

SENATE JOURNAL
Sixty-seventh General Assembly
STATE OF COLORADO
First Regular Session

52nd Legislative Day

Friday, February 27, 2009

Prayer	By the chaplain, Rev. John Thompson, Park Hill United Methodist Church, Denver.	10
Pledge	By Senator Kopp.	12
Call to Order	By the President at 9:00 a.m.	14
Roll Call	Present--33 Excused--2, Scheffel, Schultheis. Present later--1, Scheffel.	17
Quorum	The President announced a quorum present.	21
Reading of Journal	On motion of Senator Newell, reading of the Journal of Thursday, February 26, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	23

COMMITTEE OF REFERENCE REPORTS

Finance	The Committee on <u>Finance</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	31
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**MEMBER OF THE
PUBLIC EMPLOYEES' RETIREMENT BENEFIT PLANS**

for a term expiring July 10, 2012:

Howard M. Crane of Aurora, Colorado, to serve as a representative with experience and competence in investment, management, finance, banking, economics, accounting, pension administration, or actuarial analysis, and as an Unaffiliated, reappointed.

Finance	After consideration on the merits, the Committee recommends that HB09-1219 be referred to the Committee of the Whole with favorable recommendation.	44
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Finance	After consideration on the merits, the Committee recommends that HB09-1265 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	47
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Finance	After consideration on the merits, the Committee recommends that HB09-1050 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	51
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Finance	After consideration on the merits, the Committee recommends that HB09-1257 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	55
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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, Conference Committees to Report (SB09-215, SB09-208, SB09-217, SB09-185, SB09-210) was laid over until Monday, March 2, retaining its place on the calendar.

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On motion of Senator Shaffer, 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, SJR09-016.

CONSIDERATION OF RESOLUTIONS

SJR09-016 by Senator(s) Bacon and Romer; also Representative(s) Kefalas--Concerning the recognition of the Peace Corps on the occasion of its forty-eighth anniversary.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Co-sponsors added: Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Sandoval, Scheffel, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White and Williams.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills, SB09-108.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-108 by Senator(s) Gibbs; also Representative(s) Rice--Concerning the improvement of the transportation system of the state, and, in connection therewith, providing additional sources of funding for transportation and modifying the transportation planning process.

Senator Gibbs moved that the Senate concur in House amendments to SB09-108, as printed in House Journal, February 24, pages 518-525 and February 25, pages 548-552.

The motion was **adopted** by the following roll call vote:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	E	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	N	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	E	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Groff and Newell.

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--Consent Calendar and Senator Bacon was called to the Chair to act as Chairman.

**GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR**

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:

HB09-1155 by Representative(s) Weissmann; also Senator(s) Carroll M.--Concerning title insurance, and, in connection therewith, requiring justifications to be filed with the commissioner of insurance.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1030 by Representative(s) Labuda, Benefield, Gardner B., King S., Liston, Peniston, Rice, Riesberg; also Senator(s) Tochtrop, Morse, Williams--Concerning firefighter and police officer pension plan compliance with requirements set forth in the internal revenue code.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1044 by Representative(s) Roberts; also Senator(s) Morse--Concerning expungement of records relating to a criminal matter for which a juvenile is sentenced as a juvenile after being charged by the direct filing of charges in a district court.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1121 by Representative(s) King S.; also Senator(s) Renfroe--Concerning the disposition of evidence collected in criminal cases.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB09-1021 by Representative(s) Solano; also Senator(s) Boyd--Concerning the extension of the study of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 24, page 488 and placed in members' bill files.)

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1155, HB09-1030, HB09-1044, HB09-1121, HB09-1021 as amended.

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:

SB09-122

by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the release of security assessment reports to the county sheriff of the county in which a critical state infrastructure is located.

Laid over until Friday, May 15.

SB09-228

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

On motion of Senator Kopp, SB09-228 was read at length.

Laid over until Monday, March 2, retaining its place on the calendar.

