer	Y	Judd	N	McKinley	N	Scanlan	Y

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

### CONSIDERATION OF RESOLUTION(S)

**SJR09-034** by Senator(s) Kopp; also Representative(s) Rice--  
Concerning honoring the Colorado Rush soccer club for  
its outreach efforts through the Iraq REACH program,  
and, in connection therewith, proclaiming "Colorado Rush  
'REACH' Day".

(Printed and placed in members file)

On motion of Representative Rice, the resolution was read at length and  
**adopted** by **viva voce** vote.

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

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)

**SB09-271** by Senator(s) Tapia, Keller, White; also Representative(s)  
Ferrandino, Pommer, Marostica--Concerning the use of  
tobacco revenues generated under section 21 of article X  
of the state constitution in a state fiscal emergency, and  
making an appropriation therefor.

(Conference Committee Report printed in House Journal, April 28, pages  
1577-1578.)

On motion of Representative Ferrandino, the Conference Committee  
Report was **adopted** by the following roll call vote:

	YES	64	NO	1	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	N	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

20 The question being "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative and the  
 23 bill, as amended, was declared **repassed**.

	YES	42	NO	23	EXCUSED	0	ABSENT	0
25								
26	Acree	N	Green	Y	McCann	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
28	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
30	Benefield	Y	Kefalas	N	Merrifield	Y	Solano	Y
31	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
32	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
33	Court	N	King S.	N	Murray	Y	Stephens	Y
34	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
35	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
36	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
37	Frangas	N	Liston	N	Pommer	Y	Todd	Y
38	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
39	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
40	Gardner C.	N	Massey	N	Rice	Y	Waller	N
41	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
42							Speaker	Y
43								
44								

45 **HB09-1057** by Representative(s) Kerr A., Carroll T., Apuan; also  
 46 Senator(s) Bacon, Groff--Concerning parental  
 47 involvement in kindergarten through twelfth grade  
 48 education.

50 (Conference Committee Report printed in House Journal, April 28, pages  
 51 1534-1535.)

53 On motion of Representative Kerr A., the Conference Committee Report  
 54 was **adopted** by the following roll call vote:

55

	YES	45	NO	20	EXCUSED	0	ABSENT	0
1								
2	Acree	N	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
8	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
9	Court	Y	King S.	N	Murray	Y	Stephens	N
10	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
11	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
15	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
16	Gardner C.	N	Massey	Y	Rice	N	Waller	Y
17	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

20 The question being "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative and the  
 23 bill, as amended, was declared **repassed**.

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

43 Co-sponsor(s) added: Representative(s) Benefield, Pace, Pommer, Todd

44  
 45  
 46 **SB09-269** by Senator(s) White, Keller, Tapia; also Representative(s)  
 47 Ferrandino, Pommer, Marostica--Concerning adjustment  
 48 of the allocation of tobacco litigation settlement moneys  
 49 received by the state during specified fiscal years, and, in  
 50 connection therewith, requiring settlement moneys that are  
 51 disputed payments and settlement moneys in excess of a  
 52 specified amount to be credited to the general fund,  
 53 requiring a portion of the moneys so credited to be  
 54 transferred to the children's basic health plan trust and the  
 55 nurse home visitor program fund, delaying mandated  
 56 growth in the percentage of settlement moneys allocated

1 for the Colorado nurse home visitor program by one fiscal  
2 year, and making appropriations.  
3

4 (Conference Committee Report printed in House Journal, April 29, pages  
5 1606-1608.)  
6

7 On motion of Representative Ferrandino, the Conference Committee  
8 Report was **adopted** by the following roll call vote:  
9

	YES	42	NO	23	EXCUSED	0	ABSENT	0
11	Acree	N	Green	Y	McCann	Y	Roberts	Y
12	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
13	Balmer	N	Judd	Y	McKinley	Y	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	N
20	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
21	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
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	N	Vigil	Y
25	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
26	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
27							Speaker	Y

28  
29 The question being "Shall the bill, as amended, pass?".  
30 A roll call vote was taken. As shown by the following recorded vote, a  
31 majority of those elected to the House voted in the affirmative and the  
32 bill, as amended, was declared **repassed**.  
33

	YES	46	NO	19	EXCUSED	0	ABSENT	0
35	Acree	N	Green	Y	McCann	Y	Roberts	Y
36	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
37	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
38	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
39	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
40	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
41	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
42	Court	Y	King S.	N	Murray	Y	Stephens	Y
43	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
44	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
45	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
46	Frangas	N	Liston	N	Pommer	Y	Todd	Y
47	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
48	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
49	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
50	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
51							Speaker	Y

52  
53 **SB09-279** by Senator(s) Tapia, Keller, White; also Representative(s)  
54 Pommer, Ferrandino, Marostica--Concerning the  
55 augmentation of the general fund through transfers of  
56 certain moneys.

1 (Conference Committee Report printed in House Journal, April 30, pages  
2 1632-1635.)

3  
4 On motion of Representative Pommer, the Conference Committee Report  
5 was **adopted** by the following roll call vote:

	YES	51	NO	14	EXCUSED	0	ABSENT	0
8 Acree	N		Green	Y	McCann	Y	Roberts	Y
9 Apuan	Y		Hullinghorst	Y	McFadyen	Y	Ryden	Y
10 Balmer	N		Judd	Y	McKinley	Y	Scanlan	Y
11 Baumgardner	N		Kagan	Y	McNulty	N	Schafer S.	Y
12 Benefield	Y		Kefalas	Y	Merrifield	Y	Solano	Y
13 Bradford	N		Kerr A.	Y	Middleton	Y	Sonnenberg	N
14 Casso	Y		Kerr J.	N	Miklosi	Y	Soper	Y
15 Court	Y		King S.	Y	Murray	Y	Stephens	N
16 Curry	Y		Labuda	Y	Nikkel	N	Summers	Y
17 Ferrandino	Y		Lambert	Y	Pace	Y	Swalm	Y
18 Fischer	Y		Levy	Y	Peniston	Y	Tipton	Y
19 Frangas	Y		Liston	N	Pommer	Y	Todd	Y
20 Gagliardi	Y		Looper	Y	Primavera	Y	Vaad	Y
21 Gardner B.	N		Marostica	Y	Priola	N	Vigil	Y
22 Gardner C.	N		Massey	Y	Rice	Y	Waller	N
23 Gerou	Y		May	Y	Riesberg	Y	Weissmann	Y
24							Speaker	Y

25  
26 The question being "Shall the bill, as amended, pass?".  
27 A roll call vote was taken. As shown by the following recorded vote, a  
28 majority of those elected to the House voted in the affirmative and the  
29 bill, as amended, was declared **repassed**.

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

49  
50  
51 **SB09-281** by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse,  
52 Romer, White, Tapia; also Representative(s) Weissmann--  
53 Concerning Pinnacol Assurance, and, in connection  
54 therewith, clarifying the operation of Pinnacol Assurance  
55 as a political subdivision of the state, creating a legislative  
56 interim committee to study worker safety and the system

1 of compensation for work-related injuries, and requiring  
 2 performance audits of Pinnocal Assurance.  
 3

4 (Conference Committee Report printed in House Journal, May 1, pages  
 5 1654-1655.)  
 6

7 On motion of Representative Weissmann, the Conference Committee  
 8 Report was **adopted** by the following roll call vote:  
 9

	YES	40	NO	25	EXCUSED	0	ABSENT	0
11	Acree	Y	Green	Y	McCann	Y	Roberts	N
12	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
13	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
14	Baumgardner	Y	Kagan	N	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	Y	Stephens	N
19	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
20	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
21	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
22	Frangas	N	Liston	N	Pommer	Y	Todd	Y
23	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
24	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
25	Gardner C.	N	Massey	N	Rice	Y	Waller	N
26	Gerou	N	May	N	Riesberg	Y	Weissmann	Y
27							Speaker	Y

28  
 29 The question being "Shall the bill, as amended, pass?".  
 30 A roll call vote was taken. As shown by the following recorded vote, a  
 31 majority of those elected to the House voted in the affirmative and the  
 32 bill, as amended, was declared **repassed**.  
 33

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

52 Co-sponsor(s) added: Representative(s) Merrifield  
 53  
 54  
 55  
 56

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

2  
3 **HB09-1180** by Representative(s) King S.; also Senator(s) Brophy--  
4 Concerning allowing valid Colorado concealed handgun  
5 permits to satisfy background check requirements for  
6 transfers of firearms.

7  
8 (Amended as printed in Senate Journal, April 14, pages 1059-1062.)

9  
10 Representative King S., moved that the House **concur** in Senate  
11 amendments. A substitute motion by Representative Levy that the House  
12 **adhere** to its position was declared **lost** by the following roll call vote:

	YES	29	NO	36	EXCUSED	0	ABSENT	0
15 Acree	N		Green	Y	McCann	Y	Roberts	N
16 Apuan	N		Hullinghorst	Y	McFadyen	N	Ryden	Y
17 Balmer	N		Judd	Y	McKinley	N	Scanlan	Y
18 Baumgardner	N		Kagan	Y	McNulty	N	Schafer S.	Y
19 Benefield	Y		Kefalas	Y	Merrifield	Y	Solano	Y
20 Bradford	N		Kerr A.	Y	Middleton	Y	Sonnenberg	N
21 Casso	N		Kerr J.	N	Miklosi	Y	Soper	N
22 Court	Y		King S.	N	Murray	N	Stephens	N
23 Curry	N		Labuda	Y	Nikkel	N	Summers	N
24 Ferrandino	Y		Lambert	N	Pace	N	Swalm	N
25 Fischer	Y		Levy	Y	Peniston	Y	Tipton	N
26 Frangas	Y		Liston	N	Pommer	Y	Todd	Y
27 Gagliardi	Y		Looper	N	Primavera	Y	Vaad	N
28 Gardner B.	N		Marostica	N	Priola	N	Vigil	N
29 Gardner C.	N		Massey	N	Rice	N	Waller	N
30 Gerou	N		May	N	Riesberg	Y	Weissmann	Y
							Speaker	Y

31  
32  
33 A second substitute motion by Representative Weissmann that the House  
34 **not concur** in Senate amendments and that a Conference Committee be  
35 appointed was declared **lost** by the following roll call vote:

	YES	29	NO	36	EXCUSED	0	ABSENT	0
38 Acree	N		Green	Y	McCann	Y	Roberts	N
39 Apuan	N		Hullinghorst	Y	McFadyen	N	Ryden	Y
40 Balmer	N		Judd	Y	McKinley	N	Scanlan	Y
41 Baumgardner	N		Kagan	Y	McNulty	N	Schafer S.	Y
42 Benefield	Y		Kefalas	Y	Merrifield	Y	Solano	Y
43 Bradford	N		Kerr A.	Y	Middleton	Y	Sonnenberg	N
44 Casso	N		Kerr J.	N	Miklosi	Y	Soper	N
45 Court	Y		King S.	N	Murray	N	Stephens	N
46 Curry	N		Labuda	Y	Nikkel	N	Summers	N
47 Ferrandino	Y		Lambert	N	Pace	N	Swalm	N
48 Fischer	Y		Levy	Y	Peniston	N	Tipton	N
49 Frangas	Y		Liston	N	Pommer	Y	Todd	Y
50 Gagliardi	Y		Looper	N	Primavera	Y	Vaad	N
51 Gardner B.	N		Marostica	N	Priola	N	Vigil	N
52 Gardner C.	N		Massey	N	Rice	Y	Waller	N
53 Gerou	N		May	N	Riesberg	Y	Weissmann	Y
							Speaker	Y

1 Representative King's motion that the House **concur** in Senate  
2 amendments motion was declared **passed** by the following roll call vote:

	YES	39	NO	26	EXCUSED	0	ABSENT	0
5	Acree	Y	Green	N	McCann	N	Roberts	Y
6	Apuan	Y	Hullinghorst	N	McFadyen	Y	Ryden	N
7	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
8	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	Y
9	Benefield	N	Kefalas	Y	Merrifield	N	Solano	N
10	Bradford	Y	Kerr A.	N	Middleton	Y	Sonnenberg	Y
11	Casso	Y	Kerr J.	Y	Miklosi	N	Soper	Y
12	Court	N	King S.	Y	Murray	Y	Stephens	Y
13	Curry	Y	Labuda	N	Nikkel	Y	Summers	Y
14	Ferrandino	N	Lambert	Y	Pace	Y	Swalm	Y
15	Fischer	N	Levy	N	Peniston	N	Tipton	Y
16	Frangas	N	Liston	Y	Pommer	N	Todd	N
17	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
18	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
19	Gardner C.	Y	Massey	Y	Rice	N	Waller	Y
20	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
21							Speaker	N

22  
23 The question being, "Shall the bill, as amended, pass?".  
24 A roll call vote was taken. As shown by the following recorded vote, a  
25 majority of those elected to the House voted in the affirmative, and the  
26 bill, as amended, was declared **repassed**.

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

46 Co-sponsor(s) added: Representative(s) Balmer, Bradford, Curry, Gardner C.,  
47 Gerou, Marostica, May, McNulty, Murray, Stephens, Swalm, Vigil

#### APPOINTMENTS TO CONFERENCE COMMITTEES

51  
52 Pursuant to a request from the Senate, the Speaker appointed House  
53 conferees to the First Conference Committees as follows:

54 **SB09-226**--Representatives Gagliardi, Chairman, Benefield and Summers  
55 **SB09-245**--Representatives Schafer, Frangas and Tipton

56

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

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

**SB09-110** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the Judiciary Committee Report, dated April 27, 2009, page 1, strike lines 3 through 17.

Strike pages 2 through 5 of the committee report.

**SB09-164** be referred to the Committee of the Whole with favorable recommendation.

**SB09-241** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend the Judiciary Committee Report, dated April 30, 2009, page 4, strike lines 9 and 10 and substitute the following:

**""SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2009, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Effective date.** This act shall take effect July 1, 2009."."

**SB09-247** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 16, line 25, after "training,", insert "for regional workforce center outreach,".

Page 17, strike line 1, and substitute "June 30, 2012.";

after line 1, insert the following:

"(3) In addition to any other appropriation, there is hereby appropriated, out of the Colorado unemployment insurance trust fund, created in section 8-77-102 (4), Colorado revised statutes, from moneys distributed in accordance with Section 903 (g) of the federal Social Security Act, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training,

1 for the extended benefits program, for the fiscal year beginning July 1,  
2 2009, the sum of one million fifty-five thousand three hundred ninety-two  
3 dollars (\$1,055,392) federal funds, and 6.2 FTE."

4

5

6

7 **SB09-250** be referred favorably to the Committee on Health &  
8 Human Services.

9

10

11

12

13 **BUSINESS AFFAIRS & LABOR**

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

16

17 **SB09-085** be amended as follows, and as so amended, be referred to  
18 the Committee of the Whole with favorable  
19 recommendation:

20

21 Amend reengrossed bill, page 2, line 6, after "**on**", insert "**the**";

22

23 line 10, strike "2009";

24

25 line 21, strike "LEAGUE," and substitute "LEAGUE;";

26

27 strike line 22;

28

29 line 23, strike "INCORPORATED," and substitute "INCORPORATED;";

30

31 strike line 24.

32

33 Page 3, line 4, strike "POLICY";

34

35 line 5, strike "CHANGES," and substitute "POLICY,";

36

37 line 9, strike "TAX,;" and substitute "TAX;";

38

39 strike line 10;

40

41 line 12, strike "ELIMINATION" and substitute "EXEMPTIONS".

42

43 Page 1, line 101, after "**STUDY**", insert "**A**".

44

45

46

47 **SB09-253** be referred favorably to the Committee on Appropriations.

48

49

50

51

52 **EDUCATION**

53 After consideration on the merits, the Committee recommends the  
54 following:

55

56 **SB09-295** be amended as follows, and as so amended, be referred to

1 the Committee of the Whole with favorable  
2 recommendation:

3  
4 Amend reengrossed bill, page 12, line 27, strike "FOR INFORMATIONAL".

5  
6 Page 13, strike lines 1 through 3;

7  
8 strike lines 14 through 17 and substitute the following:

9  
10 "SOURCE OF THE MONEYS FOR THE ENHANCEMENT.";

11  
12 line 18, after "(11)", insert "(a)";

13  
14 strike lines 21 through 24 and substitute the following:

15  
16 "immediately preceding fiscal year that:

17  
18 (I) Was not subject to review by the commission pursuant to  
19 ~~subsections (9) and (10)~~ SUBSECTION (9) of this section;

20  
21 (II) WAS APPROVED PURSUANT TO SUBSECTION (10) OF THIS  
22 SECTION;

23  
24 (III) WAS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO  
25 MILLION DOLLARS OR LESS; OR

26  
27 (IV) WAS AMENDED OR ENHANCED AFTER COMMENCEMENT OF  
28 CONSTRUCTION PURSUANT TO SUBSECTION (10) OF THIS SECTION.

29  
30 (b) The commission shall submit a compilation of ~~such~~.

31  
32 Page 16, line 13, after "(d)", insert "(I)";

33  
34 after line 16, insert the following:

35 "(II) ANY PLAN FOR ANY SUCH CAPITAL CONSTRUCTION PROJECT  
36 THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO MILLION  
37 DOLLARS OR LESS SHALL NOT BE SUBJECT TO REVIEW OR APPROVAL BY THE  
38 COMMISSION.";

39  
40 strike lines 21 through 24 and substitute the following:

41  
42 "CASH FUNDS HELD BY THE INSTITUTION";

43  
44 line 25, strike "(3), C.R.S.,".

45  
46 Page 17, line 2, after "project", insert "FOR AN ACADEMIC BUILDING";

47  
48 strike lines 4 and 5 and substitute the following:

49  
50 "cash funds held by the institution ~~other than those funds specified in~~  
51 ~~paragraph (a) of subsection (9) of this section~~".

52  
53  
54  
55

1 **FINANCE**

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

4  
5 **SB09-233** be referred favorably to the Committee on Appropriations.

6  
7  
8 **SB09-290** be amended as follows, and as so amended, be referred to  
9 the Committee of the Whole with favorable  
10 recommendation:

11  
12 Amend reengrossed bill, page 7, strike lines 5 through 8 and substitute the  
13 following:

14  
15 "THE ADDITIONAL GIFT, GRANT, OR DONATION.";

16  
17 strike lines 19 through 22 and substitute the following:

18  
19 "SOURCE OF THE MONEYS FOR THE ENHANCEMENT.";

20  
21 line 23, after "(11)", insert "(a)";

22  
23 strike lines 26 and 27 and substitute the following:

24  
25 "immediately preceding fiscal year that:

26  
27 (I) Was not subject to review by the commission pursuant to  
28 ~~subsections (9) and (10)~~ SUBSECTION (9) of this section;

29  
30 (II) WAS APPROVED PURSUANT TO SUBSECTION (10) OF THIS  
31 SECTION;

32  
33 (III) WAS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO  
34 MILLION DOLLARS OR LESS; OR

35  
36 (IV) WAS AMENDED OR ENHANCED AFTER COMMENCEMENT OF  
37 CONSTRUCTION PURSUANT TO SUBSECTION (10) OF THIS SECTION.

38  
39 (b) The commission shall submit a compilation of ~~such~~.

40  
41 Page 8, strike lines 1 and 2.

42  
43 Page 10, line 18, after "(d)", insert "(I)";

44  
45 after line 21, insert the following:

46  
47 "(II) ANY PLAN FOR ANY SUCH CAPITAL CONSTRUCTION PROJECT  
48 THAT IS ESTIMATED TO REQUIRE TOTAL EXPENDITURES OF TWO MILLION  
49 DOLLARS OR LESS SHALL NOT BE SUBJECT TO REVIEW OR APPROVAL BY THE  
50 COMMISSION.";

51  
52 strike lines 26 and 27 and substitute the following:

53  
54 "CASH FUNDS HELD BY THE INSTITUTION".

55  
56 Page 11, strike lines 1 and 2;

1 line 3, strike "(3), C.R.S.";

2

3 line 7, after "project", insert "FOR AN ACADEMIC BUILDING";

4

5 strike lines 9 and 10 and substitute the following:

6

7 "cash funds held by the institution ~~other than those funds specified in~~  
8 ~~paragraph (a) of subsection (9) of this section~~".

9

10

11

12 **SB09-297** be referred to the Committee of the Whole with favorable  
13 recommendation.

14

15

16

17

18 **JUDICIARY**

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

21

22 **SB09-286** be amended as follows, and as so amended, be referred to  
23 the Committee of the Whole with favorable  
24 recommendation:

25

26 Amend reengrossed bill, page 3, line 25, strike "SENTENCING PRACTICES"  
27 and substitute "SENTENCES".

28

29 Page 4, line 5, strike "SENTENCING PRACTICES" and substitute  
30 "SENTENCES";

31

32 line 7, strike "SENTENCING PRACTICES" and substitute "SENTENCES";

33

34 line 8, strike "AND";

35

36 line 10, strike "SENTENCE." and substitute "SENTENCE; AND";

37

38 after line 10, insert the following:

39

40 "(V) ALTERNATIVES TO INCARCERATION FOR NONVIOLENT  
41 FIRST-TIME OFFENDERS; AND

42

43 (VI) THE CONSEQUENCES AND EFFICACY OF MANDATORY MINIMUM  
44 SENTENCES AND OTHER PROVISIONS THAT LIMIT JUDICIAL DISCRETION IN  
45 THE SENTENCING PROCESS.";

46

47 line 22, strike "SENTENCING PRACTICES" and substitute "SENTENCES".

48

49

50

51 **SB09-292** be amended as follows, and as so amended, be referred to  
52 the Committee of the Whole with favorable  
53 recommendation:

54

55 Amend reengrossed bill, page 48, line 14, strike "program" and substitute  
56 "program".

1 Page 80, strike lines 23 through 27.

2

3 Page 81, strike lines 1 through 11.

4

5 Renumber succeeding sections accordingly.

6

7 Page 89, after line 12, insert the following:

8

9 **"SECTION 136.** 24-33.5-223 (2) (b) (II) (B), Colorado Revised  
10 Statutes, is amended to read:

11

12 **24-33.5-223. State telecommunications network.** (2) (b) The  
13 facilities of the network shall be made available for the use of:

14

15 (II) Other local, state, and federal governmental entities or public  
16 safety related nonprofit organizations that directly support any agency  
17 described in subparagraph (I) of this paragraph (b) and that:

18

19 (B) Make donations, grants, bequests, and other contributions to  
20 the public SAFETY communications trust fund pursuant to ~~section~~  
21 ~~24-37.5-508 (2) (b)~~ SECTION 24-37.5-506 (2) (b).

