

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

One hundred-eleventh Legislative Day Monday, April 27, 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 Aaron Lupo, Home School, Centennial.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative(s) Weissmann--1.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Tipton, the reading of the journal of
 16 April 24, 2009, was declared dispensed with and approved as corrected
 17 by the Chief Clerk.

18

19

20

21 style="text-align:center">**THIRD READING OF BILLS--FINAL PASSAGE**

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 **HB09-1349** by Representative(s) Fischer; also Senator(s) Heath--
 28 Concerning a special election period for the continuation
 29 of health care coverage after involuntary termination from
 30 employment.

31

32 The question being "Shall the bill 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 was declared **passed**.

36

YES	64	NO	0	EXCUSED	1	ABSENT	0
Acree	Y	Green	Y	McCann	Y	Roberts	Y
Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y

43

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

12 Co-sponsor(s) added: Representative(s) Apuan, Frangas, Hullinghorst,
13 Merrifield, Pace, Priola, Ryden, Schafer S., Todd, Vigil

14
15 **SB09-243** by Senator(s) Boyd, Carroll M.; also Representative(s)
16 Riesberg--Concerning payments for workers'
17 compensation benefits.

18
19 The question being "Shall the bill pass?".

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

23	YES	43	NO	21	EXCUSED	1	ABSENT	0
24								
25	Acree	N	Green	Y	McCann	Y	Roberts	Y
26	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
27	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
28	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
29	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
30	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
31	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
32	Court	Y	King S.	N	Murray	N	Stephens	N
33	Curry	Y	Labuda	Y	Nikkel	N	Summers	N
34	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
35	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
36	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
37	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
38	Gardner B.	Y	Marostica	Y	Priola	N	Vigil	Y
39	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
40	Gerou	Y	May	N	Riesberg	Y	Weissmann	E
41							Speaker	Y

42 Co-sponsor(s) added: Representative(s) Fischer, Green, Labuda, Ryden,
43 Schafer S., Todd, Vigil

44
45
46 **SB09-254** by Senator(s) Bacon, Veiga; also Representative(s)
47 Scanlan and Balmer--Concerning the authority of certain
48 licensed beer manufacturers to use common licensed
49 premises for the production of beer products in this state.

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

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

55

	YES	63	NO	1	EXCUSED	1	ABSENT	0
1								
2	Acree	Y	Green	Y	McCann	Y	Roberts	Y
3	Apuan	Y	Hullingerhorst	Y	McFadyen	N	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	E
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Fischer, Frangas, Kefalas, Kerr J.,
20 Liston, Priola, Ryden

21
22 **SB09-258** by Senator(s) Veiga; also Representative(s) Scanlan--
23 Concerning required acts of employee leasing companies
24 by the department of labor and employment pursuant to
25 the "Colorado Employment Security Act".
26

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

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

50
51 **HB09-1346** by Representative(s) Carroll T.; also Senator(s) Shaffer B.-
52 -Concerning authorization for public entities in the state to
53 fully utilize the financing instruments available to them
54 under the federal economic stimulus act known as the
55 "American Recovery and Reinvestment Act of 2009".
56

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

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

24 Co-sponsor(s) added: Representative(s) Casso, Fischer, Frangas, Green,
 25 Kefalas, Kerr A., Labuda, Pace, Ryden, Scanlan, Schafer S., Todd, Vigil

26
 27 **HB09-1359** by Representative(s) Kerr A.; also Senator(s) Boyd--
 28 Concerning the governance of common interest
 29 communities under the "Colorado Common Interest
 30 Ownership Act".

31
 32 The question being "Shall the bill 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 bill
 35 was declared **passed**.

	YES	58	NO	6	EXCUSED	1	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	N
44	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
45	Court	Y	King S.	Y	Murray	Y	Stephens	Y
46	Curry	Y	Labuda	N	Nikkel	N	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	N	Primavera	Y	Vaad	Y
51	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
52	Gardner C.	N	Massey	Y	Rice	Y	Waller	Y
53	Gerou	Y	May	Y	Riesberg	Y	Weissmann	E
54							Speaker	Y

55 Co-sponsor(s) added: Representative(s) Peniston, Waller

56

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

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.
 11

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

30 Co-sponsor(s) added: Representative(s) Baumgardner, Labuda, McFadyen,
 31 Murray, Peniston, Primavera, Priola, Todd
 32

33 **HB09-1335** by Representative(s) Todd and Murray; also Senator(s)
 34 Williams and Carroll M., Cadman--Concerning
 35 requirements for voting equipment.
 36

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
43	Acree	Y	Green	Y	McCann	Y	Roberts	Y
44	Apuan	Y	Hullingerhorst	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	Y
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	E
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Apuan, Casso, Labuda, Priola

5
 6 **HB09-1336** by Representative(s) Todd and Murray; also Senator(s)
 7 Williams and Carroll M., Cadman--Concerning the
 8 implementation of specific recommendations of the state
 9 election reform commission.

10
 11 The question being "Shall the bill pass?".
 12 A roll call vote was taken. As shown by the following recorded vote, a
 13 majority of those elected to the House voted in the affirmative and the bill
 14 was declared **passed**.

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	Y
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	E
33							Speaker	Y

34 Co-sponsor(s) added: Representative(s) Apuan, Casso, Court, Green, Labuda,
 35 Looper, Priola, Schafer S.

36
 37 **HB09-1337** by Representative(s) Todd and Murray; also Senator(s)
 38 Williams and Carroll M., Cadman--Concerning changes to
 39 certain ballot processing deadlines contained in the state
 40 election code.

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

47	YES	64	NO	0	EXCUSED	1	ABSENT	0
48	Acree	Y	Green	Y	McCann	Y	Roberts	Y
49	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
50	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
51	Baumgardner	Y	Kagan	Y	McNulty	Y	Schafer S.	Y
52	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
53	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
54	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
55	Court	Y	King S.	Y	Murray	Y	Stephens	Y
56	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y

1	Ferrandino	Y	Lambert	Y	Pace	Y	Swalm	Y
2	Fischer	Y	Levy	Y	Peniston	Y	Tipton	Y
3	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
4	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
5	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
6	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
7	Gerou	Y	May	Y	Riesberg	Y	Weissmann	E
8							Speaker	Y

9 Co-sponsor(s) added: Representative(s) Apuan, Casso, Court, Kerr J., Labuda,
10 Priola, Ryden, Schafer S., Vigil

11
12 **SB09-248** by Senator(s) Heath; also Representative(s) McNulty--
13 Concerning contractor surety requirements for a public
14 works project contract having a total value of five hundred
15 million dollars or more, and, in connection therewith,
16 requiring a bond or other acceptable surety, including but
17 not limited to a letter of credit, to be filed in a specified
18 minimum amount for the duration of the contract.

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	0	EXCUSED	1	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	Y
40	Gardner C.	Y	Massey	Y	Rice	Y	Waller	Y
41	Gerou	Y	May	Y	Riesberg	Y	Weissmann	E
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Gardner B., Kerr J., Massey, Priola,
44 Sonnenberg, Stephens, Tipton

45
46
47 **HB09-1345** by Representative(s) Solano; also Senator's) Schwartz--
48 Concerning integrated planning for the construction of
49 electric transmission facilities in Colorado, and, in
50 connection therewith, directing the public utilities
51 commission to collect information from owners and
52 operators of transmission infrastructure and report its
53 findings to the general assembly.

54
55 The question being "Shall the bill pass?".
56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

	YES	57	NO	7	EXCUSED	1	ABSENT	0
5	Acree	N	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	N
11	Casso	Y	Kerr J.	Y	Miklosi	Y	Soper	Y
12	Court	Y	King S.	N	Murray	Y	Stephens	Y
13	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
14	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
15	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
16	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
17	Gagliardi	Y	Looper	Y	Primavera	Y	Vaad	Y
18	Gardner B.	N	Marostica	Y	Priola	Y	Vigil	Y
19	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
20	Gerou	Y	May	Y	Riesberg	Y	Weissmann	E
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Casso, Fischer, Labuda, Primavera,
23 Schafer S., Todd

24
25 **HB09-1333** by Representative(s) Riesberg, McFadyen, Sonnenberg;
26 also Senator(s) Bacon, Kopp, Schwartz--Concerning the
27 transfers of money to the state museum cash fund.

28
29 The question being "Shall the bill 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 bill
32 was declared **passed**.

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

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

53
54 **SB09-037** by Senator(s) Kopp; also Representative(s) McNulty--
55 Concerning funding for certain workers' compensation
56 funds.

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

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

24 Co-sponsor(s) added: Representative(s) Gardner B., Kerr J., Priola, Rice

25
 26 **SB09-075** by Senator(s) Schwartz, Gibbs, Williams, Heath; also
 27 Representative(s) Marostica, Curry, Kerr A., Levy,
 28 McFadyen, Primavera, Scanlan, Vigil--Concerning the
 29 operation of low-speed electric self-propelled vehicles on
 30 public rights-of-way.

31
 32 The question being "Shall the bill 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 bill
 35 was declared **passed**.

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

54 Co-sponsor(s) added: Representative(s) Court, Fischer, Gardner B., Green,
 55 Labuda, Looper, Massey, Peniston, Priola, Rice, Roberts, Ryden, Schafer S.,
 56 Solano, Summers, Todd

1 **SB09-076** by Senator(s) Heath, Schwartz; also Representative(s)
 2 Court--Concerning the appropriation of employer tax
 3 surcharge moneys to the employment and training
 4 technology fund for use by the division of employment
 5 and training within the department of labor and
 6 employment.
 7

8 The question being "Shall the bill pass?".
 9 A roll call vote was taken. As shown by the following recorded vote, a
 10 majority of those elected to the House voted in the affirmative and the bill
 11 was declared **passed**.
 12

	YES	42	NO	22	EXCUSED	1	ABSENT	0
14	Acree	N	Green	Y	McCann	Y	Roberts	Y
15	Apuan	N	Hullinghorst	Y	McFadyen	Y	Ryden	Y
16	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
17	Baumgardner	Y	Kagan	Y	McNulty	N	Schafer S.	Y
18	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
19	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
20	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
21	Court	Y	King S.	N	Murray	Y	Stephens	N
22	Curry	Y	Labuda	N	Nikkel	N	Summers	N
23	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
24	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
25	Frangas	Y	Liston	N	Pommer	Y	Todd	Y
26	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	N
27	Gardner B.	N	Marostica	Y	Priola	N	Vigil	Y
28	Gardner C.	N	Massey	Y	Rice	Y	Waller	N
29	Gerou	Y	May	N	Riesberg	Y	Weissmann	E
30							Speaker	Y

31 Co-sponsor(s) added: Representative(s) Frangas, Green, Ryden, Todd
 32
 33
 34

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

36
 37 **SB09-094** by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz,
 38 Shaffer B.; also Representative(s) Levy, Green, Marostica,
 39 Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan--
 40 Concerning the creation of a transit and rail division
 41 within the department of transportation.
 42

43 (Conference Committee Report printed in House Journal, April 23,
 44 page 1414.)
 45

46 Representative Levy, moved that the Conference Committee Report be
 47 adopted. A substitute motion by Representative Gardner C., that the
 48 House reject the Conference Committee Report, discharge the First
 49 Conference Committee for **SB09-094**, that a Second Conference
 50 Committee be appointed was declared **lost** by the following roll call vote:
 51

	YES	28	NO	36	EXCUSED	1	ABSENT	0
53	Acree	Y	Green	N	McCann	N	Roberts	Y
54	Apuan	N	Hullinghorst	N	McFadyen	N	Ryden	N
55	Balmer	Y	Judd	N	McKinley	Y	Scanlan	N
56	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N

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

15 Representative Levy's motion that the Conference Committee Report be
16 **adopted** was declared **passed** by the following roll call vote:

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

37 The question being "Shall the bill, as amended, 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
40 bill, as amended, was declared **repassed**.