On motion of Senator Shaffer, 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 of February 27 was laid over until Monday, March 2, retaining its place on the calendar: HB09-1093, HB09-1101, SB09-131, HB09-1052, HB09-1122, HB09-1080, SB09-222, HB09-1072, HB09-1092, HB09-1005, HB09-1215.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	E	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Laid over until Monday, March 2: SB09-228, HB09-1093, HB09-1101, SB09-131, HB09-1052, HB09-1122, HB09-1080, SB09-222, HB09-1072, HB09-1092, HB09-1005, HB09-1215.

Laid over until Friday, May 15: SB09-122.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB09-1162** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 7, after "PARTIALLY", insert "OUTSIDE ITS OWN TERRITORIAL BOUNDARIES AND".

Page 5, line 19, strike "SECTION." and substitute "SECTION UNLESS THE TERMS OF ANY SUCH AGREEMENT, INCLUDING A MUTUAL AID AGREEMENT, FAIL TO ADDRESS THE RESPONSIBILITY AMONG LOCAL GOVERNMENTS FOR MITIGATING WILD LAND FIRES IN WILD LAND-URBAN INTERFACE AREAS.".

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB09-1148** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 18, after "DEPARTMENT", insert "OF LOCAL AFFAIRS.".

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB09-1079** be referred to the Committee of the Whole with favorable recommendation.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1161** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB09-147** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 37-92-308, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-92-308. Substitute water supply plans - special procedures for review - water adjudication cash fund - legislative declaration - repeal. (10) (a) BEGINNING JULY 1, 2009, FOR PLANS FOR AUGMENTATION THAT ARE THE SUBJECT OF A FINAL DECREE ENTERED BY

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THE WATER COURT IN WATER DIVISION 1, THE STATE ENGINEER MAY APPROVE ANNUAL SUBSTITUTE WATER SUPPLY PLANS SOLELY FOR THE PURPOSE OF ALLOWING THE USE OF WATER SUPPLIES NOT IDENTIFIED AS AN AUGMENTATION SUPPLY IN THE DECREED AUGMENTATION PLAN, NOT PREVIOUSLY DECREED FOR AUGMENTATION OR REPLACEMENT USES, AND NOT INCLUDED IN A PENDING WATER COURT APPLICATION FOR APPROVAL OF A CHANGE OF WATER RIGHT TO AUGMENTATION AND REPLACEMENT USES TO BE USED IN THE DECREED AUGMENTATION PLAN FOR THE REPLACEMENT OF OUT-OF-PRIORITY DEPLETIONS CAUSED BY PRE-JANUARY 1, 2003, DIVERSIONS FROM WELLS INCLUDED IN THE DECREED AUGMENTATION PLAN, SUBJECT TO AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECREED AUGMENTATION PLAN. NO WATER SUPPLIES FOR WHICH SUBSTITUTE WATER SUPPLY PLAN APPROVAL IS REQUESTED PURSUANT TO THIS SUBSECTION (10) SHALL BE USED BY AN APPLICANT FOR AUGMENTATION PURPOSES PRIOR TO THE DATE ON WHICH THE STATE ENGINEER APPROVES THE SUBSTITUTE WATER SUPPLY PLAN OR THE DATE ON WHICH ANY APPEAL TO THE WATER COURT OF THE SUBSTITUTE WATER SUPPLY PLAN IS FINALLY DECIDED IN ACCORDANCE WITH PARAGRAPH (d) OF THIS SUBSECTION (10), WHICHEVER OCCURS LATER. THE STATE ENGINEER MAY APPROVE A SUBSTITUTE WATER SUPPLY PLAN UNDER THIS SUBSECTION (10) IF THE FOLLOWING CONDITIONS ARE MET:

(I) THE APPLICANT HAS FILED A REQUEST FOR APPROVAL OF THE SUBSTITUTE WATER SUPPLY PLAN WITH THE STATE ENGINEER, WHICH REQUEST SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

