

SENATE JOURNAL
 Sixty-sixth General Assembly
STATE OF COLORADO
 Second Regular Session

99th Legislative Day Wednesday, April 16, 2008

- Prayer By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.
- Pledge By Senator Boyd.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--31.
Excused--4; Keller, Kester, Kopp, Ward.
Present later--Keller, Kopp, Ward.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Morse, reading of the Journal of April 15, 2008 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

- Finance After consideration on the merits, the Committee recommends that **HB08-1115** be referred to the Committee on Appropriations with favorable recommendation.
- Trans- portation After consideration on the merits, the Committee recommends that **HB08-1354** be referred to the Committee of the Whole with favorable recommendation.
- Trans- portation After consideration on the merits, the Committee recommends that **SB08-222** be postponed indefinitely.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions -- SJR08-023.

CONSIDERATION OF RESOLUTIONS

SJR08-023 by Senator(s) Cadman; also Representative(s) Stephens--Concerning the designation of April 16, 2008, as "Colorado Space Day".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Gibbs, Gordon, Groff, Hagedorn, Harvey, Isgar, Johnson, Keller, Kopp, McElhany, Mitchell S., Morse, Penry, Renfroe, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Takis, Tapia, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams and Windels.

THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, (SB08-161, SB08-165, SB08-160, SB08-190) were advanced on the calendar.

SB08-161 by Senator(s) Boyd, Spence, Groff; also Representative(s) Merrifield--Concerning eligibility for public medical benefits, and making an appropriation therefor.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Gibbs, Isgar, Schwartz, Shaffer, Tochtrop, Tupa, Veiga and Windels.

SB08-165 by Senator(s) Williams; also Representative(s) Carroll M.--Concerning codification of the advisory council for persons with disabilities, and making an appropriation therefor.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	N		

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

Co-sponsors added: Boyd, Gibbs, Gordon, Groff, Sandoval, Shaffer, Tapia, Tochtrop, Tupa and Windels.

SB08-160 by Senator(s) Hagedorn, Groff; also Representative(s) McGihon--Concerning improvements to health care for children.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Gordon, Isgar, Romer, Sandoval, Schwartz, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Williams and Windels.

SB08-190 by Senator(s) Tochtrop; also Representative(s) Primavera--Concerning the requirement that pharmacists redispense certain unused medications.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

Co-sponsors added: Boyd, Gibbs, Gordon, Groff, Johnson, Morse, Romer, Shaffer, Spence, Tapia, Tupa, Veiga, Williams and Windels.

SB08-047 by Senator(s) Morse; also Representative(s) Pommer--Concerning funding for court-appointed special advocate programs, and making an appropriation therefor.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	N	Tupa	N
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

SB08-131 by Senator(s) Morse, Keller, Johnson; also Representative(s) Buescher, Pommer, White--Concerning an increase in the funding to the supplemental old age pension health and medical care fund from the receipts collected from the state sales and use tax.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Bacon, Boyd, Gibbs, Groff, Romer, Sandoval, Shaffer, Tapia, Tochtrop, Tupa, Williams and Windels.

SB08-143 by Senator(s) Tupa; also Representative(s) Frangas--Concerning the conditions required for the use of special license plates.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

SB08-152 by Senator(s) Tochtrop, Romer; also Representative(s) Gagliardi, Fischer, Kefalas--Concerning the regulation of occupational therapy practitioners.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Schwartz and Williams.

SB08-168 by Senator(s) Isgar; also Representative(s) Curry--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list, adjusting previously-approved transfers and approvals, and making appropriations.

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

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YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Johnson, Kopp, Penry, Schwartz, Taylor and Wiens.

SB08-071

by Senator(s) Gibbs, Boyd, Harvey, Kester, Kopp, Morse, Penry, Renfroe, Romer, Schwartz, Spence, Tapia, Wiens, Williams; also Representative(s) Scanlan, Benefield, Curry, Gallegos, Kefalas, Kerr A., Kerr J., Levy, Looper, Marshall, McFadyen, Peniston, Solano, White, Witwer--Concerning extension of the repeal date of the forest restoration pilot program, and, in connection therewith, extending the repeal date of the technical advisory panel.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Brophy, Cadman, Groff, Isgar, Johnson, Mitchell S., Sandoval, Shaffer, Taylor, Tupa and Windels.

SB08-220

by Senator(s) Boyd, Kester, Morse; also Representative(s) Riesberg, Gardner B.--Concerning the authority of certain health care facilities to employ physicians.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Isgar, Shaffer, Taylor and Tochtrop.

SB08-007

by Senator(s) Windels, Boyd; also Representative(s) Stafford, Solano--Concerning assistance to inmates prior to release from county jails.

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

Co-sponsors added: Bacon, Groff, Keller, Sandoval, Schwartz, Shaffer, Tochtrop and Williams.

SB08-183 by Senator(s) Mitchell S.; also Representative(s) Todd--Concerning the effect of DNA evidence of nonparentage on child-related orders.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	N
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	N	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	N
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Cadman, Gibbs, Gordon, Schultheis, Ward and Wiens.

SB08-066 by Senator(s) Williams, Boyd, Shaffer; also Representative(s) Marshall, Madden, Todd--Concerning a reduction of the penalty for first degree murder for certain juveniles convicted as adults of first degree murder.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

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

Co-sponsors added: Groff.

HB08-1027 by Representative(s) Mitchell V., Kerr J., Marshall, Primavera; also Senator(s) Taylor, Isgar, Takis--Concerning building inspection requirements for educational institutions, and making an appropriation in connection therewith.

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

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YES	32	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	*
Brophy	Y	Kester	E	Schultheis	N	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

* Abstaining from voting under Senate Rule 17(c) -- Senator Tupa.

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

Co-sponsors added: Boyd, Shaffer and Tochtrop.

SB08-193 by Senator(s) McElhany, Groff, Kester, Morse, Spence, Tapia; also Representative(s) Judd, Gardner B., Garza-Hicks, Liston, Looper, Marostica, Merrifield, White--Concerning requirements relating to public contracts for services.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Schultheis.

SB08-210 by Senator(s) Shaffer; also Representative(s) Scanlan--Concerning Colorado child care assistance program provider reimbursement rates.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

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

Co-sponsors added: Bacon, Mitchell S., Schwartz, Tochtrop, Tupa and Windels.