	YES	39	NO	25	EXCUSED	1	ABSENT	0
43	Acree	N	Green	Y	McCann	Y	Roberts	N
44	Apuan	N	Hullinghorst	Y	McFadyen	Y	Ryden	Y
45	Balmer	Y	Judd	Y	McKinley	N	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	Y	Priola	Y	Vigil	Y

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

4 Co-sponsor(s) added: Representative(s) Hullinghorst, Pommer, Schafer S.,
5 Solano, Speaker

6
7 **SB09-148** by Senator(s) Brophy, Gibbs; also Representative(s)
8 Merrifield, Carroll T., Kerr A., Marostica, McNulty--
9 Concerning revisions to the rules governing the safe
10 interaction of bicycles with other vehicles on roadways.

11
12 (First Report of the Second Conference Committee printed in House
13 Journal, April 23, page 1415.)

14
15 On motion of Representative Merrifield, the First Report of the Second
16 Conference Committee was **adopted** by the following roll call vote:

17	YES	55	NO	9	EXCUSED	1	ABSENT	0
18								
19	Acree	N	Green	N	McCann	Y	Roberts	Y
20	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
21	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
22	Baumgardner	N	Kagan	Y	McNulty	Y	Schafer S.	Y
23	Benefield	Y	Kefalas	Y	Merrifield	Y	Solano	Y
24	Bradford	Y	Kerr A.	Y	Middleton	Y	Sonnenberg	Y
25	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
26	Court	Y	King S.	Y	Murray	N	Stephens	Y
27	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
28	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
29	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
30	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
31	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
32	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y
33	Gardner C.	Y	Massey	Y	Rice	Y	Waller	N
34	Gerou	Y	May	Y	Riesberg	Y	Weissmann	E
35							Speaker	Y
36								

37 The question being "Shall the bill, as amended, 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
40 bill, as amended, was declared **repassed**.

41	YES	57	NO	7	EXCUSED	1	ABSENT	0
42								
43	Acree	Y	Green	N	McCann	Y	Roberts	Y
44	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
45	Balmer	Y	Judd	Y	McKinley	N	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	N
51	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
52	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	Y
53	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N
54	Frangas	Y	Liston	Y	Pommer	Y	Todd	Y
55	Gagliardi	Y	Looper	N	Primavera	Y	Vaad	Y
56	Gardner B.	Y	Marostica	Y	Priola	Y	Vigil	Y

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

4 Co-sponsor(s) added: Representative(s) Gerou, Pace, Pommer, Rice

5
6 **SB09-275** by Senator(s) Tapia, Keller, White; also Representative(s)
7 Ferrandino, Pommer, Marostica--Concerning the
8 temporary elimination of the ability of any vendor to retain
9 any amount of state sales tax revenues to compensate for
10 the vendor's expenses incurred in the collection and
11 remittance of the tax revenues to the state, and making an
12 appropriation in connection therewith.

13
14 (Conference Committee Report printed in House Journal, April 24,
15 page 1464.)

16
17 On motion of Representative Ferrandino, the Conference Committee
18 Report was **adopted** by the following roll call vote:

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

38
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 **repassed**.

43	YES	33	NO	31	EXCUSED	1	ABSENT	0
45	Acree	N	Green	Y	McCann	Y	Roberts	N
46	Apuan	N	Hullinghorst	Y	McFadyen	Y	Ryden	Y
47	Balmer	N	Judd	Y	McKinley	N	Scanlan	Y
48	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
49	Benefield	Y	Kefalas	N	Merrifield	Y	Solano	Y
50	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
51	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
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	Y	Peniston	Y	Tipton	N
56	Frangas	N	Liston	N	Pommer	Y	Todd	Y

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

6
7
8
9 **CONSIDERATION OF RESOLUTION(S)**

10
11 **HJR09-1020** by Representative(s) Middleton, Todd, Massey,
12 Ferrandino, Benefield, Kerr A., Merrifield, Peniston,
13 Pommer, Scanlan, Solano; also Senator(s) Romer--
14 Concerning the creation of an interim committee to study
15 the financing of public schools.

16
17 (Printed and placed in member's files.)

18
19 Representative Middleton moved that the resolution be adopted.

20
21 Representative Middleton moved the following amendment:

22
23 Amendment No. 1, Education Report, dated April 23, 2009, and placed
24 in member's bill file; Report also printed in House Journal, April 24,
25 pages 1437-1438.

26
27 The amendment was declared **passed** by **viva voce** vote.

28
29 On motion of Representative Middleton, the resolution as amended was
30 **adopted** by **viva voce** vote.

31
32 Co-sponsor(s) added: Representative(s) Casso, Court, Fischer, Labuda,
33 McFadyen, Pace, Priola, Roberts, Ryden, Schafer S., Soper, Vigil

34
35
36
37 **MESSAGE(S) FROM THE SENATE**

38
39 The Senate has adopted and transmits herewith: SJR09-045.

40
41
42
43 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

44
45 On motion of Representative Kerr A., the rules were suspended and the
46 following resolution was given immediate consideration.

47
48 **SJR09-045** by Senator(s) Bacon, Brophy, Foster, Groff, Harvey,
49 Hodge, Hudak, Kester, Kopp, Mitchell, Newell, Penry,
50 Romer, Scheffel, Shaffer B., Spence, Williams; also
51 Representative(s) Levy, Acree, Apuan, Balmer,
52 Baumgardner, Bradford, Carroll T., Court, Curry,
53 Ferrandino, Fischer, Frangas, Gagliardi, Gardner C.,
54 Gerou, Green, Hullinghorst, Judd, Kagan, Kerr A., Kerr J.,
55 King S., Massey, McCann, McFadyen, McNulty,
56 Merrifield, Middleton, Miklosi, Pace, Primavera, Rice,

1 Roberts, Ryden, Scanlan, Solano, Todd, Vaad, Waller--
2 Concerning the declaration of April 19-26, 2009, as
3 "Holocaust Awareness Week".
4

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

7 On motion of Representative Levy, the resolution was read at length and
8 **adopted** by **viva voce** vote.
9

10 Current Roll Call added as Co-sponsor(s): Representative(s) Benefield, Casso,
11 Gardner B., Kefalas, Labuda, Lambert, Liston, Looper, Marostica, May,
12 McKinley, Murray, Nikkel, Peniston, Pommer, Priola, Riesberg, Schafer S.,
13 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Vigil
14

15
16 On motion of Representative Kerr A., **HB09-1360, 1364, SB09-228,**
17 **HB09-1363, 1343, 1350, 1362** were added to the Special Orders Calendar
18 on Monday, April 27, 2009.
19

20
21
22 On motion of Representative Curry, the House resolved itself into
23 Committee of the Whole for consideration of Special Orders and she was
24 called to the Chair to act as Chairman.
25

26 27 **SPECIAL ORDERS--SECOND READING OF BILLS**

28
29 The Committee of the Whole having risen, the Chairman reported the
30 titles of the following bills had been read (reading at length had been
31 dispensed with by unanimous consent), the bills considered and action
32 taken thereon as follows:
33

34 (Amendments to the committee amendment are to the printed committee
35 report which was printed and placed in the members' bill file.)
36

37 **HB09-1360** by Representative(s) Judd; also Senator(s) Sandoval--
38 Concerning the adjustment of the ratio of valuation for
39 assessment for residential real property.
40

41 Ordered engrossed and placed on the Calendar for Third Reading and
42 Final Passage.
43

44 **HB09-1364** by Representative(s) Riesberg; also Senator(s) Boyd--
45 Concerning an increase in the length of terms served by
46 members appointed to the health care task force.
47

48 Ordered engrossed and placed on the Calendar for Third Reading and
49 Final Passage.
50

51 **HB09-1350** by Representative(s) Miklosi, Fischer, Kerr A.; also
52 Senator(s) Heath and Schwartz--Concerning the "New
53 Energy Improvements and Jobs Creation Act of 2009",
54 and, in connection therewith, creating the Colorado new
55 energy improvement district and authorizing the district to
56 fund new energy improvements by issuing special

1 assessment bonds payable from special assessments levied
2 on eligible real property owned by persons who voluntarily
3 join the district in order to have the district help them fund
4 new energy improvements to the eligible real property.
5

6 Laid over until May 9, 2009. Bill deemed lost
7

8 **SB09-228** by Senator(s) Morse, Bacon, Boyd, Foster, Groff, Heath,
9 Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz,
10 Shaffer B., Tapia, Tochtrop, Veiga, Williams; also
11 Representative(s) Marostica and Court, Ferrandino,
12 Frangas, Green, Hullinghorst, McCann, McGihon,
13 Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann--
14 Concerning an increase in the flexibility of the general
15 assembly to determine the appropriate use of state
16 revenues.
17

18 Amendment No. 1, Transportation & Energy Report, dated
19 April 23, 2009, and placed in member's bill file; Report also printed in
20 House Journal, April 24, pages 1443-1452.
21

22 Amendment No. 2, by Representative(s) Massey.
23

24 Amend the Transportation & Energy Committee Report, dated April 23,
25 2009, page 7, line 11, strike "**transportation - capital construction**" and
26 substitute "**state education fund**";
27

28 strike lines 14 and 15.
29

30 Reletter succeeding paragraphs accordingly.
31

32 Page 7, strike lines 20 through 23 and substitute the following:
33

34 "(b) "STATE EDUCATION FUND" MEANS THE STATE EDUCATION
35 FUND CREATED PURSUANT TO SECTION 17 (4) OF ARTICLE IX OF THE STATE
36 CONSTITUTION AND SECTION 22-55-103, C.R.S.";
37

38 strike lines 26 through 31.
39

40 Page 8, strike line 1 and substitute the following:
41

42 "TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE
43 EDUCATION FUND AN AMOUNT EQUAL TO TWO AND ONE-HALF PERCENT OF
44 THE TOTAL GENERAL FUND REVENUES FOR SUCH STATE FISCAL YEAR.";
45

46 strike lines 4 through 10 and substitute the following:
47

48 "TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE
49 EDUCATION FUND AN AMOUNT EQUAL TO TWO AND ONE-HALF PERCENT OF
50 THE TOTAL GENERAL FUND REVENUES FOR SUCH STATE FISCAL YEAR.";
51

52 strike lines 14 through 20 and substitute the following:
53

54 " FROM THE GENERAL FUND TO THE STATE EDUCATION FUND AN AMOUNT
55 EQUAL TO THREE PERCENT OF THE TOTAL GENERAL FUND REVENUES FOR
56 SUCH STATE FISCAL YEAR.";

1 strike lines 25 and 26 and substitute the following:

2

3 "GENERAL FUND TO THE STATE EDUCATION FUND.".

4

5 Page 9, strike lines 15 and 16 and substitute the following:

6

7 "THAT ARE REQUIRED TO BE TRANSFERRED TO THE STATE EDUCATION

8 FUND FOR SUCH STATE FISCAL";

9

10 strike lines 19 and 20 and substitute the following:

11

12 "AVAILABLE AT THE TIME OF THE TRANSFER.";

13

14 line 25, strike "FUNDS" and substitute "STATE EDUCATION FUND";

15

16 strike lines 34 and 35 and substitute the following:

17

18 "REQUIRED TO BE TRANSFERRED TO THE STATE EDUCATION FUND FOR

19 SUCH STATE FISCAL YEAR, WHICH".

20

21 Page 10, line 9, strike "FUNDS" and substitute "STATE EDUCATION FUND";

22

23 line 16, strike "FUNDS" and substitute "STATE EDUCATION FUND".

24

25 Page 12, strike lines 8 through 29.

26

27 Page 13, strike lines 1 through 5 and substitute the following:

28

29 "Page 38, strike lines 1 and 2.".