(A) THE NAME OF THE WATER RIGHTS TO BE USED FOR AUGMENTATION IN THE DECREED AUGMENTATION PLAN UNDER THE SUBSTITUTE WATER SUPPLY PLAN AND A LIST OF DECREES ASSOCIATED WITH SUCH RIGHTS;

(B) A COPY OF EVERY AGREEMENT OR OTHER DOCUMENT THAT EVIDENCES THE APPLICANT'S RIGHT TO USE THE WATER RIGHTS FOR AUGMENTATION;

(C) FOR USE OF EXISTING SOUTH PLATTE RIVER BASIN SURFACE WATER RIGHTS, AN ANALYSIS OF THE HISTORICAL USE OF THE WATER RIGHTS, WHICH ANALYSIS SHALL INCLUDE, AT A MINIMUM, THE LOCATION AND NUMBER OF ACRES HISTORICALLY IRRIGATED BY THE RIGHTS, IDENTIFICATION OF THE CROPS HISTORICALLY IRRIGATED BY THE RIGHTS, A CALCULATION OF THE HISTORICAL DIVERSIONS AND RETURN FLOWS ASSOCIATED WITH HISTORICAL USE OF THE RIGHTS, A SUMMARY OF AVERAGE ANNUAL DIVERSIONS AND AVERAGE AND MAXIMUM MONTHLY DIVERSIONS AND CONSUMPTIVE USE ASSOCIATED WITH HISTORICAL USE OF THE RIGHTS, THE FIELD IRRIGATION EFFICIENCY USED IN THE HISTORICAL USE ANALYSIS, WHICH SHALL NOT EXCEED FIFTY PERCENT, AND THE IDENTITY OF ALL OTHER WATER RIGHTS USED TO IRRIGATE THE LAND HISTORICALLY IRRIGATED BY THE WATER RIGHTS;

(D) THE AMOUNT OF WATER AVAILABLE FROM THE WATER RIGHTS FOR REPLACEMENT USES UNDER THE SUBSTITUTE WATER SUPPLY PLAN;

(E) THE AMOUNT OF RETURN FLOWS, IF ANY, ASSOCIATED WITH THE HISTORICAL USE OF THE WATER RIGHTS, INCLUDING THE AMOUNT AND TIMING OF SUCH RETURN FLOWS THAT WOULD OCCUR AFTER THE END OF THE ONE-YEAR SUBSTITUTE WATER SUPPLY PLAN APPROVED UNDER THIS SUBSECTION (10);

(F) THE AMOUNT OF DEPLETIONS FROM PRE-JANUARY 1, 2003, DIVERSIONS TO BE REPLACED USING THE WATER RIGHTS;

(G) THE SOURCE OF WATER TO BE USED TO MAKE REQUIRED RETURN FLOW REPLACEMENTS, WHICH SOURCE SHALL NOT INCLUDE WATER PUMPED FROM AUGMENTATION WELLS;

(H) THE MANNER IN WHICH THE APPLICANT WILL INCORPORATE THE ACCOUNTING FOR USE OF THE WATER RIGHTS FOR AUGMENTATION USES INTO THE ACCOUNTING REQUIRED BY THE AUGMENTATION PLAN

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DECREE AND MAKE ANY REQUIRED RETURN FLOW REPLACEMENTS UNDER THE SUBSTITUTE WATER SUPPLY PLAN; AND

(I) FOR USE OF EXISTING SOUTH PLATTE RIVER BASIN SURFACE WATER RIGHTS, AN AFFIDAVIT SIGNED BY THE RECORD OWNER OF THE WATER RIGHTS STATING THAT, DURING THE TERM OF THE SUBSTITUTE WATER SUPPLY PLAN, THE LAND HISTORICALLY IRRIGATED BY THE WATER RIGHTS SHALL NOT BE IRRIGATED EXCEPT WITH NONTRIBUTARY GROUND WATER OR POTABLE WATER SUPPLIED BY A MUNICIPALITY OR WATER DISTRICT;