SB08-104 by Senator(s) Gibbs, Brophy, Groff, Kopp, Penry, Romer; also Representative(s) Kerr A., Hodge, King, Liston, Merrifield, Stafford--Concerning theft of sound recordings, and making an appropriation in connection therewith.

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

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YES	33	NO	1	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	N
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

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

Co-sponsors added: Wiens.

SB08-140 by Senator(s) Shaffer; also Representative(s) Fischer--Concerning toxicology tests following serious traffic accidents, and making an appropriation in connection therewith.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	N
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	N	Kopp	Y	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	Y	Penry	Y	Tapia	Y	President	Y
Isgar	N	Renfroe	Y	Taylor	N		

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

Co-sponsors added: Bacon, Groff, Morse and Tochtrop.

Committee of the Whole On motion of Senator Bacon, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Bacon was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, (SB08-212) was advanced on the calendar.

SB08-212 by Senator(s) Romer and Penry, Boyd, Gibbs, Keller, Kopp, Mitchell S., Morse, Schwartz, Veiga, Bacon, Gordon, Groff, Tapia, Tochtrop, Williams, Windels; also Representative(s) Witwer and Scanlan, Benefield, Casso, Hodge, Jahn, Kerr A., Marostica, Massey, May M., McFadyen, McNulty, Middleton, Mitchell V., Rice, Summers, Todd--Concerning alignment of preschool to postsecondary education.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 28, pages 752-759 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 11, page 914 and placed in members' bill files.)

Amendment No. 3(L.032), by Senator Windels.

Amend printed bill, page 33, line 24, strike "PROGRESSING" and substitute "MAKING ADEQUATE LONGITUDINAL PROGRESS".

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Amendment No. 4(L.031), by Senator Windels.

Amend printed bill, page 28, strike lines 7 and 8 and substitute the following:

"BASE ITS COURSES OR MEANS OF AWARDING COURSE CREDITS ON CARNEGIE UNITS. A LOCAL EDUCATION PROVIDER MAY CHOOSE TO BASE THE AWARDING OF COURSE CREDITS ON A STUDENT'S DEMONSTRATION OF ATTAINMENT OF THE STANDARDS ADDRESSED BY THE COURSE."

Amendment No. 5(L.030), by Senator Windels.

Amend printed bill, page 9, line 25, strike "DO." and substitute "DO AND TO MEASURE A STUDENT'S ACADEMIC PROGRESS TOWARD ATTAINING A STANDARD."

Page 15, line 22, strike "STANDARDS." and substitute "STANDARDS AND TO LONGITUDINALLY MEASURE STUDENTS' ACADEMIC PROGRESS TOWARD ATTAINING THE STANDARDS."

Page 16, line 23, strike "ASSESSMENT." and substitute "ASSESSMENT AND FOR MEASURING A STUDENT'S PROGRESS TOWARD ATTAINING POSTSECONDARY AND WORKFORCE READINESS."

Amendment No. 6(L.029), by Senator Windels.

Amend printed bill, page 14, after line 2, insert the following:

"(c) IN DEVELOPING THE PRESCHOOL THROUGH ELEMENTARY AND SECONDARY EDUCATION STANDARDS, THE STATE BOARD SHALL INCLUDE IDENTIFICATION OF THE LEVELS OF ATTAINMENT THAT A STUDENT SHALL ACHIEVE IN ORDER TO DEMONSTRATE READINESS FOR PROMOTION FROM ELEMENTARY GRADES TO MIDDLE SCHOOL GRADES AND FROM MIDDLE SCHOOL GRADES TO HIGH SCHOOL GRADES."

Amendment No. 7(L.028), by Senator Windels.

Amend the Education Committee Report, dated March 27, 2008, page 3, line 2, change the period to a semi-colon;

after line 2, insert the following:

"line 25 of the printed bill, after "TO", insert "PREPARING STUDENTS FOR";

line 26 of the printed bill, strike "WORKFORCE;" and substitute "WORKFORCE AND FOR ACTIVE CITIZENSHIP;" .";

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

"line 8 of the printed bill, after "TO", insert "PREPARING STUDENTS FOR";

line 9 of the printed bill, strike "WORKFORCE." and substitute "WORKFORCE AND FOR ACTIVE CITIZENSHIP.";" .

Page 9 of the committee report, line 27, strike "INDIVIDUAL" and substitute "INDIVIDUALIZED READINESS";

line 28, strike "LEARNING".

Amendment No. 8(L.027), by Senator Windels.

Amend the Education Committee Report, dated March 27, 2008, page 5, after line 23, insert the following:

"(b) MEMBERS OF THE LOCAL SCHOOL BOARDS OF THE SCHOOL DISTRICTS INCLUDED IN THE REGIONAL SERVICE AREA;" .

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Reletter succeeding paragraphs accordingly.

Amendment No. 9(L.026), by Senator Windels.

Severed section #1 --

Amend printed bill, page 16, after line 12, insert the following:

"(VI) INCLUDE, TO THE EXTENT PRACTICABLE, THE USE OF ADDITIONAL ASSESSMENT METHODS, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED TO, PORTFOLIOS, PROJECTS, OR PERFORMANCES, TO ENSURE THAT THE ASSESSMENT SYSTEM RESULTS IN AN AUTHENTIC AND COMPLETE ASSESSMENT OF A STUDENT'S ABILITIES;"

Renumber succeeding subparagraphs accordingly.

(Severed section #1 was declared **lost**.)

Severed section #2 --

Page 16, after line 23, insert the following:

"(c) IN ADOPTING A SYSTEM OF ASSESSMENTS, THE STATE BOARD SHALL ALSO MAKE RECOMMENDATIONS CONCERNING A SYSTEM OF RATINGS FOR PUBLIC SCHOOLS THAT RECOGNIZES EACH SCHOOL'S SUCCESS IN SUPPORTING THE LONGITUDINAL ACADEMIC GROWTH OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOLS AND IN ACHIEVING ADEQUATE YEARLY PROGRESS AS REQUIRED BY FEDERAL LAW."

Reletter succeeding paragraph accordingly.

Page 16, line 26, strike "SYSTEM." and substitute "SYSTEM AND THE PROPOSED CHANGES TO THE SYSTEM OF RATINGS FOR PUBLIC SCHOOLS."

(Severed section #2 was declared **adopted**.)

(For further action on **SB08-212**, see Senate Journal, April 16, page 987.)