30

31 Amendment No. 3, by Representative(s) Rice and McFadyen.

32

33 Amend reengrossed bill, page 2, after line 1, insert the following:

34

35 "SECTION 1. 2-3-1304 (1), Colorado Revised Statutes, is
36 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

37

38 **2-3-1304. Powers and duties of capital development**
39 **committee.** (1) The capital development committee shall have the
40 following powers and duties:

41

42 (g) PRIOR TO JANUARY 1, 2012, TO DEVELOP AND MAKE
43 RECOMMENDATIONS CONCERNING NEW METHODS OF FINANCING THE
44 STATE'S ON-GOING CAPITAL CONSTRUCTION NEEDS AND CONTROLLED
45 MAINTENANCE. NO LATER THAN FEBRUARY 1, 2012, THE COMMITTEE
46 SHALL RECOMMEND LEGISLATION TO IMPLEMENT THE
47 RECOMMENDATIONS.".

48

49 Renumber succeeding sections accordingly.

50

51 Page 23, after line 22, insert the following:

52

53 "SECTION 22. 43-2-145 (1), Colorado Revised Statutes, is
54 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

55

56 **43-2-145. Transportation legislation review - committee.**

1 (1) (d) PRIOR TO JANUARY 1, 2012, THE COMMITTEE SHALL DEVELOP AND
2 MAKE RECOMMENDATIONS CONCERNING THE FINANCING OF THE
3 COMPLETION OF THE STRATEGIC TRANSPORTATION PROJECTS IDENTIFIED
4 BY THE DEPARTMENT AS THE "SEVENTH POT PROJECTS". NO LATER THAN
5 FEBRUARY 1, 2012, THE COMMITTEE SHALL RECOMMEND LEGISLATION TO
6 IMPLEMENT THE RECOMMENDATIONS, AND SUCH LEGISLATION SHALL BE
7 TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM LEGISLATIVE
8 COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL
9 LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY;
10 EXCEPT THAT THE BILLS SHALL NOT BE SUBJECT TO REVIEW BY OR
11 APPROVAL OF LEGISLATIVE COUNCIL."

12

13 Renumber succeeding sections accordingly.

14

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

17 (For change in action, see Amendments to Report, page 1504.)

18

19 A motion by Representative Kerr A., that the Committee rise, report
20 progress and beg leave to sit again at 3:30 p.m., was adopted by
21 unanimous consent. (Special Orders continued on page 1490.)

22

23

24

House reconvened.

25

26 The Committee of the Whole reported it had risen, reported progress and
27 would sit again at 3:30 p.m.

28

29

30

31

REPORT(S) OF COMMITTEE(S) OF REFERENCE

32

FINANCE34 After consideration on the merits, the Committee recommends the
35 following:

36

37 **HB09-1366** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41 **HCR09-1003** be referred to the Committee of the Whole with favorable
42 recommendation.

43

44

45

46

PRINTING REPORT

47

48 The Chief Clerk reports the following bills have been correctly printed:
49 **HB09-1367, 1368.**

50

51

52

53

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

54

55 The Speaker has signed: **HB09-1058, 1240.**56

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB09-1063, 1130, 1149, 1151, 1222, 1230, 1295, 1309** at 3:40 p.m. on April 24, 2009.

House in recess. House reconvened.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill 09-256, Concerning the Financing of Public Schools:

The Friday, March 13 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 27, 2009 (the 80th legislative day), Friday, April 10, 2009 (the 94th legislative day), Friday, April 17, 2009 (the 101st legislative day), and Monday, April 27, 2009 (the 111th legislative day), is further extended until Tuesday, April 28th, 2009 (the 112th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

Representative Terrance D. Carroll
Representative Andy Kerr

Senator Peter Groff
Senator Brandon Shaffer

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SB09-176; SJR09-036, 049.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB09-1059, 1162, 1217** at 3:20 p.m. on April 27, 2009.

MESSAGE(S) FROM THE SENATE

1
2
3 The Senate has passed on Third Reading and transmitted to the Revisor
4 of Statutes:
5
6 SB09-130 amended as printed in Senate Journal, April 17, 2009,
7 page 1144, and April 27, 2009,
8 SB09-244 amended as printed in Senate Journal, April 24, 2009,
9 pages 1268-1270,
10 SB09-247 amended as printed in Senate Journal, April 24, 2009,
11 pages 1270-1271,
12 SB09-241 amended as printed in Senate Journal, April 24, 2009,
13 page 1271-1274.

MESSAGE(S) FROM THE REVISOR

14
15
16
17
18
19 We herewith transmit:
20 Without comment, as amended, SB09-130, 244, 247, and 241.

APPOINTMENT(S)

21
22
23
24
25 The Speaker announced the following temporary appointment:
26 Committee on Finance--Representative Kagan to temporarily replace
27 Representative Kerr A.

28
29
30 House in recess. House reconvened.

31
32
33 On motion of Representative Curry, the House resolved itself into
34 Committee of the Whole for continuation of consideration of Special
35 Orders, and she returned to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

(Continued from page 1488)

36
37
38
39
40
41 **SB09-256** by Senator(s) Romer and Bacon; also Representative(s)
42 Pommer and Scanlan--Concerning the financing of public
43 schools, and making an appropriation therefor.

44
45 Amendment No. 1, Education Report, dated April 20, 2009, and placed
46 in member's bill file; Report also printed in House Journal, April 21,
47 pages 1301-1314.

48
49 Amendment No. 2, Appropriations Report, dated April 22, 2009, and
50 placed in member's bill file; Report also printed in House Journal,
51 April 22, pages 1338-1341.

52
53 Amendment No. 3, by Representative(s) Massey.

54
55 Amend the Education Committee Report, dated April 20, 2009, page 5,
56 strike lines 23 through 28 and substitute the following:

1 "Page 43 of the reengrossed bill, line 3, after "THE", insert
2 "STATE-PROVIDED, FREE";
3
4 strike lines 4 and 5 of the reengrossed bill and substitute the following:
5
6 "RESOURCE, COMMONLY REFERRED TO AS "COLLEGEINCOLORADO.ORG".";
7
8 strike lines 8 through 10 of the reengrossed bill and substitute the
9 following:
10
11 "THIS PARAGRAPH (f) AND TO ENSURE OPTIMAL INTERACTIVITY BETWEEN
12 THE VARIOUS DATA BASES AND STUDENT RECORD SYSTEMS EMPLOYED BY
13 INSTITUTE CHARTER SCHOOLS AND COLLEGES IN COLORADO. EACH
14 INSTITUTE CHARTER SCHOOL SHALL ASSIST EACH STUDENT AND HIS OR HER
15 PARENT OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S
16 INDIVIDUAL CAREER AND ACADEMIC PLAN NO LATER THAN THE BEGINNING
17 OF NINTH GRADE BUT MAY ASSIST THE STUDENT AND HIS OR HER PARENT
18 OR LEGAL GUARDIAN TO DEVELOP AND MAINTAIN THE STUDENT'S
19 INDIVIDUAL CAREER AND ACADEMIC PLAN IN ANY GRADE PRIOR TO NINTH
20 GRADE."."
21
22 Page 6 of the committee report, strike lines 1 through 12;
23
24 strike lines 16 through 35 of the committee report and substitute the
25 following:
26
27 "Page 49 of the reengrossed bill, line 23, after "THE", insert
28 "STATE-PROVIDED, FREE";
29
30 strike lines 24 and 25 of the reengrossed bill and substitute the following:
31
32 "RESOURCE, COMMONLY REFERRED TO AS "COLLEGEINCOLORADO.ORG".".
33
34 Strike page 50 of the reengrossed bill and substitute the following:
35
36 "THE IMPLEMENTATION OF THIS PARAGRAPH (mm) AND TO ENSURE
37 OPTIMAL INTERACTIVITY BETWEEN THE VARIOUS DATA BASES AND
38 STUDENT RECORD SYSTEMS EMPLOYED BY SCHOOL DISTRICTS AND
39 COLLEGES IN COLORADO. EACH PUBLIC SCHOOL SHALL ASSIST EACH
40 STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND
41 MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN NO
42 LATER THAN THE BEGINNING OF NINTH GRADE BUT MAY ASSIST THE
43 STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO DEVELOP AND
44 MAINTAIN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN IN
45 ANY GRADE PRIOR TO NINTH GRADE."."
46
47 Amendment No. 4, by Representative(s) Gardner C.
48
49 Amend the Education Committee Report, dated April 20, 2009, page 4,
50 line 27, strike "WITHHELD."." and substitute "WITHHELD.";
51
52 after line 27, insert the following:
53
54 **"SECTION 9.** 22-63-202 (2), Colorado Revised Statutes, is
55 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
56

1 **22-63-202. Employment contracts - contracts to be in writing**
2 **- duration - damage provision.** (2) (b.5) EACH EMPLOYMENT
3 CONTRACT EXECUTED PURSUANT TO THIS SECTION SHALL CONTAIN A
4 PROVISION STATING THAT A TEACHER OR CHIEF ADMINISTRATIVE OFFICER
5 SHALL ACCEPT THE TERMS OF THE EMPLOYMENT CONTRACT FOR THE
6 SUCCEEDING ACADEMIC YEAR WITHIN THIRTY DAYS OF RECEIPT OF THE
7 CONTRACT, UNLESS THE TEACHER OR CHIEF ADMINISTRATIVE OFFICER AND
8 THE DISTRICT HAVE REACHED AN ALTERNATIVE AGREEMENT. IF A
9 TEACHER OR CHIEF ADMINISTRATIVE OFFICER DOES NOT ACCEPT THE
10 TERMS OF THE EMPLOYMENT CONTRACT WITHIN THIRTY DAYS OF RECEIPT,
11 THE DISTRICT SHALL BE AUTHORIZED TO OPEN THE POSITION TO
12 ADDITIONAL CANDIDATES."."

13
14 Amendment No. 5, by Representative(s) Merrifield.

15
16 Amend the Education Committee Report, dated April 20, 2009, page 1,
17 line 2, strike "10 and substitute the following:" and substitute "10.";

18
19 strike lines 3 through 18 of the Education Committee Report.

20
21 Page 2 of the Education Committee Report, strike lines 1 through 28.

22
23 Page 4 of the Education Committee Report, strike lines 1 through 28.

24
25 Amendment No. 6, by Representative(s) Scanlan.

26
27 Amend the Education Committee Report, dated April 20, 2009, page 10,
28 line 16, strike "**22-2-135.**" and substitute "**22-2-136.**" and strike
29 "**residential**";

30
31 line 18, after "CREATED", insert "STATE AND";

32
33 line 27, strike "RESIDENTIAL";

34
35 line 28, strike "COLORADO." and substitute "COLORADO, WHICH MAY
36 INCLUDE A RESIDENTIAL COMPONENT OR A SPECIFIC STUDENT
37 POPULATION.";

38
39 line 30, strike "RESIDENTIAL".

40
41 Page 11, line 2, strike "RESIDENTIAL";

42
43 line 5, after "STATE", insert "AND";

44
45 line 10, strike "RESIDENTIAL";

46
47 line 11, strike "RESIDENTIAL";

48
49 line 12, strike "RESIDENTIAL";

50
51 line 15, strike "RESIDENTIAL";

52
53 line 18, strike "RESIDENTIAL";

54
55 line 19, strike "RESIDENTIAL";

56

- 1 line 21, strike "RESIDENTIAL";
 2
 3 line 22, strike "RESIDENTIAL";
 4
 5 line 25, strike "RESIDENTIAL";
 6
 7 line 26, strike "RESIDENTIAL";
 8
 9 line 32, strike "RESIDENTIAL";
 10
 11 line 34, strike "RESIDENTIAL".

12
 13 Amendment No. 7, by Representative(s) Pommer.

14
 15 Amend the Education Committee Report, dated April 20, 2009, page 9,
 16 line 11, strike "PROCEEDINGS." and substitute "PROCEEDINGS."