(II) THE APPLICANT HAS PROVIDED WRITTEN NOTICE OF THE REQUEST FOR APPROVAL OF THE SUBSTITUTE WATER SUPPLY PLAN AND HAS MADE AVAILABLE THE INFORMATION REQUIRED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), BY FIRST-CLASS MAIL OR ELECTRONIC MAIL, TO ALL PARTIES WHO HAVE SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST FOR WATER DIVISION 1 AND ALL PARTIES TO THE WATER COURT CASE IN WHICH THE PLAN FOR AUGMENTATION WAS DECREED, AND PROOF OF SUCH NOTICE IS FILED WITH THE STATE ENGINEER;

(III) THE STATE ENGINEER HAS GIVEN THE OWNERS OF WATER RIGHTS AND DECREED CONDITIONAL WATER RIGHTS AND THE PARTIES TO THE WATER COURT CASE IN WHICH THE PLAN FOR AUGMENTATION WAS DECREED THIRTY DAYS AFTER THE DATE OF MAILING OF SUCH NOTICE TO FILE COMMENTS ON THE SUBSTITUTE WATER SUPPLY PLAN. SUCH COMMENTS SHALL INCLUDE ANY CLAIM OF INJURY OR ANY TERMS AND CONDITIONS THAT SHOULD BE IMPOSED UPON THE PLAN TO PREVENT INJURY TO A PARTY'S WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS AND ANY OTHER INFORMATION THE OPPOSER WISHES THE STATE ENGINEER TO CONSIDER IN REVIEWING THE SUBSTITUTE WATER SUPPLY PLAN REQUEST.

(IV) THE STATE ENGINEER, AFTER CONSIDERATION OF THE COMMENTS RECEIVED, HAS DETERMINED THAT THE OPERATION AND ADMINISTRATION OF SUCH PLAN WILL, WHEN COMBINED WITH REPLACEMENTS UNDER THE DECREED AUGMENTATION PLAN, REPLACE ALL OUT-OF-PRIORITY DEPLETIONS CAUSED BY THE PRE-JANUARY 1, 2003, DIVERSIONS FROM WELLS INCLUDED IN THE DECREED AUGMENTATION PLAN IN TIME, LOCATION, AND AMOUNT REQUIRED BY THE DECREE, AND WILL OTHERWISE PREVENT INJURY TO OTHER WATER RIGHTS AND DECREED CONDITIONAL WATER RIGHTS, INCLUDING WATER QUALITY AND CONTINUITY TO MEET THE REQUIREMENTS OF USE TO WHICH THE SENIOR APPROPRIATION HAS NORMALLY BEEN PUT PURSUANT TO SECTION 37-80-120(3), AND WILL NOT IMPAIR COMPLIANCE WITH ANY INTERSTATE COMPACTS. THE STATE ENGINEER SHALL IMPOSE SUCH TERMS AND CONDITIONS AS ARE NECESSARY TO ENSURE THAT THESE STANDARDS ARE MET, INCLUDING, BUT NOT LIMITED TO, THE TERMS AND CONDITIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (10). IN MAKING THE DETERMINATIONS SPECIFIED IN THIS SUBPARAGRAPH (IV), THE STATE ENGINEER SHALL NOT BE REQUIRED TO HOLD ANY FORMAL HEARINGS OR CONDUCT ANY OTHER FORMAL PROCEEDINGS, BUT MAY CONDUCT A HEARING OR FORMAL PROCEEDING IF THE STATE ENGINEER FINDS IT NECESSARY TO ADDRESS THE ISSUES.

(b) THE FOLLOWING TERMS AND CONDITIONS SHALL BE INCLUDED IN ANY SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO THIS SUBSECTION (10):

(I) FOR USE OF EXISTING SOUTH PLATTE RIVER BASIN SURFACE WATER RIGHTS, THE LAND HISTORICALLY IRRIGATED BY SUCH WATER RIGHTS SHALL NOT BE IRRIGATED DURING THE TERM OF THE SUBSTITUTE WATER SUPPLY PLAN EXCEPT WITH NONTRIBUTARY GROUND WATER OR POTABLE WATER SUPPLIED BY A MUNICIPALITY OR WATER DISTRICT. WHERE THE HISTORICALLY IRRIGATED CROP IS ALFALFA, AN APPROPRIATE REDUCTION IN THE ALLOWABLE CONSUMPTIVE USE CREDIT SHALL BE IMPOSED IF THE ALFALFA HAS NOT BEEN COMPLETELY REMOVED FROM THE HISTORICALLY IRRIGATED LAND DURING THE TERM OF THE SUBSTITUTE WATER SUPPLY PLAN.