Senator Shaffer moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

CHANGE IN SPONSORSHIP

Upon announcement of President Groff, Representative Butcher will place Representative Todd as a joint prime sponsor with Representative Looper on **SCR08-001**.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Ward, Chair, Morse, and Shaffer as Senate Conferees on the First Conference Committee on **HB08-1358**.

COMMITTEE OF REFERENCE REPORTS

After consideration on the merits, the Committee recommends that **HB08-1126** be postponed indefinitely.

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Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB08-1227** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 13, strike lines 12 through 27.

Strike page 14.

Page 15, strike lines 1 through 16.

Reorder succeeding sections accordingly.

Page 17, line 4, strike "(3) AND (4)" and substitute "(3), (4), AND (5)";

line 6, after "THAT", insert "INTENTIONALLY";

line 15, strike "OR";

line 16, change the period to a semicolon and, after the semicolon, add "OR";

after line 16, insert the following:

"(IV) A NONPROFIT GENERATION AND TRANSMISSION ELECTRIC CORPORATION OR ASSOCIATION.";

line 22, after "(2)", insert "(a)";

after line 25, insert the following:

"(b) NO PUBLIC UTILITY SHALL BE ASSESSED A CIVIL PENALTY IF THE UTILITY IS ALREADY SUBJECT TO AN EXISTING REPARATION DUE TO A COMMISSION ORDER, COMMISSION RULE, OR STATUTORY PROVISION FOR THE SAME VIOLATION.".

Page 18, strike lines 9 through 12 and substitute the following:

"(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE TOTAL AMOUNT OF CIVIL PENALTIES ASSESSED AGAINST ONE PUBLIC UTILITY UNDER THIS SECTION SHALL NOT EXCEED THE LESSER OF THE FOLLOWING:

(a) ONE HUNDRED FIFTY THOUSAND DOLLARS IN ANY SIX-MONTH PERIOD; OR

(b) IN ANY TWELVE-MONTH PERIOD, ONE PERCENT OF THE UTILITY'S GROSS ANNUAL REVENUES FROM SERVICES REGULATED BY THE COMMISSION, BASED ON THE MOST RECENT FISCAL YEAR FOR WHICH FINAL REVENUE FIGURES ARE AVAILABLE.";

line 25, strike "40-7-113.5." and substitute "40-7-113.5, SUBJECT TO HEARING BEFORE THE COMMISSION AS SET FORTH IN THIS SECTION.".

Page 22, strike lines 12 through 27.

Page 23, strike lines 1 through 13 and substitute the following:

"40-10-105. Rules for issuance of certificates - standing to protest - judicial review. (2) (a) The granting of any A certificate of public convenience and necessity to operate a motor vehicle for hire as a taxicab within and between counties with a population of ~~sixty~~ LESS THAN SEVENTY thousand, ~~or greater~~ based on the federal census conducted in ~~1990~~ 2000, shall ~~not be deemed to be an exclusive grant or monopoly;~~ and GOVERNED BY the doctrine of regulated ~~competition shall prevail~~ MONOPOLY.

(b) (I) ~~The commission has authority to grant more than one certificate of public convenience and necessity to operate motor vehicles as taxicabs within and between counties with a population of sixty~~

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~~thousand or greater based on the federal census conducted in 1990 if the commission finds that the present or future public convenience and necessity requires or will require such operation.~~ EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE GRANTING OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR VEHICLE FOR HIRE AS A TAXICAB WITHIN AND BETWEEN COUNTIES WITH A POPULATION OF SEVENTY THOUSAND OR GREATER, BASED ON THE FEDERAL CENSUS CONDUCTED IN 2000, SHALL NOT BE DEEMED TO BE AN EXCLUSIVE GRANT OR MONOPOLY, AND THE DOCTRINE OF REGULATED COMPETITION SHALL PREVAIL.

(II) IN AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TAXICAB SERVICE WITHIN AND BETWEEN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, AND JEFFERSON:

(A) THE APPLICANT SHALL HAVE THE INITIAL BURDEN OF PROVING THAT IT IS MANAGERIALLY, OPERATIONALLY, AND FINANCIALLY FIT TO PROVIDE THE PROPOSED SERVICE. THE APPLICANT SHALL NOT BE REQUIRED TO PROVE THE INADEQUACY OF EXISTING TAXICAB SERVICE, IF ANY, WITHIN THE APPLICANT'S PROPOSED GEOGRAPHIC AREA OF OPERATION.

(B) IF THE APPLICANT SUSTAINS ITS INITIAL BURDEN OF PROOF AS SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THERE SHALL BE A REBUTTABLE PRESUMPTION OF PUBLIC NEED FOR THE SERVICE, AND THE PARTY OR PARTIES OPPOSING THE APPLICATION SHALL BEAR THE BURDEN TO PROVE THAT THE PUBLIC CONVENIENCE AND NECESSITY DOES NOT REQUIRE GRANTING THE APPLICATION AND THAT THE ISSUANCE OF THE CERTIFICATE WOULD RESULT IN DESTRUCTIVE COMPETITION.

SECTION 24. 40-10-105.5 (3) and (4), Colorado Revised Statutes, are amended, and the said 40-10-105.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

40-10-105.5. Criminal history record check - taxicab drivers - rules. (3) An individual whose fingerprints are checked pursuant to subsection (1) or (2) of this section may, pending the results of the criminal history record check, drive a taxicab in connection with his or her employment or contract with a holder of a certificate of public convenience and necessity described in subsection (1) of this section for up to ~~sixty~~ NINETY days after the commission forwards the fingerprints to the Colorado bureau of investigation or until the commission receives the results of the check, whichever occurs first. Upon the commission's receipt of the results, the individual may resume driving a taxicab for the holder of the certificate, so long as the driving does not violate applicable law and does not occur while the individual has a criminal conviction on his or her record that disqualifies and prohibits him or her from driving a taxicab pursuant to subsection (4) of this section.

(4) An individual whose criminal history record is checked pursuant to this section shall be disqualified and prohibited from driving a taxicab for a holder of a certificate of public convenience and necessity that contains authority to operate as a taxicab if the criminal history record check reflects that:

~~(a) Within the ten-year period preceding the date the criminal history record check is completed, the individual was:~~ THE INDIVIDUAL IS NOT OF GOOD MORAL CHARACTER, AS DETERMINED BY THE COMMISSION BASED ON THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS SECTION;

~~(I) Convicted in this state of a crime of violence, as defined in section 18-1.3-406 (2), C.R.S.; or~~

~~(II) Convicted of a comparable offense in any other state or in the United States; or~~

(b) (I) THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL TURPITUDE.