17
 18 **SECTION 19.** 22-40-102 (1.7) (b), Colorado Revised Statutes,
 19 is amended to read:

20
 21 **22-40-102. Certification - tax revenues.** (1.7) (b) For the
 22 purposes of this subsection (1.7), "excess transportation costs" means the
 23 ~~current~~ ANNUAL operating expenditures for pupil transportation, as
 24 defined in section 22-51-102 (1), minus the total payment actually
 25 received by the district under article 51 of this title, AND ANNUAL
 26 EXPENDITURES FOR THE PURCHASE OR LEASE OF PUPIL TRANSPORTATION
 27 VEHICLES OR OTHER CAPITAL OUTLAYS RELATED TO PUPIL
 28 TRANSPORTATION. The calculation of excess transportation costs shall be
 29 based upon amounts expended and amounts received for the
 30 twelve-month period ending on June 30 prior to the certification of the
 31 mill levy."."

32
 33 Amendment No. 8, by Representative(s) Pommer.

34
 35 Amend the Education Committee Report, dated April 20, 2009, page 3,
 36 line 3, strike "**Repeal.**";

37
 38 line 4 of the committee report, strike "repealed" and substitute
 39 "amended";

40
 41 strike lines 22 through 26 of the committee report and substitute the
 42 following:

43
 44 "(II.5) Any portion of the specific ownership tax paid to the
 45 district ~~other than that specified in sub-subparagraphs (A) and (B) of~~
 46 ~~subparagraph (II) of this paragraph (d)~~ shall not apply to the limitation in
 47 this subsection (3) but shall apply to the district's share of its total
 48 program pursuant to section 22-54-106 (1) (a) (I)."."

49
 50 Page 17 of the committee report, strike lines 30 through 32 and substitute
 51 the following:

52
 53 "enrollment count may use the moneys received for full-day";

54
 55 line 34 of the committee report, strike "(d). for planning and facility" and
 56 substitute "(d) for planning and facility preparation necessary for the

1 district to offer a full-day kindergarten program in subsequent budget
2 years. EACH SCHOOL DISTRICT SHALL, ON OR BEFORE JUNE 30, 2009,
3 RETURN TO THE DEPARTMENT OF EDUCATION ANY UNEXPENDED AND
4 UNENCUMBERED AMOUNT REMAINING OF THE MONEYS RECEIVED FOR
5 FULL-DAY KINDERGARTEN PROGRAMS THROUGH SUPPLEMENTAL
6 KINDERGARTEN ENROLLMENT PURSUANT TO SECTION 22-54-103 (7) (d).
7 THE DEPARTMENT OF EDUCATION".

8

9 Page 18 of the committee report, strike lines 1 and 2.

10

11 Amendment No. 9, by Representative(s) Middleton.

12

13 Amend the Education Committee Report, dated April 20, 2009, page 14,
14 line 5, strike "22-7-611 (1), (2), and (3) (a)," and substitute "22-7-611,";

15

16 line 6 of the committee report, strike "are" and substitute "is";

17

18 strike line 9 of the committee report and substitute the following:

19

20 "the context otherwise requires:

21

22 (a) "ELIGIBLE DISTRICT" MEANS A SCHOOL DISTRICT THAT HAS
23 BEEN IDENTIFIED BY RULE OF THE STATE BOARD AS HAVING A SIGNIFICANT
24 ACHIEVEMENT GAP.

25

26 (b) "Eligible school" means a public school";

27

28 line 18 of the committee report, strike "an eligible school." and substitute
29 "~~an eligible school~~";

30

31 line 20 of the committee report, strike "title.", and substitute "title
32 ELIGIBLE DISTRICTS AND ELIGIBLE SCHOOLS.";

33

34 line 21 of the committee report, after "each", insert "ELIGIBLE DISTRICT
35 AND";

36

37 line 22 of the committee report, after "the", insert "ELIGIBLE DISTRICT OR
38 ELIGIBLE";

39

40 line 25 of the committee report, before "eligible", insert "ELIGIBLE
41 DISTRICT OR";

42

43 after line 28 of the committee report, insert the following:

44

45 "(b) Using improvement targets to define professional
46 development needs related to content, instruction, differentiation, and best
47 practices in educating special education students, gifted and talented
48 students, English language learners, and other student subgroups, as
49 needed;

50

51 (c) Developing interim DISTRICT-LEVEL AND building-level
52 assessments to monitor student progress toward proficiency on the state
53 model content standards and developing a plan to immediately address
54 gaps in learning;

55

56 (d) Examining and realigning, as needed, school scheduling,

1 academic support systems, and assignments of personnel;

2

3 (e) Designing a plan for increasing parental knowledge and skill
4 to support academic objectives; and

5

6 (f) Identifying leaders who specialize in rehabilitating failing
7 schools and who may serve as school principals.

8

9 (4) (a) An eligible school that chooses to apply for participation
10 in the program shall provide to its district school board a list of the
11 strategies selected from the outline provided by the department that the
12 eligible school intends to implement to improve academic achievement
13 AMONG THE STUDENTS ENROLLED IN THE ELIGIBLE SCHOOL. The eligible
14 school shall provide the list by May 1 of the school year preceding the
15 school year in which the eligible school intends to participate in the
16 program. If the district school board chooses to allow the eligible school
17 to apply for participation in the program, the district school board shall,
18 IN ACCORDANCE WITH TIME LINES ADOPTED BY RULE OF THE STATE
19 BOARD, provide to the department a list of the strategies that the district
20 school board and the eligible school have chosen to implement to improve
21 academic achievement AMONG THE STUDENTS ENROLLED IN THE ELIGIBLE
22 SCHOOL.

23

24 (b) AN ELIGIBLE DISTRICT THAT CHOOSES TO APPLY FOR
25 PARTICIPATION IN THE PROGRAM SHALL, IN ACCORDANCE WITH TIME LINES
26 ADOPTED BY RULE OF THE STATE BOARD, PROVIDE TO THE DEPARTMENT
27 A LIST OF THE STRATEGIES SELECTED FROM THE OUTLINE PROVIDED BY THE
28 DEPARTMENT THAT THE ELIGIBLE DISTRICT HAS CHOSEN TO IMPLEMENT TO
29 IMPROVE ACADEMIC ACHIEVEMENT WITHIN THE ELIGIBLE DISTRICT.

30

31 (5) The state board shall determine the criteria by which ELIGIBLE
32 DISTRICTS AND eligible schools shall be selected to participate in the
33 program and shall promulgate rules that set forth the criteria.

34

35 (6) Subject to available appropriations and upon the request of a
36 participating ELIGIBLE DISTRICT OR eligible school, the department shall
37 provide assistance through the program to the participating ELIGIBLE
38 DISTRICT OR eligible school. The assistance may consist of, but is not
39 limited to, information, personnel, and program and technical support.

40

41 (7) The state board may promulgate all reasonable and necessary
42 rules to implement this section."

43

44 Amendment No. 10, by Representative(s) Pommer.

45

46 Amend reengrossed bill, page 24, line 1, strike "AGREEMENT." and
47 substitute "AGREEMENT; EXCEPT THAT THE STATE TREASURER SHALL NOT
48 GRANT ANY SUCH PERMISSION THAT WOULD CAUSE THE AGGREGATE
49 AMOUNT OF ALL OUTSTANDING CERTIFICATES OF PARTICIPATION FOR
50 WHICH SUCH AN AGREEMENT IS IN EFFECT TO EXCEED TWO HUNDRED
51 FIFTY MILLION DOLLARS."

52

53 Amendment No. 11, by Representative(s) Pommer.

54

55 Amend reengrossed bill, page 52, strike lines 15 through 19 and substitute
56 the following:

1 "SATISFY ITS OBLIGATION TO REIMBURSE THE BANK FOR MONEYS DRAWN
2 ON THE LETTER OF CREDIT UPON THE OCCURRENCE OF A DECLARED
3 EMERGENCY WITHIN THE MEANING OF SECTION 20 (5) OF ARTICLE X OF
4 THE STATE CONSTITUTION THAT ARE NOT REIMBURSED TO THE BANK
5 WITHIN THE SAME FISCAL YEAR BY ENTERING INTO LEASE-PURCHASE
6 AGREEMENTS WITH RESPECT TO REAL PROPERTY OWNED BY THE
7 DISTRICT."

8
9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.
11 (For change in action, see Amendments to Report, page 1506.)

12
13 **SB09-087** by Senator(s) Carroll M.; also Representative(s) Peniston--
14 Concerning increased accountability requirements for
15 special districts, and making an appropriation in
16 connection therewith.

17
18 Amendment No. 1, Local Government Report, dated March 31, 2009, and
19 placed in member's bill file; Report also printed in House Journal, April 1,
20 pages 993-995.

21
22 Amendment No. 2, Appropriations Report, dated April 24, 2009, and
23 placed in member's bill file; Report also printed in House Journal,
24 April 24, pages 1433.

25
26 Amendment No. 3, by Representative(s) Peniston.

27
28 Amend reengrossed bill, page 8, line 26, strike "(1)".

29
30 Page 9, line 6, strike lines 6 through 15 and substitute the following:
31 "**SECTION 8. Effective date.** This act shall take effect
32 September 1, 2009; except that section 7 of this act amending section
33 38-35.7-101 (1), Colorado Revised Statutes, and sections 8 and 9 shall
34 take effect July 1, 2009.

35
36 **SECTION 9. Safety clause.** The general assembly hereby finds,
37 determines, and declares that this act is necessary for the immediate
38 preservation of the public peace, health, and safety."

39
40 As amended, ordered revised and placed on the Calendar for Third
41 Reading and Final Passage.

42
43 **SB09-099** by Senator(s) Morse; also Representative(s) Ferrandino--
44 Concerning centralized databases to aid the delivery of
45 state procurement services, and making an appropriation
46 in connection therewith.

47
48 Ordered revised and placed on the Calendar for Third Reading and Final
49 Passage.

50
51 **SB09-104** by Senator(s) Sandoval; also Representative(s) Gagliardi--
52 Concerning the provision of verifiable documents to youth
53 leaving foster care.

54
55 Ordered revised and placed on the Calendar for Third Reading and Final
56 Passage.

- 1 **SB09-123** by Senator(s) Williams, Sandoval; also Representative(s)
2 Todd, Solano--Concerning a pilot program to reduce the
3 dropout rate of adolescent students.
4
- 5 Amendment No. 1, Education Report, dated March 12, 2009, and placed
6 in member's bill file; Report also printed in House Journal, March 13,
7 page 728.
8
- 9 Amendment No. 2, Appropriations Report, dated April 24, 2009, and
10 placed in member's bill file; Report also printed in House Journal,
11 April 24, pages 1433-1434.
12
- 13 As amended, declared **lost** on Second Reading.
14 (For change in action, see Amendments to Report, page 1505.)
15
- 16 **SB09-124** by Senator(s) Isgar; also Representative(s) Roberts--
17 Concerning additional funding for agricultural energy-
18 related projects through the agriculture value-added cash
19 fund.
20
- 21 Amendment No. 1, Appropriations Report, dated April 24, 2009, and
22 placed in member's bill file; Report also printed in House Journal,
23 April 24, page 1434.
24
- 25 As amended, ordered revised and placed on the Calendar for Third
26 Reading and Final Passage.
27
- 28 **SB09-043** by Senator(s) Isgar, Kester, Tapia; also Representative(s)
29 Roberts, Massey, McFadyen, Pace, Tipton--Concerning
30 the merger of Pueblo community college and San Juan
31 basin area vocational school, and, in connection therewith,
32 clarifying the two-year authority of Fort Lewis college and
33 making an appropriation.
34
- 35 Amendment No. 1, Appropriations Report, dated April 24, 2009, and
36 placed in member's bill file; Report also printed in House Journal,
37 April 24, pages 1431-1432.
38
- 39 As amended, ordered revised and placed on the Calendar for Third
40 Reading and Final Passage.
41
- 42 **SB09-128** by Senator(s) Carroll M., Newell, Tochtrop; also
43 Representative(s) Green--Concerning continuation of the
44 regulation of administration of medication by unlicensed
45 persons, and making an appropriation in connection
46 therewith.
47
- 48 Ordered revised and placed on the Calendar for Third Reading and Final
49 Passage.
50
- 51 **SB09-133** by Senator(s) Spence; also Representative(s) Primavera--
52 Concerning increased surcharges for traffic violations that
53 apply the moneys collected to the Colorado traumatic brain
54 injury trust fund, and making an appropriation in
55 connection therewith.
56

1 Amendment No. 1, Transportation & Energy Report, dated April 7, 2009,
2 and placed in member's bill file; Report also printed in House Journal,
3 April 8, page 1120.