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(II) FOR USE OF EXISTING SOUTH PLATTE RIVER BASIN SURFACE WATER RIGHTS, AN ANNUAL VOLUMETRIC LIMIT ON DIVERSIONS AND A MONTHLY VOLUMETRIC LIMIT ON DIVERSIONS, WHICH SHALL NOT BE GREATER THAN THE AVERAGE ANNUAL AND MAXIMUM MONTHLY HISTORICAL DIVERSIONS OF THE WATER RIGHTS.

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(III) FOR USE OF EXISTING SOUTH PLATTE RIVER BASIN SURFACE WATER RIGHTS, ALL RETURN FLOWS THAT WOULD HAVE ACCRUED TO THE STREAM FROM THE HISTORICAL USE OF THE WATER RIGHTS SHALL BE REPLACED, INCLUDING THE RETURN FLOWS THAT WOULD HAVE OCCURRED AFTER THE END OF THE ONE-YEAR SUBSTITUTE WATER SUPPLY PLAN. ALL SUCH RETURN FLOWS SHALL BE DEEMED TO BE AN OBLIGATION OF THE APPLICANT FOR THE SUBSTITUTE WATER SUPPLY PLAN AND SHALL BE INCLUDED AS A REPLACEMENT OBLIGATION IN ANY PROJECTION REQUIRED BY THE AUGMENTATION PLAN DECREE IN WHICH SUCH WATER IS PROPOSED TO BE USED, AND AFTER THE END OF ANY APPROVED SUBSTITUTE WATER SUPPLY PLAN, ALL CONTINUING RETURN FLOW OBLIGATIONS SHALL BE ENFORCEABLE IN THE SAME MANNER AS ALL OTHER TERMS AND CONDITIONS OF THE AUGMENTATION PLAN DECREE UNDER WHICH THE WATER RIGHTS IN THE SUBSTITUTE WATER SUPPLY PLAN WERE USED.

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(IV) FOR USE OF EXISTING SOUTH PLATTE RIVER BASIN SURFACE WATER RIGHTS, NO WATER PUMPED FROM AUGMENTATION WELLS, AS SUCH WELLS ARE DEFINED IN SECTION 37-90-103 (21) (a), SHALL BE USED TO REPLACE RETURN FLOWS THAT WOULD HAVE ACCRUED TO THE STREAM FROM THE HISTORICAL USE OF THE WATER RIGHTS.

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(V) THE AMOUNT OF WATER MADE AVAILABLE UNDER THE APPROVED SUBSTITUTE WATER SUPPLY PLAN SHALL NOT BE INCLUDED AS A SOURCE OF WATER FOR REPLACEMENT OF DEPLETIONS IN ANY PROJECTION REQUIRED BY THE AUGMENTATION PLAN DECREE IN WHICH SUCH WATER IS PROPOSED TO BE USED UNTIL THE SUBSTITUTE WATER SUPPLY PLAN IS APPROVED, AND THEN ONLY FOR THE TERM OF THE APPROVED SUBSTITUTE WATER SUPPLY PLAN OR THE TERM OF THE AGREEMENT OR OTHER DOCUMENT WHICH EVIDENCES THE APPLICANT'S RIGHT TO USE THE WATER RIGHTS FOR AUGMENTATION, WHICHEVER IS SHORTER.