22

23 **SECTION 137.** Section 66 (1) of House Bill 09-1026, is amended  
24 to read:

25

26 Section 66. Act subject to petition - effective date - applicability.  
27 (1) Sections 1, ~~26, 29, and 53~~ 27, 30, AND 60 of this act shall take effect  
28 July 1, 2010, and the remainder of this act shall take effect October 1,  
29 2009.

30

31 **SECTION 138.** 1-8-111 (1), Colorado Revised Statutes, as  
32 amended by section 3 of the reengrossed version of House Bill 09-1337,  
33 is amended to read:

34

35 **1-8-111. Delivery of mail-in ballots and replacement mail-in**  
36 **ballots.** (1) The mail-in ballot and other materials shall be delivered or  
37 mailed to the elector within seventy-two hours after the receipt of the  
38 application, if the official ballots are then printed, or, if not then printed,  
39 within seventy-two hours after the printed ballots are delivered to the  
40 designated election official, but no sooner than twenty-two days before  
41 every odd-year, congressional vacancy, primary, and general election. If  
42 the mail-in ballot and other materials are mailed, the envelope shall be  
43 marked "DO NOT FORWARD" or by any other similar statement that is  
44 in accordance with United States postal service regulations. EXCEPT AS  
45 OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), nothing  
46 in this subsection (1) shall affect any provision of this code governing the  
47 delivery of mail or mail-in ballots to an absent uniformed services elector,  
48 nonresident overseas elector, or resident overseas elector covered by the  
49 federal "Uniformed and Overseas Citizens Absentee Voting Act", 42  
50 U.S.C. sec. 1973ff ET SEQ."

51

52 Renumber succeeding section accordingly.

53

54 Page 89, after line 17, insert the following:

55

56 "(b) Section 69 of this act shall not take effect if either Senate Bill

1 09-290 or Senate Bill 09-295 is enacted and becomes law.".

2

3 Reletter succeeding paragraphs accordingly.

4

5 Page 89, line 22, strike "Section 131" and substitute "Section 130";

6

7 line 24, strike "Section 133" and substitute "Section 132";

8

9 after line 24, add:

10

11 "(g) Section 137 of this act shall take effect October 1, 2009.

12

13 (h) Section 138 of this act shall take effect only if both House Bill  
14 09-1205 and House Bill 09-1337 are enacted and become law.".

15

16

17

18 **SB09-296** be referred favorably to the Committee on Appropriations.

19

20

21

22 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
23 **on SB09-256**

24

25

This Report Amends the Rerevised Bill.

26

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

29

30 Your first conference committee appointed on SB09-256,  
31 concerning the financing of public schools, and making an appropriation  
32 therefor, has met and reports that it has agreed upon the following:

33

34 1. That the Senate accede to the House amendments made to the  
35 bill, as the amendments appear in the rerevised bill, with the following  
36 changes:

37

38 Amend rerevised bill, page 11, strike lines 20 and 21 and substitute the  
39 following:

40

41 "~~this subsection (3). but shall apply to the district's share of its total~~  
42 ~~program pursuant to section 22-54-106 (1) (a) (I).~~"

43

44 Page 12, after line 26, insert the following:

45

46 "**SECTION 9.** 22-54-124 (4), Colorado Revised Statutes, is  
47 amended to read:

48

49 **22-54-124. State aid for charter schools - use of state education**  
50 **fund moneys - definitions.** (4) For the 2001-02 budget year, the  
51 2003-04 budget year, and each budget year thereafter, the general  
52 assembly shall annually appropriate from the state education fund created  
53 in section 17 (4) of article IX of the state constitution, to the department  
54 of education for distribution to eligible school districts and eligible  
55 institute charter schools in accordance with the formula set forth in  
56 paragraph (a) of subsection (3) of this section, an amount equal to the

1 total amount of moneys to be distributed to all districts and institute  
2 charter schools as determined pursuant to said formula.

3  
4 (a) PRIOR TO THE 2009-10 BUDGET YEAR, from the moneys  
5 appropriated for a given budget year PURSUANT TO THIS SECTION, the  
6 department shall make lump sum payments of all moneys to be distributed  
7 to each eligible school district and eligible institute charter school during  
8 the budget year as soon as possible.

9  
10 (b) FOR THE 2009-10 BUDGET YEAR AND EACH BUDGET YEAR  
11 THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE THE TOTAL AMOUNT  
12 TO BE DISTRIBUTED PURSUANT TO THIS SECTION TO EACH ELIGIBLE SCHOOL  
13 DISTRICT AND ELIGIBLE INSTITUTE CHARTER SCHOOL IN TWELVE  
14 APPROXIMATELY EQUAL MONTHLY PAYMENTS DURING THE APPLICABLE  
15 BUDGET YEAR IN CONJUNCTION WITH THE DISTRIBUTION OF THE STATE'S  
16 SHARE OF DISTRICT TOTAL PROGRAM PURSUANT TO SECTION 22-54-115."

17  
18 Renumber succeeding sections accordingly.

19  
20 Page 13, after line 11, insert the following:

21 "SECTION 11. 22-30.5-112 (2) (a.7), Colorado Revised Statutes,  
22 is amended to read:

23  
24 **22-30.5-112. Charter schools - financing - definitions -**  
25 **guidelines.** (2) (a.7) For the 2000-01 budget year ~~and budget years~~  
26 ~~thereafter~~ THROUGH THE 2008-09 BUDGET YEAR, each charter school shall  
27 annually allocate the minimum per pupil dollar amount specified in  
28 section 22-54-105 (2) (b), multiplied by the number of students enrolled  
29 in the charter school who are not students enrolled in an on-line program,  
30 as defined in section 22-30.7-102 (9), to a fund created by the charter  
31 school for capital reserve purposes, as set forth in section 22-45-103 (1)  
32 (c) and (1) (e), or solely for the management of risk-related activities, as  
33 identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S.,  
34 or among such allowable funds. Said moneys shall be used for the  
35 purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be  
36 expended by the charter school for any other purpose. ANY MONEYS  
37 REMAINING IN SUCH FUND THAT HAVE NOT BEEN EXPENDED PRIOR TO THE  
38 2009-10 BUDGET YEAR SHALL BE BUDGETED FOR THE PURPOSES SET FORTH  
39 IN SECTION 22-45-103 (1) (c) AND (1) (e) IN THE 2009-10 BUDGET YEAR OR  
40 ANY BUDGET YEAR THEREAFTER."

41  
42 Renumber succeeding sections accordingly.

43  
44 Page 24, line 17, strike "**study - repeal.**" and substitute "**study -**  
45 **authority to contract - funding.**".

46  
47 Page 26, after line 12, insert the following:

48 "(4) (a) FOLLOWING COMPLETION OF THE FEASIBILITY STUDY, IF  
49 THE COMMISSIONER CONCLUDES THAT THE CREATION AND OPERATION OF  
50 STATE RESIDENTIAL SCHOOLS WOULD BE BENEFICIAL TO THE STATE, THE  
51 COMMISSIONER MAY CONTRACT FOR THE CREATION AND OPERATION OF  
52 ONE OR MORE STATE RESIDENTIAL SCHOOLS TO PROVIDE EDUCATIONAL  
53 SERVICES TO STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE. ANY  
54 STATE RESIDENTIAL SCHOOL OPERATED PURSUANT TO THIS SECTION SHALL  
55 PROVIDE AN EDUCATIONAL PROGRAM FOCUSED ON MATHEMATICS AND  
56 SCIENCE.

1 (b) IF THE COMMISSIONER DOES NOT CONTRACT FOR STATE  
 2 RESIDENTIAL SCHOOLS AS AUTHORIZED IN PARAGRAPH (a) OF THIS  
 3 SUBSECTION (4), THE COMMISSIONER MAY PROVIDE TECHNICAL  
 4 ASSISTANCE TO SCHOOL DISTRICTS AND PUBLIC SCHOOLS TO ADDRESS THE  
 5 NEEDS OF STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE BY  
 6 IMPROVING THE AVAILABILITY AND QUALITY OF SECONDARY-LEVEL  
 7 MATHEMATICS AND SCIENCE CURRICULA.

8  
 9 (5) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT UP TO  
 10 THREE MILLION DOLLARS BE APPROPRIATED TO THE COMMISSIONER TO  
 11 EXPEND FOR THE IMPLEMENTATION OF SUBSECTION (4) OF THIS SECTION.  
 12 THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF  
 13 ARTICLE IX OF THE STATE CONSTITUTION, THE CREATION OF STATE  
 14 RESIDENTIAL SCHOOLS AND THE PROVISION OF TECHNICAL ASSISTANCE TO  
 15 IMPROVE SECONDARY-LEVEL MATHEMATICS AND SCIENCE CURRICULA AS  
 16 PROVIDED IN SUBSECTION (4) OF THIS SECTION ARE IMPORTANT ELEMENTS  
 17 OF ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, AND  
 18 THE GENERAL ASSEMBLY MAY THEREFORE APPROPRIATE MONEYS FROM  
 19 THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX  
 20 OF THE STATE CONSTITUTION FOR THE IMPLEMENTATION OF SUBSECTION  
 21 (4) OF THIS SECTION.

22  
 23 (b) IN ADDITION TO THE FUNDING PROVIDED PURSUANT TO  
 24 PARAGRAPH (a) OF THIS SUBSECTION (5), IF THE COMMISSIONER  
 25 CONTRACTS FOR THE CREATION AND OPERATION OF ONE OR MORE STATE  
 26 RESIDENTIAL SCHOOLS, THE DEPARTMENT SHALL PROVIDE FUNDING FOR  
 27 SAID SCHOOLS BY WITHHOLDING MONEYS FROM THE STATE SHARE OF  
 28 TOTAL PROGRAM FUNDING PAYABLE TO THE DISTRICT OF RESIDENCE OF  
 29 EACH STUDENT WHO ENROLLS IN A STATE RESIDENTIAL SCHOOL. THE  
 30 AMOUNT WITHHELD SHALL BE EQUAL TO THE AMOUNT OF THE SCHOOL  
 31 DISTRICT'S PER PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR  
 32 MULTIPLIED BY THE NUMBER OF STUDENTS WHO RESIDE IN THE SCHOOL  
 33 DISTRICT AND ARE ENROLLED IN THE STATE RESIDENTIAL SCHOOL AS OF  
 34 OCTOBER 1 OF THE APPLICABLE BUDGET YEAR. A STUDENT WHO ENROLLS  
 35 IN A STATE RESIDENTIAL SCHOOL SHALL BE COUNTED IN THE PUPIL  
 36 ENROLLMENT OF THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE FOR  
 37 PURPOSES OF THIS PARAGRAPH (b). THE DEPARTMENT SHALL ADOPT  
 38 GUIDELINES AS NECESSARY FOR THE IMPLEMENTATION OF THIS  
 39 PARAGRAPH (b).";

40  
 41 line 13, strike "(4)" and substitute "(c)";

42  
 43 line 14, strike "THIS" and substitute "THE";

44  
 45 line 17, after the period, add "THE COMMISSIONER IS AUTHORIZED TO SEEK  
 46 AND ACCEPT ADDITIONAL PUBLIC OR PRIVATE GIFTS, GRANTS, OR  
 47 DONATIONS FOR THE IMPLEMENTATION OF THIS SECTION.";

48  
 49 strike line 18.

50  
 51 Page 37, after line 12, insert the following:

52 "SECTION 36. 24-75-601.1 (1), Colorado Revised Statutes, is  
 53 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

54  
 55 **24-75-601.1. Legal investments of public funds.** (1) It is lawful  
 56 to invest public funds in any of the following securities:

1 (h.5) ANY CERTIFICATE OF PARTICIPATION OR OTHER SECURITY  
2 EVIDENCING RIGHTS IN PAYMENTS TO BE MADE BY A SCHOOL DISTRICT  
3 UNDER A LEASE, LEASE-PURCHASE AGREEMENT, OR SIMILAR  
4 ARRANGEMENT IF THE SECURITY, AT THE TIME OF PURCHASE, CARRIES AT  
5 LEAST TWO CREDIT RATINGS FROM ANY OF THE NATIONALLY RECOGNIZED  
6 CREDIT RATING AGENCIES AND IS RATED AT OR ABOVE "A" BY ALL SUCH  
7 CREDIT AGENCIES THAT HAVE PROVIDED A RATING."

8  
9 Renumber succeeding sections accordingly.

10  
11 Page 39, line 20, strike "22 through 24, 26, and 34" and substitute "26  
12 through 28, 30, and 43";

13  
14 line 22, strike "27 through 29 and 35" and substitute "31 through 33, 40,  
15 and 44";

16  
17 line 24, strike "31" and substitute "35".

18  
19 Page 40, line 1, strike "32" and substitute "41".

20  
21 2. That, under the authority granted the committee to consider  
22 matters not at issue between the two houses, the following amendments  
23 be recommended:

24  
25 Amend rerevised bill, page 9, after line 2, insert the following:

26 "SECTION 4. Article 54 of title 22, Colorado Revised Statutes,  
27 is amended BY THE ADDITION OF A NEW SECTION to read:

28  
29 **22-54-106.5. Fiscal emergency restricted reserve - calculation**  
30 **of reserve amount.** (1) FOR THE 2009-10 BUDGET YEAR, THE GENERAL  
31 ASSEMBLY DETERMINES THAT A STATE FINANCIAL CRISIS REQUIRES EACH  
32 DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE TO BUDGET AN  
33 AMOUNT TO A FISCAL EMERGENCY RESTRICTED RESERVE PURSUANT TO  
34 SECTION 22-44-119. USING THE TOTAL AMOUNT TO BE BUDGETED FOR THE  
35 RESERVE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE  
36 DEPARTMENT OF EDUCATION SHALL CALCULATE THE AMOUNT TO BE  
37 BUDGETED TO THE FISCAL EMERGENCY RESTRICTED RESERVE BY EACH  
38 DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE. THE AMOUNT  
39 BUDGETED BY EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE  
40 SHALL BE RELEASED FOR EXPENDITURE BY THE DISTRICT OR FOR  
41 DISTRIBUTION TO INSTITUTE CHARTER SCHOOLS BY THE STATE CHARTER  
42 SCHOOL INSTITUTE, AS APPLICABLE, ON JANUARY 6, 2010, IF THE GENERAL  
43 ASSEMBLY HAS NOT ACTED BY SAID DATE TO REQUIRE A REVISION BY THE  
44 ENACTMENT OF A NEGATIVE SUPPLEMENTAL APPROPRIATION OR IF THE  
45 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY HAS NOT ACTED BY  
46 SAID DATE TO REQUIRE A REVISION USING THE PROCESS DESCRIBED IN  
47 SECTION 24-75-111, C.R.S., FOR OVEREXPENDITURES.

48  
49 (2) THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE  
50 AMOUNT TO BE BUDGETED TO THE FISCAL EMERGENCY RESTRICTED  
51 RESERVE FOR THE 2009-10 BUDGET YEAR BY DIVIDING THE TOTAL  
52 AMOUNT TO BE BUDGETED FOR THE 2009-10 BUDGET YEAR, AS SPECIFIED  
53 IN SUBSECTION (3) OF THIS SECTION, BY THE SUM OF THE TOTAL PROGRAM  
54 OF ALL DISTRICTS AND INSTITUTE CHARTER SCHOOL FUNDING. THE  
55 DEPARTMENT SHALL CALCULATE THE AMOUNT TO BE BUDGETED BY EACH  
56 DISTRICT AS AN AMOUNT EQUAL TO THE TOTAL RESTRICTED RESERVE

1 MULTIPLIED BY THE DISTRICT'S TOTAL PROGRAM AS CALCULATED  
 2 PURSUANT TO SECTION 22-54-104 (2) (a) (VIII) OR (2) (b), WHICHEVER IS  
 3 APPLICABLE. THE DEPARTMENT SHALL CALCULATE THE AMOUNT TO BE  
 4 BUDGETED BY THE STATE CHARTER SCHOOL INSTITUTE FOR EACH  
 5 INSTITUTE CHARTER SCHOOL BASED ON THE TOTAL RESTRICTED RESERVE  
 6 MULTIPLIED BY THE TOTAL PROGRAM OF THE ACCOUNTING DISTRICT FOR  
 7 EACH INSTITUTE CHARTER SCHOOL.

8  
 9 (3) FOR THE 2009-10 BUDGET YEAR, THE TOTAL AMOUNT OF THE  
 10 RESTRICTED RESERVE SHALL BE ONE HUNDRED TEN MILLION DOLLARS."

11  
 12 Renumber succeeding sections accordingly.

13  
 14 Page 23, after line 1, insert the following:

15 "SECTION 21. Part 1 of article 44 of title 22, Colorado Revised  
 16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
 17 read:

18  
 19 **22-44-119. Fiscal emergency restricted reserve.** FOR THE  
 20 2009-10 BUDGET YEAR, EACH SCHOOL DISTRICT AND THE STATE CHARTER  
 21 SCHOOL INSTITUTE SHALL BUDGET A TOTAL DOLLAR AMOUNT DETERMINED  
 22 BY THE DEPARTMENT OF EDUCATION TO A FISCAL EMERGENCY RESTRICTED  
 23 RESERVE IN THE GENERAL FUND. THE AMOUNT BUDGETED BY EACH  
 24 SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BE  
 25 RELEASED FOR EXPENDITURE BY THE DISTRICT OR FOR DISTRIBUTION TO  
 26 INSTITUTE CHARTER SCHOOLS BY THE STATE CHARTER SCHOOL INSTITUTE,  
 27 AS APPLICABLE, ON JANUARY 6, 2010, IF THE GENERAL ASSEMBLY HAS NOT  
 28 ACTED BY SAID DATE TO REQUIRE A RECISION BY THE ENACTMENT OF A  
 29 NEGATIVE SUPPLEMENTAL APPROPRIATION OR IF THE JOINT BUDGET  
 30 COMMITTEE OF THE GENERAL ASSEMBLY HAS NOT ACTED BY SAID DATE TO  
 31 REQUIRE A RECISION USING THE PROCESS DESCRIBED IN SECTION  
 32 24-75-111, C.R.S., FOR OVEREXPENDITURES."

33  
 34 Renumber succeeding sections accordingly.

35  
 36 Page 37, before line 13, insert the following:

37 "SECTION 37. **Repeal.** 22-43.7-109 (9) (c) (II), Colorado  
 38 Revised Statutes, is repealed as follows:

39  
 40 **22-43.7-109. Financial assistance for public school capital**  
 41 **construction - application requirements - evaluation criteria - local**  
 42 **match requirements.** (9) Except as otherwise provided in subsection  
 43 (10) of this section, the board shall recommend and the state board shall  
 44 approve financial assistance for a public school facility capital  
 45 construction project only if the applicant provides matching moneys in an  
 46 amount equal to a percentage of the total financing for the project  
 47 determined by the board after consideration of the applicant's financial  
 48 capacity, as determined by the following factors:

49  
 50 (c) With respect to a charter school's application for financial  
 51 assistance:

52  
 53 (II) ~~The per pupil revenue received by the charter school from the~~  
 54 ~~state that is required by law to be credited to a capital construction~~  
 55 ~~reserve;~~

56

1           **SECTION 38.** 22-43.7-202 (4) (b), Colorado Revised Statutes,  
2 is amended to read:

3  
4           **22-43.7-202. Applications for grants and matching grants -**  
5 **rules.** (4) The board shall prioritize each application for a grant or a  
6 matching grant that describes a capital construction project deemed  
7 eligible by the board for a grant or matching grant pursuant to this part 2.  
8 The board shall prioritize the applications based on the following criteria,  
9 in descending order of importance:

10  
11           (b) Capital construction projects in school districts or for institute  
12 charter schools that have previously demonstrated consistent efforts to  
13 allocate moneys to the school districts' or institute charter schools' capital  
14 reserve fund. ~~in excess of the minimum amounts required pursuant to~~  
15 ~~section 22-54-105 (2) or 22-30.5-514 (1).~~

16  
17           **SECTION 39.** 22-44-112 (2) (a), Colorado Revised Statutes, is  
18 amended to read:

19  
20           **22-44-112. Transfer of moneys.** (2) (a) A board of education  
21 may transfer by resolution any unencumbered moneys from one fund to  
22 another, ~~except the capital reserve fund, any fund or account in the~~  
23 ~~general fund established solely for the management of risk-related~~  
24 ~~activities, the transportation fund, the special building and technology~~  
25 ~~fund, OR the bond redemption fund. or the instructional supplies and~~  
26 ~~materials account or the instructional capital outlay account in the general~~  
27 ~~fund; except that unencumbered moneys may be transferred by resolution~~  
28 ~~of the board between the capital reserve fund and any fund or account in~~  
29 ~~the general fund established solely for the management of risk-related~~  
30 ~~activities and between the instructional supplies and materials account~~  
31 ~~and the instructional capital outlay account in the general fund.~~

32  
33           **SECTION 40.** 22-11-601 (2), Colorado Revised Statutes, as  
34 enacted in Senate Bill 09-163, is amended to read:

35  
36           **22-11-601. Colorado school awards program - created - rules.**  
37 (2) In addition to the monetary awards made and distributed pursuant to  
38 ~~sections 22-11-602, 22-11-603~~ SECTIONS 22-11-602, 22-11-603,  
39 22-11-603.5, and 22-11-605, the state board may annually apply any  
40 amount remaining from the amount annually appropriated for  
41 implementation of section 22-11-202 to provide tangible items of  
42 recognition, such as banners or trophies, to schools that receive the John  
43 Irwin schools of excellence awards and the governor's distinguished  
44 improvement awards.".

45  
46 Renumber succeeding sections accordingly.

47  
48 Respectfully submitted,  
49       Senate Committee:  
50       (signed)  
51       Chris Romer  
52       Bob Bacon

House Committee:  
(signed)  
Jack Pommer  
Mark Ferrandino  
Don Marostica

53  
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**DELIVERY OF BILL TO GOVERNOR**1  
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The Chief Clerk of the House of Representatives reports the following bill has been delivered to the Office of the Governor: **HB09-1164** at 3:26 p.m. on May 1, 2009.

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**MESSAGE(S) FROM THE SENATE**

The Senate has passed on Third Reading and returns herewith: HB09-1017.