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

7
8 **SB09-158** by Senator(s) Isgar; also Representative(s) Baumgardner--
9 Concerning analysis by the department of natural
10 resources of conservation programs implemented on
11 private lands.

12
13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.

15
16 **SB09-160** by Senator(s) Hudak; also Representative(s) Todd--
17 Concerning recommendations from the P-20 council
18 relating to educator licensure, and, in connection
19 therewith, streamlining and aligning the alternative teacher
20 and the teacher in residence programs, and making an
21 appropriation.

22
23 Amendment No. 1, Education Report, dated April 2, 2009, and placed in
24 member's bill file; Report also printed in House Journal, April 3,
25 pages 1027-1028.

26
27 Amendment No. 2, by Representative(s) Todd.

28
29 Amend the reengrossed bill, page 7, strike lines 14 through 19 and
30 substitute the following:

31
32 "(a) FOR ELEMENTARY TEACHERS, INCLUDING SPECIAL EDUCATION
33 GENERALIST TEACHERS, PASSAGE OF THE ELEMENTARY CONTENT TEST;

34
35 (b) FOR SECONDARY TEACHERS:

36
37 (I) A DEGREE IN THE ENDORSEMENT AREA;

38
39 (II) PASSAGE OF A CONTENT TEST IN THE ENDORSEMENT AREA; OR

40
41 (III) TWENTY-FOUR HOURS OF COURSEWORK IN THE ENDORSEMENT
42 AREA."

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

46
47 **SB09-161** by Senator(s) Gibbs; also Representative(s) Scanlan--
48 Concerning the issuance of Colorado ski country special
49 license plates, and making an appropriation in connection
50 therewith.

51
52 Amendment No. 1, by Representative(s) Scanlan.

53
54 Amend reengrossed bill, page 2, line 13, strike "THE DESIGN FOR THE
55 SPECIAL LICENSE PLATES SHALL" and substitute "THE DESIGN THAT WAS
56 SUBMITTED TO THE DEPARTMENT DURING THE PROPOSAL AND

1 CERTIFICATION PROCESS UNDER SECTION 42-3-207 (2) SHALL BE USED FOR
2 THE SPECIAL LICENSE PLATE; EXCEPT THAT THE PLATE SHALL CONFORM
3 WITH STANDARDS ESTABLISHED BY THE DEPARTMENT AND BE SUBJECT TO
4 APPROVAL BY THE DEPARTMENT. THE PLATE SHALL FEATURE THE
5 TAGLINE "SKI COUNTRY USA".;

6
7 strike lines 14 and 15.

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

11
12 **SB09-162** by Senator(s) Schwartz, Heath, Veiga; also
13 Representative(s) Liston, McFadyen, Rice, Solano--
14 Concerning the operation of the project by the state's chief
15 information officer to create an inventory of broadband
16 service areas, and, in connection therewith, authorizing the
17 acceptance of publicly funded gifts, grants, and donations,
18 and making an appropriation.

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

22
23 **SB09-167** by Senator(s) Boyd, Newell, Tochtrop; also
24 Representative(s) Kefalas--Concerning the continuation of
25 the state board of chiropractic examiners, and, in
26 connection therewith, increasing insurance requirements,
27 adjusting the board's disciplinary authority, authorizing
28 animal chiropractic, and modifying the scope of practice,
29 and, in connection therewith, making an appropriation.

30
31 Amendment No. 1, Health & Human Services Report, dated
32 April 6, 2009, and placed in member's bill file; Report also printed in
33 House Journal, April 6, page 1076.

34
35 Amendment No. 2, Appropriations Report, dated April 24, 2009, and
36 placed in member's bill file; Report also printed in House Journal,
37 April 24, page 1435.

38
39 As amended, ordered revised and placed on the Calendar for Third
40 Reading and Final Passage.

41
42 **SB09-178** by Senator(s) Heath, Schwartz, Veiga; also
43 Representative(s) Liston, McFadyen, Rice, Solano--
44 Concerning the waiver of certain eligibility conditions for
45 unemployment insurance benefits for unemployed
46 individuals attached to regular jobs.

47
48 Ordered revised and placed on the Calendar for Third Reading and Final
49 Passage.

50
51
52 **SB09-219** by Senator(s) Tapia, Keller, White; also Representative(s)
53 Ferrandino, Pommer, Marostica--Concerning the general
54 fund reserve required for the 2008-09 state fiscal year.

55

1 Amendment No. 1, Appropriations Report, dated April 24, 2009, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 24, pages 1435-1436.

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

7
8 **HB09-1363** by Representative(s) Ferrandino; also Senator(s) Veiga--
9 Concerning the authority for the unemployment
10 compensation section of the division of employment and
11 training in the department of labor and employment to
12 operate as an enterprise for purposes of section 20 of
13 article X of the state constitution.

14
15 Amendment No. 1, Business Affairs & Labor Report, dated
16 April 24, 2009, and placed in member's bill file; Report also printed in
17 House Journal, April 24, pages 1465-1466.

18
19 As amended, ordered engrossed and placed on the Calendar for Third
20 Reading and Final Passage.

21
22 **HB09-1343** by Representative(s) Massey, Solano, Todd, Gagliardi,
23 Merrifield; also Senator(s) Williams, Foster, Heath,
24 Hudak, Shaffer B.--Concerning the creation of the early
25 childhood and school readiness legislative oversight
26 commission.

27
28 Amendment No. 1, Education Report, dated April 23, 2009, and placed
29 in member's bill file; Report also printed in House Journal, April 24,
30 page 1436.

31
32 Amendment No. 2, by Representative(s) Massey.

33
34 Amend the Education Committee Report, dated April 23, 2009, page 2,
35 after line 8, add the following:

36
37 "Page 5, line 20, strike "SUBJECT TO" and substitute "CONTINUOUSLY
38 APPROPRIATED";

39
40 line 21, strike "ANNUAL APPROPRIATION"."

41
42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.

44
45 **HB09-1362** by Representative(s) May; also Senator(s) Boyd--
46 Concerning the authorization to local governments to
47 provide financial assistance to specified institutions of
48 higher education, and, in connection therewith, authorizing
49 municipalities and counties to form community college
50 service area districts and authorizing county governments
51 to levy sales or property taxes for the purpose of providing
52 financial assistance to specified state colleges.

53
54 Amendment No. 1, Local Government Report, dated April 23, 2009, and
55 placed in member's bill file; Report also printed in House Journal,
56 April 24, pages 1441-1443.

1 Amendment No. 2, by Representative(s) May.

2
3 Amend the Local Government Committee report, dated April 23, 2009,
4 page 1, after line 7, insert the following:

5
6 "strike line 13 and substitute the following:

7
8 "(2) COMMUNITY COLLEGE MEANS:

9
10 (a) ANY COMMUNITY";

11
12 line 17, strike "C.R.S." and substitute the following:

13
14 "C.R.S.; OR

15
16 (b) ANY JUNIOR COLLEGE DISTRICT THAT IS ORGANIZED PURSUANT
17 TO PART 1 OF ARTICLE 71 OF TITLE 23, C.R.S., AND THAT IS GOVERNED BY
18 A BOARD OF TRUSTEES ELECTED PURSUANT TO SECTION 23-71-110,
19 C.R.S."";

20
21 line 15 of the committee report, strike "STATE"." and substitute "STATE";";

22
23 after line 15, insert the following:

24
25 after line 23, insert the following:

26
27 "(7) "JUNIOR COLLEGE DISTRICT BOARD" MEANS THE BOARD OF
28 TRUSTEES OF A JUNIOR COLLEGE DISTRICT ELECTED PURSUANT TO SECTION
29 23-71-110, C.R.S."

30
31 Renumber succeeding subsections accordingly."

32
33 Page 2 of the committee report, line 15, before "ESTABLISH", insert "TO";

34
35 strike lines 18 and 19 and substitute the following:

36
37 "THAT IS LOCATED WITHIN SUCH CONSOLIDATED DISTRICT. IN SUCH CASE,
38 A SINGLE BALLOT";

39
40 strike lines 31 and 32 and substitute the following:

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

56

- 1 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE:
2
- 3 (I) ANY TAXING DISTRICT FOR A JUNIOR COLLEGE DISTRICT IN
4 OPERATION AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL NOT BE
5 ALTERED BY THE PROVISIONS OF THIS ARTICLE, NOR SHALL THE
6 PROVISIONS OF THIS ARTICLE AFFECT, WITHOUT LIMITATION, THE
7 REQUIREMENTS GOVERNING ADDITIONS TO A JUNIOR COLLEGE DISTRICT AS
8 SPECIFIED IN SECTION 23-71-128, C.R.S.
9
- 10 (II) NO REVENUES COLLECTED FROM A TAXING DISTRICT FOR A
11 JUNIOR COLLEGE DISTRICT IN OPERATION AS OF THE EFFECTIVE DATE OF
12 THIS ARTICLE SHALL BE REALLOCATED IN ANY MANNER AS A RESULT OF
13 THE OPERATION OF THIS ARTICLE.
14
- 15 (III) NO CONSOLIDATED DISTRICT ESTABLISHED PURSUANT TO
16 PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL INCLUDE ALL OR ANY
17 PORTION OF THE SERVICE AREA OF ANY COMMUNITY COLLEGE WITHOUT
18 THE APPROVAL OF THE STATE BOARD AND THE JUNIOR COLLEGE DISTRICT
19 BOARD.
20
- 21 (c) EXCEPT AS OTHERWISE SPECIFIED IN PARAGRAPH (b) OF THIS
22 SUBSECTION (3), ALL OTHER REQUIREMENTS OF THIS ARTICLE SHALL APPLY
23 TO THE CREATION, ORGANIZATION, AND ADMINISTRATION OF A DISTRICT
24 ESTABLISHED PURSUANT TO THIS SUBSECTION (3).
25
- 26 (d) INsofar AS THE VOTERS APPROVE THE FORMATION OF THE
27 CONSOLIDATED DISTRICT PURSUANT TO PARAGRAPH (a) OF THIS
28 SUBSECTION (3), THE STATE BOARD AND THE JUNIOR COLLEGE DISTRICT
29 BOARD SHALL SPECIFY BY INTERGOVERNMENTAL AGREEMENT THE
30 ALLOCATION OF ANY TAX REVENUES COLLECTED, INTO WHICH AGREEMENT
31 THE PARTIES ARE HEREBY AUTHORIZED TO ENTER.
32
- 33 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2) OR (3)
34 OF THIS SECTION: ". "
35
- 36 Page 3 of the committee report, after line 1, insert the following:
37
- 38 "line 16, strike "MEMBER" and substitute "MEMBERS";";
39
- 40 after line 4 of the committee report, insert the following:
41
- 42 "Page 9, after line 4, insert the following:
43
- 44 "(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
45 IN THE CASE OF A JUNIOR COLLEGE DISTRICT, THE BOARD OF TRUSTEES OF
46 A DISTRICT CREATED UNDER THIS ARTICLE SHALL BE THE JUNIOR COLLEGE
47 DISTRICT BOARD."";
48
- 49 line 15, of the Committee Report, strike "(a),";" and substitute "(a) ON
50 BEHALF OF A COMMUNITY COLLEGE THAT OPERATES UNDER THE CONTROL
51 OF THE STATE BOARD,"";
52
- 53 line 16 of the Committee Report, strike ""In" and substitute ""IN THE CASE
54 OF A DISTRICT ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF
55 SECTION 32-20-105 (1) (a) ON BEHALF OF A JUNIOR COLLEGE DISTRICT, A
56 LOCAL GOVERNMENT SHALL FIRST OBTAIN THE CONSENT OF THE JUNIOR

1 COLLEGE DISTRICT BOARD PRIOR TO PLACING ANY QUESTION ON THE
 2 BALLOT SEEKING VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF
 3 A SALES OR AD VALOREM TAX PURSUANT TO THIS ARTICLE. IN".".