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(II) AS USED IN THIS PARAGRAPH (b), "MORAL TURPITUDE" SHALL INCLUDE ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD, AS DEFINED IN SECTION 18-3-411, C.R.S., OR A COMPARABLE OFFENSE IN ANY OTHER STATE OR IN THE UNITED STATES.

(b) (c) Within the two years preceding the date the criminal history record check is completed, the individual was:

(I) Convicted in this state of driving under the influence, as defined in section 42-4-1301 (1) (f), C.R.S.; driving with excessive alcoholic content, as described in section 42-4-1301 (2) (a), C.R.S.; driving while ability impaired, as defined in section 42-4-1301 (1) (g), C.R.S.; or driving while an habitual user of a controlled substance, as described in section 42-4-1301 (1) (c), C.R.S.; or

(II) Convicted of a comparable offense in any other state or in the United States.

(4.5) THE COMMISSION SHALL CONSIDER THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECK IN ITS DETERMINATION AS TO WHETHER THE INDIVIDUAL HAS MET THE STANDARDS SET FORTH IN SECTION 24-5-101 (2), C.R.S.

SECTION 25. 40-16-104.5 (1), (2), (3), and (4), Colorado Revised Statutes, are amended, and the said 40-16-104.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

40-16-104.5. Criminal history record check - passenger transport drivers - rules. (1) An individual who wishes to become employed by or who contracts with a person who offers services by charter or scenic bus, ~~fire crew transport~~, luxury limousine, off-road scenic charter, or children's activity bus to drive a motor vehicle in connection with the service shall submit a set of his or her fingerprints to the commission. The commission shall forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The commission shall be the authorized agency to receive information regarding the result of a national criminal history record check. The individual whose fingerprints are checked pursuant to this subsection (1) shall bear the actual costs of the state and national fingerprint-based criminal history record check.

(2) An individual who, prior to May 30, 2007, drives a motor vehicle as part of his or her employment or contract with a person who offers services by charter or scenic bus, ~~fire crew transport~~, luxury limousine, off-road scenic charter, or children's activity bus shall comply with the fingerprinting requirements of subsection (1) of this section within thirty days after May 30, 2007.

(3) An individual whose fingerprints are checked pursuant to subsection (1) or (2) of this section may, pending the results of the criminal history record check, drive a motor vehicle in connection with his or her employment or contract with a service described in subsection (1) of this section for up to ~~sixty~~ NINETY days after the commission forwards the fingerprints to the Colorado bureau of investigation or until the commission receives the results of the check, whichever occurs first. Upon the commission's receipt of the results, the individual may resume driving a motor vehicle for the service, so long as the driving does not violate applicable law and does not occur while the individual has a criminal conviction on his or her record that disqualifies and prohibits him or her from driving a motor vehicle for the service pursuant to subsection (4) of this section.

(4) An individual whose criminal history record is checked pursuant to this section shall be disqualified and prohibited from driving

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a motor vehicle for a service described in subsection (1) of this section if the criminal history record check reflects that:

~~(a) Within the ten-year period preceding the date the criminal history record check is completed, the individual was:~~ THE INDIVIDUAL IS NOT OF GOOD MORAL CHARACTER, AS DETERMINED BY THE COMMISSION BASED ON THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS SECTION;

~~(f) Convicted in this state of a crime of violence, as defined in section 18-1.3-406 (2), C.R.S.; or~~

~~(H) Convicted of a comparable offense in any other state or in the United States; or~~

(b) (I) THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL TURPITUDE.

(II) AS USED IN THIS PARAGRAPH (b), "MORAL TURPITUDE" SHALL INCLUDE ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD, AS DEFINED IN SECTION 18-3-411, C.R.S., OR A COMPARABLE OFFENSE IN ANY OTHER STATE OR IN THE UNITED STATES.

~~(b)~~ (c) Within the two years preceding the date the criminal history record check is completed, the individual was:

(I) Convicted in this state of driving under the influence, as defined in section 42-4-1301 (1) (f), C.R.S.; driving with excessive alcoholic content, as described in section 42-4-1301 (2) (a), C.R.S.; driving while ability impaired, as defined in section 42-4-1301 (1) (g), C.R.S.; or driving while an habitual user of a controlled substance, as described in section 42-4-1301 (1) (c), C.R.S.; or

(II) Convicted of a comparable offense in any other state or in the United States.

(4.5) THE COMMISSION SHALL CONSIDER THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECK IN ITS DETERMINATION AS TO WHETHER THE INDIVIDUAL HAS MET THE STANDARDS SET FORTH IN SECTION 24-5-101 (2), C.R.S.

SECTION 26. 40-15-502 (3) (b) (I), Colorado Revised Statutes, is amended, and the said 40-15-502 (3) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

40-15-502. Expressions of state policy. (3) **Universal basic service - affordability of basic service.** (b) (I) Consistent with the public interest goal of maintaining affordable and just and reasonably priced basic local telecommunications service for all citizens of the state, the commission shall structure telecommunications regulation to achieve a transition to a fully competitive telecommunications market with the policy that prices for residential basic local exchange service, including zone charges, if any, ~~do not rise above~~ SHALL BE CAPPED AT the levels in effect on May 24, 1995, for comparable service; except that the price of CAP FOR such service may SHALL be adjusted INCREASED by an amount equal to the change CHANGES in the United States gross domestic product price index minus an index that represents telecommunications productivity changes as determined by the commission. This adjustment shall be granted only to the extent the commission determines an adjustment is required to cover reasonable costs and shall not exceed five percent in any one year. The commission shall not allow prices for residential basic service plus zone charges to increase outside base rate areas by an amount greater than any price increase within base rate areas SINCE 1995. THE COMMISSION MAY PERMIT THE PRICE OF RESIDENTIAL BASIC LOCAL EXCHANGE SERVICE TO INCREASE UP TO THIS CAP, SUBJECT TO THE FOLLOWING:

(A) A PROVIDER THAT IS PERMITTED TO INCREASE ITS RATES FOR RESIDENTIAL BASIC LOCAL EXCHANGE SERVICE PURSUANT TO THIS

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SUBPARAGRAPH (I) SHALL INVEST IN THE PROVISION OF BROADBAND SERVICES IN AREAS IN WHICH THE PROVIDER DID NOT PREVIOUSLY OFFER BROADBAND SERVICES. THE AMOUNT OF THE INVESTMENT SHALL BE EQUAL TO ONE-HALF OF THE NET REVENUES ATTRIBUTABLE TO THE RATE INCREASE COLLECTED DURING THE YEAR IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THE RATE INCREASE.