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(VI) THE ACCOUNTING FOR THE APPROVED SUBSTITUTE WATER SUPPLY PLAN SHALL BE INCORPORATED INTO THE ACCOUNTING FOR THE AUGMENTATION PLAN DECREE IN WHICH SUCH WATER IS PROPOSED TO BE USED AND SHALL BE SHOWN IN THE ACCOUNTING IN SEPARATE LINE ITEMS. SUCH ACCOUNTING AND ALL SUPPORTING DOCUMENTS FOR SUCH ACCOUNTING SHALL BE PROVIDED BY THE APPLICANT TO ANY PARTY REQUESTING SUCH ACCOUNTING AND SUPPORTING DOCUMENTS IN WRITING AND UPON PAYMENT OF REASONABLE REPRODUCTION COSTS.

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(VII) IF ANY TERM OR CONDITION OF THE APPROVED SUBSTITUTE WATER SUPPLY PLAN CONFLICTS WITH ANY OF THE TERMS AND CONDITIONS OF THE AUGMENTATION PLAN DECREE, THE TERMS AND CONDITIONS OF THE AUGMENTATION PLAN DECREE SHALL CONTROL.

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(c) A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO THIS SUBSECTION (10) SHALL NOT BE APPROVED FOR A PERIOD OF MORE THAN ONE YEAR; EXCEPT THAT AN APPLICANT MAY REQUEST THE RENEWAL OF A PLAN BY REPEATING THE APPLICATION PROCESS DESCRIBED IN THIS SUBSECTION (10). HOWEVER, IN NO EVENT SHALL AN INDIVIDUAL WATER RIGHT OR SOURCE OF WATER NATIVE TO THE SOUTH PLATTE RIVER BASIN, INCLUDING THE PRO RATA PORTION OF A WATER RIGHT REPRESENTED BY SHARES IN A MUTUAL DITCH COMPANY, BE APPROVED FOR USE IN A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO THIS SUBSECTION (10) FOR A TOTAL OF MORE THAN FIVE YEARS.

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(d) WHEN THE STATE ENGINEER APPROVES OR DENIES A SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO THIS SUBSECTION (10), THE STATE ENGINEER SHALL SERVE A COPY OF THE DECISION ON ALL PARTIES WHO HAVE SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST FOR WATER DIVISION 1 AND ALL PARTIES TO THE WATER COURT CASE IN WHICH THE PLAN FOR AUGMENTATION WAS

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DECREED BY FIRST-CLASS MAIL OR, IF SUCH PARTIES HAVE SO ELECTED, BY ELECTRONIC MAIL. NEITHER THE APPROVAL NOR THE DENIAL BY THE STATE ENGINEER SHALL CREATE ANY PRESUMPTIONS, SHIFT THE BURDEN OF PROOF, OR SERVE AS A DEFENSE IN ANY LEGAL ACTION INVOLVING THE SUBSTITUTE WATER SUPPLY PLAN. ANY APPEAL OF A DECISION MADE BY THE STATE ENGINEER CONCERNING A SUBSTITUTE WATER SUPPLY PLAN APPROVED OR DENIED PURSUANT TO THIS SUBSECTION (10) SHALL BE MADE WITHIN THIRTY DAYS AFTER THE DATE OF SERVICE OF THE DECISION. ANY SUCH APPEAL SHALL BE FILED UNDER THE SAME CASE NUMBER AS THE DECREED PLAN FOR AUGMENTATION AND SHALL BE HEARD UNDER THE RETAINED JURISDICTION OF THE WATER JUDGE, USING THE PROCEDURES AND STANDARDS SET FORTH IN SECTIONS 37-92-304 AND 37-92-305, FOR DETERMINATION OF MATTERS REREFERRED TO THE WATER JUDGE BY THE REFEREE. THE WATER JUDGE SHALL HEAR AND DETERMINE ANY SUCH APPEAL ON AN EXPEDITED BASIS. THE APPLICANT FOR THE SUBSTITUTE WATER SUPPLY PLAN SHALL NOT USE THE PROPOSED SUBSTITUTE WATER SUPPLY IN THE DECREED PLAN FOR AUGMENTATION UNTIL ANY APPEAL UNDER THIS PARAGRAPH (d) IS DECIDED BY THE WATER COURT. FOLLOWING THE DETERMINATION ON APPEAL BY THE WATER COURT, THE APPLICANT'S USE OF WATER UNDER THE SUBSTITUTE WATER SUPPLY PLAN SHALL BE GOVERNED BY SUCH WATER COURT DETERMINATION, UNLESS THE TERMS OF THE AUGMENTATION PLAN DECREE PROVIDE OTHERWISE.