4
 5 line 22, strike "ARTICLE." and substitute "ARTICLE. IN THE CASE OF A
 6 CONSOLIDATED DISTRICT ESTABLISHED IN ACCORDANCE WITH THE
 7 REQUIREMENTS OF SECTION 32-20-105 (3) (a), A LOCAL GOVERNMENT
 8 SHALL FIRST OBTAIN THE CONSENT OF THE STATE BOARD AND THE JUNIOR
 9 COLLEGE DISTRICT BOARD PRIOR TO PLACING ANY QUESTION ON THE
 10 BALLOT SEEKING VOTER APPROVAL FOR THE IMPOSITION OR INCREASE OF
 11 A SALES OR AD VALOREM TAX PURSUANT TO THIS ARTICLE."."

12
 13 Page 4 of the committee report, line 2, strike "(a), OR" and substitute "(a)
 14 ON BEHALF OF A COMMUNITY COLLEGE THAT OPERATES UNDER THE
 15 CONTROL OF THE STATE BOARD, AS MAY BE JOINTLY AGREED UPON BY THE
 16 DISTRICT AND THE JUNIOR COLLEGE DISTRICT BOARD IN THE CASE OF A
 17 CONSOLIDATED DISTRICT ESTABLISHED IN ACCORDANCE WITH THE
 18 REQUIREMENTS OF SECTION 32-20-105 (3) (a) ON BEHALF OF A JUNIOR
 19 COLLEGE DISTRICT,";

20
 21 line 5 of the Committee report, strike "(a).";" and substitute "(a), OR AS
 22 MAY BE MUTUALLY AGREED UPON BY THE DISTRICT, THE STATE BOARD,
 23 AND THE JUNIOR COLLEGE DISTRICT BOARD IN THE CASE OF A
 24 CONSOLIDATED DISTRICT ESTABLISHED IN ACCORDANCE WITH THE
 25 REQUIREMENTS OF SECTION 32-20-105 (3) (a).";";

26
 27 after line 8 of the committee report, insert the following:

28
 29 "line 10, strike "BOARD." and substitute "BOARD OR JUNIOR COLLEGE
 30 DISTRICT BOARD, AS APPLICABLE."";

31
 32 line 10 of the committee report, strike "BOARD" and substitute "BOARD OR
 33 JUNIOR COLLEGE DISTRICT BOARD, AS APPLICABLE."";

34
 35 line 11 of the committee report, after "(b)", insert "(I)";

36
 37 line 17 of the Committee Report, after "EXPENDED", insert "BY SUCH
 38 DISTRICT";

39
 40 strike line 19 and substitute the following:

41
 42 "COLLEGE.
 43

44 (II) IN THE CASE OF A CONSOLIDATED DISTRICT ESTABLISHED IN
 45 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 32-20-105 (3) (a),
 46 ANY DETERMINATION ABOUT THE USE OF TAX REVENUES COLLECTED
 47 PURSUANT TO THIS ARTICLE ON BEHALF OF ANY PARTICULAR COMMUNITY
 48 COLLEGE SHALL BE MADE IN CONSULTATION AMONG THE DISTRICT, THE
 49 STATE BOARD, AND THE JUNIOR COLLEGE DISTRICT BOARD. NO REVENUES
 50 SHALL BE EXPENDED BY SUCH DISTRICT PURSUANT TO THIS ARTICLE
 51 WITHOUT THE PRIOR CONSENT OF THE STATE BOARD AND THE JUNIOR
 52 COLLEGE DISTRICT BOARD."

53
 54 Page 24, after line 22, insert the following:

55
 56 "SECTION 3. Repeal. 23-71-128 (1) (a), Colorado Revised

1 Statutes, is repealed as follows:

2

3 **23-71-128. Additions to district - procedure.** (1) If any school
 4 district or group of districts adjacent to a junior college district desires to
 5 be annexed to the existing junior college district, it may do so by the
 6 following procedure:

7

8 ~~(a) By obtaining approval of the existing junior college district.~~
 9 ~~The approval shall be given only upon a majority vote of the eligible~~
 10 ~~electors of the existing junior college district as expressed by a majority~~
 11 ~~polled at the time of the regular biennial school election held in the junior~~
 12 ~~college district. The election shall be called only upon the affirmative~~
 13 ~~vote of the board of trustees.~~

14

15 **SECTION 4. Repeal.** 23-71-202 (3), Colorado Revised Statutes,
 16 is repealed as follows:

17

18 **23-71-202. Joining state system - state support.** (3) ~~Any local~~
 19 ~~junior college district organized or authorized to be organized after July~~
 20 ~~1, 1967, which is not a part of the state system shall not be eligible to~~
 21 ~~receive any state funds for capital construction purposes unless the board~~
 22 ~~has approved the district prior to its organization."~~

23

24 Renumber succeeding section accordingly."

25

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

28

29 On motion of Representative Kerr A., the remainder of the Special Orders
 30 Calendar (**HB09-1269, 1323**) was laid over until April 28, retaining place
 31 on Calendar.

32

33

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

35

36 Representative(s) Court and Marostica moved to amend the Report of the
 37 Committee of the Whole to reverse the action taken by the Committee in
 38 adopting Amendment No. 2 by Representative Massey (printed in House
 39 Journal page1486, lines 22-56, page 1487, lines 1-56, and page 1488,
 40 lines 1-13), to SB09-228, to show that said amendment lost, and that
 41 **SB09-228**, as amended, passed.

42

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

44

45	YES	34	NO	29	EXCUSED	2	ABSENT	0
46	Acree	N	Green	Y	McCann	Y	Roberts	N
47	Apuan	Y	Hullinghorst	Y	McFadyen	Y	Ryden	Y
48	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
49	Baumgardner	N	Kagan	Y	McNulty	N	Schafer S.	Y
50	Benefield	N	Kefalas	E	Merrifield	Y	Solano	Y
51	Bradford	N	Kerr A.	Y	Middleton	Y	Sonnenberg	N
52	Casso	Y	Kerr J.	N	Miklosi	Y	Soper	Y
53	Court	Y	King S.	N	Murray	N	Stephens	N
54	Curry	N	Labuda	Y	Nikkel	N	Summers	N
55	Ferrandino	Y	Lambert	N	Pace	Y	Swalm	N
56	Fischer	Y	Levy	Y	Peniston	Y	Tipton	N

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

7
8 Representative(s) Todd moved to amend the Report of the Committee of
9 the Whole to reverse the action taken by the Committee in not adopting
10 SB09-123, to show that **SB09-123**, as amended, passed.

11
12 The amendment was declared **passed** by the following roll call vote

14	YES	60	NO	4	EXCUSED	1	ABSENT	0
15	Acree	N	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	N	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	N	Stephens	Y
23	Curry	Y	Labuda	Y	Nikkel	Y	Summers	Y
24	Ferrandino	Y	Lambert	N	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	E
31							Speaker	Y

32
33 Representative(s) Massey and May moved to amend the Report of the
34 Committee of the Whole to reverse the action taken by the Committee in
35 not adopting the following Massey and May amendment, to SB09-256,
36 to show that said amendment passed and that **SB09-256**, as amended,
37 passed.

38
39 Amend the Education Committee Report, dated April 20, 2009, page 2,
40 line 28, strike "DOLLARS." and substitute "DOLLARS.";

41
42 after line 28, insert the following:

43
44 "(IV) THE PROVISIONS OF THIS PARAGRAPH (g) SHALL NOT APPLY
45 IF SENATE BILL 09-228 IS ENACTED AND BECOMES LAW IN 2009 AND, AT
46 THE TIME OF ENACTMENT, REQUIRES TRANSFERS IN FUTURE FISCAL YEARS
47 FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND CREATED IN
48 SECTION 43-4-201, C.R.S.".

49
50 The amendment was declared **lost** by the following roll call vote

52	YES	29	NO	35	EXCUSED	1	ABSENT	0
53	Acree	Y	Green	N	McCann	N	Roberts	Y
54	Apuan	N	Hullinghorst	N	McFadyen	N	Ryden	N
55	Balmer	Y	Judd	N	McKinley	Y	Scanlan	N
56	Baumgardner	Y	Kagan	N	McNulty	Y	Schafer S.	N

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

14
15 Representative(s) Gardner C. moved to amend the Report of the
16 Committee of the Whole to reverse the action taken by the Committee in
17 not adopting the following Gardner C. amendment, to SB09-256, to show
18 that said amendment passed, that Amendment No. 10 by Representative
19 Pommer (printed in House Journal page 1495, lines 44-51), lost, and that
20 **SB09-256**, as amended, passed.

21
22 Amend reengrossed bill, page 21, strike lines 6 through 27.

23
24 Strike pages 22 and 23.

25
26 Page 24, strike lines 1 through 3.

27
28 Renumber succeeding sections accordingly.

29
30 The amendment was declared **passed** by the following roll call vote:

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

50
51
52
53
54
55

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB09-1360, 1364, SB09-228 amended, 256**
4 **amended, 087 amended, 099, 104, 123 amended, 124 amended, 043**
5 **amended, 128, 133 amended, 158, 160 amended, 161 amended, 162,**
6 **167 amended, 178, 219 amended, HB09-1363 amended, 1343**
7 **amended, 1362 amended.**

8
9 Laid over until date indicated retaining place on Calendar:

10 **HB09-1350**--May 9, 2009. Bill deemed lost.

11 **HB09-1269, 1323**--April 28, 2009.

12
13 The Chairman moved the adoption of the Committee of the Whole
14 Report. As shown by the following roll call vote, a majority of those
15 elected to the House voted in the affirmative, and the Report was
16 **adopted.**

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

36
37
38
39 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

40
41 **EDUCATION**

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

44
45 **SB09-226** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48
49 Amend reengrossed bill, page 4, line 16, strike "**rules.**" and substitute
50 "**rules - approval of treatment plans.**";

51
52 strike lines 24 through 27 and substitute the following:

53
54 "EMPLOYEES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, EMPLOYEES
55 WHO ARE DIRECTLY INVOLVED DURING THE SCHOOL DAY WITH A STUDENT
56 WHO HAS A KNOWN FOOD ALLERGY."

1 Page 5, strike lines 1 through 5;
2
3 line 19, after "22-32-139;", add "AND".

4
5 Strike page 6 and substitute the following:

6
7 "(b) A REQUIREMENT THAT THE NOTIFICATION REQUIRED BY
8 PARAGRAPH (a) OF THIS SUBSECTION (3) INCLUDE THE STANDARD FORM
9 DEVELOPED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
10 PURSUANT TO SECTION 25-1.5-109, C.R.S., TO ALLOW EACH PARENT OR
11 LEGAL GUARDIAN OF A STUDENT WITH A KNOWN FOOD ALLERGY TO
12 PROVIDE THE FOLLOWING INFORMATION TO THE SCHOOL'S
13 ADMINISTRATION:

14
15 (I) DOCUMENTATION REGARDING THE DIAGNOSIS AND HISTORY OF
16 THE STUDENT'S FOOD ALLERGY;

17
18 (II) IDENTIFICATION OF ALL FOODS TO WHICH THE STUDENT IS
19 KNOWN TO BE ALLERGIC;

20
21 (III) IDENTIFICATION OF ANY MEDICATION THAT HAS BEEN
22 PRESCRIBED FOR THE STUDENT FOR THE TREATMENT OF A FOOD ALLERGY
23 OR ANAPHYLAXIS;

24
25 (IV) ANY SPECIFIC SIGNS OR SYMPTOMS THAT MAY INDICATE THE
26 STUDENT IS HAVING AN ALLERGIC REACTION TO A FOOD;

27
28 (V) EMERGENCY TREATMENT PROCEDURES TO EMPLOY IN THE
29 EVENT THAT THE STUDENT SUFFERS AN ALLERGIC REACTION TO FOOD; AND

30
31 (VI) THE NAME, PHONE NUMBER, AND SIGNATURE OF THE
32 STUDENT'S PRIMARY HEALTH CARE PROVIDER.