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

- HB09-1348 amended as printed in Senate Journal, April 30, 2009, page 1427-1428,
- HB09-1267 amended as printed in Senate Journal, April 30, 2009, page 1428,
- HB09-1039 amended as printed in Senate Journal, April 30, 2009, page 1428,
- HB09-1290 amended as printed in Senate Journal, April 30, 2009, page 1429,
- HB09-1330 amended as printed in Senate Journal, April 30, 2009, page 1429,
- HB09-1310 amended as printed in Senate Journal, April 30, 2009, page 1429,
- HB09-1266 amended as printed in Senate Journal, April 30, 2009, page 1429,
- HB09-1163 amended as printed in Senate Journal, April 30, 2009, page 1429,
- HB09-1047 amended as printed in Senate Journal, April 30, 2009, pages 1429-1430,
- HB09-1320 amended as printed in Senate Journal, April 30, 2009, page 1430,
- HB09-1202 amended as printed in Senate Journal, April 30, 2009, page 1430,
- HB09-1123 amended on Third Reading as printed in Senate Journal, May 1, 2009.
- HB09-1326 amended as printed in Senate Journal, April 30, 2009, pages 1431-1432, amended on Third Reading as printed in Senate Journal, May 1, 2009,
- HB09-1111 amended as printed in Senate Journal, April 30, 2009, pages 1432-1433,
- HB09-1298 amended as printed in Senate Journal, April 30, 2009, pages 1433-1434,
- HB09-1132 amended as printed in Senate Journal, April 30, 2009.

The Senate voted to concur in House amendments to SB09-180, SB09-163, SB09-118, SB09-006, and repassed the bills as so amended.

The Senate has voted not to concur in House Amendments to SB09-226, and requests that a Conference Committee be appointed. The President appointed Senators Sandoval-Chair, Hudak and Lundberg , as members

1 of the First Conference Committee on SB09-226 on the part of the  
2 Senate. The Senate granted members permission to go beyond the scope  
3 of differences between the two houses. The bill is transmitted herewith.  
4

5 Upon reconsideration, the Senate has adopted HJR09-1020 as amended  
6 in Senate Journal, May 1, 2009, and returns herewith.  
7

8  
9 In response to the request of the House for a Conference Committee on  
10 HB09-1338, the President appoints Senators Bacon-Chair, Newell, and  
11 Mitchell as conferees on the First Conference Committee on HB09-1338.  
12

13  
14 The Senate has passed on Third Reading and transmitted to the Revisor  
15 of Statutes:

16  
17 HB09-1067 amended as printed in Senate Journal, May 1, 2009,  
18 page 1482,  
19 HB09-1342 amended as printed in Senate Journal, May 1, 2009,  
20 page 1482.  
21

22  
23 The Senate has postponed indefinitely HB09-1368 and HB09-1352. The  
24 bills are returned herewith.  
25

26 The Senate has adopted and transmits herewith: SJR09-057.  
27

28 The Senate has adopted and transmits herewith: HJR09-1016.  
29

30 The Senate has adopted, SJR09-040, SJR09-055 as amended, and  
31 transmits the resolutions herewith.  
32

33 The Senate has adopted and transmits herewith: SJR09-058. Pursuant to  
34 the resolution, the President appoints Senators Scheffel and Newell.  
35

36 The Senate voted to concur in House amendments to SB09-133, and  
37 SB09-235, and repassed the bills as so amended.  
38

39 The Senate has voted not to concur in House Amendments to SB09-245,  
40 and requests that a Conference Committee be appointed. The President  
41 appointed Senators Sandoval-Chair, Romer and Mitchell, as members of  
42 the First Conference Committee on SB09-245 on the part of the Senate.  
43 Senate granted permission for member to go beyond the scope of  
44 differences between the two houses. The bill is transmitted herewith.  
45

46  
47 **MESSAGE(S) FROM THE REVISOR**  
48

49 We herewith transmit:  
50 Without comment, as amended, HB09-1067 and 1342.  
51

52  
53 We herewith transmit:  
54 Without comment, as amended, HB09-1047, 1039, 1111, 1123, 1132,  
55 1163, 1202, 1266, 1267, 1290, 1298, 1310, 1320, 1326, 1330, and 1348.  
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**MESSAGE(S) FROM THE GOVERNOR**

I certify I received the following on the 4th day of May, 2009, at 10:45 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,  
Chief Clerk of the House

May 1, 2009

To the Honorable  
House of Representatives  
Sixty-seventh General Assembly  
First Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

**HB09-1061** CONCERNING REQUIRED HEALTH CARE DISCLOSURES INVOLVING INSURANCE CARRIER BUSINESS RELATIONSHIPS WITH INTERMEDIARY ENTITIES.

Approved April 30, 2009 at 3:54 p.m.

**HB09-1089** CONCERNING THE FILING REQUIREMENTS FOR LIENS THAT SECURE A DEBT UPON A VEHICLE.

Approved April 30, 2009 at 3:53 p.m.

**HB09-1162** CONCERNING INTERGOVERNMENTAL COOPERATION FOR THE PURPOSE OF MITIGATING WILDFIRES.

Approved April 30, 2009 at 3:17 p.m.

**HB09-1214** CONCERNING EDUCATION DATA REPORTING REQUIREMENTS.

Approved April 30, 2009 at 3:54 p.m.

**HB09-1285** CONCERNING THE GOVERNMENT DATA ADVISORY BOARD, AND, IN CONNECTION THEREWITH, CREATING THE EDUCATION DATA SUBCOMMITTEE TO MAKE RECOMMENDATIONS FOR CREATION OF A STATEWIDE COMPREHENSIVE P-20 EDUCATION DATA SYSTEM.

Approved April 30, 2009 at 3:55 p.m.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor

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1 House in recess. House reconvened.  
 2 \_\_\_\_\_  
 3

4 Speaker Carroll announced pursuant to House Rule 25, the Committee on  
 5 Health & Human Services would be allowed to meet while the House was  
 6 in session. \_\_\_\_\_  
 7

8  
 9 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

10  
 11 **APPROPRIATIONS**

12 After consideration on the merits, the Committee recommends the  
 13 following:

14  
 15 **SB09-233** be postponed indefinitely.  
 16

17  
 18 **SB09-253** be postponed indefinitely.  
 19

20  
 21 **SB09-273** be postponed indefinitely.  
 22

23  
 24 **SB09-296** be postponed indefinitely.  
 25 \_\_\_\_\_  
 26

27 **INTRODUCTION OF RESOLUTIONS**

28  
 29 The following resolutions were read by title and laid over one day under  
 30 the rules:

31  
 32 **SJR09-040** by Senator(s) Boyd; also Representative(s) Frangas--  
 33 Concerning the implementation of a process to create a  
 34 transformed and integrated behavioral health system in  
 35 Colorado. r  
 36

37 **SJR09-055** by Senator(s) Gibbs, Carroll M., Foster, Heath, King K.,  
 38 Kopp, Newell, Romer, Sandoval, Scheffel, Schwartz,  
 39 Shaffer B., Tapia, Veiga, Williams; also Representative(s)  
 40 McFadyen--Concerning the recognition of Colorado  
 41 Department of Transportation employees, and, in  
 42 connection therewith, declaring the month of July to be  
 43 "Colorado Department of Transportation Remembrance  
 44 Month".  
 45

46 **SJR09-057** by Senator(s) Penry and Groff; also Representative(s)  
 47 Bradford and Solano--Concerning prevention of  
 48 methamphetamine use in Colorado, and, in connection  
 49 therewith, proclaiming "Colorado Meth Project Day".  
 50

51 **SJR09-058** by Senator(s) Shaffer B., Groff, Penry; also  
 52 Representative(s) Weissmann and Kerr A., Carroll T.,  
 53 May--Concerning the appointment of a joint committee to  
 54 notify the Governor that the First Regular Session of the  
 55 Sixty-seventh General Assembly is about to adjourn sine  
 56 die. \_\_\_\_\_

1                                   **CONSIDERATION OF MEMORIAL**

2  
3 **HM09-1005** by Representative(s) May--Memorializing former  
4 Representative James Aspinwall.

5  
6 (Printed and placed in member's file)

7  
8 On motion of Representative May, the memorial was read at length and  
9 **adopted** by the following roll call vote:

10

11	YES	53	NO	0	EXCUSED	12	ABSENT	0
12	Acree	E	Green	E	McCann	Y	Roberts	Y
13	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
14	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
15	Baumgardner	Y	Kagan	E	McNulty	Y	Schafer S.	Y
16	Benefield	Y	Kefalas	E	Merrifield	Y	Solano	Y
17	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
18	Casso	Y	Kerr J.	E	Miklosi	Y	Soper	Y
19	Court	Y	King S.	Y	Murray	Y	Stephens	Y
20	Curry	Y	Labuda	Y	Nikkel	E	Summers	Y
21	Ferrandino	Y	Lambert	Y	Pace	E	Swalm	E
22	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
23	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
24	Gagliardi	E	Looper	Y	Primavera	E	Vaad	Y
25	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
26	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
27	Gerou	E	May	Y	Riesberg	E	Weissmann	Y
28							Speaker	Y

29 Current Roll Call added as Co-sponsor(s): Representative(s) Apuan, Balmer,  
30 Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino, Fischer,  
31 Frangas, Gardner B., Gardner C., Hullinghorst, Judd, Kerr A., King S., Labuda,  
32 Lambert, Levy, Liston, Looper, Marostica, Massey, McCann, McFadyen,  
33 McKinley, McNulty, Merrifield, Middleton, Miklosi, Murray, Peniston,  
34 Pommer, Priola, Rice, Roberts, Ryden, Scanlan, Schafer S., Solano,  
35 Sonnenberg, Soper, Stephens, Summers, Tipton, Todd, Vaad, Vigil, Waller,  
36 Weissmann, Speaker

37  
38  
39                                   House in recess. House reconvened.  
40  
41

42                                   **CONSIDERATION OF RESOLUTION(S)**

43  
44  
45 **HJR09-1028** by Representative(s) Benefield, Court, Massey, Vaad; also  
46 Senator(s) Shaffer B., Groff, Penry--Concerning the  
47 retention of officers and employees of the First Regular  
48 Session of the Sixty-seventh General Assembly.

49  
50 (Printed and placed in members file)

51  
52 On motion of Representative Benefield, the resolution was read at length  
53 and **adopted** by **viva voce** vote.

54  
55 Current Roll Call added as Co-sponsor(s): Representative(s) Apuan, Balmer,  
56 Baumgardner, Bradford, Casso, Curry, Ferrandino, Fischer, Frangas,

1 Gardner B., Gardner C., Hullinghorst, Judd, Kerr A., King S., Labuda, Lambert,  
2 Levy, Liston, Looper, Marostica, May, McCann, McFadyen, McNulty,  
3 Merrifield, Middleton, Miklosi, Murray, Pace, Peniston, Pommer, Priola, Rice,  
4 Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens,  
5 Summers, Tipton, Todd, Vigil, Waller, Weissmann, Speaker

6

7 **SJR09-054** by Senator(s) Keller; also Representative(s) Roberts--  
8 Concerning the designation of May 2009 as "Mental  
9 Health Month".

10

11 (Printed and placed in members file)

12

13 On motion of Representative Roberts, the resolution was read at length  
14 and **adopted** by **viva voce** vote.

15

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

24

25

26

27 On motion of Representative Weissmann, **SB09-110, 164, 241, 247, 295,**  
28 **292, 286, 297, 290, 085** were added to the Special Orders Calendar on  
29 Monday, May 4, 2009.

30

31

32 On motion of Representative Merrifield, the House resolved itself into  
33 Committee of the Whole for consideration of Special Orders and he was  
34 called to the Chair to act as Chairman.

35

36

### 37 **SPECIAL ORDERS--SECOND READING OF BILLS**

38

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

43

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

46

47 **HB09-1323** by Representative(s) Levy, Fischer, Green, Hullinghorst,  
48 Kerr A., Labuda, McFadyen, Merrifield, Pace, Pommer,  
49 Primavera, Scanlan, Solano; also Senator(s) Veiga, Bacon,  
50 Heath, Romer, Shaffer B.--Concerning energy efficiency  
51 programs implemented by cooperative electric  
52 associations.

53

54 Laid over until August 7, 2009. Bill deemed lost.

55

1 **HB09-1356** by Representative(s) Liston and Pommer--Concerning the  
2 use of state education fund moneys in the college  
3 opportunity fund program to pay student stipends for  
4 higher education courses that further the purposes of the  
5 state education fund specified in the state constitution, and  
6 making an appropriation therefor.  
7

8 Laid over until August 8, 2009. Bill deemed lost.  
9

10 **SB09-110** by Senator(s) Morse, Carroll M., Hudak; also  
11 Representative(s) Levy--Concerning the continuation of the  
12 regulation of civil rights issues.  
13

14 Amendment No. 1, Judiciary Report, dated April 27, 2009, and placed in  
15 member's bill file; Report also printed in House Journal, April 28,  
16 pages 1551-1554.  
17

18 Amendment No. 2, Appropriations Report, dated May 1, 2009, and placed  
19 in member's bill file; Report also printed in House Journal, May 4,  
20 page 1688.  
21

22 As amended, ordered revised and placed on the Calendar for Third  
23 Reading and Final Passage.  
24

25  
26 **SB09-164** by Senator(s) Newell, Bacon, Carroll M., Foster, Heath,  
27 Hodge, Keller, Morse, Shaffer B., Williams; also  
28 Representative(s) Miklosi, Frangas, Gagliardi, Kefalas,  
29 Ryden--Concerning requiring certain persons serving in  
30 the state child welfare system to demonstrate the necessary  
31 competencies to perform their job responsibilities.  
32

33 Ordered revised and placed on the Calendar for Third Reading and Final  
34 Passage.  
35

36 **SB09-241** by Senator(s) Morse; also Representative(s) King S. and  
37 Tipton--Concerning DNA testing of adults arrested for a  
38 felony, and making an appropriation therefor.  
39

40 Amendment No. 1, Judiciary Report, dated April 30, 2009, and placed in  
41 member's bill file; Report also printed in House Journal, May 1,  
42 pages 1657-1660.  
43

44 Amendment No. 2, Appropriations Report, dated May 1, 2009, and placed  
45 in member's bill file; Report also printed in House Journal, May 4,  
46 page 1688.  
47

48 Amendment No. 3, by Representative(s) Weissmann.  
49

50 Amend reengrossed bill, page 17, after line 12, insert the following:  
51

52 **"SECTION 5. Effective date - applicability.** Notwithstanding  
53 the provisions of section 4 of this act, this act shall not take effect until  
54 the DNA working group created in section 24-33.5-104.5, Colorado  
55 Revised Statutes, has met and has made recommendations regarding  
56 collection of a biological sample for DNA testing from a person upon

1 arrest for a felony and the general assembly enacts by bill said  
2 recommendations during the Second Regular Session of the Sixty-seventh  
3 General Assembly."

4  
5 Renumber succeeding section accordingly.

6  
7 Amendment No. 4, by Representative(s) King S.

8  
9 Amend reengrossed bill, page 8, after line 18, insert the following:

10  
11 "SECTION 4. 18-1-412, Colorado Revised Statutes, is amended  
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13  
14 **18-1-412. Procedure for application for DNA testing -**  
15 **appointment of counsel.** (9) UPON MOTION OF THE DEFENDANT OR HIS  
16 OR HER COUNSEL, THE COURT SHALL ORDER A DATABASE SEARCH BY A  
17 LAW ENFORCEMENT AGENCY IF THE COURT DETERMINES THAT A  
18 REASONABLE PROBABILITY EXISTS THAT THE DATABASE SEARCH WILL  
19 PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM  
20 OF WRONGFUL CONVICTION OR SENTENCING. DNA PROFILES MUST MEET  
21 CURRENT NATIONAL DNA DATABASE INDEX SYSTEM ELIGIBILITY  
22 STANDARDS AND CONFORM TO CURRENT FEDERAL BUREAU OF  
23 INVESTIGATION QUALITY ASSURANCE STANDARDS IN ORDER TO BE  
24 ELIGIBLE FOR SEARCH AGAINST THE STATE INDEX SYSTEM."

25  
26 Renumber succeeding sections accordingly.

27  
28 Amendment No. 5, by Representative(s) Ferrandino.

29 Amend reengrossed bill, page 5, line 7, strike "SYSTEM AND" and  
30 substitute "SYSTEM AFTER RECEIVING CONFIRMATION FROM THE  
31 ARRESTING OR CHARGING AGENCY THAT THE ADULT WAS CHARGED WITH  
32 A FELONY. IF THE COLORADO BUREAU OF INVESTIGATION DOES NOT  
33 RECEIVE CONFIRMATION OF A FELONY CHARGE WITHIN A YEAR OF  
34 RECEIVING THE SAMPLE FOR TESTING, THE COLORADO BUREAU OF  
35 INVESTIGATION SHALL DESTROY THE BIOLOGICAL SAMPLE AND ANY  
36 RESULTS FROM THE TESTING OF THE SAMPLE. THE COLORADO BUREAU OF  
37 INVESTIGATION".

38  
39 Amendment No. 6, by Representative(s) Waller.

40  
41 Amend reengrossed bill, page 7, before line 25, insert the following:

42 "(9) A PERSON WHO HAS REQUESTED EXPUNGEMENT PURSUANT TO  
43 THIS SECTION MAY PETITION THE DISTRICT COURT FOR REVIEW OF THE  
44 DECISION OF THE COLORADO BUREAU OF INVESTIGATION TO DENY  
45 EXPUNGEMENT. SUCH PERSON SHALL HAVE THE BURDEN OF  
46 DEMONSTRATING TO THE COURT THAT HE OR SHE QUALIFIES FOR  
47 EXPUNGEMENT PURSUANT TO THIS SECTION."

48  
49 As amended, ordered revised and placed on the Calendar for Third  
50 Reading and Final Passage.

51 (For change in action, see Amendments to Report, page 1740.)

52  
53 **SB09-247** by Senator(s) Tochtrop; also Representative(s) Pace--  
54 Concerning the expansion of benefits for unemployed  
55 workers in Colorado, and making an appropriation in  
56 connection therewith.

1 Amendment No. 1, Business Affairs & Labor Report, dated  
2 April 29, 2009, and placed in member's bill file; Report also printed in  
3 House Journal, April 30, pages 1637.

4  
5 Amendment No. 1, Appropriations Report, dated May 1, 2009, and placed  
6 in member's bill file; Report also printed in House Journal, May 4,  
7 pages 1688-1689.

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

11  
12 A motion by Representative Weissmann that the Committee rise, report  
13 progress and beg leave to sit again in ten or fifteen minutes, was adopted  
14 by unanimous consent. (Special Orders continued on page 1718.)

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House reconvened.

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The Committee of the Whole reported it had risen, reported progress and would sit again in ten or fifteen minutes.

### THIRD READING OF BILL--FINAL PASSAGE

The following bill was considered on Third Reading. The title was publicly read. Reading of the bill at length was dispensed with by unanimous consent.

**HB09-1369** by Representative(s) Weissmann; also Senator(s) Shaffer B.--Concerning the search process for leadership positions within state institution of higher education systems.

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
43	Acree	Y	Green	Y	McCann	Y	Roberts	Y
44	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
45	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
46	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
47	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
48	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
49	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
50	Court	Y	King S.	Y	Murray	Y	Stephens	Y
51	Curry	Y	Labuda	Y	Nikkel	Y	Summers	E
52	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
53	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
54	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
55	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
56	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y

1	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
2	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
3							Speaker	Y

4  
5 **Third Reading amendment No. 1**, by Representative Weissmann.

6  
7 Amend page 7, line 10, after "**Applicability.**", insert "(1)";

8  
9 after line 13, insert the following:

10  
11 "(2) THIS ARTICLE DOES NOT APPLY TO OPENINGS AT INDIVIDUAL  
12 COMMUNITY COLLEGE CAMPUSES."

13  
14 The amendment was declared **passed** by the following roll call vote:

16	YES	64	NO	0	EXCUSED	1	ABSENT	0
17	Acree	Y	Green	Y	McCann	Y	Roberts	Y
18	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
19	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
20	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
21	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
22	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
23	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
24	Court	Y	King S.	Y	Murray	Y	Stephens	Y
25	Curry	Y	Labuda	Y	Nikkel	Y	Summers	E
26	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
27	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
28	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
29	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
30	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
31	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
32	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
33							Speaker	Y

34  
35 As shown by the following roll call vote, a majority of all members  
36 elected to the House voted in the affirmative, and Representative  
37 Marostica was given permission to offer a Third Reading amendment:

39	YES	63	NO	1	EXCUSED	1	ABSENT	0
40	Acree	Y	Green	N	McCann	Y	Roberts	Y
41	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
42	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
43	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
44	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
45	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
46	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
47	Court	Y	King S.	Y	Murray	Y	Stephens	Y
48	Curry	Y	Labuda	Y	Nikkel	Y	Summers	E
49	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
50	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
51	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
52	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
53	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
54	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
55	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
56							Speaker	Y

1 **Third Reading amendment No. 2**, by Representative Marostica.

2  
3 Amend engrossed bill, page 12, strike lines 4 through 6 and substitute the  
4 following:

5 "**SECTION 15. Act subject to petition - effective date.** This act  
6 shall take effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly that is  
8 allowed for submitting a referendum petition pursuant to article V,  
9 section 1 (3) of the state constitution, (August 5, 2009, if adjournment  
10 sine die is on May 6, 2009); except that, if a referendum petition is filed  
11 against this act or an item, section, or part of this act within such period,  
12 then the act, item, section, or part, if approved by the people, shall take  
13 effect on the date of the official declaration of the vote thereon by  
14 proclamation of the governor."

15  
16 The amendment was declared **passed** by the following roll call vote:

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

36 Laid over until later.

37

38

39

40

41 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

42

43 **HB09-1242** by Representative(s) Summers; also Senator(s) King K.--  
44 Concerning contributions to research institutions at  
45 Colorado institutions of higher education.

46

47 (Amended as printed in Senate Journal, April 22, pages 1198.)

48

49 Representative Summers moved that the House **concur** in Senate  
50 amendments. The motion was declared **passed** by the following roll call  
51 vote:

52

	YES	65	NO	0	EXCUSED	0	ABSENT	0
54	Acree	Y	Green	Y	McCann	Y	Roberts	Y
55	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
56	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y

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

15  
 16 The question being, "Shall the bill, as amended, pass?"  
 17 A roll call vote was taken. As shown by the following recorded vote, a  
 18 majority of those elected to the House voted in the affirmative, and the  
 19 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
22	Acree	Y	Green	Y	McCann	Y	Roberts	Y
23	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
24	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
25	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
26	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
27	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
28	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
29	Court	Y	King S.	Y	Murray	Y	Stephens	Y
30	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
31	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
32	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
33	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
34	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
35	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
36	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
37	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
38							Speaker	Y

39 Co-sponsor(s) added: Representative(s) Fischer, Labuda, Murray, Speaker

40  
 41 **HB09-1250** by Representative(s) Merrifield; also Senator(s) Penry--  
 42 Concerning increasing the allocation to public schools of  
 43 federal moneys received by the state on behalf of certain  
 44 counties pursuant to the act of congress of May 23, 1908,  
 45 as amended, relating to receipts from national forests.