(B) THE PROVIDER SHALL BE REQUIRED TO MAKE THE INVESTMENT WITHIN TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THE RATE INCREASE.

(II.5) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE CONSTRUED TO GIVE THE COMMISSION JURISDICTION OVER BROADBAND SERVICES."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that SB08-217 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, after line 10, insert the following:

"SECTION 2. Appropriation -- adjustment to the 2008 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2008, shall be adjusted as follows:

(a) The appropriation to the executive director's office, for personal services is increased by the sum of eighty-four thousand five hundred ninety-three dollars (\$84,593) general fund and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive eighty-four thousand five hundred ninety-two dollars (\$84,592) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(b) The appropriation to the executive director's office, for operating expenses is increased by the sum of six thousand six hundred seven dollars (\$6,607) general fund, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive six thousand six hundred eight dollars (\$6,608) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(c) The appropriation to the executive director's office, for general professional services and special projects is increased by the sum of thirty-seven thousand five hundred dollars (\$37,500) general fund, or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that the department of health care policy and financing will receive thirty-seven thousand five hundred dollars (\$37,500) federal funds in the fiscal year beginning July 1, 2008, for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of regulatory agencies, division of insurance, for the fiscal year beginning July 1, 2008, the sum of fifteen

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thousand nine hundred dollars (\$15,900) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum, shall be from the division of insurance cash fund created in section 10-1-103 (3), Colorado Revised Statutes.

(3) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by one hundred twenty-eight thousand seven hundred dollars (\$128,700)."

Renumber succeeding section accordingly.

Page 1, line 103, strike "**COLORADO.**" and substitute "**COLORADO, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB08-215** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor and Technology Committee Report, dated April 9, 2008, page 5, after line 13, insert the following:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the broadband inventory fund created in section 24-37.5-106 (3) (f) (I), Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to the office of information technology, to create an inventory of broadband service areas within the state, for the fiscal year beginning July 1, 2008, the sum of twenty-one thousand dollars (\$21,000) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act.";

line 14, strike "**4.**" and substitute "**5.**";

strike line 18 and substitute the following:

"BROADBAND SERVICE AREAS, AUTHORIZING THE PUBLIC";

line 107, strike "**INVENTORY.**" and substitute "**INVENTORY, AND MAKING AN APPROPRIATION IN THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **HB08-1175** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 20, strike "**Appropriation.**" and substitute "**Appropriation. (1)**";

line 24, strike "drivers and vehicles services division," and substitute the following: "driver and vehicle services,";

line 25, strike "2009 ," and substitute the following: "2008,".

Page 3, after line 2, insert the following:

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the licensing services cash fund created in section 42-2-114.5, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to driver and vehicle services, for the fiscal year beginning July 1, 2008, the sum of twenty-five thousand dollars (\$25,000) cash funds, or so much thereof as may be necessary, for the implementation of this act."

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Appropriations	After consideration on the merits, the Committee recommends that HB08-1253 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
	Amend reengrossed bill, page 3, line 22, strike "recovers" and substitute "recoveries".	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB08-1171 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that HB08-1257 be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that HB08-1109 be referred to the Committee of the Whole with favorable recommendation.	17 18 19 20
Appropriations	After consideration on the merits, the Committee recommends that HB08-1268 be referred to the Committee of the Whole with favorable recommendation.	21 22 23 24
Appropriations	After consideration on the merits, the Committee recommends that HB08-1250 be referred to the Committee of the Whole with favorable recommendation.	25 26 27 28
Appropriations	After consideration on the merits, the Committee recommends that HB08-1108 be referred to the Committee of the Whole with favorable recommendation.	29 30 31 32
Appropriations	After consideration on the merits, the Committee recommends that HB08-1100 be referred to the Committee of the Whole with favorable recommendation.	33 34 35 36
Appropriations	After consideration on the merits, the Committee recommends that HB08-1241 be referred to the Committee of the Whole with favorable recommendation.	37 38 39 40
Appropriations	After consideration on the merits, the Committee recommends that HB08-1103 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	41 42 43 44
	Amend reengrossed bill, page 6, after line 7, insert the following:	45 46
	"SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public safety inspection cash fund created in section 8-1-151, Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment , for allocation to the division of oil and public safety, for the fiscal year beginning July 1, 2008, the sum of one hundred nineteen thousand five hundred fifty-four dollars (\$119,554) cash funds and 1.7 FTE, or so much thereof as may be necessary, for the implementation of this act."	47 48 49 50 51 52 53 54 55 56
	Renumber succeeding section accordingly.	57 58
	Page 1, line 102, strike "SAFETY." and substitute "SAFETY, AND MAKING AN APPROPRIATION THEREFOR."	59 60 61 62
	_____	63
	Senate in recess. Senate reconvened.	64 65 66
	_____	67
	Call of the Senate. Call raised.	68 69

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that SB08-188 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated March 5, 2008, strike lines 3 and 4 and substitute the following:

"Page 8, strike lines 6 through 26;

line 27, strike "(c)" and substitute "(6)".

Amend printed bill, page 6, after line 2, insert the following:

"(d) MEMBERS OF THE COMMITTEE SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES OR TO PAYMENT OF PER DIEM FOR ATTENDANCE AT MEETINGS."

Page 9, after line 9, insert the following:

"SECTION 3. Appropriation - adjustments to the 2008 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of sixty-seven thousand four hundred dollars (\$67,400), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by sixty-seven thousand four hundred dollars (\$67,400).";

line 10, strike "SECTION 3." and substitute "SECTION 4."