33
34 (c) A REQUIREMENT THAT THE NOTIFICATION REQUIRED BY
35 PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL ENCOURAGE EACH PARENT
36 OR LEGAL GUARDIAN OF A STUDENT WITH A KNOWN FOOD ALLERGY TO
37 PROVIDE THE NAMES AND TELEPHONE NUMBERS OF PERSONS WHOM THE
38 SCHOOL SHOULD CONTACT IN ADDITION TO EMERGENCY MEDICAL
39 PERSONNEL IN THE EVENT THAT THE STUDENT SUFFERS AN ALLERGIC
40 REACTION TO FOOD;"

41
42 Page 7, strike lines 1 through 5 and substitute the following:

43
44 "(d) A REQUIREMENT THAT THE NOTIFICATION REQUIRED BY
45 PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL".

46
47 Reletter succeeding paragraphs accordingly.

48
49 Page 7, line 11, after "SECTION 22-1-119.5", insert "OR SUBSECTION (4) OF
50 THIS SECTION";

51
52 line 13, strike "STRATEGIES" and substitute "REASONABLE
53 ACCOMMODATIONS";

54
55 line 19, after "TRIPS,", insert "SCHOOL-SPONSORED".

56

1 Page 8, strike line 1 and substitute the following:

2

3 "(h) PROCEDURES TO ENSURE THE AVAILABILITY OF A STUDENT'S
4 SELF-INJECTABLE";

5

6 after line 4, insert the following:

7

8 "(4) (a) A STUDENT WITH A KNOWN FOOD ALLERGY MAY POSSESS
9 AND SELF-ADMINISTER MEDICATION TO TREAT THE STUDENT'S FOOD
10 ALLERGY IF THE STUDENT HAS A TREATMENT PLAN APPROVED PURSUANT
11 TO THIS SUBSECTION (4).

12

13 (b) A PUBLIC SCHOOL SHALL, AND A NONPUBLIC SCHOOL IS
14 ENCOURAGED TO, APPROVE A TREATMENT PLAN FOR A STUDENT ENROLLED
15 IN THE SCHOOL TO POSSESS AND SELF-ADMINISTER MEDICATION FOR A
16 FOOD ALLERGY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

17

18 (I) A HEALTH CARE PRACTITIONER HAS PRESCRIBED MEDICATION
19 FOR THE STUDENT TO USE DURING SCHOOL HOURS, AT SCHOOL-SPONSORED
20 ACTIVITIES, AND WHILE IN TRANSIT TO OR FROM SCHOOL OR
21 SCHOOL-SPONSORED ACTIVITIES AND HAS INSTRUCTED THE STUDENT IN
22 THE CORRECT AND RESPONSIBLE USE OF THE MEDICATION;

23

24 (II) THE STUDENT DEMONSTRATES TO AN APPROPRIATE SCHOOL
25 ADMINISTRATOR, THE HEALTH CARE PRACTITIONER OR THE HEALTH CARE
26 PRACTITIONER'S DESIGNEE, AND THE SCHOOL NURSE THE SKILL LEVEL
27 NECESSARY TO USE THE MEDICATION AND ANY DEVICE THAT IS NECESSARY
28 TO ADMINISTER THE MEDICATION AS PRESCRIBED;

29

30 (III) THE SCHOOL NURSE, AN APPROPRIATE SCHOOL
31 ADMINISTRATOR, THE STUDENT'S PARENT OR LEGAL GUARDIAN, AND THE
32 HEALTH CARE PRACTITIONER COLLABORATE TO FORMULATE A WRITTEN
33 TREATMENT PLAN FOR MANAGING FOOD ALLERGY EPISODES OF THE
34 STUDENT AND FOR MEDICATION USE BY THE STUDENT DURING SCHOOL
35 HOURS, AT SCHOOL-SPONSORED ACTIVITIES, AND WHILE IN TRANSIT TO OR
36 FROM SCHOOL OR SCHOOL-SPONSORED ACTIVITIES;

37

38 (IV) THE STUDENT'S PARENT OR LEGAL GUARDIAN COMPLETES
39 AND SUBMITS TO THE PUBLIC OR NONPUBLIC SCHOOL THE
40 DOCUMENTATION REQUIRED BY RULE OF THE STATE BOARD OF EDUCATION
41 PURSUANT TO SUBSECTION (3) OF THIS SECTION, INCLUDING BUT NOT
42 LIMITED TO:

43

44 (A) A WRITTEN MEDICAL AUTHORIZATION THAT INCLUDES THE
45 SIGNATURE OF THE HEALTH CARE PRACTITIONER FOR THE MEDICATION
46 PRESCRIBED; THE NAME, PURPOSE, PRESCRIBED DOSAGE, FREQUENCY, AND
47 LENGTH OF TIME BETWEEN DOSAGES OF THE MEDICATIONS TO BE
48 SELF-ADMINISTERED; AND CONFIRMATION FROM THE HEALTH CARE
49 PRACTITIONER THAT THE STUDENT HAS BEEN INSTRUCTED AND IS CAPABLE
50 OF SELF-ADMINISTRATION OF THE PRESCRIBED MEDICATIONS;

51

52 (B) A WRITTEN STATEMENT FROM THE STUDENT'S PARENT OR
53 LEGAL GUARDIAN RELEASING THE SCHOOL, SCHOOL DISTRICT, ANY
54 ASSOCIATED ENTITY, AND EMPLOYEES AND VOLUNTEERS OF THE SCHOOL,
55 SCHOOL DISTRICT, AND ANY ASSOCIATED ENTITY FROM LIABILITY, EXCEPT
56 IN CASES OF WILLFUL OR WANTON CONDUCT OR DISREGARD OF THE

1 CRITERIA OF THE TREATMENT PLAN; AND

2

3 (C) A WRITTEN CONTRACT BETWEEN THE SCHOOL NURSE, THE
4 STUDENT, AND THE STUDENT'S PARENT OR LEGAL GUARDIAN ASSIGNING
5 LEVELS OF RESPONSIBILITY TO THE PARENT OR LEGAL GUARDIAN,
6 STUDENT, AND SCHOOL EMPLOYEES.

7

8 (c) A TREATMENT PLAN SHALL BE EFFECTIVE ONLY FOR THE
9 SCHOOL YEAR IN WHICH IT IS APPROVED. THE PUBLIC SCHOOL SHALL
10 APPROVE A NEW TREATMENT PLAN FOR EACH SCHOOL YEAR SO LONG AS
11 THE PLAN MEETS THE CONDITIONS SPECIFIED IN PARAGRAPH (b) OF THIS
12 SUBSECTION (4). THE PARENT OR LEGAL GUARDIAN SHALL SUBMIT A NEW
13 TREATMENT PLAN ANNUALLY OR MORE OFTEN IF CHANGES OCCUR IN THE
14 STUDENT'S HEALTH OR PRESCRIBED TREATMENT.

15

16 (5) IF THE PROVISIONS OF THIS SECTION ARE MET, A SCHOOL,
17 SCHOOL DISTRICT, SCHOOL DISTRICT DIRECTOR, OR SCHOOL OR SCHOOL
18 DISTRICT EMPLOYEE OR A VOLUNTEER NOT OTHERWISE PROVIDED FOR
19 UNDER SECTION 13-21-108, C.R.S., SHALL NOT BE LIABLE IN A SUIT FOR
20 DAMAGES AS A RESULT OF AN ACT OR OMISSION RELATED TO A STUDENT'S
21 OWN USE OF THE STUDENT'S EPINEPHRINE AUTO-INJECTOR OR ANY OTHER
22 MEDICATION CONTAINED IN AN APPROVED TREATMENT PLAN UNLESS THE
23 DAMAGES WERE CAUSED BY WILLFUL OR WANTON CONDUCT OR
24 DISREGARD OF THE CRITERIA OF THE TREATMENT PLAN.

25

26 (6) THE STATE BOARD OF EDUCATION, WITH ASSISTANCE FROM THE
27 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY PROMULGATE
28 RULES FOR TREATMENT PLANS FOR THE SELF-ADMINISTRATION OF
29 MEDICATIONS PURSUANT TO THIS SECTION."

30

31 Page 9, line 3, strike "**required -**" and substitute "**required.**";

32

33 line 4, strike "**epipens required.**".

34

35 Page 10, line 6, strike "SECTION 22-2-135 (3) (a)" and substitute "SECTION
36 22-2-135 (3) (b), C.R.S.";

37

38 strike line 7.

39

40

41

42 **SB09-257** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45

46 Amend reengrossed bill, page 2, after line 1, insert the following:

47

48 "**SECTION 1.** 22-43.7-102 (2) (b) (II) and (2) (c), Colorado
49 Revised Statutes, are amended to read:

50

51 **22-43.7-102. Legislative findings and declarations.** (2) The
52 general assembly further finds and declares that:

53

54 (b) It is necessary and appropriate for the state to build excellent
55 schools today by assisting school districts, boards of cooperative services,
56 and charter schools in completing needed public school facility capital

1 construction projects more quickly by:

2
3 (II) Subject to the annual appropriation of such moneys by the
4 general assembly, using a portion of the rental income AND royalties
5 ~~interest, and other income~~, DERIVED FROM STATE SCHOOL LANDS AND,
6 UNLESS AND UNTIL THE STATE TREASURER, PURSUANT TO SECTION
7 22-43.7-104 (2) (b) (I) (B), PROVIDES WRITTEN NOTICE TO THE JOINT
8 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THAT THE STATE
9 TREASURER HAS DETERMINED THAT THE USE OF INTEREST OR INCOME
10 EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PUBLIC
11 SCHOOL FUND TO MAKE LEASE PAYMENTS UNDER A LEASE-PURCHASE
12 AGREEMENT ENTERED INTO PURSUANT TO SECTION 22-43.7-110 (2) WILL
13 PREVENT THE INTEREST COMPONENT OF THE LEASE PAYMENTS FROM
14 QUALIFYING FOR EXEMPTION FROM FEDERAL INCOME TAXATION AND AT
15 ANY TIME AFTER THE STATE TREASURER, PURSUANT TO SECTION
16 22-43.7-104 (2) (b) (I) (C), HAS RESCINDED ANY SUCH DETERMINATION,
17 INTEREST, AND OTHER INCOME, other than land sale proceeds, derived
18 from state school lands, as well as certain other available state moneys
19 and matching moneys provided by school districts, boards of cooperative
20 services, and charter schools, to make lease payments payable under the
21 terms of the lease-purchase agreements.

22
23 (c) It is also necessary and appropriate for the state to use a
24 portion of such rental income AND royalties ~~interest, and other income~~
25 ~~and available moneys~~ AND, UNLESS AND UNTIL THE STATE TREASURER,
26 PURSUANT TO SECTION 22-43.7-104 (2) (b) (I) (B), PROVIDES WRITTEN
27 NOTICE TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
28 THAT THE STATE TREASURER HAS DETERMINED THAT THE USE OF INTEREST
29 OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
30 PUBLIC SCHOOL FUND TO MAKE LEASE PAYMENTS UNDER A
31 LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO SECTION
32 22-43.7-110 (2) WILL PREVENT THE INTEREST COMPONENT OF THE LEASE
33 PAYMENTS FROM QUALIFYING FOR EXEMPTION FROM FEDERAL INCOME
34 TAXATION AND AT ANY TIME AFTER THE STATE TREASURER, PURSUANT TO
35 SECTION 22-43.7-104 (2) (b) (I) (C), HAS RESCINDED ANY SUCH
36 DETERMINATION, INTEREST AND OTHER INCOME, AS WELL AS CERTAIN
37 OTHER AVAILABLE STATE MONEYS to continue to provide financial
38 assistance to school districts, boards of cooperative services, and charter
39 schools in the form of cash funding for school renovation and controlled
40 maintenance projects."