46  
 47 (Amended as printed in Senate Journal, April 27, pages 1292-1293, and  
 48 amended on Third Reading as printed in Senate Journal, April 28.)

49  
 50 Representative Merrifield moved that the House **concur** in Senate  
 51 amendments. The motion was declared **passed** by the following roll call  
 52 vote:

	YES	63	NO	2	EXCUSED	0	ABSENT	0
55	Acree	Y	Green	Y	McCann	Y	Roberts	Y
56	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y

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

16

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

18 A roll call vote was taken. As shown by the following recorded vote, a  
 19 majority of those elected to the House voted in the affirmative, and the  
 20 bill, as amended, was declared **repassed**.

21

22	YES	42	NO	23	EXCUSED	0	ABSENT	0
23	Acree	N	Green	Y	McCann	Y	Roberts	N
24	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
25	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
26	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
28	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
29	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
30	Court	Y	King S.	N	Murray	N	Stephens	Y
31	Curry	N	Labuda	Y	Nikkel	N	Summers	Y
32	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
33	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
34	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
35	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
36	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
37	Gardner C.	N	Massey	N	Rice	Y	Waller	N
38	Gerou	Y	May	N	Riesberg	N	Weissmann	Y
39							Speaker	Y

40

41 **HB09-1252** by Representative(s) Roberts, Massey, Vigil; also  
 42 Senator(s) Isgar--Concerning the expansion of the "Local  
 43 Access to Health Care Pilot Program Act" to allow  
 44 creation of a pilot program in the San Luis valley.

45

46 (Amended as printed in Senate Journal, April 22, pages 1197.)

47

48 Representative Roberts moved that the House **concur** in Senate  
 49 amendments. The motion was declared **passed** by the following roll call  
 50 vote:

51

52	YES	63	NO	2	EXCUSED	0	ABSENT	0
53	Acree	Y	Green	Y	McCann	Y	Roberts	Y
54	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
55	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
56	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y

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

15 The question being, "Shall the bill, as amended, pass?".  
 16 A roll call vote was taken. As shown by the following recorded vote, a  
 17 majority of those elected to the House voted in the affirmative, and the  
 18 bill, as amended, was declared **repassed**.

	YES	62	NO	3	EXCUSED	0	ABSENT	0
21	Acree	Y	Green	Y	McCann	Y	Roberts	Y
22	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
23	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
24	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
25	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
26	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
27	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
28	Court	Y	King S.	Y	Murray	Y	Stephens	Y
29	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
30	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
31	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
32	Frangas	N	Liston	Y	Pommer	Y	Todd	Y
33	Gagliardi	Y	Looper	Y	Primavera	N	Vaad	Y
34	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
35	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
36	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
37							Speaker	Y

38 Co-sponsor(s) added: Representative(s) Labuda, McFadyen, Merrifield,  
 39 Schafer S.

40  
 41 **HB09-1303** by Representative(s) Curry; also Senator(s) Isgar--  
 42 Concerning the application of engineering criteria to  
 43 increase efficiency in the administration of wells that  
 44 withdraw ground water in conjunction with the mining of  
 45 minerals, and, in connection therewith, integrating wells  
 46 that withdraw ground water in conjunction with the mining  
 47 of minerals into the prior appropriation system and  
 48 extending the time schedule for well owners to correct  
 49 deficiencies in permitting and operation.

50  
 51 (Amended as printed in Senate Journal, April 27, pages 1291-1292.)

52  
 53 Representative Curry moved that the House **concur** in Senate  
 54 amendments. The motion was declared **passed** by the following roll call  
 55 vote:

56

	YES	65	NO	0	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

20 The question being, "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative, and the  
 23 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
25								
26	Acree	Y	Green	Y	McCann	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
28	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
30	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
31	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
33	Court	Y	King S.	Y	Murray	Y	Stephens	Y
34	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
36	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
37	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
38	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
39	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
40	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
41	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Baumgardner, Hullinghorst, Labuda

44  
 45 **HB09-1316** by Representative(s) Solano, King S.; also Senator(s)  
 46 Shaffer B.--Concerning public dissemination of personal  
 47 information of a person working in the criminal justice  
 48 system.

49  
 50 (Amended as printed in Senate Journal, April 28, page 1300.)

51  
 52 Representative Solano moved that the House **concur** in Senate  
 53 amendments. The motion was declared **passed** by the following roll call  
 54 vote:

55

	YES	65	NO	0	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

20 The question being, "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative, and the  
 23 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
25								
26	Acree	Y	Green	Y	McCann	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
28	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
30	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
31	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
33	Court	Y	King S.	Y	Murray	Y	Stephens	Y
34	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
36	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
37	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
38	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
39	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
40	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
41	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
42							Speaker	Y
43								

44 **HB09-1035** by Representative(s) Riesberg; also Senator(s) Heath--  
 45 Concerning sales and use tax refunds for certain Colorado-  
 46 based technology companies.

47  
 48 (Amended as printed in Senate Journal, April 29.)

49  
 50 Representative Riesberg moved that the House **concur** in Senate  
 51 amendments. The motion was declared **passed** by the following roll call  
 52 vote:

	YES	62	NO	3	EXCUSED	0	ABSENT	0
54								
55	Acree	Y	Green	Y	McCann	Y	Roberts	Y
56	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y

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

16

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

18 A roll call vote was taken. As shown by the following recorded vote, a  
 19 majority of those elected to the House voted in the affirmative, and the  
 20 bill, as amended, was declared **repassed**.

21

22

	YES	47	NO	18	EXCUSED	0	ABSENT	0
23	Acree	Y	Green	N	McCann	Y	Roberts	Y
24	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
25	Balmer	Y	Judd	N	McKinley	N	Scanlan	Y
26	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
28	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	N
29	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
30	Court	Y	King S.	N	Murray	N	Stephens	Y
31	Curry	N	Labuda	Y	Nikkel	N	Summers	Y
32	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
33	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
34	Frangas	Y	Liston	Y	Pommer	N	Todd	Y
35	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
36	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
37	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
38	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
39							Speaker	Y

40 Co-sponsor(s) added: Representative(s) Frangas, Kefalas, Todd

41

42

43 **HB09-1111** by Representative(s) Massey, Swalm; also Senator(s) Boyd  
 44 and Schwartz--Concerning measures to increase the  
 45 availability of health resources in designated areas in  
 46 Colorado, and, in connection therewith, creating the  
 47 primary care office in the prevention services division in  
 48 the department of public health and environment to  
 49 maximize state and federal programs that provide health  
 50 resources, and making an appropriation.

51

52 (Amended as printed in Senate Journal, April 30, pages 1432-1433.)

53

54 Representative Massey moved that the House **not concur** in Senate  
 55 amendments and that a Conference Committee be appointed with  
 56 permission to go beyond the scope of the differences between the House

1 and the Senate. The motion was declared **passed** by the following roll  
2 call vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
5	Acree	Y	Green	Y	McCann	Y	Roberts	Y
6	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
7	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
8	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
9	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
10	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
11	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
12	Court	Y	King S.	Y	Murray	Y	Stephens	Y
13	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
14	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
15	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
16	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
17	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
18	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
19	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
20	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
21							Speaker	Y

22 The Speaker appointed Representatives Massey, Chairman, Riesberg and  
23 Kagan as House conferees to the bill.

### 27 THIRD READING OF BILL--FINAL PASSAGE

(continued from page 1708)

30 The following bills were considered on Third Reading. The titles were  
31 publicly read. Reading of the bill at length was dispensed with by  
32 unanimous consent.

34 **HB09-1369** by Representative(s) Weissmann; also Senator(s)  
35 Shaffer B.--Concerning the search process for leadership  
36 positions within state institution of higher education  
37 systems.

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

	YES	34	NO	31	EXCUSED	0	ABSENT	0
45	Acree	N	Green	Y	McCann	Y	Roberts	N
46	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
47	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
48	Baumgardner	N	Kagan	N	McNulty	N	Schafer S.	Y
49	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
50	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
51	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	N
52	Court	Y	King S.	N	Murray	N	Stephens	N
53	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
54	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
55	Fischer	Y	Levy	N	Peniston	Y	Tipton	N
56	Frangas	Y	Liston	N	Pommer	Y	Todd	Y

1	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
2	Gardner B.	N	Marostica	N	Priola	N	Vigil	Y
3	Gardner C.	N	Massey	N	Rice	Y	Waller	N
4	Gerou	N	May	N	Riesberg	N	Weissmann	Y
5							Speaker	Y

6 Co-sponsor(s) added: Representative(s) Curry, Green, Labuda, Merrifield,  
7 Solano

8  
9

10

11 On motion of Representative Merrifield, the House resolved itself into  
12 Committee of the Whole for continuation of consideration of Special  
13 Orders, and he returned to the Chair to act as Chairman.

14

15

### 16 SPECIAL ORDERS--SECOND READING OF BILLS

17 (Continued from page 1708)

18

19 **SB09-295** by Senator(s) Boyd, Groff, Heath, Hodge, Kopp, Romer,  
20 Schwartz, Tochtrop, Williams; also Representative(s) May  
21 and Middleton, Merrifield--Concerning accessibility at  
22 state-supported institutions of higher education, and  
23 making an appropriation in connection therewith.

24

25 Amendment No. 1, Education Report, dated May 1, 2009, and placed in  
26 member's bill file; Report also printed in House Journal, May 4,  
27 pages 1689-1690.

28

29 Amendment No. 2, by Representative(s) Middleton.

30

31 Amend the Education Committee Report, dated May 1, 2009, page 2, line  
32 1, strike "(10)" and substitute "(10.5)".

33

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

35

36 Amend reengrossed bill, page 22, strike lines 3 through 27.

37

38 Page 23, strike lines 1 through 12.

39

40 Renumber succeeding sections accordingly.

41

42 Page 1, strike lines 102 and 103 and substitute "**HIGHER EDUCATION.**".

43

44 Amendment No. 4, by Representative(s) Middleton.

45

46 Amend reengrossed bill, page 5, strike lines 14 through 27 and substitute  
47 the following:

48

49 "(4) PROVIDED THAT THE UNIVERSITY OF COLORADO AT BOULDER  
50 CONTINUES TO ADMIT ALL IN-STATE FIRST TIME FRESHMAN APPLICANTS  
51 THAT MEET PUBLISHED GUARANTEED-ADMISSIONS CRITERIA AND  
52 CONTINUES TO ENROLL RESIDENT STUDENTS AT NOT LESS THAN FALL 2008  
53 LEVELS ON A FIVE-YEAR ROLLING AVERAGE, THE UNIVERSITY OF  
54 COLORADO AT BOULDER SHALL EXCLUDE FOREIGN STUDENTS IN ITS  
55 CALCULATION OF NONRESIDENT ENROLLMENT. FOR PURPOSES OF THIS  
56 SUBSECTION (4), "FOREIGN STUDENT" MEANS A STUDENT WHO IS COUNTED

1 AS FOREIGN AND PRESENT IN THE UNITED STATES ON A NONIMMIGRANT  
 2 VISA. FOREIGN STUDENTS SHALL NOT EXCEED TEN PERCENT OF THE TOTAL  
 3 STUDENT POPULATION. INSTITUTIONS OF HIGHER EDUCATION SHALL  
 4 REPORT TO THE COLORADO COMMISSION ON HIGHER EDUCATION  
 5 INFORMATION REGARDING RESIDENCY AND ENROLLMENT, INCLUDING THE  
 6 NUMBER OF FOREIGN STUDENTS ENROLLED, AND THE COMMISSION MAY  
 7 TAKE APPROPRIATE REMEDIAL ACTION IF AN INSTITUTION FAILS TO  
 8 COMPLY WITH THE PROVISIONS OF THIS SUBSECTION (4)."  
 9

10 Page 6, strike lines 1 and 2.

11  
 12 Amendment No. 5, by Representative(s) Middleton.

13  
 14 Amend reengrossed bill, page 6, strike lines 4 through 11.

15  
 16 Renumber succeeding sections accordingly.

17  
 18 Page 6, line 12, strike "(13) (b)," and substitute "(20.1), (22), and (26),"  
 19 and strike "is" and substitute "are";

20  
 21 line 13, strike "amended" and substitute "amended, and the said  
 22 24-30-202 is further amended BY THE ADDITION OF A NEW  
 23 SUBSECTION,";

24  
 25 strike lines 15 through 27 and substitute the following:

26  
 27 **penalties.** (20.1) The controller, or the controller's designee, is hereby  
 28 authorized, upon written request made to the controller, to allow any state  
 29 department, institution, or agency to draw upon its appropriation a sum  
 30 set by fiscal rule promulgated by the controller, which fiscal rule may not  
 31 authorize a sum in excess of two thousand five hundred dollars, and  
 32 considered appropriate for the circumstances, to be used for the payment  
 33 of incidental expenses. Items of postage, express, telegrams, and other  
 34 incidental expenses may be paid from such moneys. At the end of each  
 35 month, or as often as is practicable, the department, institution, or agency  
 36 making such incidental expenditures shall submit a voucher to the  
 37 controller covering the total amount of such expenditures and shall submit  
 38 a list of all such expenditures, together with proper receipts, if any, and  
 39 the controller shall draw the controller's warrant against the proper  
 40 appropriation to cover all items of expenditures which the controller  
 41 approves. The controller is also authorized, upon the request of any state  
 42 department, institution, or agency, to allow a reasonable advance of  
 43 moneys to employees and officials for authorized travel on official state  
 44 business not to exceed an amount set by fiscal rule promulgated by the  
 45 controller. ~~which fiscal rule may not authorize a sum in excess of one~~  
 46 ~~thousand five hundred dollars.~~

47  
 48 (22) The controller shall make uniform and equitable fiscal rules  
 49 controlling the types of perquisites which may be allowed state employees  
 50 in the executive branch of government ~~including employees in the~~  
 51 ~~institutions of higher education~~, in addition to their regular salaries. Such  
 52 rules shall include the eligibility of employees to receive such perquisites,  
 53 the charges to be made for such perquisites, and the method of payment  
 54 of such charges to the state. Before such rules become effective, they  
 55 shall be approved by the governor. No employee shall have authority to  
 56 grant to himself OR HERSELF or to any other employee under his OR HER

1 supervision any perquisite, nor shall any employee receive any perquisite  
2 without full payment therefor, except as provided for by statute or by the  
3 rules of the controller as authorized in this section. Charges prescribed  
4 by such rules shall be reviewed annually by the controller. GOVERNING  
5 BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION MAY ESTABLISH  
6 PERQUISITES FOR EMPLOYEES OF THEIR RESPECTIVE INSTITUTIONS.

7  
8 (26) The controller shall promulgate equitable fiscal rules  
9 concerning travel policies applicable to state employees, including  
10 methods of transportation, travel advances, reimbursements, travel  
11 allowances, use of travel agents, and use of state or privately owned  
12 vehicles, and may promulgate such rules for the implementation of a state  
13 travel policy as he deems necessary to assure fair and reasonable  
14 expenditures. THE RULES SHALL ALLOW INSTITUTIONS OF HIGHER  
15 EDUCATION TO PROCURE TRAVEL IN A MANNER NOT PROVIDED FOR IN THE  
16 STATE TRAVEL POLICY IF SUCH INSTITUTIONS ARE ABLE TO SECURE MORE  
17 COST-EFFECTIVE OR EFFICIENT METHODS OR RATES OF TRAVEL. The  
18 controller shall make available a report no later than February 1 of each  
19 year to the governor, the joint budget committee, and the legislative audit  
20 committee regarding the travel expenses of state employees for the prior  
21 fiscal year. Such report shall include, but shall not be limited to, an  
22 itemized list of the travel expenses of each department including in-state  
23 travel, out-of-state travel, and out-of-country travel. The controller shall  
24 notify, in the most cost-effective manner available, the governor, the joint  
25 budget committee, and the legislative audit committee of the availability  
26 of the report and offering to provide copies of the report.

27  
28 (28) (a) SUBJECT TO RECEIVING THE APPROPRIATION DESCRIBED  
29 IN PARAGRAPH (b) OF THIS SUBSECTION (28), IF THE STATE RECEIVES A  
30 REBATE FROM THE USE OF A STATE PROCUREMENT CARD BY AN  
31 INSTITUTION OF HIGHER EDUCATION THAT EXCEEDS THE ALLOCATION OF  
32 GENERAL SERVICES AGENCY COSTS, THE STATE CONTROLLER SHALL  
33 TRANSFER THE EXCESS PORTION OF THE REBATE TO EACH STATE  
34 INSTITUTION OF HIGHER EDUCATION.

35  
36 (b) BEGINNING JULY 1, 2009, THE STATE CONTROLLER SHALL  
37 SUBMIT AN APPROPRIATION REQUEST TO THE GENERAL ASSEMBLY FOR THE  
38 YEAR FOLLOWING THE YEAR AFTER WHICH THE REBATE WAS EARNED.

39  
40 (c) STATE INSTITUTIONS OF HIGHER EDUCATION SHALL BE  
41 RESPONSIBLE FOR COMPLIANCE WITH APPLICABLE FEDERAL REGULATIONS  
42 RELATED TO THE EXCESS REBATE TRANSFERRED TO THE INSTITUTION."

43  
44 Page 7, strike lines 1 through 7 and substitute the following:

45  
46 "SECTION 5. 24-30-1104, Colorado Revised Statutes, is  
47 amended BY THE ADDITION OF A NEW SUBSECTION to read:

48  
49 **24-30-1104. Central services functions of the department -**  
50 **definitions - repeal.** (1.5) STATE INSTITUTIONS OF HIGHER EDUCATION  
51 MAY PURCHASE SERVICES, AS DEFINED IN THIS PART 11, FROM THE  
52 DEPARTMENT WHENEVER SUCH SERVICES CAN BE PROVIDED AT A COST  
53 SAVINGS AND SHALL NOTIFY THE DEPARTMENT WHEN ACCEPTING BIDS FOR  
54 SUCH SERVICES. WHENEVER PRACTICABLE, STATE INSTITUTIONS OF  
55 HIGHER EDUCATION SHALL SEEK PARTNERSHIPS WITH THE DEPARTMENT  
56 FOR THE PURPOSE OF PROCURING SERVICES AT A COST SAVINGS TO THE

1 STATE."

2

3 Renumber succeeding sections accordingly.

4

5 Amendment No. 6, by Representative(s) May.

6

7 Amend reengrossed bill, page 22, after line 2, insert the following:

8

9 "SECTION 16. Title 32, Colorado Revised Statutes, is amended  
10 BY THE ADDITION OF A NEW ARTICLE to read:

11

12 **ARTICLE 20**

13 **Community and State College Service Area Districts**

14

15 **32-20-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
16 BE CITED AS THE "COMMUNITY AND STATE COLLEGE SERVICE AREA  
17 DISTRICTS ACT".

18

19 **32-20-102. Legislative declaration.** (1) THE GENERAL  
20 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

21

22 (a) COMMUNITY AND STATE COLLEGES INCREASINGLY PLAY A  
23 GREATER ROLE IN PROVIDING RESIDENTS OF THE STATE WITH THE  
24 OPPORTUNITY TO MATRICULATE AT AN INSTITUTION OF HIGHER  
25 EDUCATION;

26

27 (b) COMMUNITY AND STATE COLLEGES NOT ONLY PROVIDE THEIR  
28 RESIDENT POPULATIONS AND OTHER RESIDENTS OF THE STATE WITH AN  
29 OPPORTUNITY TO OBTAIN A COLLEGE DEGREE, BUT ALSO SERVE AS  
30 GENERATORS OF ECONOMIC DEVELOPMENT AND JOB GROWTH WITHIN  
31 THEIR COMMUNITIES AND SERVICE AREAS;

32

33 (c) THE FINANCIAL RESOURCES OF SUCH INSTITUTIONS ARE  
34 INCREASINGLY STRAINED, ADVERSELY AFFECTING THE ABILITY OF SUCH  
35 INSTITUTIONS TO ACHIEVE THEIR MISSION.

36

37 (2) BY ENACTING THIS ARTICLE, THE GENERAL ASSEMBLY INTENDS  
38 TO EASE THE FINANCIAL STRAIN ON COMMUNITY AND STATE COLLEGES BY  
39 ALLOWING LOCAL GOVERNMENTS TO CREATE COMMUNITY AND STATE  
40 COLLEGE SERVICE AREA DISTRICTS THAT, AMONG OTHER THINGS, WILL  
41 PROVIDE ALTERNATE SOURCES OF FUNDING FOR THESE INSTITUTIONS IF  
42 SUCH FUNDING MECHANISMS ARE APPROVED BY THE VOTERS AT THE  
43 LOCAL LEVEL.

44

45 **32-20-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
46 CONTEXT OTHERWISE REQUIRES:

47

48 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF A DISTRICT.

49

50 (2) COMMUNITY COLLEGE MEANS:

51

52 (a) ANY COMMUNITY TECHNICAL COLLEGE UNDER THE CONTROL  
53 OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL  
54 EDUCATION CREATED IN SECTION 23-60-104 (1) (b), C.R.S. SUCH  
55 INSTITUTIONS INCLUDE THOSE LISTED IN SECTION 23-60-205, C.R.S.; OR

56

1 (b) ANY JUNIOR COLLEGE DISTRICT THAT IS ORGANIZED PURSUANT  
2 TO PART 1 OF ARTICLE 71 OF TITLE 23, C.R.S., AND THAT IS GOVERNED BY  
3 A BOARD OF TRUSTEES ELECTED PURSUANT TO SECTION 23-71-110, C.R.S.

4  
5 (3) "DENVER METROPOLITAN SERVICE AREA" MEANS THE  
6 COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER,  
7 DOUGLAS, AND JEFFERSON THAT SERVE THE STATE COLLEGE AND ANY  
8 COMMUNITY COLLEGE ALL OR ANY PORTION OF THE SERVICE AREA OF  
9 WHICH IS LOCATED WITHIN ONE OF THE AFOREMENTIONED COUNTIES.

10  
11 (4) "DIRECTOR" MEANS A MEMBER OF THE BOARD OF DIRECTORS  
12 OF A DISTRICT.

13  
14 (5) "DISTRICT" MEANS A COMMUNITY AND STATE COLLEGE  
15 SERVICE AREA DISTRICT CREATED PURSUANT TO THIS ARTICLE.