Page 1, line 104, strike "NURSING." and substitute "NURSING, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that SB08-044 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Health and Human Services Committee Report, dated February 7, 2008.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 25-4-902.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-4-902.5. Immunization prior to attending a college or university - tuberculosis screening process development. (3) EACH COLLEGE AND UNIVERSITY IN COLORADO MAY WORK TO CREATE A TUBERCULOSIS SCREENING PROCESS WITH THE GOAL OF MAKING THE PROCESS AS UNIFORM AS POSSIBLE FOR ALL COLLEGES AND UNIVERSITIES IN THE STATE. THE SCREENING PROCESS MAY INCLUDE A TUBERCULOSIS RISK QUESTIONNAIRE, A TUBERCULOSIS EDUCATION POLICY, A CLINICAL REVIEW PROCESS FOR EACH COMPLETED QUESTIONNAIRE, AND FOLLOW-UP TESTING PROCEDURES FOR STUDENTS WHO ARE DETERMINED TO BE AT RISK FOR TUBERCULOSIS. ON OR BEFORE JANUARY 1, 2009, THE COLLEGES AND UNIVERSITIES THAT WORK TO CREATE A TUBERCULOSIS SCREENING PROCESS PURSUANT TO THIS SUBSECTION (3) SHALL REPORT TO THE

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HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, REGARDING ANY LEGISLATIVE RECOMMENDATIONS NECESSARY REGARDING A TUBERCULOSIS SCREENING PROCESS.

SECTION 2. Effective date. This act shall take effect July 1, 2008.

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

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB08-117

THIS REPORT AMENDS THE REENGROSSED BILL

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

Your first conference committee appointed on SB08-117, concerning local government treatment of solar energy device permits, has met and reports that it has agreed upon the following:

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

Amend reengrossed bill, page 3, line 5, strike "THREE" and substitute "THE LESSER OF THE COUNTY'S ACTUAL COSTS IN ISSUING THE PERMIT OR FIVE";

line 16, strike "THREE" and substitute "THE LESSER OF THE MUNICIPALITY'S ACTUAL COSTS IN ISSUING THE PERMIT OR FIVE".

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

Amend reengrossed bill, page 2, line 2, strike "**districts.**" and substitute "**districts - repeal.**";

Page 3, line 6, after the period, add "THE GENERAL ASSEMBLY HEREBY FINDS THAT THERE IS A STATEWIDE NEED FOR CERTAINTY REGARDING THE FEES THAT CAN BE ASSESSED FOR PERMITTING AN ACTIVE SOLAR ENERGY DEVICE OR SYSTEM, AND THEREFORE DECLARES THAT THIS SUBPARAGRAPH (II) IS A MATTER OF STATEWIDE CONCERN. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2011.";

line 10, strike "**definitions.**" and substitute "**definitions - repeal.**";

line 17, after the period, add "THE GENERAL ASSEMBLY HEREBY FINDS THAT THERE IS A STATEWIDE NEED FOR CERTAINTY REGARDING THE FEES THAT CAN BE ASSESSED FOR PERMITTING AN ACTIVE SOLAR ENERGY DEVICE OR SYSTEM, AND THEREFORE DECLARES THAT THIS PARAGRAPH (b) IS A MATTER OF STATEWIDE CONCERN. THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2011.".

Respectfully submitted,

Senate Committee:
(signed)
Senator Romer, Chair

House Committee:
(signed)
Representative McNulty, Chair

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Senator Mitchell
Senator Gibbs

Representative A. Kerr

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MESSAGE FROM THE HOUSE

April 16, 2008
Mr. President:

The House has adopted and returns herewith SJR08-023.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR08-026 by Senator(s) Keller; also Representative(s) Green--Concerning the recognition and commendation of the Colorado School of Mines' Eighth Continent Project.

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

HJR08-1018 by Representative(s) Stafford; also Senator(s) Sandoval--Concerning the designation of the week of May 4 through 10, 2008, as "Crohn's Disease and Ulcerative Colitis Awareness Week", and, in connection therewith, designating the first week of May every year thereafter as "Crohn's Disease and Ulcerative Colitis Awareness Week".

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

HJR08-1020 by Representative(s) Summers, Benefield, Casso, Gardner C., Massey, Mitchell V., Peniston, Witwer; also Senator(s) Spence, Bacon, Kopp, Penry, Schultheis, Williams--Concerning encouraging school districts to make open enrollment information readily available on school district web sites.

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB08-227 by Senator(s) Tapia, Bacon; also Representative(s) McFadyen--Concerning the membership of the board of governors of the Colorado state university system.
Education

SB08-228 by Senator(s) Schwartz, Bacon, Isgar, Shaffer; also Representative(s) Curry, Scanlan--Concerning increased public disclosure of the contents of a notice of intent to conduct mining operations.
Agriculture, Natural Resources & Energy

SB08-229 by Senator(s) Morse, Keller, Johnson; also Representative(s) Pommer, Buescher, White--Concerning a change in the date during each state fiscal year on which the general fund surplus for the immediately preceding state fiscal year is credited and allocated to the highway users tax fund and the capital construction fund, and, in connection therewith, creating a general fund surplus holding fund and requiring the general fund surplus to be transferred to the holding fund and subsequently credited and allocated, with investment earnings, to the highway users tax fund and the capital construction fund.
Transportation

SB08-230 by Senator(s) Morse, Keller, Johnson, Hagedorn, Gordon, Isgar, Kester, Mitchell S., Romer, Taylor, Veiga, Williams, Windels; also Representative(s) Buescher, Pommer, White, McGihon, Carroll T., Casso, Ferrandino, Frangas, Hodge, Marostica, Marshall, Middleton, Soper, Stafford, Todd--Concerning the authority of certain hospital care providers as units of government under medicaid.
Health and Human Services