(e) NOTHING IN THIS SUBSECTION (10) SHALL AUTHORIZE OR FACILITATE ADDITIONAL TRANSBASIN DIVERSION OF WATER FROM THE COLORADO RIVER.

(f) (I) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2018.

(II) ALL APPROVALS OF SUBSTITUTE WATER SUPPLY PLANS UNDER THIS SUBSECTION (10) SHALL EXPIRE ON OR BEFORE JULY 1, 2018.

SECTION 2. Applicability. This act shall apply to substitute water supply plans applied for on or after the effective date of this act.

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."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1159** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, strike lines 18 through 21 and substitute the following:

~~"be resident taxpaying electors within the district~~ MEET THE QUALIFICATIONS ESTABLISHED IN SECTION 37-90-121 (1) (b). Each member".

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **HB09-1174** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-224** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 4, strike "three hundred" and substitute "five hundred one thousand eighty-eight dollars (\$33,501,088), or so much thereof as may be necessary, of which amount thirty-two million four hundred seventy-three thousand six hundred thirty-two dollars (\$32,473,632)";

strike lines 5 through 7;

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line 8, strike "\$32,334,253";
 line 17, strike "7,961,430 ²" and substitute "8,006,217 ²";
 line 19, strike "1,483,839" and substitute "1,496,236";
 line 21, strike "5,061,977" and substitute "5,101,833";
 line 23, strike "5,221,756 ³" and substitute "5,259,805 ³".
 Page 3, line 1, strike "412,574" and substitute "415,232";
 line 3, strike "253,487" and substitute "255,119";
 line 4, strike "\$ 33,361,709" and substitute "\$ 33,501,088";
 line 14, strike "\$7,057,790" and substitute "\$7,102,577".

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Appropriations After consideration on the merits, the Committee recommends that **SB09-020** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB09-022** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB09-052** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 13, insert the following:

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the innovative higher education research fund created in section 23-19.7-104, Colorado Revised Statutes, for the fiscal year beginning July 1, 2009, the sum of four hundred ninety-five thousand dollars (\$495,000), or so much thereof as may be necessary, to the department of higher education, for distribution to the higher education competitive research authority."

Renumber succeeding section accordingly.

Page 1, line 102, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

Appropriations After consideration on the merits, the Committee recommends that **SB09-024** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Agriculture and Natural Resources Committee Report, dated February 12, 2009, 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 wildlife cash fund created in section 33-1-112 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, division of wildlife, special purpose, game damage claims and prevention, for the fiscal year beginning July 1, 2009, the sum of two hundred thirteen thousand one hundred twenty-five dollars (\$213,125), or so much thereof as may be necessary, for the implementation of this act.";

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

after line 27, insert the following;

"Page 1, line 102, strike "ISSUES." and substitute "ISSUES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