16  
17 (6) "ELIGIBLE ELECTOR" SHALL HAVE THE SAME MEANING AS SET  
18 FORTH IN SECTION 32-1-103 (5) (a).

19  
20 (7) "JUNIOR COLLEGE DISTRICT BOARD" MEANS THE BOARD OF  
21 TRUSTEES OF A JUNIOR COLLEGE DISTRICT ELECTED PURSUANT TO SECTION  
22 23-71-110, C.R.S.

23  
24 (8) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR  
25 CITY AND COUNTY.

26  
27 (9) "MUNICIPALITY" SHALL HAVE THE SAME MEANING AS SET  
28 FORTH IN SECTION 31-1-101 (6), C.R.S.

29  
30 (10) "SERVICE AREA" MEANS EITHER THE GEOGRAPHIC SERVICE  
31 AREA OF A COMMUNITY COLLEGE AS RECOGNIZED BY THE COLORADO  
32 COMMISSION ON HIGHER EDUCATION IN ACCORDANCE WITH THE  
33 REQUIREMENTS OF SECTION 23-1-109 (2), C.R.S., OR THE DENVER  
34 METROPOLITAN SERVICE AREA.

35  
36 (11) "STATE BOARD" MEANS THE STATE BOARD FOR COMMUNITY  
37 COLLEGES AND OCCUPATIONAL EDUCATION CREATED IN SECTION  
38 23-60-104 (1) (b), C.R.S.

39  
40 (12) "STATE COLLEGE" MEANS THE METROPOLITAN STATE  
41 COLLEGE OF DENVER CREATED IN SECTION 23-54-101, C.R.S.

42  
43 **32-20-104. Applicability of "Special District Act".** (1) EXCEPT  
44 AS PROVIDED IN THIS ARTICLE, A DISTRICT CREATED PURSUANT TO THIS  
45 ARTICLE SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS OF THE  
46 "SPECIAL DISTRICT ACT", ARTICLE 1 OF THIS TITLE, INCLUDING, BUT NOT  
47 LIMITED TO:

48  
49 (a) PART 1 OF ARTICLE 1 OF THIS TITLE CONTAINING GENERAL  
50 PROVISIONS;

51  
52 (b) PARTS 2 AND 3 OF ARTICLE 1 OF THIS TITLE CONCERNING THE  
53 ORGANIZATION OF A SPECIAL DISTRICT;

54  
55 (c) PART 6 OF ARTICLE 1 OF THIS TITLE CONCERNING THE  
56 CONSOLIDATION OF SPECIAL DISTRICTS;

1 (d) PART 7 OF ARTICLE 1 OF THIS TITLE CONCERNING THE  
2 DISSOLUTION OF SPECIAL DISTRICTS;

3  
4 (e) PART 8 OF ARTICLE 1 OF THIS TITLE CONCERNING ELECTIONS;

5  
6 (f) PARTS 9, 10, AND 11 OF ARTICLE 1 OF THIS TITLE CONCERNING  
7 THE BOARD OF DIRECTORS FOR A SPECIAL DISTRICT AND THE BOARD'S  
8 GENERAL AND FINANCIAL POWERS; AND

9  
10 (g) PARTS 13 AND 14 OF ARTICLE 1 OF THIS TITLE CONCERNING  
11 REFUNDING OF BONDS AND SPECIAL DISTRICT INDEBTEDNESS.

12  
13 (2) THE FOLLOWING PROVISIONS SHALL NOT APPLY TO A DISTRICT  
14 CREATED PURSUANT TO THIS ARTICLE:

15  
16 (a) PARTS 4 AND 5 OF ARTICLE 1 OF THIS TITLE CONCERNING THE  
17 INCLUSION AND EXCLUSION OF TERRITORY IN A SPECIAL DISTRICT;

18  
19 (b) PART 12 OF ARTICLE 1 OF THIS TITLE CONCERNING THE LEVY  
20 AND COLLECTION OF AD VALOREM TAXES; AND

21  
22 (c) PART 16 OF ARTICLE 1 OF THIS TITLE CONCERNING  
23 CERTIFICATION AND NOTICE OF SPECIAL DISTRICT TAXES FOR GENERAL  
24 OBLIGATION INDEBTEDNESS.

25  
26 **32-20-105. Creation.** (1) EXCEPT AS OTHERWISE PROVIDED IN  
27 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, A DISTRICT MAY BE  
28 CREATED IN THE FOLLOWING MANNER:

29  
30 (a) UPON THE PASSAGE OF A RESOLUTION BY THE STATE BOARD  
31 REQUESTING THE FORMATION OF A DISTRICT IN ACCORDANCE WITH THE  
32 REQUIREMENTS OF THIS ARTICLE, THE GOVERNING BODIES OF AT LEAST  
33 TWO LOCAL GOVERNMENTS THAT ELECT TO FORM A DISTRICT SHALL EACH  
34 ENACT AN ORDINANCE OR RESOLUTION PROPOSING THE CREATION OF A  
35 DISTRICT. THE ORDINANCE OR RESOLUTION SHALL SET FORTH THE NAMES  
36 OF THE LOCAL GOVERNMENTS TO BE ENCOMPASSED WITHIN THE PROPOSED  
37 DISTRICT AND THE PROPOSED NAME OF THE DISTRICT. THE TERRITORIAL  
38 BOUNDARIES OF THE PROPOSED DISTRICT SHALL CONFORM TO THE  
39 GEOGRAPHIC BOUNDARIES OF THE SERVICE AREA OF ANY COMMUNITY  
40 COLLEGE THAT SERVES THE LOCAL GOVERNMENT PROPOSING TO CREATE  
41 THE DISTRICT.

42  
43 (b) THE GOVERNING BODY OF ANY LOCAL GOVERNMENT THAT IS  
44 NAMED IN THE ORDINANCE OR RESOLUTION PROPOSING THE CREATION OF  
45 A DISTRICT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) MAY  
46 ENACT AN ORDINANCE OR RESOLUTION PROPOSING TO JOIN THE DISTRICT,  
47 SETTING FORTH THE NAMES OF THE SAME LOCAL GOVERNMENTS.

48  
49 (c) THE CLERK OF EACH LOCAL GOVERNMENT THAT ENACTS AN  
50 ORDINANCE OR RESOLUTION PURSUANT TO PARAGRAPH (a) OR (b) OF THIS  
51 SUBSECTION (1) SHALL TRANSMIT A CERTIFIED COPY TO THE GOVERNING  
52 BODY OF EACH OTHER LOCAL GOVERNMENT NAMED IN THE ORIGINAL  
53 ORDINANCE TO BE A PART OF THE PROPOSED DISTRICT.

54  
55 (d) THE GOVERNING BODY OF A LOCAL GOVERNMENT THAT  
56 ENACTS AN ORDINANCE OR RESOLUTION PURSUANT TO PARAGRAPH (a) OR

1 (b) OF THIS SUBSECTION (1) SHALL SUBMIT THE QUESTION OF THE  
2 CREATION OF A DISTRICT THAT INCLUDES THE ENTIRE TERRITORY OF THE  
3 LOCAL GOVERNMENT TO THE ELIGIBLE ELECTORS OF THE LOCAL  
4 GOVERNMENT AT A GENERAL OR SPECIAL ELECTION CONDUCTED IN  
5 ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES  
6 1 TO 13 OF TITLE 1, C.R.S. THE DISTRICT SHALL BE DEEMED CREATED IF  
7 A MAJORITY OF THE VOTES CAST IN THE ELECTION HELD IN ANY LOCAL  
8 GOVERNMENT NAMED IN THE ORDINANCE OR RESOLUTION PROPOSING THE  
9 DISTRICT ARE IN FAVOR OF THE CREATION OF THE DISTRICT. THE  
10 TERRITORY OF THE DISTRICT SHALL COMPRISE THE COMBINED TERRITORY  
11 OF ALL LOCAL GOVERNMENTS IN WHICH THE ELIGIBLE ELECTORS APPROVE  
12 THE CREATION OF THE DISTRICT.

13  
14 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
15 ARTICLE, UPON THE PASSAGE OF A RESOLUTION BY THE STATE BOARD AND  
16 THE BOARD OF TRUSTEES OF THE STATE COLLEGE, THE STATE BOARD AND  
17 BOARD OF TRUSTEES MAY JOINTLY REQUEST AT LEAST TWO LOCAL  
18 GOVERNMENTS, THE TERRITORIAL BOUNDARIES OF WHICH ARE LOCATED  
19 WITHIN THE DENVER METROPOLITAN SERVICE AREA, TO ESTABLISH A  
20 SINGLE CONSOLIDATED DISTRICT THAT WILL SERVE THE STATE COLLEGE  
21 AND ANY COMMUNITY COLLEGES, ALL OR ANY PORTION OF THE SERVICE  
22 AREA OF THAT IS LOCATED WITHIN SUCH CONSOLIDATED DISTRICT. IN  
23 SUCH CASE, A SINGLE BALLOT QUESTION SEEKING VOTER APPROVAL OF  
24 THE FORMATION OF THE DISTRICT MAY BE CONSOLIDATED WITHIN SUCH  
25 SERVICE AREA FOR PURPOSES OF PLACEMENT ON THE BALLOT. ALL OTHER  
26 REQUIREMENTS OF THIS ARTICLE SHALL APPLY TO THE CREATION,  
27 ORGANIZATION, AND ADMINISTRATION OF THE DISTRICT.

28  
29 (b) IN SO FAR AS THE VOTERS APPROVE THE FORMATION OF THE  
30 DISTRICT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE  
31 STATE BOARD AND THE BOARD OF TRUSTEES OF THE STATE COLLEGE SHALL  
32 SPECIFY, BY INTERGOVERNMENTAL AGREEMENT, THE ALLOCATION OF ANY  
33 TAX REVENUES COLLECTED, INTO WHICH AGREEMENT THE PARTIES ARE  
34 HEREBY AUTHORIZED TO ENTER.

35  
36 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
37 ARTICLE, UPON THE PASSAGE OF A RESOLUTION BY THE STATE BOARD AND  
38 THE JUNIOR COLLEGE DISTRICT BOARD, THE STATE BOARD AND THE JUNIOR  
39 COLLEGE DISTRICT BOARD MAY JOINTLY REQUEST AT LEAST TWO LOCAL  
40 GOVERNMENTS, THE TERRITORIAL BOUNDARIES OF WHICH ARE LOCATED  
41 WITHIN A SHARED SERVICE AREA OF THE JUNIOR COLLEGE DISTRICT, AND  
42 A COMMUNITY COLLEGE UNDER THE JURISDICTION OF THE STATE BOARD  
43 TO ESTABLISH A SINGLE CONSOLIDATED DISTRICT THAT WILL SERVE ANY  
44 COMMUNITY COLLEGES AND JUNIOR COLLEGE DISTRICTS, ALL OR ANY  
45 PORTION OF THE SERVICE AREA OF WHICH IS LOCATED WITHIN SUCH  
46 CONSOLIDATED DISTRICT. IN SUCH CASE, A SINGLE BALLOT QUESTION  
47 SEEKING VOTER APPROVAL OF THE FORMATION OF THE DISTRICT MAY BE  
48 CONSOLIDATED WITHIN SUCH SERVICE AREA FOR PURPOSES OF PLACEMENT  
49 ON THE BALLOT.

50  
51 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE:

52  
53 (I) ANY TAXING DISTRICT FOR A JUNIOR COLLEGE DISTRICT IN  
54 OPERATION AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL NOT BE  
55 ALTERED BY THE PROVISIONS OF THIS ARTICLE, NOR SHALL THE  
56 PROVISIONS OF THIS ARTICLE AFFECT, WITHOUT LIMITATION, THE

1 REQUIREMENTS GOVERNING ADDITIONS TO A JUNIOR COLLEGE DISTRICT AS  
2 SPECIFIED IN SECTION 23-71-128, C.R.S.

3  
4 (II) NO REVENUES COLLECTED FROM A TAXING DISTRICT FOR A  
5 JUNIOR COLLEGE DISTRICT IN OPERATION AS OF THE EFFECTIVE DATE OF  
6 THIS ARTICLE SHALL BE REALLOCATED IN ANY MANNER AS A RESULT OF  
7 THE OPERATION OF THIS ARTICLE.

8  
9 (III) NO CONSOLIDATED DISTRICT ESTABLISHED PURSUANT TO  
10 PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL INCLUDE ALL OR ANY  
11 PORTION OF THE SERVICE AREA OF ANY COMMUNITY COLLEGE WITHOUT  
12 THE APPROVAL OF THE STATE BOARD AND THE JUNIOR COLLEGE DISTRICT  
13 BOARD.

14  
15 (c) EXCEPT AS OTHERWISE SPECIFIED IN PARAGRAPH (b) OF THIS  
16 SUBSECTION (3), ALL OTHER REQUIREMENTS OF THIS ARTICLE SHALL APPLY  
17 TO THE CREATION, ORGANIZATION, AND ADMINISTRATION OF A DISTRICT  
18 ESTABLISHED PURSUANT TO THIS SUBSECTION (3).

19  
20 (d) INsofar AS THE VOTERS APPROVE THE FORMATION OF THE  
21 CONSOLIDATED DISTRICT PURSUANT TO PARAGRAPH (a) OF THIS  
22 SUBSECTION (3), THE STATE BOARD AND THE JUNIOR COLLEGE DISTRICT  
23 BOARD SHALL SPECIFY BY INTERGOVERNMENTAL AGREEMENT THE  
24 ALLOCATION OF ANY TAX REVENUES COLLECTED, INTO WHICH AGREEMENT  
25 THE PARTIES ARE HEREBY AUTHORIZED TO ENTER.

26  
27 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2) OR (3)  
28 OF THIS SECTION:

29  
30 (a) A DISTRICT ESTABLISHED PURSUANT TO THIS ARTICLE SHALL  
31 ONLY BE ESTABLISHED UPON THE PASSAGE OF A RESOLUTION BY THE  
32 STATE BOARD REQUESTING THE FORMATION OF A DISTRICT IN  
33 ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE; AND

34  
35 (b) A DISTRICT MAY ONLY BE CREATED PURSUANT TO THIS ARTICLE  
36 FOR THE PURPOSE OF SERVING A COMMUNITY COLLEGE.

37  
38 **32-20-106. Board of directors - appointment - removal.**

39 (1) THE ORDINANCE OR RESOLUTION PROPOSING THE CREATION OF A  
40 DISTRICT SHALL SPECIFY THE NUMBER OF DIRECTORS OF THE DISTRICT. A  
41 DISTRICT SHALL HAVE NO FEWER THAN SEVEN DIRECTORS AND NO MORE  
42 THAN FIFTEEN DIRECTORS. THE GOVERNING BODY OF EACH LOCAL  
43 GOVERNMENT IN THE DISTRICT SHALL HAVE THE POWER TO APPOINT AND  
44 REMOVE AT LEAST ONE DIRECTOR. A REPRESENTATIVE OF EACH  
45 COMMUNITY OR STATE COLLEGE ON BEHALF OF WHICH THE DISTRICT WAS  
46 CREATED SHALL BE ENTITLED TO TWO REPRESENTATIVES ON THE BOARD  
47 IF THE TOTAL NUMBER OF BOARD MEMBERS IS TEN OR FEWER PERSONS. IF  
48 THE TOTAL NUMBER OF BOARD MEMBERS IS ELEVEN OR MORE PERSONS,  
49 THE COMMUNITY OR STATE COLLEGE SHALL BE ENTITLED TO FOUR  
50 REPRESENTATIVES ON THE BOARD. IF THE NUMBER OF BOARD MEMBERS  
51 INITIALLY APPOINTED BY EACH LOCAL GOVERNMENT WITHIN THE  
52 DISTRICT, TOGETHER WITH THE REPRESENTATIVES OF THE COMMUNITY OR  
53 STATE COLLEGE, IS LESS THAN THE MINIMUM NUMBER OF BOARD MEMBERS  
54 REQUIRED BY THIS SUBSECTION (1), THE APPOINTED BOARD MEMBERS,  
55 INCLUDING THE REPRESENTATIVES OF THE COMMUNITY OR STATE  
56 COLLEGE, SHALL AGREE ON THE APPOINTMENT OF SUCH ADDITIONAL

1 MEMBERS AS WILL SATISFY THE REQUIREMENTS OF THIS SUBSECTION (1).

2

3 ANY DIRECTOR MAY BE REMOVED IN THE MANNER PRESCRIBED BY THE  
4 ORDINANCE OR RESOLUTION PROPOSING THE CREATION OF THE DISTRICT.

5

6 (2) A DIRECTOR APPOINTED TO THE BOARD SHALL SERVE FOR A  
7 TERM OF FIVE YEARS UNLESS REMOVED PURSUANT TO SUBSECTION (1) OF  
8 THIS SECTION. A DIRECTOR MAY BE APPOINTED TO ADDITIONAL TERMS  
9 WITHOUT LIMITATION.

10

11 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,  
12 IN THE CASE OF A JUNIOR COLLEGE DISTRICT, THE BOARD OF TRUSTEES OF  
13 A DISTRICT CREATED UNDER THIS ARTICLE SHALL BE THE JUNIOR COLLEGE  
14 DISTRICT BOARD.

15

16 **32-20-107. Board of directors - powers and duties.** (1) IN  
17 ADDITION TO THE POWERS SPECIFIED IN SECTION 32-1-1001, THE BOARD  
18 HAS SUCH ADDITIONAL POWERS FOR AND ON BEHALF OF THE DISTRICT:

19

20 (a) TO REVIEW ANY REPORTS AND STUDIES MADE AND TO OBTAIN  
21 ANY ADDITIONAL REPORTS AND STUDIES IT DEEMS NECESSARY TO CARRY  
22 OUT THE PURPOSES OF THIS ARTICLE;

23

24 (b) TO RECEIVE AND ACCEPT FROM ANY SOURCE AID OR  
25 CONTRIBUTIONS OF MONEY, PROPERTY, LABOR, OR OTHER THINGS OF  
26 VALUE TO BE HELD, USED, AND APPLIED TO CARRY OUT THE PURPOSES OF  
27 THIS ARTICLE SUBJECT TO THE CONDITIONS UPON WHICH THE GRANTS OR  
28 CONTRIBUTIONS ARE MADE;

29

30 (c) TO DEVELOP REPORTING AND REVIEW REQUIREMENTS  
31 GOVERNING THE RECEIPT AND EXPENDITURE OF MONEYS RECEIVED BY THE  
32 DISTRICT; AND

33

34 (d) TO TAKE SUCH ADDITIONAL ACTION FOR AND ON BEHALF OF  
35 THE DISTRICT AS WILL FURTHER THE PURPOSES OF THIS ARTICLE.

36

37 (2) IN EXERCISING ITS POWER UNDER THIS ARTICLE TO ENTER INTO  
38 CONTRACTS ON BEHALF OF THE DISTRICT, THE BOARD SHALL:

39

40 (a) TO THE EXTENT POSSIBLE, USE COMPETITIVE BIDDING IN  
41 ACCORDANCE WITH ARTICLE 103 OF TITLE 24, C.R.S.; AND

42

43 (b) GIVE DUE CONSIDERATION TO PERSONS AND BUSINESSES THAT  
44 ARE AUTHORIZED TO TRANSACT BUSINESS IN COLORADO.

45

46 **32-20-108. Special districts file - notice of organization or  
47 dissolution.** (1) FOR PURPOSES OF COMPLYING WITH SECTION 32-1-104  
48 (2), A DISTRICT CREATED PURSUANT TO THIS ARTICLE SHALL PROVIDE THE  
49 REQUIRED NOTICE TO THE DEPARTMENT OF REVENUE INSTEAD OF THE  
50 COUNTY ASSESSOR.

51

52 (2) FOR PURPOSES OF COMPLYING WITH SECTION 32-1-105, THE  
53 COUNTY CLERK AND RECORDER SHALL FILE A CERTIFIED COPY OF THE  
54 DECREE OR ORDER CONFIRMING THE ORGANIZATION OR DISSOLUTION OF  
55 A DISTRICT CREATED PURSUANT TO THIS ARTICLE WITH THE DEPARTMENT  
56 OF REVENUE INSTEAD OF NOTIFYING THE COUNTY ASSESSOR OF THE

1 ACTION.

2

3 **32-20-109. Service area of district - governmental immunity.**

4 (1) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (1)  
5 (d), A DISTRICT SHALL COMPRISE THE COMBINED TERRITORY OF ALL LOCAL  
6 GOVERNMENTS IN WHICH THE ELIGIBLE ELECTORS APPROVE THE CREATION  
7 OF THE DISTRICT. IN CONNECTION WITH A DISTRICT ESTABLISHED IN  
8 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (1) (a), THE  
9 TERRITORY OF THE DISTRICT SHALL CONFORM TO THE GEOGRAPHIC  
10 BOUNDARIES OF ANY SERVICE AREA OF ANY COMMUNITY COLLEGE THAT  
11 SERVES THE AFFECTED LOCAL GOVERNMENTS. IN CONNECTION WITH A  
12 DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF  
13 SECTION 32-20-105 (2) (a), THE TERRITORY OF THE DISTRICT SHALL BE  
14 COTERMINOUS WITH THE DENVER METROPOLITAN SERVICE AREA. THE  
15 DISTRICT SHALL BE A BODY CORPORATE AND POLITIC AND A POLITICAL  
16 SUBDIVISION OF THE STATE.

17

18 (2) EACH OF THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE  
19 DISTRICT SHALL BE A PUBLIC EMPLOYEE FOR PURPOSES OF THE  
20 "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24,  
21 C.R.S.

22

23 **32-20-110. Service plan required - contents - action on plan.**

24 (1) THE LOCAL GOVERNMENTS THAT PROPOSE THE ORGANIZATION OF A  
25 DISTRICT PURSUANT TO SECTION 32-20-105 (1) (a) OR (2) (a) SHALL  
26 SUBMIT A SERVICE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF  
27 SECTION 32-1-202 (1). ANY REQUIREMENT TO PAY A FEE PURSUANT TO  
28 SECTION 32-1-202 (3) SHALL BE WAIVED FOR A COUNTY IF THE COUNTY IS  
29 AMONG THE LOCAL GOVERNMENTS PROPOSING THE DISTRICT.