HB08-1013	by Representative(s) Sonnenberg; also Senator(s) Morse--Concerning a sales tax exemption for a sale related to a school. Finance	1 2 3 4
HB08-1021	by Representative(s) Peniston; also Senator(s) Spence--Concerning early access to educational services for gifted children who are less than six years of age, and making an appropriation therefor. Education	5 6 7 8 9
HB08-1031	by Representative(s) Pommer; also Senator(s) Keller, Williams--Concerning the creation of the position of navigator to assist persons who are on the waiting list for persons with developmental disabilities, and making an appropriation therefor. Health and Human Services	10 11 12 13 14
HB08-1101	by Representative(s) Gardner B., Gardner C.; also Senator(s) Renfro, Spence--Concerning increased state funding for services for persons with developmental disabilities for the purpose of reducing waiting lists for such services. Health and Human Services	15 16 17 18 19
HB08-1150	by Representative(s) Todd, Green, Stafford; also Senator(s) Williams, Tochtrop, Keller--Concerning a program for providing additional therapies to persons with disabilities who are eligible to receive medicaid. Health and Human Services	20 21 22 23 24
HB08-1204	by Representative(s) Peniston; also Senator(s) Williams--Concerning the provision of preschool through twelfth-grade educational services to students who receive educational services in facilities, and making an appropriation in connection therewith. Education	25 26 27 28 29
HB08-1225	by Representative(s) Rice and Buescher, Primavera; also Senator(s) Williams and Ward--Concerning an increase in the property tax exemption for business personal property, and making an appropriation in connection therewith. Finance	30 31 32 33 34
HB08-1255	by Representative(s) Gardner C.; also Senator(s) Gibbs and Brophy--Concerning the teacher loan forgiveness pilot program, and, in connection therewith, expanding the operation of the program within rural school districts. Education	35 36 37 38 39
HB08-1264	by Representative(s) Roberts; also Senator(s) Shaffer--Concerning statewide electronic read-only access to specific information maintained by the judicial department. Judiciary	40 41 42 43
HB08-1278	by Representative(s) Summers and White, Kerr J., Looper, McNulty; also Senator(s) Tochtrop--Concerning the exercise of the power of eminent domain by the regional transportation district. Local Government	44 45 46 47 48
HB08-1318	by Representative(s) Lundberg, Balmer, Gardner B., Gardner C., Garza-Hicks, Kerr J., King, Lambert, Looper, Marostica, Massey, May M., McNulty, Mitchell V., Roberts, Rose, Sonnenberg, Summers, Swalm, Vaad, White, Witwer; also Senator(s) Taylor--Concerning mitigation of the effects of the pine beetle infestation. Agriculture, Natural Resources & Energy	49 50 51 52 53 54
HB08-1331	by Representative(s) Green; also Senator(s) Veiga--Concerning an increase in the base period wages threshold amount required for adjudication of a claim for an unemployment insurance benefit award. Business, Labor and Technology	55 56 57 58 59
HB08-1364	by Representative(s) Benefield and Massey, Casso, Ferrandino, Gagliardi, Gallegos, Kerr A., King, Labuda, Liston, Merrifield, Middleton, Peniston, Pommer, Scanlan, Solano, Stephens, Summers, Todd; also Senator(s) Windels, Schwartz, Tupa--Concerning interdepartmental data protocols. State, Veterans & Military Affairs	60 61 62 63 64 65
HB08-1365	by Representative(s) McFadyen; also Senator(s) Gibbs--Concerning the foreclosure of assessment liens against time share estates. Local Government	66 67 68 69

- HB08-1368** by Representative(s) Buescher, McKinley; also Senator(s) Brophy, Romer, Tupa--
Concerning the taxation of property used to produce alternating current electricity from a
renewable energy source.
Finance1
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- HB08-1369** by Representative(s) Pommer; also Senator(s) Gibbs--Concerning the establishment of an
incentive for the donation of water rights to the Colorado water conservation board for use
as instream flow rights.
State, Veterans & Military Affairs6
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- HB08-1370** by Representative(s) Middleton; also Senator(s) Bacon--Concerning increasing the level of
services provided by school counselors to students in public secondary schools, and, in
connection therewith, creating the counselor corps grant program and making an
appropriation.
Education11
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- HB08-1372** by Representative(s) Primavera; also Senator(s) Hagedorn--Concerning the voluntary
donation of umbilical cords for the purpose of aiding in the cure of life-threatening diseases
through the use of adult blood stem cells.
Health and Human Services17
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SENATE SERVICES REPORT

- Correctly Printed:** SB08-225, and 226; SCR08-005, and 006. 24
25
26
- Correctly Engrossed:** SB08-007, 066, 071, 104, 131, 140, 143, 152, 160, 161, 165, 168,
183, 190, 193, 210, and 220. 27
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- Correctly Reengrossed:** SB08-002, 004, 006, 013, 057, 090, 203 and 214. 29
- Correctly Revised:** HB08-1027. 30
- Correctly Rerevised:** HB08-1005, 1226, and 1360. 31
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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB08-1148. 34
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Committee of the Whole reconvened. 38
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GENERAL ORDERS -- SECOND READING OF BILLS -- cont.

- SB08-001** by Senator(s) Morse; also Representative(s) Stephens--Concerning creation of a school
safety resource center within the department of public safety, and making an appropriation
therefor. 45
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Amendment No. 1, Judiciary Committee Amendment. 50
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(Printed in Senate Journal, February 7, page 189 and placed in members' bill files.) 52

Amendment No. 2, Appropriations Committee Amendment. 53
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(Printed in Senate Journal, April 9, page 852 and placed in members' bill files.) 55

Amendment No. 3(L.002), by Senator Morse. 56
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Amend the Appropriations Committee Report, dated April 9, 2008, page
1, line 8, strike "section 20" and substitute "section 23". 58
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final
Passage. 62
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HB08-1335 by Representative(s) Romanoff; also Senator(s) Groff and Schwartz--Concerning state financial assistance to finance public school facility capital construction, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 27, pages 703-705 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 9, page 856 and placed in members' bill files.)

Amendment No. 3(L.017), by Senator Schwartz.

Amend reengrossed bill, page 23, line 20, strike "THE" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (2), THE".

Page 24, line 15, strike "(2), THE BOARD:" and substitute "(2)";

after line 15, insert the following:

"(I) THE BOARD:";

line 16, strike "(I)" and substitute "(A)";

line 20, strike "(II)" and substitute "(B)";

after line 25, insert the following:

"(II) IN ORDER TO ENSURE EFFICIENT SUBMISSION AND REVIEW OF FINANCIAL ASSISTANCE APPLICATIONS AND ALLOW THE BOARD TO PROVIDE FINANCIAL ASSISTANCE AS SOON AS IS FEASIBLE, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), BUT BEFORE THE APPOINTMENT OF THE BOARD, THE STATE BOARD, OR SUCH PERSONNEL OF THE DEPARTMENT AS THE STATE BOARD MAY DESIGNATE, MAY ESTABLISH INTERIM FINANCIAL ASSISTANCE APPLICATION DEADLINES AND APPLICATIONS FOR USE BY APPLICANTS IN APPLYING FOR FINANCIAL ASSISTANCE FOR THE 2008-09 FISCAL YEAR ONLY. THE STATE BOARD MAY ALSO DESIGNATE DEPARTMENT PERSONNEL TO PRELIMINARILY REVIEW FINANCIAL ASSISTANCE APPLICATIONS UNTIL SUCH TIME AS THE BOARD AND THE DIRECTOR OF THE DIVISION HAVE BEEN APPOINTED."