41
42 Renumber succeeding sections accordingly.

43
44 Page 2, strike lines 10 through 12.

45
46 Page 3, strike lines 1 and 2 and substitute the following:

47
48 "(I) (A) UNLESS AND UNTIL THE STATE TREASURER, PURSUANT TO
49 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), PROVIDES WRITTEN
50 NOTICE TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
51 THAT THE STATE TREASURER HAS DETERMINED THAT THE USE OF INTEREST
52 OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
53 PUBLIC SCHOOL FUND TO MAKE LEASE PAYMENTS UNDER A
54 LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO SECTION
55 22-43.7-110 (2) WILL PREVENT THE INTEREST COMPONENT OF THE LEASE
56 PAYMENTS FROM QUALIFYING FOR EXEMPTION FROM FEDERAL";

1 strike line 14 and substitute the following:

2

3 "(B) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (C)
4 OF THIS SUBPARAGRAPH (I), IF THE STATE TREASURER DETERMINES
5 DURING ANY FISCAL YEAR THAT THE USE OF";

6

7 line 19, strike "AS INTENDED BY THE STATE TREASURER," and substitute
8 "AND PROVIDES WRITTEN NOTICE TO THE JOINT BUDGET COMMITTEE OF
9 THE GENERAL ASSEMBLY OF THE DETERMINATION, FOR THE PORTION OF
10 THE FISCAL YEAR BEGINNING ON THE DATE THE WRITTEN NOTICE IS
11 PROVIDED TO THE JOINT BUDGET COMMITTEE AND FOR EACH SUBSEQUENT
12 FISCAL YEAR,".

13

14 Page 4, after line 8, insert the following:

15

16 "(C) IF, AFTER MAKING A DETERMINATION AND PROVIDING NOTICE
17 PURSUANT TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), THE
18 STATE TREASURER MAKES A NEW DETERMINATION DURING ANY FISCAL
19 YEAR THAT THE USE OF INTEREST OR INCOME EARNED ON THE DEPOSIT
20 AND INVESTMENT OF MONEYS IN THE PUBLIC SCHOOL FUND TO MAKE
21 LEASE PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO
22 PURSUANT TO SECTION 22-43.7-110 (2) WILL NOT PREVENT THE INTEREST
23 COMPONENT OF THE LEASE PAYMENTS FROM QUALIFYING FOR EXEMPTION
24 FROM FEDERAL INCOME TAXATION AND THE STATE TREASURER PROVIDES
25 WRITTEN NOTICE TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
26 ASSEMBLY THAT THE STATE TREASURER HAS MADE A NEW
27 DETERMINATION AND IS RESCINDING THE DETERMINATION MADE
28 PURSUANT TO SAID SUB-SUBPARAGRAPH (B) AS OF THE DATE THE WRITTEN
29 NOTICE IS PROVIDED, FOR THE PORTION OF THE FISCAL YEAR BEGINNING ON
30 THE DATE THE WRITTEN NOTICE IS PROVIDED TO THE JOINT BUDGET
31 COMMITTEE AND FOR EACH SUBSEQUENT FISCAL YEAR, THE GREATER OF
32 THIRTY-FIVE PERCENT OF THE GROSS AMOUNT OF PUBLIC SCHOOL LANDS
33 INCOME RECEIVED DURING THE FISCAL YEAR OR AN AMOUNT OF SUCH
34 INCOME EQUAL TO THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF
35 LEASE PAYMENTS TO BE MADE BY THE STATE UNDER THE TERMS OF
36 LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SECTION
37 22-43.7-110 (2) AND THE TOTAL AMOUNT OF MATCHING MONEYS TO BE
38 PAID TO THE STATE AS LEASE PAYMENTS UNDER THE TERMS OF
39 SUBLEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SECTION
40 22-43.7-110 (2). THE MONEYS REQUIRED TO BE CREDITED TO THE
41 ASSISTANCE FUND PURSUANT TO THIS SUB-SUBPARAGRAPH (C) MAY BE
42 TAKEN FROM ANY SINGLE SOURCE OR COMBINATION OF SOURCES OF
43 PUBLIC SCHOOL LANDS INCOME.";

44

45 strike lines 18 and 19 and substitute the following:

46

47 "**SECTION 3.** 22-43.7-104 (4), Colorado Revised Statutes, is
48 amended, and the said 22-43.7-104 is further amended BY THE
49 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:"

50

51 strike line 22 and substitute the following:

52

53 "**reserve - creation.** (4) For each fiscal year commencing on or after
54 July 1, 2008, an emergency reserve of at least one million dollars shall be
55 maintained in the assistance fund except that an emergency reserve need
56 not be maintained in any fiscal year in which the amount of EITHER public

1 school lands income OR PUBLIC SCHOOL LANDS INCOME OTHER THAN
2 INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
3 MONEYS IN THE PUBLIC SCHOOL FUND, OR BOTH, credited to the assistance
4 fund PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION
5 (2) OF THIS SECTION is an amount equal to the difference between the total
6 amount of lease payments to be made by the state under the terms of
7 lease-purchase agreements entered into pursuant to section 22-43.7-110
8 (2) and the total amount of matching moneys to be paid to the state as
9 lease payments under the terms of sublease-purchase agreements entered
10 into pursuant to section 22-43.7-110 (2) rather than, TO THE EXTENT
11 APPLICABLE, thirty-five percent of the gross amount of public school
12 lands income received by the state during the fiscal year OR FIFTY
13 PERCENT OF THE GROSS AMOUNT OF PUBLIC SCHOOL LANDS INCOME OTHER
14 THAN INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
15 MONEYS IN THE PUBLIC SCHOOL FUND RECEIVED BY THE STATE DURING
16 THE FISCAL YEAR. The board may expend moneys from the emergency
17 reserve only to provide emergency financial assistance to address a public
18 school facility emergency in accordance with section 22-43.7-109 (8).

19
20 (5) (a) IF THE STATE TREASURER, PURSUANT TO
21 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF
22 SUBSECTION (2) OF THIS SECTION, PROVIDES WRITTEN NOTICE TO THE JOINT
23 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THAT THE STATE
24 TREASURER HAS DETERMINED THAT THE USE OF INTEREST OR INCOME
25 EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE PUBLIC
26 SCHOOL FUND TO MAKE LEASE PAYMENTS UNDER A LEASE-PURCHASE
27 AGREEMENT ENTERED INTO PURSUANT TO SECTION 22-43.7-110 (2) WILL
28 PREVENT THE INTEREST COMPONENT OF THE LEASE PAYMENTS FROM
29 QUALIFYING FOR EXEMPTION FROM FEDERAL INCOME TAXATION, ANY
30 SUCH INTEREST OR INCOME CREDITED TO THE ASSISTANCE FUND BEFORE
31 THE TREASURER PROVIDES THE WRITTEN NOTICE SHALL BE SEGREGATED
32 INTO A SEPARATE RESTRICTED ACCOUNT OF THE ASSISTANCE FUND. ALL
33 INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
34 MONEYS IN THE RESTRICTED ACCOUNT SHALL BE CREDITED TO THE
35 RESTRICTED ACCOUNT. MONEYS IN THE RESTRICTED ACCOUNT SHALL NOT
36 BE COMMINGLED WITH OTHER MONEYS IN THE ASSISTANCE FUND.
37 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEYS IN THE
38 RESTRICTED ACCOUNT SHALL NOT BE USED AND SHALL NOT BE AVAILABLE
39 TO PAY LEASE PAYMENTS UNDER ANY LEASE-PURCHASE AGREEMENTS
40 ENTERED INTO PURSUANT TO SECTION 22-43.7-110 (2) UNLESS AND UNTIL
41 THE STATE TREASURER, PURSUANT TO SUB-SUBPARAGRAPH (C) OF
42 SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS
43 SECTION, PROVIDES WRITTEN NOTICE TO THE JOINT BUDGET COMMITTEE
44 OF THE GENERAL ASSEMBLY THAT THE STATE TREASURER IS RESCINDING
45 THE DETERMINATION MADE PURSUANT TO SUB-SUBPARAGRAPH (B) OF
46 SAID SUBPARAGRAPH (I) AS OF THE DATE THE WRITTEN NOTICE IS
47 PROVIDED. MONEYS IN THE RESTRICTED ACCOUNT MAY BE USED FOR THE
48 OTHER PURPOSES FOR WHICH MONEYS IN THE ASSISTANCE FUND MAY BE
49 USED UNDER THIS ARTICLE.

50
51 (6) IF THE AMOUNT OF MONEYS IN THE ASSISTANCE";

52
53 line 23, after "FUND", insert "THAT, SUBJECT TO THE LIMITATIONS SET
54 FORTH IN SUBSECTION (5) OF THIS SECTION, IS AVAILABLE TO PAY LEASE
55 PAYMENTS UNDER ANY LEASE-PURCHASE AGREEMENTS ENTERED INTO
56 PURSUANT TO SECTION 22-43.7-110 (2)";

1 line 24, strike "ANY LEASE-PURCHASE AGREEMENTS ENTERED";
2
3 line 25, strike "INTO PURSUANT TO SECTION 22-43.7-110 (2)," and
4 substitute "THE LEASE-PURCHASE AGREEMENTS,".
5

6
7
8 **INTRODUCTION OF BILLS**
9 **First Reading**

10
11 The following bills were read by title and referred to the committees
12 indicated:

13
14 **SB09-130** by Senator(s) Spence; also Representative(s) Scanlan--
15 Concerning the creation of a Colorado school for children
16 with autism.
17 Committee on Education

18
19 **SB09-241** by Senator(s) Morse; also Representative(s) King S. and
20 Tipton--Concerning DNA testing of adults arrested for a
21 felony, and making an appropriation therefor.
22 Committee on Judiciary
23 Committee on Appropriations

24
25 **SB09-247** by Senator(s) Tochtrop; also Representative(s) Pace--
26 Concerning the expansion of benefits for unemployed
27 workers in Colorado, and making an appropriation in
28 connection therewith.
29 Committee on Business Affairs and Labor

30
31
32
33 **LETTER OF RESIGNATION**

34
35
36
37 April 27, 2009

38
39 Marilyn Eddins
40 Chief Clerk
41 House of Representatives
42 200 East Colfax Avenue
43 Denver, CO 80203

44
45 Dear Ms. Eddins:

46
47 I have enjoyed serving in the House of Representatives for the past five
48 years and feel honored to have represented the people in House
49 District 23. During my time here, it was a privilege to be an advocate for
50 my constituents, young and old.

51
52 I have appreciated working with such dedicated fellow members of the
53 House. I admire their efforts on behalf of the state of Colorado.

54
55

1 Due to health reasons however, I must tender my resignation as state
2 representative effective June 1, 2009.

3
4 Thank you for the opportunity to serve with you.

5
6 Sincerely,
7 (signed)
8 Gwyn Green
9 State Representative
10 House District 23

11 _____
12
13
14 **LAY OVER OF CALENDAR ITEM(S)**
15

16 On motion of Representative Kerr A., the following item(s) on the
17 Calendar were laid over until April 28, retaining place on Calendar:

18
19 Consideration of Third Reading--**SB09-088**.
20 Consideration of Resolution(s)--**HJR09-1018, 1022, 1023, 1024, 1025,**
21 **1027, SJR09-034, 053**.
22 Consideration of Memorial(s)--**SJM09-002, HM09-1005, SJM09-010**.
23 Consideration of Senate Amendment(s)--**HB09-1180, HJR09-1019,**
24 **HB09-1252, 1242, 1129, 1160**.

25 _____
26
27
28 On motion of Representative Kerr A., the House adjourned until
29 9:00 a.m., April 28, 2009.

30
31
32
33
34 Attest:
35 MARILYN EDDINS,
36 Chief Clerk

Approved:
TERRANCE D. CARROLL,
Speaker