30

31 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 32-1-202 (2),  
32 THE SERVICE PLAN FOR THE DISTRICT SHALL CONTAIN THE FOLLOWING  
33 INFORMATION:

34

35 (a) A DESCRIPTION OF ANY SERVICES PROPOSED TO BE PROVIDED  
36 BY THE DISTRICT AND THE PERSONS WHO WILL BE ELIGIBLE TO RECEIVE  
37 THOSE SERVICES;

38

39 (b) QUALITY ASSURANCE MEASURES;

40

41 (c) A FINANCIAL PLAN SHOWING HOW THE PROPOSED SERVICES ARE  
42 TO BE FINANCED, INCLUDING THE PROPOSED OPERATING REVENUE DERIVED  
43 FROM SALES TAXES FOR THE FIRST BUDGET YEAR OF THE DISTRICT, WHICH  
44 SHALL NOT BE MATERIALLY EXCEEDED EXCEPT AS AUTHORIZED PURSUANT  
45 TO SECTION 32-1-207. ALL PROPOSED INDEBTEDNESS FOR THE DISTRICT  
46 SHALL BE DISPLAYED TOGETHER WITH A SCHEDULE INDICATING THE YEAR  
47 OR YEARS IN WHICH THE DEBT IS SCHEDULED TO BE ISSUED. THE BOARD  
48 OF DIRECTORS OF THE DISTRICT SHALL NOTIFY THE GOVERNING BODY OF  
49 THE LOCAL GOVERNMENTS OF ANY ALTERATION OR REVISION OF THE  
50 PROPOSED SCHEDULE OF DEBT ISSUANCE SET FORTH IN THE FINANCIAL  
51 PLAN.

52

53 (d) A MAP OF THE PROPOSED DISTRICT BOUNDARIES;

54

55 (e) IF THE DISTRICT PLANS TO CONSTRUCT FACILITIES, A GENERAL  
56 DESCRIPTION OF THE FACILITIES TO BE CONSTRUCTED AND THE STANDARDS

1 OF SUCH CONSTRUCTION, INCLUDING A STATEMENT OF HOW THE FACILITY  
2 AND SERVICE STANDARDS OF THE PROPOSED DISTRICT ARE COMPATIBLE  
3 WITH FACILITY AND SERVICE STANDARDS OF ANY LOCAL GOVERNMENT  
4 WITHIN WHICH ALL OR ANY PORTION OF THE PROPOSED DISTRICT IS TO BE  
5 LOCATED;

6  
7 (f) IF APPLICABLE, A GENERAL DESCRIPTION OF THE ESTIMATED  
8 COST OF ACQUIRING OR LEASING LAND OR FACILITIES, ACQUIRING  
9 ENGINEERING, LEGAL, AND ADMINISTRATIVE SERVICES, INITIAL PROPOSED  
10 INDEBTEDNESS AND ESTIMATED PROPOSED MAXIMUM INTEREST RATES  
11 AND DISCOUNTS, AND OTHER MAJOR EXPENSES RELATED TO THE  
12 ORGANIZATION AND INITIAL OPERATION OF THE DISTRICT;

13  
14 (g) A DESCRIPTION OF ANY ARRANGEMENT OR PROPOSED  
15 AGREEMENT WITH ANY POLITICAL SUBDIVISION FOR THE PERFORMANCE OF  
16 ANY SERVICES BETWEEN THE PROPOSED DISTRICT AND SUCH OTHER  
17 POLITICAL SUBDIVISION, AND, IF THE FORM CONTRACT TO BE USED IS  
18 AVAILABLE, IT SHALL BE ATTACHED TO THE SERVICE PLAN;

19  
20 (h) INFORMATION, ALONG WITH OTHER EVIDENCE PRESENTED AT  
21 THE HEARING, SATISFACTORY TO ESTABLISH THAT EACH OF THE CRITERIA  
22 SET FORTH IN SECTION 32-1-203, IF APPLICABLE, IS MET; AND

23  
24 (i) SUCH ADDITIONAL INFORMATION AS THE GOVERNING BODY OF  
25 THE LOCAL GOVERNMENT MAY REQUIRE ON WHICH TO BASE ITS FINDINGS  
26 PURSUANT TO SECTION 32-1-203.

27  
28 (3) EXCEPT AS PROVIDED IN SECTION 32-20-111, THE BOARD OF  
29 COUNTY COMMISSIONERS OF EACH COUNTY THAT HAS TERRITORY  
30 INCLUDED WITHIN THE PROPOSED DISTRICT SHALL CONSTITUTE THE  
31 APPROVING AUTHORITY FOR THE PROPOSED DISTRICT AND SHALL REVIEW  
32 ANY SERVICE PLAN FILED BY THE PETITIONERS OF A PROPOSED DISTRICT IN  
33 ACCORDANCE WITH THE PROVISIONS OF SECTION 32-1-203. THE  
34 PROVISIONS OF SECTION 32-1-203 (3.5) SHALL NOT APPLY TO A DISTRICT  
35 PROPOSED PURSUANT TO THIS ARTICLE.

36  
37 **32-20-111. Approval by municipality.** IF THE BOUNDARIES OF  
38 A DISTRICT PROPOSED PURSUANT TO THIS ARTICLE ARE WHOLLY  
39 CONTAINED WITHIN THE BOUNDARIES OF A MUNICIPALITY, THE LOCAL  
40 GOVERNMENTS PROPOSING THE ORGANIZATION OF THE DISTRICT SHALL  
41 COMPLY WITH THE PROVISIONS OF SECTION 32-1-204.5; EXCEPT THAT THE  
42 SERVICE PLAN SUBMITTED TO EACH GOVERNING BODY SHALL CONTAIN THE  
43 INFORMATION REQUIRED BY SECTION 32-20-110 (2). THE GOVERNING  
44 BODY OF EACH MUNICIPALITY SHALL HAVE THE AUTHORITY SET FORTH IN  
45 SECTION 32-1-204.5 WITH REGARD TO THE REVIEW OF THE SERVICE PLAN.

46  
47 **32-20-112. Public hearing on service plan - procedures -**  
48 **decision - judicial review - modifications - enforcement.** (1) FOR  
49 PURPOSES OF SECTION 32-1-204 (1) AND (1.5), THE GOVERNING BODY OF  
50 THE LOCAL GOVERNMENT SHALL BE DEEMED TO HAVE COMPLIED WITH  
51 SUCH PROVISIONS IF THE GOVERNING BODY PROVIDES WRITTEN NOTICE OF  
52 THE DATE, TIME, AND LOCATION OF THE HEARING TO THE PETITIONERS  
53 AND, AT LEAST TWENTY DAYS PRIOR TO THE HEARING DATE, PUBLISHES  
54 NOTICE OF THE DATE, TIME, LOCATION, AND PURPOSE OF THE HEARING.  
55 THE PUBLISHED NOTICE SHALL CONSTITUTE CONSTRUCTIVE NOTICE TO THE  
56 INTERESTED PARTIES IN THE PROPOSED DISTRICT.

1 (2) THE PROVISIONS OF SECTION 32-1-204 (2) SHALL NOT APPLY TO  
2 A DISTRICT PROPOSED PURSUANT TO THIS ARTICLE.  
3

4 (3) THE GOVERNING BODY OF THE LOCAL GOVERNMENT SHALL  
5 CONDUCT THE HEARING AND MAKE ITS DECISION IN ACCORDANCE WITH  
6 THE REQUIREMENTS OF SECTION 32-1-204 (3) AND (4). THE DECISION OF  
7 THE GOVERNING BODY OF THE LOCAL GOVERNMENT IS SUBJECT TO  
8 JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 32-1-206; EXCEPT THAT,  
9 FOR PURPOSES OF SUCH JUDICIAL REVIEW, "INTERESTED PARTIES" SHALL  
10 HAVE THE SAME MEANING AS SET FORTH IN SECTION 32-17-103 (3).  
11

12 (4) UPON FINAL APPROVAL BY THE COURT FOR THE ORGANIZATION  
13 OF A DISTRICT, THE DISTRICT SHALL CONFORM AS MUCH AS POSSIBLE TO  
14 THE APPROVED SERVICE PLAN, AND ANY MATERIAL MODIFICATIONS TO THE  
15 SERVICE PLAN SHALL BE APPROVED IN ACCORDANCE WITH SECTION  
16 32-1-207 (2). ANY MATERIAL DEPARTURE FROM THE APPROVED SERVICE  
17 PLAN MAY BE ENJOINED IN ACCORDANCE WITH SECTION 32-1-207 (3);  
18 EXCEPT THAT, FOR PURPOSES OF ENFORCEMENT OF THE SERVICE PLAN,  
19 "INTERESTED PARTY" SHALL HAVE THE SAME MEANING AS SET FORTH IN  
20 SECTION 32-17-103 (3).  
21

22 **32-20-113. Organization.** (1) EXCEPT AS PROVIDED IN THIS  
23 SECTION, THE ORGANIZATION OF A DISTRICT PURSUANT TO THIS ARTICLE  
24 SHALL BE GOVERNED BY THE PROVISIONS OF PART 3 OF ARTICLE 1 OF THIS  
25 TITLE.  
26

27 (2) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF  
28 SECTION 32-1-301 (2) (d.1), THE PETITION FOR ORGANIZATION SHALL SET  
29 FORTH THE ESTIMATED SALES TAX REVENUES FOR THE DISTRICT'S FIRST  
30 BUDGET YEAR.  
31

32 (3) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF  
33 SECTION 32-1-304, WHEN THE COURT WITH WHICH A PETITION FOR  
34 ORGANIZATION OF A DISTRICT HAS BEEN FILED SETS A HEARING DATE, THE  
35 CLERK OF COURT SHALL PUBLISH NOTICE OF THE HEARING AND MAIL THE  
36 REQUIRED NOTICE TO THE APPROPRIATE GOVERNING BODY OF THE LOCAL  
37 GOVERNMENT, BUT THE CLERK OF COURT SHALL NOT BE REQUIRED TO  
38 MAIL NOTICE OF THE HEARING TO ALL INTERESTED PARTIES.  
39

40 (4) FOR PURPOSES OF THE FILING REQUIREMENTS IN SECTION  
41 32-1-306, INSTEAD OF FILING A MAP OF THE DISTRICT WITH THE COUNTY  
42 ASSESSOR, THE DISTRICT SHALL FILE A CERTIFIED COPY OF THE FINDINGS  
43 AND ORDER OF THE COURT ORGANIZING THE DISTRICT WITH THE  
44 DEPARTMENT OF REVENUE.  
45

46 **32-20-114. Persons entitled to vote at district elections.**  
47 NOTWITHSTANDING THE PROVISIONS OF SECTION 32-1-806, ANY PERSON  
48 WHO IS AN ELIGIBLE ELECTOR SHALL BE ELIGIBLE TO VOTE IN AN  
49 ORGANIZATIONAL ELECTION OR ANY ELECTION CONDUCTED BY THE BOARD  
50 OF DIRECTORS FOR A DISTRICT.  
51

52 **32-20-115. Financial powers.** (1) ANY DISTRICT CREATED  
53 PURSUANT TO THIS ARTICLE SHALL HAVE ALL OF THE FINANCIAL POWERS  
54 DESCRIBED IN SECTION 32-1-1101; EXCEPT THAT THE LEVY AND  
55 COLLECTION OF AD VALOREM TAXES SHALL BE SUBJECT TO THE  
56 PROVISIONS OF SECTION 32-20-117. THE DISTRICT SHALL ALSO HAVE THE

1 POWER, UPON VOTER APPROVAL, TO LEVY AND COLLECT A UNIFORM SALES  
2 TAX THROUGHOUT THE ENTIRE GEOGRAPHICAL AREA OF THE DISTRICT  
3 UPON EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH  
4 A SALES TAX IS LEVIED BY THE STATE PURSUANT TO THE PROVISIONS OF  
5 ARTICLE 26 OF TITLE 39, C.R.S. ANY SALES TAX AUTHORIZED PURSUANT  
6 TO THIS SECTION SHALL BE LEVIED AND COLLECTED AS PROVIDED IN  
7 SECTION 32-20-116. THE DISTRICT MAY PLEDGE SALES TAX REVENUES OR  
8 ANY PORTION THEREOF FOR THE PAYMENT OF ANY INDEBTEDNESS OF THE  
9 DISTRICT.

10

11 (2) THE ORDINANCE OR RESOLUTION PROPOSING THE CREATION OF  
12 A DISTRICT MAY SPECIFY A LIMIT ON THE AMOUNT OF REVENUE THAT A  
13 DISTRICT MAY RECEIVE.

14

15 (3) INSOFAR AS A PARTICULAR COMMUNITY OR STATE COLLEGE, OR  
16 ANY AUXILIARY FACILITY OF SUCH COLLEGE, HAS BEEN DESIGNATED AS AN  
17 ENTERPRISE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 20 OF  
18 ARTICLE X OF THE STATE CONSTITUTION AND SECTION 23-5-101.5 OR  
19 23-5-101.7, C.R.S., AND, IN ORDER FOR THE INSTITUTION TO PRESERVE  
20 SUCH DESIGNATION, ELECTS NOT TO ACCEPT THE FULL AMOUNT OF ANY  
21 DISTRIBUTION OF SALES OR AD VALOREM TAX LEVIED AND COLLECTED ON  
22 ITS BEHALF, THE EXCESS OF ANY SUCH TAXES SHALL BE REFUNDED BY THE  
23 COUNTY TREASURER AS PROVIDED BY LAW.

24

25 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,  
26 IN THE CASE OF A DISTRICT ESTABLISHED IN ACCORDANCE WITH THE  
27 REQUIREMENTS OF SECTION 32-20-105 (1) (a) ON BEHALF OF A  
28 COMMUNITY COLLEGE THAT OPERATES UNDER THE CONTROL OF THE STATE  
29 BOARD, A LOCAL GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF THE  
30 STATE BOARD PRIOR TO PLACING ANY QUESTION ON THE BALLOT SEEKING  
31 VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF A SALES OR AD  
32 VALOREM TAX PURSUANT TO THIS ARTICLE. IN THE CASE OF A DISTRICT  
33 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
34 32-20-105 (1) (a) ON BEHALF OF A JUNIOR COLLEGE DISTRICT, A LOCAL  
35 GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF THE JUNIOR COLLEGE  
36 DISTRICT BOARD PRIOR TO PLACING ANY QUESTION ON THE BALLOT  
37 SEEKING VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF A SALES  
38 OR AD VALOREM TAX PURSUANT TO THIS ARTICLE. IN THE CASE OF A  
39 DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF  
40 SECTION 32-20-105 (2) (a), A LOCAL GOVERNMENT SHALL FIRST OBTAIN  
41 THE CONSENT OF THE STATE BOARD AND THE BOARD OF TRUSTEES OF THE  
42 STATE COLLEGE PRIOR TO PLACING ANY QUESTION ON THE BALLOT  
43 SEEKING VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF A SALES  
44 OR AD VALOREM TAX PURSUANT TO THIS ARTICLE. IN THE CASE OF A  
45 CONSOLIDATED DISTRICT ESTABLISHED IN ACCORDANCE WITH THE  
46 REQUIREMENTS OF SECTION 32-20-105 (3) (a), A LOCAL GOVERNMENT  
47 SHALL FIRST OBTAIN THE CONSENT OF THE STATE BOARD AND THE JUNIOR  
48 COLLEGE DISTRICT BOARD PRIOR TO PLACING ANY QUESTION ON THE  
49 BALLOT SEEKING VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF  
50 A SALES OR AD VALOREM TAX PURSUANT TO THIS ARTICLE.

51

52 **32-20-116. Sales tax - collection - administration.** (1) UPON  
53 THE APPROVAL OF THE ELIGIBLE ELECTORS IN THE DISTRICT AT AN  
54 ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE  
55 STATE CONSTITUTION AND PART 8 OF ARTICLE 1 OF THIS TITLE, THE  
56 DISTRICT SHALL HAVE THE POWER TO LEVY A UNIFORM SALES TAX

1 THROUGHOUT THE ENTIRE GEOGRAPHICAL AREA OF THE DISTRICT UPON  
2 EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A  
3 SALES TAX IS LEVIED BY THE STATE PURSUANT TO THE PROVISIONS OF  
4 ARTICLE 26 OF TITLE 39, C.R.S. A SALES TAX LEVIED BY A DISTRICT  
5 SHALL TAKE EFFECT ON EITHER JANUARY 1 OR JULY 1 OF THE YEAR  
6 SPECIFIED IN THE BALLOT ISSUE SUBMITTED TO THE ELIGIBLE ELECTORS OF  
7 THE DISTRICT.

8  
9 (2) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
10 REVENUE SHALL COLLECT, ADMINISTER, AND ENFORCE THE SALES TAX  
11 AUTHORIZED BY THIS SECTION IN THE SAME MANNER AS THE STATE SALES  
12 TAX IMPOSED PURSUANT TO ARTICLE 26 OF TITLE 39, C.R.S., INCLUDING,  
13 WITHOUT LIMITATION, THE RETENTION BY A VENDOR OF THE PERCENTAGE  
14 OF THE AMOUNT REMITTED TO COVER THE VENDOR'S EXPENSE IN THE  
15 COLLECTION AND REMITTANCE OF THE SALES TAX AS PROVIDED IN SECTION  
16 39-26-105, C.R.S. THE EXECUTIVE DIRECTOR SHALL DISTRIBUTE SALES  
17 TAX COLLECTIONS TO THE DISTRICT MONTHLY. THE DISTRICT SHALL PAY  
18 THE NET INCREMENTAL COST INCURRED BY THE DEPARTMENT OF REVENUE  
19 IN THE ADMINISTRATION AND COLLECTION OF THE SALES TAX.

20  
21 (b) (I) A QUALIFIED PURCHASER, AS DEFINED IN SECTION  
22 39-26-102 (7.5), C.R.S., MAY PROVIDE A DIRECT PAYMENT PERMIT  
23 NUMBER ISSUED PURSUANT TO SECTION 39-26-103.5, C.R.S., TO ANY  
24 VENDOR OR RETAILER THAT IS LIABLE AND RESPONSIBLE FOR COLLECTING  
25 AND REMITTING ANY SALES TAX LEVIED ON ANY SALE MADE TO THE  
26 QUALIFIED PURCHASER PURSUANT TO THIS SECTION. A VENDOR OR  
27 RETAILER THAT HAS RECEIVED A DIRECT PAYMENT PERMIT NUMBER IN  
28 GOOD FAITH FROM A QUALIFIED PURCHASER SHALL NOT BE LIABLE OR  
29 RESPONSIBLE FOR COLLECTION AND REMITTANCE OF ANY SALES TAX  
30 IMPOSED ON THE SALE THAT IS PAID FOR DIRECTLY FROM THE QUALIFIED  
31 PURCHASER'S FUNDS AND NOT FROM THE PERSONAL FUNDS OF ANY  
32 INDIVIDUAL.

33  
34 (II) A QUALIFIED PURCHASER THAT PROVIDES A DIRECT PAYMENT  
35 PERMIT NUMBER TO A VENDOR OR RETAILER SHALL BE LIABLE AND  
36 RESPONSIBLE FOR THE AMOUNT OF SALES TAX LEVIED ON ANY SALE MADE  
37 TO THE QUALIFIED PURCHASER PURSUANT TO THE PROVISIONS OF THIS  
38 ARTICLE IN THE SAME MANNER AS LIABILITY WOULD BE IMPOSED ON A  
39 QUALIFIED PURCHASER FOR STATE SALES TAX PURSUANT TO SECTION  
40 39-26-105 (3), C.R.S.

41  
42 (3) A SALES TAX LEVIED IN ACCORDANCE WITH THIS SECTION  
43 SHALL BE IN ADDITION TO ANY OTHER SALES OR USE TAX IMPOSED  
44 PURSUANT TO LAW.

45  
46 **32-20-117. Levy and collection of ad valorem taxes.** ANY  
47 DISTRICT THAT IS CREATED PURSUANT TO THIS ARTICLE SHALL HAVE THE  
48 POWER, UPON APPROVAL BY THE ELIGIBLE ELECTORS OF THE DISTRICT, TO  
49 LEVY AND COLLECT AD VALOREM TAXES ON AND AGAINST ALL TAXABLE  
50 PROPERTY WITHIN THE DISTRICT. THE LEVY AND COLLECTION OF AD  
51 VALOREM TAXES PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE  
52 APPLICABLE PROVISIONS OF THE "SPECIAL DISTRICT ACT", ARTICLE 1 OF  
53 THIS TITLE.

54  
55 **32-20-118. District revenues.** ANY REVENUES RAISED OR  
56 GENERATED BY THE DISTRICT SHALL BE IN ADDITION TO, AND SHALL NOT

1 BE USED TO REPLACE, ANY FUNDING THE COUNTIES IN THE DISTRICT  
2 WOULD OTHERWISE BE ENTITLED TO RECEIVE FROM THE STATE OR  
3 FEDERAL GOVERNMENT.

4

5 **32-20-119. Use of revenue.** (1) THE BOARD MAY USE THE  
6 REVENUE RECEIVED PURSUANT TO SECTION 32-20-115, 32-20-116, OR  
7 32-20-117 TO:

8

9 (a) ASSIST RESIDENTS OF THE DISTRICT IN DEFRAYING TUITION  
10 EXPENSES ASSOCIATED WITH ATTENDING A COMMUNITY OR STATE  
11 COLLEGE;

12

13 (b) PROVIDE SUPPLEMENTAL FUNDING IN CONNECTION WITH THE  
14 OPERATING COSTS OF CURRENT OR FUTURE PROGRAMS OFFERED BY A  
15 COMMUNITY OR STATE COLLEGE;

16

17 (c) CONSTRUCT NEW OR RENOVATE EXISTING COMMUNITY OR  
18 STATE COLLEGE FACILITIES;

19

20 (d) PROVIDE CAPITAL FUNDING FOR TECHNOLOGY ENHANCEMENT  
21 AND SUPPLEMENTAL EQUIPMENT FOR THE COMMUNITY OR STATE COLLEGE;  
22 AND

23

24 (e) UNDERTAKE SUCH ADDITIONAL USES OF THE REVENUE  
25 RECEIVED AS MAY BE JOINTLY AGREED UPON BY THE DISTRICT AND THE  
26 STATE BOARD IN THE CASE OF A DISTRICT ESTABLISHED IN ACCORDANCE  
27 WITH THE REQUIREMENTS OF SECTION 32-20-105 (1) (a) ON BEHALF OF A  
28 COMMUNITY COLLEGE THAT OPERATES UNDER THE CONTROL OF THE STATE  
29 BOARD, AS MAY BE JOINTLY AGREED UPON BY THE DISTRICT AND THE  
30 JUNIOR COLLEGE DISTRICT BOARD IN THE CASE OF A CONSOLIDATED  
31 DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF  
32 SECTION 32-20-105 (3) (a) ON BEHALF OF A JUNIOR COLLEGE DISTRICT, AS  
33 MAY BE MUTUALLY AGREED UPON BY THE DISTRICT, THE STATE BOARD,  
34 AND THE BOARD OF TRUSTEES OF THE STATE COLLEGE IN THE CASE OF A  
35 DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF  
36 SECTION 32-20-105 (2) (a), OR AS MAY BE MUTUALLY AGREED UPON BY  
37 THE DISTRICT, THE STATE BOARD, AND THE JUNIOR COLLEGE DISTRICT  
38 BOARD IN THE CASE OF A CONSOLIDATED DISTRICT ESTABLISHED IN  
39 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (3) (a).