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

SB08-212 by Senator(s) Romer and Penry, Boyd, Gibbs, Keller, Kopp, Mitchell S., Morse, Schwartz, Veiga, Bacon, Gordon, Groff, Tapia, Tochtrop, Williams, Windels; also Representative(s) Witwer and Scanlan, Benefield, Casso, Hodge, Jahn, Kerr A., Marostica, Massey, May M., McFadyen, McNulty, Middleton, Mitchell V., Rice, Summers, Todd--Concerning alignment of preschool to postsecondary education.

(Amended in General Orders as printed in Senate Journal, April 16, pages 972-974.)

As amended, laid over until Thursday, April 17, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB08-133, SB08-166, SB08-038, SB08-123, SB08-065, SB08-200, SB08-198, HB08-1329, SB08-187, SCR08-003, SB08-213, SB08-194, SB08-184) of April 16, was laid over until Thursday, April 17, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	Y	Kester	E	Schultheis	Y	Veiga	Y
Cadman	Y	Kopp	Y	Schwartz	Y	Ward	E
Gibbs	Y	McElhany	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	E	Morse	Y	Takis	E	Windels	Y
Harvey	E	Penry	Y	Tapia	Y	President	Y
Isgar	Y	Renfroe	Y	Taylor	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB08-001 as amended, HB08-1335 as amended.
 Laid over until Thursday, April 17: SB08-212 as amended, SB08-133, SB08-166,
 SB08-038, SB08-123, SB08-065, SB08-200, SB08-198, HB08-1329, SB08-187,
 SCR08-003, SB08-213, SB08-194, SB08-184.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB08-1170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor, and Technology Committee Report, dated March 26, 2008, strike pages 1 and 2.

Page 3, strike lines 1 through 10 and substitute the following:

"Amend reengrossed bill, page 4, strike lines 9 through 12 and substitute the following:".

Amend reengrossed bill, page 6, after line 15, insert the following:

"SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2008, the sum of ten thousand eight hundred five dollars (\$10,805), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for regulation of electricians, for the fiscal year beginning July 1, 2008, the sum of forty thousand three hundred eighty-two dollars (\$40,382) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of ten thousand eight hundred five dollars (\$10,805), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the executive director's office out of the appropriation made in subsection (1) of this section."

Re-number succeeding section accordingly.

Page 1 of the reengrossed bill, line 101, strike "ELECTRICIANS." and substitute "ELECTRICIANS, AND MAKING AN APPROPRIATION THEREFOR."

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Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB08-219** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 and 3 and substitute the following:

"SECTION 1. 12-48.5-103 (6), Colorado Revised Statutes, is amended to read:

12-48.5-103. Definitions. As used in this article, unless the context otherwise requires:

(6) "Massage parlor" means an establishment providing massage, but it does not include training rooms of public and private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, and licensed health care facilities. A facility ~~which~~ THAT is operated for the purpose of massage therapy performed by a massage therapist is not a massage parlor. For purposes of this subsection (6), "massage therapist" ~~means a person who has graduated from a massage therapy school accredited by the state educational board or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least five hundred hours of training in massage therapy~~ HAS THE MEANING SET FORTH IN SECTION 12-35.5-103. For the purposes of this subsection (6), a massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools."

Page 3, line 11, strike "PRIVATE OCCUPATIONAL" and substitute "DIVISION OF PRIVATE AND OCCUPATIONAL SCHOOLS";

line 12, strike "SCHOOL DIVISION".

Page 5, line 10, after "LICENSED", insert "UNDER THIS ARTICLE".

Page 7, strike lines 7 through 21.

Re-number succeeding subsections accordingly.

Page 8, strike line 13 and substitute the following:

"12-35.5-111 OR IF THE DIRECTOR DETERMINES, SUBSEQUENT TO THE CRIMINAL HISTORY RECORD CHECK, THAT THE APPLICANT WAS CONVICTED OF OR PLEAD GUILTY TO A CHARGE OF A SEX OFFENSE AS DEFINED IN SECTION 18-1.3-1003, C.R.S., OR ANY PROSTITUTION-RELATED OFFENSE, WHETHER OR NOT THE ACT WAS COMMITTED IN COLORADO."

Page 9, line 5, after "C.R.S.", add "THE FEES SHALL BE ADEQUATE TO COVER THE DIRECT AND INDIRECT EXPENSES INCURRED FOR IMPLEMENTATION OF THIS ARTICLE."

Page 10, line 21, strike "PHYSICAL TREATMENTS" and substitute "METHODS THAT EMPLOY CONTACT";

line 23, strike "PHYSICAL" and substitute "METHODS THAT EMPLOY CONTACT";

line 24, strike "TREATMENTS".

Page 11, line 3, strike "MIND-BODY" and substitute "BODY-MIND".

Page 17, line 14, strike "MAY" and substitute "SHALL".

Page 23, line 10, strike "FOUR" and substitute "THREE";

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line 13, after "SETTINGS.", insert "THE FOURTH MEMBER SHALL BE AN EMPLOYEE OR OWNER OF AN APPROVED MASSAGE THERAPY SCHOOL.".

Page 24, line 9, strike "OF MASSAGE";

line 12, strike "LICENSES." and substitute "LICENSES AND THE BUSINESS PREMISES WHERE MASSAGE THERAPY IS PRACTICED FOR COMPLIANCE WITH APPLICABLE LAWS.".

Business,
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Technology

After consideration on the merits, the Committee recommends that **HB08-1359** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 16 was laid over until Thursday, April 17, retaining its place on the calendar.

Consideration of Resolutions: SJR08-010, HJR08-1016, SJR08-019, SJR08-020, SJR08-021, SJR08-022, SJR08-024.

Consideration of Memorials: SJM08-003, SJM08-004, SJM08-005.

Consideration of House Amendments to Senate Bills: SB08-088.

Consideration of Conference Committee Reports: HB08-1203, HB08-1186.

Conference Committees to Report: HB08-1180, HB08-1083, HB08-1001.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Thursday, April 17, 2008.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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