40

41 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
42 ARTICLE, IN THE CASE OF A DISTRICT ESTABLISHED IN ACCORDANCE WITH  
43 THE REQUIREMENTS OF SECTION 32-20-105 (1) (a), ANY DETERMINATION  
44 ABOUT THE USE OF TAX REVENUES COLLECTED PURSUANT TO THIS ARTICLE  
45 ON BEHALF OF ANY PARTICULAR COMMUNITY COLLEGE SHALL BE MADE IN  
46 CONSULTATION WITH THE DISTRICT AND THE STATE BOARD OR JUNIOR  
47 COLLEGE DISTRICT BOARD, AS APPLICABLE. NO REVENUES SHALL BE  
48 EXPENDED PURSUANT TO THIS ARTICLE WITHOUT THE PRIOR CONSENT OF  
49 THE STATE BOARD OR JUNIOR COLLEGE DISTRICT BOARD, AS APPLICABLE.

50

51 (b) (I) IN THE CASE OF A DISTRICT ESTABLISHED IN ACCORDANCE  
52 WITH THE REQUIREMENTS OF SECTION 32-20-105 (2) (a), ANY  
53 DETERMINATION ABOUT THE USE OF TAX REVENUES COLLECTED PURSUANT  
54 TO THIS ARTICLE ON BEHALF OF ANY PARTICULAR COMMUNITY OR STATE  
55 COLLEGE SHALL BE MADE IN CONSULTATION AMONG THE DISTRICT, THE  
56 STATE BOARD, AND THE BOARD OF TRUSTEES OF THE STATE COLLEGE. NO

1 REVENUES SHALL BE EXPENDED BY SUCH DISTRICT PURSUANT TO THIS  
2 ARTICLE WITHOUT THE PRIOR CONSENT OF THE STATE BOARD AND THE  
3 BOARD OF TRUSTEES OF THE STATE COLLEGE.

4  
5 (II) IN THE CASE OF A CONSOLIDATED DISTRICT ESTABLISHED IN  
6 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (3) (a),  
7 ANY DETERMINATION ABOUT THE USE OF TAX REVENUES COLLECTED  
8 PURSUANT TO THIS ARTICLE ON BEHALF OF ANY PARTICULAR COMMUNITY  
9 COLLEGE SHALL BE MADE IN CONSULTATION AMONG THE DISTRICT, THE  
10 STATE BOARD, AND THE JUNIOR COLLEGE DISTRICT BOARD. NO REVENUES  
11 SHALL BE EXPENDED BY SUCH DISTRICT PURSUANT TO THIS ARTICLE  
12 WITHOUT THE PRIOR CONSENT OF THE STATE BOARD AND THE JUNIOR  
13 COLLEGE DISTRICT BOARD.

14  
15 **SECTION 17.** Part 1 of article 11 of title 30, Colorado Revised  
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
17 read:

18  
19 **30-11-126. County sales or ad valorem tax to benefit state**  
20 **colleges - legislative declaration - definitions.** (1) THE GENERAL  
21 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

22  
23 (a) STATE COLLEGES PLAY A SIGNIFICANT ROLE IN PROVIDING  
24 RESIDENTS OF THE STATE WITH THE OPPORTUNITY TO MATRICULATE AT AN  
25 INSTITUTION OF HIGHER EDUCATION;

26  
27 (b) STATE COLLEGES NOT ONLY PROVIDE THEIR RESIDENT  
28 POPULATIONS AND OTHER RESIDENTS OF THE STATE WITH AN  
29 OPPORTUNITY TO OBTAIN A COLLEGE DEGREE, BUT ALSO SERVE AS  
30 GENERATORS OF ECONOMIC DEVELOPMENT AND JOB GROWTH WITHIN  
31 THEIR COMMUNITIES AND STATEWIDE;

32  
33 (c) THE FINANCIAL RESOURCES OF SUCH INSTITUTIONS ARE  
34 INCREASINGLY STRAINED, ADVERSELY AFFECTING THE ABILITY OF SUCH  
35 INSTITUTIONS TO ACHIEVE THEIR MISSION;

36  
37 (d) BY ENACTING THIS ARTICLE, THE GENERAL ASSEMBLY INTENDS  
38 TO EASE THE FINANCIAL STRAIN ON STATE COLLEGES BY ALLOWING  
39 COUNTY GOVERNMENTS TO PLACE BEFORE THE VOTERS THE QUESTION OF  
40 WHETHER THE COUNTY SHALL LEVY A SALES OR AD VALOREM TAX ON  
41 BEHALF OF A STATE COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED  
42 WITHIN THE TERRITORIAL BOUNDARIES OF THE COUNTY. AS A RESULT,  
43 THESE INSTITUTIONS WILL GAIN FROM ALTERNATE SOURCES OF FUNDING  
44 THAT HAVE BEEN APPROVED BY THE VOTERS AT THE LOCAL LEVEL.

45  
46 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
47 REQUIRES:

48  
49 (a) "COUNTY" MEANS A COUNTY OR A CITY AND COUNTY.

50  
51 (b) "STATE COLLEGE" MEANS ANY ONE OR MORE OF THE  
52 FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:

53  
54 (I) ADAMS STATE COLLEGE, ESTABLISHED IN SECTION 23-51-101,  
55 C.R.S.;

56

1 (II) FORT LEWIS COLLEGE, ESTABLISHED IN SECTION 23-52-101,  
2 C.R.S.;

3  
4 (III) MESA STATE COLLEGE, ESTABLISHED IN SECTION 23-53-101,  
5 C.R.S.;

6  
7 (IV) METROPOLITAN STATE COLLEGE OF DENVER, ESTABLISHED  
8 IN SECTION 23-54-101, C.R.S.; AND

9  
10 (V) WESTERN STATE COLLEGE OF COLORADO, ESTABLISHED IN  
11 SECTION 23-56-101, C.R.S.

12  
13 (3) (a) UPON THE PASSAGE OF A RESOLUTION BY THE BOARD OF A  
14 STATE COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE  
15 TERRITORIAL BOUNDARIES OF A PARTICULAR COUNTY REQUESTING THE  
16 BOARD OF COUNTY COMMISSIONERS TO PLACE THE QUESTION BEFORE THE  
17 ELECTORS OF THE COUNTY, THE BOARD OF COUNTY COMMISSIONERS, BY  
18 RESOLUTION OR ORDINANCE, MAY SUBMIT TO A VOTE OF THE REGISTERED  
19 ELECTORS RESIDING WITHIN THE TERRITORIAL BOUNDARIES OF THE  
20 COUNTY THE QUESTION OF WHETHER THE COUNTY SHALL BE AUTHORIZED  
21 TO IMPOSE EITHER AN AD VALOREM TAX UPON THE VALUATION OF  
22 ASSESSMENT OF ALL TAXABLE PROPERTY WITHIN THE COUNTY OR A SALES  
23 TAX TO SUPPORT THE STATE COLLEGE IN ACCORDANCE WITH THE  
24 REQUIREMENTS OF THIS SECTION.

25  
26 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
27 A COUNTY MAY ONLY IMPOSE THE TAX AUTHORIZED BY PARAGRAPH (a) OF  
28 THIS SUBSECTION (3) IN ORDER TO RAISE MONEYS ON BEHALF OF A STATE  
29 COLLEGE THAT HAS ITS MAIN CAMPUS LOCATED WITHIN THE COUNTY'S  
30 TERRITORIAL BOUNDARIES.

31  
32 (c) UPON PASSAGE OF A RESOLUTION BY THE BOARD OF COUNTY  
33 COMMISSIONERS, THE QUESTION AUTHORIZED BY PARAGRAPH (a) OF THIS  
34 SUBSECTION (3) SHALL BE SUBMITTED TO THE REGISTERED ELECTORS OF  
35 THE COUNTY AT AN ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF  
36 ARTICLE X OF THE STATE CONSTITUTION AND TITLE 1, C.R.S. THE  
37 QUESTION SHALL CONTAIN A DESCRIPTION OF THE TAX, INCLUDING THE  
38 USE OF THE MONEYS LEVIED AND COLLECTED, AND SHALL FURTHER STATE  
39 THE AMOUNT OF THE TAX TO BE IMPOSED. IF A MAJORITY OF THE VOTES  
40 CAST AT ANY SUCH ELECTION ARE IN FAVOR OF THE QUESTION, THE  
41 COUNTY SHALL BE AUTHORIZED TO LEVY THE TAX UP TO THE MAXIMUM  
42 AMOUNT OF THE LEVY SPECIFIED IN THE RESOLUTION AS WELL AS IN THE  
43 QUESTION SUBMITTED TO THE ELECTORS.

44  
45 (d) ANY TAXES LEVIED AND COLLECTED IN ACCORDANCE WITH THE  
46 REQUIREMENTS OF THIS SECTION SHALL BE DISTRIBUTED BY THE COUNTY  
47 TREASURER TO A STATE COLLEGE IN ACCORDANCE WITH THE PROVISIONS  
48 OF SUBSECTION (9) OF THIS SECTION.

49  
50 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

51  
52 (a) A BALLOT QUESTION SEEKING THE IMPOSITION OF OR AN  
53 INCREASE IN AN AD VALOREM OR SALES TAX ON BEHALF OF A STATE  
54 COLLEGE PURSUANT TO THIS SECTION MAY ONLY BE LEVIED BY A COUNTY  
55 UPON THE PASSAGE OF A RESOLUTION BY THE GOVERNING BODY OF A  
56 STATE COLLEGE REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO

- 1 PLACE THE QUESTION BEFORE THE REGISTERED ELECTORS OF THE COUNTY;  
2
- 3 (b) ANY AD VALOREM OR SALES TAX LEVIED PURSUANT TO THIS  
4 SECTION MAY ONLY BE LEVIED AND COLLECTED ON BEHALF OF A STATE  
5 COLLEGE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION; AND  
6
- 7 (c) A COUNTY GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF  
8 THE GOVERNING BODY OF THE STATE COLLEGE PRIOR TO PLACING ANY  
9 QUESTION ON THE BALLOT SEEKING VOTER APPROVAL FOR THE IMPOSITION  
10 OR INCREASE OF A SALES OR AD VALOREM TAX PURSUANT TO THIS  
11 SECTION.  
12
- 13 (5) ANY AD VALOREM TAX APPROVED BY THE VOTERS IN  
14 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL BE IN  
15 ADDITION TO ANY OTHER AD VALOREM TAX IMPOSED PURSUANT TO LAW.  
16
- 17 (6) (a) IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THIS  
18 SECTION, THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY MAY  
19 LEVY A SALES TAX FOR THE PURPOSES SPECIFIED IN THIS SECTION OF NOT  
20 MORE THAN ONE-HALF OF ONE PERCENT ON THE SALE OF TANGIBLE  
21 PERSONAL PROPERTY OF RETAIL AND SERVICES TAXABLE IN SUCH COUNTY  
22 PURSUANT TO THE PROVISIONS OF SECTION 39-26-104, C.R.S. ALL NET  
23 REVENUES COLLECTED BY A COUNTY AFTER THE PAYMENT OF THE COSTS  
24 OF COLLECTION, ADMINISTRATION, AND ENFORCEMENT TO THE  
25 DEPARTMENT OF REVENUE IN ACCORDANCE WITH PARAGRAPH (b) OF THIS  
26 SUBSECTION (6) SHALL BE USED EXCLUSIVELY FOR THE PURPOSES  
27 SPECIFIED IN SUBSECTION (7) OF THIS SECTION.  
28
- 29 (b) ANY COUNTY SALES TAX SHALL BE COLLECTED,  
30 ADMINISTERED, AND ENFORCED, TO THE EXTENT FEASIBLE, PURSUANT TO  
31 SECTION 29-2-106, C.R.S.  
32
- 33 (7) THE STATE COLLEGE MAY USE THE REVENUE COLLECTED  
34 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION TO:  
35
- 36 (a) ASSIST RESIDENTS OF THE COUNTY IN DEFRAIVING TUITION  
37 EXPENSES ASSOCIATED WITH ATTENDING A STATE COLLEGE;  
38
- 39 (b) PROVIDE SUPPLEMENTAL FUNDING IN CONNECTION WITH THE  
40 OPERATING COSTS OF CURRENT OR FUTURE PROGRAMS OFFERED BY A  
41 STATE COLLEGE;  
42
- 43 (c) CONSTRUCT NEW OR RENOVATE EXISTING STATE COLLEGE  
44 FACILITIES;  
45
- 46 (d) PROVIDE CAPITAL FUNDING FOR TECHNOLOGY ENHANCEMENT  
47 AND SUPPLEMENTAL EQUIPMENT FOR THE STATE COLLEGE; AND  
48
- 49 (e) UNDERTAKE SUCH ADDITIONAL USES OF THE REVENUE  
50 RECEIVED AS MAY BE JOINTLY AGREED UPON BY THE COUNTY AND THE  
51 GOVERNING BODY OF THE STATE COLLEGE BY MEANS OF AN  
52 INTERGOVERNMENTAL AGREEMENT, INTO WHICH AGREEMENT THE PARTIES  
53 ARE HEREBY AUTHORIZED TO ENTER.  
54
- 55 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
56 ANY DETERMINATION ABOUT THE USE OF TAX REVENUES COLLECTED

1 PURSUANT TO THIS SECTION ON BEHALF OF ANY PARTICULAR STATE  
2 COLLEGE SHALL BE MADE IN CONSULTATION WITH THE COUNTY AND THE  
3 GOVERNING BODY OF THE STATE COLLEGE. NO REVENUES SHALL BE  
4 EXPENDED PURSUANT TO THIS SECTION WITHOUT THE PRIOR CONSENT OF  
5 THE GOVERNING BODY OF THE STATE COLLEGE.

6  
7 (9) THE COUNTY TREASURER SHALL COLLECT AND ENFORCE THE  
8 TAXES AUTHORIZED BY PARAGRAPH (a) OF SUBSECTION (3) OF THIS  
9 SECTION AT THE TIME AND IN THE FORM AND MANNER AND WITH LIKE  
10 INTEREST AND PENALTIES AS OTHER TAXES ARE COLLECTED AND, WHEN  
11 COLLECTED, SHALL PAY THE SAME TO THE STATE COLLEGE. THE PAYMENT  
12 OF SUCH COLLECTIONS SHALL BE MADE MONTHLY TO THE TREASURER OF  
13 THE STATE COLLEGE AND PAID INTO THE DEPOSITORY OF THE STATE  
14 COLLEGE TO THE CREDIT OF THE INSTITUTION.

15  
16 (10) INSOFAR AS A PARTICULAR STATE COLLEGE, OR ANY  
17 AUXILIARY FACILITY OF SUCH INSTITUTION, HAS BEEN DESIGNATED AS AN  
18 ENTERPRISE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 20 OF  
19 ARTICLE X OF THE STATE CONSTITUTION AND SECTION 23-5-101.5 OR  
20 23-5-101.7, C.R.S., AND, IN ORDER FOR THE INSTITUTION TO PRESERVE  
21 SUCH DESIGNATION, ELECTS NOT TO ACCEPT THE FULL AMOUNT OF ANY  
22 DISTRIBUTION OF TAX LEVIED AND COLLECTED ON ITS BEHALF, THE EXCESS  
23 OF ANY SUCH TAXES SHALL BE REFUNDED BY THE COUNTY TREASURER AS  
24 PROVIDED BY LAW.

25  
26 **SECTION 18. Repeal.** 23-71-128 (1) (a), Colorado Revised  
27 Statutes, is repealed as follows:

28  
29 **23-71-128. Additions to district - procedure.** (1) If any school  
30 district or group of districts adjacent to a junior college district desires to  
31 be annexed to the existing junior college district, it may do so by the  
32 following procedure:

33  
34 ~~(a) By obtaining approval of the existing junior college district.~~  
35 ~~The approval shall be given only upon a majority vote of the eligible~~  
36 ~~electors of the existing junior college district as expressed by a majority~~  
37 ~~polled at the time of the regular biennial school election held in the junior~~  
38 ~~college district. The election shall be called only upon the affirmative~~  
39 ~~vote of the board of trustees.~~

40  
41 **SECTION 19. Repeal.** 23-71-202 (3), Colorado Revised  
42 Statutes, is repealed as follows:

43  
44 **23-71-202. Joining state system - state support.** (3) ~~Any local~~  
45 ~~junior college district organized or authorized to be organized after July~~  
46 ~~1, 1967, which is not a part of the state system shall not be eligible to~~  
47 ~~receive any state funds for capital construction purposes unless the board~~  
48 ~~has approved the district prior to its organization."~~

49  
50 Renumber succeeding sections accordingly.

51  
52 As amended, ordered revised and placed on the Calendar for Third  
53 Reading and Final Passage.

54  
55 **SB09-286** by Senator(s) Morse and Carroll M., Bacon, Boyd, Foster,  
56 Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer,

1 Shaffer B., Tapia, Tochtrop, Veiga, Williams; also  
2 Representative(s) Levy and Merrifield, Ferrandino, Kagan,  
3 Miklosi, Pommer, Pace, Benefield, Carroll T., Court,  
4 Fischer, Green, Hulinghorst, Judd, Kerr A., Labuda,  
5 McFadyen, Middleton, Rice, Ryden, Schafer S., Solano,  
6 Todd, Weissmann--Concerning criminal law, and, in  
7 connection therewith, changing the provisions related to  
8 legal representation of indigent defendants for certain  
9 misdemeanor cases; changing the offense level or  
10 sentencing options for select nonviolent offenses, property  
11 offenses, and drug offenses; changing the presumptive  
12 sentencing ranges for certain felony offenses; repealing  
13 certain extraordinary risk sentencing provisions; making  
14 changes to the habitual offender statute; and allowing for  
15 certain sentencing time credits for certain offenders.  
16

17 Amendment No. 1, Judiciary Report, dated May 1, 2009, and placed in  
18 member's bill file; Report also printed in House Journal, May 4,  
19 page 1692.  
20

21 Amendment No. 2, by Representative(s) Levy.  
22

23 Amend the Judiciary Committee Report, dated May 1, 2009, page 1, line  
24 2, change the period to a semi-colon;  
25

26 after line 2 of the committee report, insert the following:  
27

28 "strike line 27 and substitute the following:  
29

30 "(b) IN ADDITION TO ANY OTHER AREAS DEEMED APPROPRIATE BY  
31 THE COMMISSION, THE COMMISSION MAY STUDY THE FOLLOWING AREAS:"  
32

33 Page 4, strike line 1;"  
34

35 line 3 of the committee report, strike "Page 4,";  
36

37 after line 4 of the committee report, insert the following:  
38

39 "line 6, strike "C.R.S.;" and substitute "C.R.S., AND WHETHER TO CHANGE  
40 THOSE SENTENCES;"";  
41

42 strike line 6 of the committee report and substitute the following:  
43

44 "line 8, strike "C.R.S.; AND" and substitute "C.R.S., AND WHETHER TO  
45 CHANGE THOSE SENTENCES;"";  
46

47 after line 13 of the committee report, insert the following:  
48

49 "line 11, strike "ALSO STUDY THE IMPACT" and substitute "STUDY THE  
50 IMPACT OF INCARCERATION ON CRIME RATES."";  
51

52 strike lines 12 through 14;  
53

54 line 17, after "COURT," insert "THE JUDICIARY COMMITTEES OF THE HOUSE  
55 OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES,";  
56

1 line 21, strike "SPECIFIC";";

2

3 strike line 14 of the committee report and substitute the following:

4 "line 22, strike "THE SENTENCING PRACTICES STUDIED" and substitute  
5 "WHETHER TO MODIFY ANY SENTENCES OR SENTENCE LAWS."";

6

7 strike line 23."

8

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

11

12 **SB09-297** by Senator(s) Sandoval; also Representative(s) Judd--  
13 Concerning projects funded with moneys received  
14 pursuant to the federal "American Recovery and  
15 Reinvestment Act of 2009", and, in connection therewith,  
16 establishing a process for the waiving of state contracting  
17 requirements for contracts for such projects in  
18 circumstances in which a waiver is necessary in order to  
19 ensure that the moneys can be timely and efficiently  
20 expended for their intended purposes, requiring the public  
21 utilities commission to give the fullest consideration for  
22 incentives to specified types of such projects, and  
23 including moneys received by the governor's energy office  
24 pursuant to the federal act and from specified other  
25 sources as principal of the clean energy fund.

26

27 Amendment No. 1, by Representative(s) Judd.

28

29 Amend reengrossed bill, page 4, line 13, strike "IF" and substitute "TO THE  
30 EXTENT";

31

32 line 16, strike "IF" and substitute "TO THE EXTENT".

33

34 As amended, ordered revised and placed on the Calendar for Third  
35 Reading and Final Passage.

36

37 **SB09-290** by Senator(s) Bacon, Kopp, Schwartz; also  
38 Representative(s) Riesberg, McFadyen, Sonnenberg--  
39 Concerning flexibility for capital construction projects.

40

41 Amendment No. 1, Finance Report, dated May 1, 2009, and placed in  
42 member's bill file; Report also printed in House Journal, May 4,  
43 pages 1691-1692.

44

45 Amendment No. 2, by Representative(s) Riesberg.

46

47 Amend the Finance Committee Report, dated May 1, 2009, page 2, line  
48 2, strike "(10)" and substitute "(10.5)".

49

50 As amended, ordered revised and placed on the Calendar for Third  
51 Reading and Final Passage.

52

53 **SB09-085** by Senator(s) Scheffel and Williams, Mitchell; also  
54 Representative(s) Rice and Priola, Lambert, McNulty--  
55 Concerning the creation of a legislative task force to study  
56 property tax exemption for business personal property.

1 Amendment No. 1, Business Affairs & Labor Report, dated May 1, 2009,  
2 and placed in member's bill file; Report also printed in House Journal,  
3 May 4, page 1689.

4  
5 As amended, ordered revised and placed on the Calendar for Third  
6 Reading and Final Passage.

7  
8 **SB09-292** by Senator(s) Brophy, Mitchell, Morse, Schwartz, Shaffer  
9 B., Veiga; also Representative(s) Labuda, Gardner B.,  
10 Kagan, Levy, Roberts--Concerning the revision of statutes  
11 in the Colorado Revised Statutes, as amended, and, in  
12 connection therewith, amending or repealing obsolete,  
13 inconsistent, and conflicting provisions of law and  
14 clarifying the language to reflect the legislative intent of  
15 the laws.

16  
17 Amendment No. 1, Judiciary Report, dated May 1, 2009, and placed in  
18 member's bill file; Report also printed in House Journal, May 4,  
19 pages 1692-1694.

20  
21 Amendment No. 2, by Representative(s) Labuda.

22  
23 Amend reengrossed bill, page 89, before line 13, insert the following:  
24 **"SECTION 140.** The introductory portions to 42-4-1412 (5) (a)  
25 and (5) (c) and 42-4-1412 (6), Colorado Revised Statutes, as amended by  
26 Senate Bill 09-148, are amended to read:

27  
28 **42-4-1412. Operation of bicycles and other human-powered**  
29 **vehicles.** (5) (a) Any person operating a bicycle OR AN ELECTRICAL  
30 ASSISTED BICYCLE upon a roadway at less than the normal speed of traffic  
31 shall ride in the right-hand lane, subject to the following conditions:

32  
33 (c) A person operating a bicycle OR AN ELECTRICAL ASSISTED  
34 BICYCLE upon a one-way roadway with two or more marked traffic lanes  
35 may ride as near to the left-hand curb or edge of such roadway as judged  
36 safe by the bicyclist, subject to the following conditions:

37  
38 (6) (a) Persons riding bicycles OR ELECTRICAL ASSISTED BICYCLES  
39 upon a roadway shall not ride more than two abreast except on paths or  
40 parts of roadways set aside for the exclusive use of bicycles.

41  
42 (b) Persons riding bicycles OR ELECTRICAL ASSISTED BICYCLES  
43 two abreast shall not impede the normal and reasonable movement of  
44 traffic and, on a laned roadway, shall ride within a single lane.";

45  
46 after line 24, add:

47  
48 "(j) Section 140 of this act shall take effect October 1, 2009, and  
49 shall take effect only if both House Bill 09-1026 and Senate Bill 09-148  
50 are enacted and become law."

51  
52 As amended, ordered revised and placed on the Calendar for Third  
53 Reading and Final Passage.

54  
55  
56

1 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

2  
3 Representative(s) Gardner B., King S., Tipton, and Waller moved to  
4 amend the Report of the Committee of the Whole to reverse the action  
5 taken by the Committee in adopting Amendment No. 3, by Representative  
6 Weissmann (printed in House Journal page 1706, lines 48-56, and  
7 page 1707, lines 1-5) to SB 09-241, to show that said amendment lost,  
8 and that **SB09-241**, as amended, passed.

9  
10 The amendment was declared **lost** by the following roll call vote:

	YES	31	NO	34	EXCUSED	0	ABSENT	0
13	Acree	Y	Green	N	McCann	Y	Roberts	Y
14	Apuan	N	Hullinghorst	N	McFadyen	N	Ryden	N
15	Balmer	Y	Judd	Y	McKinley	N	Scanlan	N
16	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
17	Benefield	N	Kefalas	N	Merrifield	N	Solano	N
18	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	Y
19	Casso	N	Kerr J.	Y	Miklosi	N	Soper	Y
20	Court	N	King S.	Y	Murray	Y	Stephens	Y
21	Curry	N	Labuda	N	Nikkel	Y	Summers	Y
22	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
23	Fischer	N	Levy	N	Peniston	N	Tipton	Y
24	Frangas	Y	Liston	Y	Pommer	N	Todd	N
25	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
26	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N
27	Gardner C.	Y	Massey	Y	Rice	N	Waller	Y
28	Gerou	Y	May	Y	Riesberg	N	Weissmann	N
29							Speaker	N

30  
31  
32  
33 Representative(s) Gardner B., King S., Tipton, and Waller moved to  
34 amend the Report of the Committee of the Whole to reverse the action  
35 taken by the Committee in adopting Amendment No. 5, by Representative  
36 Ferrandino, (Printed in House Journal page 1707, lines 28-37) to  
37 SB 09-241, to show that said amendment lost, and that **SB09-241**, as  
38 amended, passed.

39  
40 The amendment was declared **passed** by the following roll call vote:

	YES	34	NO	31	EXCUSED	0	ABSENT	0
43	Acree	Y	Green	N	McCann	N	Roberts	Y
44	Apuan	N	Hullinghorst	N	McFadyen	N	Ryden	Y
45	Balmer	Y	Judd	Y	McKinley	N	Scanlan	N
46	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N
47	Benefield	N	Kefalas	N	Merrifield	N	Solano	N
48	Bradford	Y	Kerr A.	N	Middleton	N	Sonnenberg	Y
49	Casso	N	Kerr J.	Y	Miklosi	N	Soper	Y
50	Court	N	King S.	Y	Murray	Y	Stephens	Y
51	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
52	Ferrandino	N	Lambert	Y	Pace	N	Swalm	Y
53	Fischer	N	Levy	N	Peniston	N	Tipton	Y
54	Frangas	Y	Liston	Y	Pommer	N	Todd	N
55	Gagliardi	N	Looper	Y	Primavera	N	Vaad	Y
56	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	N

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

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

9 Passed Second Reading: **SB09-110 amended, 164, 241 amended, 247**  
 10 **amended, 295 amended, 286 amended, 297 amended, 290 amended,**  
 11 **085 amended, 292 amended.**

13 Laid over until date indicated retaining place on Calendar:

14 **HB09-1323**--August 7, 2009. Bill deemed lost.

15 **HB09-1356**--August 8, 2009. Bill deemed lost.

17 The Chairman moved the adoption of the Committee of the Whole  
 18 Report. As shown by the following roll call vote, a majority of those  
 19 elected to the House voted in the affirmative, and the Report was  
 20 **adopted.**

22	YES	65	NO	0	EXCUSED	0	ABSENT	0
23	Acree	Y	Green	Y	McCann	Y	Roberts	Y
24	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
25	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
26	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
27	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
28	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
29	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
30	Court	Y	King S.	Y	Murray	Y	Stephens	Y
31	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
32	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
33	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
34	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
35	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
36	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
37	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
38	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
39							Speaker	Y

### CONSENT GRANTED TO CONFERENCE COMMITTEE

44 Representative Schafer moved that the First Conference Committee on  
 45 **SB09-245** be granted permission to go beyond the scope of the difference  
 46 between the House and the Senate. The motion was passed by the  
 47 following roll call vote:

49	YES	65	NO	0	EXCUSED	0	ABSENT	0
50	Acree	Y	Green	Y	McCann	Y	Roberts	Y
51	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
52	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
53	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
54	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
55	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
56	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y

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

11

12

13

14 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

15

16 **HB09-1119** by Representative(s) Vigil, Court, Labuda, Pace, Todd;  
 17 also Senator(s) Schwartz--Concerning creation of a  
 18 program to assist entities providing programs to address  
 19 substance abuse problems in rural areas of Colorado.

20

21 (Amended as printed in Senate Journal, April 28, page 1356.)

22

23 Representative Vigil moved that the House **concur** in Senate  
 24 amendments. The motion was declared **passed** by the following roll call  
 25 vote:

26

27	YES	60	NO	5	EXCUSED	0	ABSENT	0
28	Acree	Y	Green	Y	McCann	Y	Roberts	Y
29	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
30	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
34	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
35	Court	Y	King S.	Y	Murray	Y	Stephens	Y
36	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	N
38	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
39	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
40	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	N
41	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
42	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
43	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
44							Speaker	Y

45

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

47 A roll call vote was taken. As shown by the following recorded vote, a  
 48 majority of those elected to the House voted in the affirmative, and the  
 49 bill, as amended, was declared **repassed**.

50

51	YES	43	NO	22	EXCUSED	0	ABSENT	0
52	Acree	N	Green	Y	McCann	Y	Roberts	Y
53	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
54	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
55	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
56	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y

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

13 Co-sponsor(s) added: Representative(s) Fischer, Green, Massey, Merrifield,  
14 Roberts

15  
16 **HB09-1173** by Representative(s) Riesberg; also Senator(s) Hodge--  
17 Concerning efforts to reduce the amount of contraband  
18 tobacco products in the state, and making an appropriation  
19 therefor.

20  
21 (Amended as printed in Senate Journal, April 28, page 1354.)

22  
23 Representative Riesberg moved that the House **concur** in Senate  
24 amendments. The motion was declared **passed** by the following roll call  
25 vote:

27	YES	65	NO	0	EXCUSED	0	ABSENT	0
28	Acree	Y	Green	Y	McCann	Y	Roberts	Y
29	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
30	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
34	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
35	Court	Y	King S.	Y	Murray	Y	Stephens	Y
36	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
38	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
39	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
40	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
41	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
42	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
43	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
44							Speaker	Y

45  
46 The question being, "Shall the bill, as amended, pass?"  
47 A roll call vote was taken. As shown by the following recorded vote, a  
48 majority of those elected to the House voted in the affirmative, and the  
49 bill, as amended, was declared **repassed**.

51	YES	42	NO	23	EXCUSED	0	ABSENT	0
52	Acree	N	Green	N	McCann	Y	Roberts	Y
53	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
54	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
55	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
56	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y

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

13 Co-sponsor(s) added: Representative(s) Labuda, Vigil

14  
15 **HB09-1196** by Representative(s) Gerou, Kerr J., Kerr A., McNulty,  
16 Schafer S., Summers; also Senator(s) Boyd--Concerning  
17 the use of moneys derived from civil money penalties  
18 imposed on nursing facilities to fund innovation in nursing  
19 home care, and making an appropriation therefor.

20  
21 (Amended as printed in Senate Journal, April 28, page 1355.)

22  
23 Representative Gerou moved that the House **concur** in Senate  
24 amendments. The motion was declared **passed** by the following roll call  
25 vote:

27	YES	61	NO	4	EXCUSED	0	ABSENT	0
28	Acree	Y	Green	N	McCann	Y	Roberts	Y
29	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
30	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
31	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
32	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
33	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
34	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
35	Court	Y	King S.	Y	Murray	Y	Stephens	Y
36	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
37	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
38	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
39	Frangas	N	Liston	Y	Pommer	Y	Todd	Y
40	Gagliardi	Y	Looper	Y	Primavera	N	Vaad	Y
41	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
42	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
43	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
44							Speaker	Y

45  
46 The question being, "Shall the bill, as amended, pass?"

47 A roll call vote was taken. As shown by the following recorded vote, a  
48 majority of those elected to the House voted in the affirmative, and the  
49 bill, as amended, was declared **repassed**.

51	YES	65	NO	0	EXCUSED	0	ABSENT	0
52	Acree	Y	Green	Y	McCann	Y	Roberts	Y
53	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
54	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
55	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
56	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y

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

13 Co-sponsor(s) added: Representative(s) Liston, Marostica, Nikkel, Roberts

14  
 15 **HB09-1199** by Representative(s) Scanlan, Benefield, Curry,  
 16 Ferrandino, Gerou, Kerr A., King S., Levy, Massey,  
 17 Middleton, Nikkel, Roberts; also Senator(s) Gibbs--  
 18 Concerning increased efforts to address wildfire risk, and,  
 19 in connection therewith, providing resources to the  
 20 Colorado state forest service to augment its technical  
 21 outreach capabilities and provide loans and grants for  
 22 market-based and forest treatment solutions to reduce  
 23 wildfire risk, and making an appropriation.

24  
 25 (Amended as printed in Senate Journal, April 28, pages 1353-1354.)

26  
 27 Representative Scanlan moved that the House **concur** in Senate  
 28 amendments. The motion was declared **passed** by the following roll call  
 29 vote:

31	YES	64	NO	1	EXCUSED	0	ABSENT	0
32	Acree	Y	Green	Y	McCann	Y	Roberts	Y
33	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
34	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
35	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
36	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
37	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
38	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
39	Court	Y	King S.	Y	Murray	Y	Stephens	Y
40	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
41	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
42	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
43	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
44	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
45	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
46	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
47	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
48							Speaker	Y

49  
 50  
 51 The question being, "Shall the bill, as amended, pass?".  
 52 A roll call vote was taken. As shown by the following recorded vote, a  
 53 majority of those elected to the House voted in the affirmative, and the  
 54 bill, as amended, was declared **repassed**.  
 55

	YES	65	NO	0	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McFadyen	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
9	Court	Y	King S.	Y	Murray	Y	Stephens	Y
10	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
17	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Apuan, Labuda, McNulty, Murray, Pace

20  
 21 **HB09-1282** by Representative(s) Fischer; also Senator(s) Schwartz,  
 22 Hodge--Concerning the recycling of certain electronic  
 23 devices, and, in connection therewith, establishing a task  
 24 force within the department of public health and  
 25 environment to make recommendations regarding the  
 26 implementation of electronic device recycling programs  
 27 and making an appropriation.

28  
 29 (Amended as printed in Senate Journal, April 28, pages 1355-1356.)

30  
 31 Representative Fischer moved that the House **concur** in Senate  
 32 amendments. A substitute motion by Representative May that the House  
 33 **not concur** in Senate amendments and that a Conference Committee be  
 34 appointed with permission to go beyond the scope of the differences  
 35 between the House and the Senate was declared **passed** by the following  
 36 roll call vote:

	YES	53	NO	12	EXCUSED	0	ABSENT	0
37								
38	Acree	Y	Green	Y	McCann	N	Roberts	Y
39	Apuan	Y	Hullingerhorst	Y	McFadyen	N	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	N	Scanlan	Y
41	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
42	Benefield	N	Kefalas	N	Merrifield	N	Solano	Y
43	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
44	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
45	Court	Y	King S.	Y	Murray	Y	Stephens	Y
46	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
47	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
48	Fischer	N	Levy	Y	Peniston	N	Tipton	Y
49	Frangas	Y	Liston	Y	Pommer	Y	Todd	N
50	Gagliardi	N	Looper	Y	Primavera	Y	Vaad	Y
51	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
52	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
53	Gerou	Y	May	Y	Riesberg	N	Weissmann	Y
54							Speaker	Y

55 The Speaker appointed Representatives Fischer, Chairman, Solano and  
 56 Nikkel as House conferees to the bill.

1 **HB09-1312** by Representative(s) Kerr A., Merrifield, Middleton,  
 2 Scanlan, Todd; also Senator(s) Schwartz and Romer--  
 3 Concerning the renewable energy and energy efficiency  
 4 for schools loan program.

5  
 6 (Amended as printed in Senate Journal, April 28, pages 1356-1357, and  
 7 on Third Reading as printed in Senate Journal, April 29.)

8  
 9 Representative Kerr A., moved that the House **concur** in Senate  
 10 amendments. The motion was declared **passed** by the following roll call  
 11 vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
14	Acree	Y	Green	Y	McCann	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
20	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
21	Court	Y	King S.	Y	Murray	Y	Stephens	Y
22	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
23	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
25	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
27	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
28	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
29	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
30							Speaker	Y

31  
 32 The question being, "Shall the bill, as amended, pass?".  
 33 A roll call vote was taken. As shown by the following recorded vote, a  
 34 majority of those elected to the House voted in the affirmative, and the  
 35 bill, as amended, was declared **repassed**.

	YES	44	NO	21	EXCUSED	0	ABSENT	0
38	Acree	Y	Green	Y	McCann	Y	Roberts	N
39	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
42	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
44	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
45	Court	Y	King S.	N	Murray	N	Stephens	N
46	Curry	Y	Labuda	Y	Nikkel	N	Summers	Y
47	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
49	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
51	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
52	Gardner C.	N	Massey	N	Rice	Y	Waller	N
53	Gerou	Y	May	N	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Casso, Ferrandino, Hullinghorst, Pace,  
 56 Pommer

1 **HB09-1329** by Representative(s) Marostica, Ferrandino, Pommer; also  
 2 Senator(s) White, Keller, Tapia--Concerning the  
 3 percentage of moneys transferred from the tobacco  
 4 litigation settlement cash fund to the Colorado state  
 5 veterans trust fund that are subject to annual appropriation,  
 6 and making an appropriation in connection therewith.

7  
 8 (Amended as printed in Senate Journal, April 28, page 1354.)  
 9

10 Representative Marostica moved that the House **concur** in Senate  
 11 amendments. The motion was declared **passed** by the following roll call  
 12 vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
15	Acree	Y	Green	Y	McCann	Y	Roberts	Y
16	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
17	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
18	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
21	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
22	Court	Y	King S.	Y	Murray	Y	Stephens	Y
23	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
24	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
26	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
27	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
28	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
29	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
30	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
31							Speaker	Y

32  
 33 The question being, "Shall the bill, as amended, pass?".  
 34 A roll call vote was taken. As shown by the following recorded vote, a  
 35 majority of those elected to the House voted in the affirmative, and the  
 36 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
38	Acree	Y	Green	Y	McCann	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
42	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
44	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
45	Court	Y	King S.	Y	Murray	Y	Stephens	Y
46	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
47	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
49	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
51	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
52	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
53	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Gardner B., Gardner C., Gerou, Kerr J.,  
 56 Lambert, Massey, McNulty, Nikkel, Pace, Ryden, Schafer S., Stephens, Waller

1 **HB09-1243** by Representative(s) Middleton and Massey, Labuda,  
 2 Casso, Court, McGihon, Miklosi, Peniston, Primavera,  
 3 Ryden, Scanlan, Todd, Vigil; also Senator(s) Bacon,  
 4 Spence--Concerning measures to raise the graduation rate  
 5 in public high schools in Colorado, and making an  
 6 appropriation in connection therewith.  
 7

8 (Amended as printed in Senate Journal, April 28, page 1354, and  
 9 amended on Third Reading, April 30, 2009, as printed in Senate Journal.)  
 10

11 Representative Middleton moved that the House **concur** in Senate  
 12 amendments. The motion was declared **passed** by the following roll call  
 13 vote:

	YES	65	NO	0	EXCUSED	0	ABSENT	0
15	Acree	Y	Green	Y	McCann	Y	Roberts	Y
16	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
17	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
18	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
19	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
20	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
21	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
22	Court	Y	King S.	Y	Murray	Y	Stephens	Y
23	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
24	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
25	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
26	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
27	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
28	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
29	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
30	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
31							Speaker	Y

32  
 33 The question being, "Shall the bill, as amended, pass?"

34 A roll call vote was taken. As shown by the following recorded vote, a  
 35 majority of those elected to the House voted in the affirmative, and the  
 36 bill, as amended, was declared **repassed**.

	YES	64	NO	1	EXCUSED	0	ABSENT	0
38	Acree	Y	Green	Y	McCann	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
42	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
44	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
45	Court	Y	King S.	Y	Murray	Y	Stephens	Y
46	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
47	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
49	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
51	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
52	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
53	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Frangas, Gerou, Pace, Summers  
 56

1 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S)**

2  
3 **SB09-256** by Senator(s) Romer and Bacon; also Representative(s)  
4 Pommer and Scanlan--Concerning the financing of public  
5 schools, and making an appropriation therefor.

6  
7 (Conference Committee Report printed in House Journal, May 4,  
8 pages 1694-1699.)

9  
10 On motion of Representative Pommer, the Conference Committee Report  
11 was **adopted** by the following roll call vote:

	YES	62	NO	3	EXCUSED	0	ABSENT	0
14	Acree	Y	Green	Y	McCann	Y	Roberts	Y
15	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	Y	Judd	N	McKinley	Y	Scanlan	Y
17	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
20	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
21	Court	Y	King S.	Y	Murray	Y	Stephens	Y
22	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
23	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
25	Frangas	N	Liston	Y	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
27	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
28	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
29	Gerou	Y	May	Y	Riesberg	Y	Weissmann	N
30							Speaker	Y

31  
32 The question being "Shall the bill, as amended, pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a  
34 majority of those elected to the House voted in the affirmative and the  
35 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
38	Acree	Y	Green	Y	McCann	Y	Roberts	Y
39	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
40	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
41	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
42	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
43	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
44	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
45	Court	Y	King S.	Y	Murray	Y	Stephens	Y
46	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
47	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
48	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
49	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
50	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
51	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
52	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
53	Gerou	Y	May	Y	Riesberg	Y	Weissmann	Y
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Merrifield, Middleton, Priola, Stephens,  
56 Vigil, Speaker

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

**HEALTH & HUMAN SERVICES**

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

**SB09-250** be postponed indefinitely.

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
on HB09-1338**

This Report Amends the Rerevised Bill.

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

Your first conference committee appointed on HB09-1338, concerning modifications to state insurance laws to comply with recently enacted federal laws, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following change:

Amend rerevised bill, page 7, line 19, strike "THE" and substitute "ANY".

Respectfully submitted,

House Committee:  
(signed)  
Edward Casso  
John Soper  
Kevin Priola

Senate Committee:  
(signed)  
Bob Bacon  
Linda Newell  
Shawn Mitchell

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **SJM09-002; SJR09-042, 045, 046, 053**

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**MESSAGE(S) FROM THE SENATE**

The Senate has adopted the First Report of the First Conference Committee on SB09-271, as printed in Senate Journal, April 30, 2009, page 1376-1377, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on SB09-269, as printed in Senate Journal, April 29, 2009, page 1393-1395, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on SB09-279, as printed in Senate Journal, April 30, 2009, page 1410-1412, and repassed the bill as amended.

1 The Senate has adopted the First Report of the First Conference  
2 Committee on SB09-281, as printed in Senate Journal May 1, 2009, page  
3 1464-1465, and repassed the bill as amended.

4  
5 The Senate has adopted the First Report of the First Conference  
6 Committee on HB09-1338, as printed in Senate Journal, May 4, 2009, and  
7 repassed the bill as amended. The bill is returned herewith.

8  
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11

### INTRODUCTION OF RESOLUTION

12

13 The following resolution was read by title and laid over one day under the  
14 rules:

15

16 **HJR09-1029** by Representative(s) Weissmann and Kerr A., Carroll T.,  
17 May; also Senator(s) Shaffer B., Groff, Penry--Concerning  
18 the adjournment sine die of the First Regular Session of  
19 the Sixty-seventh General Assembly.

20

21

22

23

### LAY OVER OF CALENDAR ITEM(S)

24

25 On motion of Representative Weissmann, the following item(s) on the  
26 Calendar were laid over until May 5, retaining place on Calendar:

27

28 Consideration of Resolution(s)--**HJR09-1018, 1025, 1026, SJR09-048,**  
29 **044, 047, 056.**

30

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35 On motion of Representative Weissmann, the House adjourned until  
36 9:00 a.m., May 5, 2009.

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Attest:

MARILYN EDDINS,

Chief Clerk

Approved:

TERRANCE D. CARROLL,

Speaker