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Appropriations	After consideration on the merits, the Committee recommends that SB09-051 be referred to the Committee of the Whole with favorable recommendation.	3
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Appropriations	After consideration on the merits, the Committee recommends that SB09-162 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	6
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	Amend printed bill, page 3, line 18, after "the" insert "governor's office,";	10
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	line 20, strike "fifty-one" and substitute "thirty-one" and, strike "\$351,537," and substitute "\$331,537,".	12
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Appropriations	After consideration on the merits, the Committee recommends that SB09-094 be referred to the Committee of the Whole with favorable recommendation.	17
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Appropriations	After consideration on the merits, the Committee recommends that SB09-099 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	20
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	Amend printed bill, page 3, after line 20, insert the following:	24
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	SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the supplier database cash fund created in section 24-102-202.5 (2) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, finance and procurement, state controller's office and procurement services, for personal services, for the fiscal year beginning July 1, 2009, the sum of sixty-three thousand three hundred eighty-four dollars (\$63,384) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.	26
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	(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the supplier database cash fund created in section 24-102-202.5 (2) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, finance and procurement, state controller's office and procurement services, for operating expenses, for the fiscal year beginning July 1, 2009, the sum of one million eight hundred sixty-one thousand one hundred seventy-eight dollars (\$1,861,178), or so much thereof as may be necessary, for the implementation of this act."	36
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	Renumber succeeding section accordingly.	46
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	Page 1, line 102, strike "SERVICES." and substitute "SERVICES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".	48
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Appropriations	After consideration on the merits, the Committee recommends that SB09-124 be referred to the Committee of the Whole with favorable recommendation.	52
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Appropriations	After consideration on the merits, the Committee recommends that SB09-125 be referred to the Committee of the Whole with favorable recommendation.	55
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Appropriations	After consideration on the merits, the Committee recommends that SB09-087 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	58
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	Amend printed bill, page 2, line 6, strike "division web site." and substitute "state web sites.";	62
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	line 15, after "INSPECTION;", add "AND".	65
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	Page 3, strike lines 4 through 6 and substitute the following:	67
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	"FOR PUBLIC INSPECTION.	69

(2) THE DIVISION SHALL NOTIFY THE SECRETARY OF STATE OF THE ELECTION RESULTS CERTIFIED TO THE DIVISION PURSUANT TO SECTION 1-11-103 (3), C.R.S., AND THE SECRETARY OF STATE SHALL POST THE SAME ON THE OFFICIAL WEB SITE OF THE DEPARTMENT OF STATE. THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b), C.R.S., TO THE SECRETARY OF STATE FOR SUCH PURPOSE."

Page 8, after line 8, insert the following:

"SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2009, the sum of thirteen thousand six hundred seventy-five dollars (\$13,675) and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**DISTRICTS.**" and substitute "**DISTRICTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**"

Appropriations

After consideration on the merits, the Committee recommends that **SB09-075** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, strike lines 4 through 12.

Renumber succeeding sections accordingly.

Page 9, after line 15, insert the following:

"SECTION 16. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund, created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2009, the sum of two thousand eight hundred seventy-five dollars (\$2,875), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**RIGHTS-OF-WAY.**" and substitute "**RIGHTS-OF-WAY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**"

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed.

MEMBERS OF THE SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2011:

Roger L. Freeman of Denver, Colorado, to serve as a representative of the academic community and as a Democrat, appointed;

Lynn M. Kornfeld of Denver, Colorado, to serve as a representative of the regulated community and as a Democrat, reappointed;

Aleksandr "Alek" M. Orloff of Denver, Colorado, to serve as a public member and as an unaffiliated, appointed.

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Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB09-1078** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, line 12, strike "DEPARTMENT SHALL" and substitute "DEPARTMENTS OF HUMAN SERVICES AND EDUCATION SHALL ENSURE COORDINATION BETWEEN LOCAL COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES AND LOCAL SCHOOL DISTRICTS OR ADMINISTRATIVE UNITS TO".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB09-226** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 6, strike "2007," and substitute "2002,".

Page 4, after line 17, insert the following:

"(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "APPROPRIATE STAFF" MEANS EMPLOYEES OF A SCHOOL WHOM THE PRINCIPAL OR EQUIVALENT EXECUTIVE IN CONSULTATION WITH THE SCHOOL NURSE OF THE SCHOOL DETERMINES TO BE APPROPRIATE RECIPIENTS OF EMERGENCY ANAPHYLAXIS TREATMENT TRAINING, WHICH EMPLOYEES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) EMPLOYEES WHO ARE MEMBERS OF A SCHOOL EMERGENCY MEDICAL RESPONSE TEAM;

(b) EMPLOYEES WHO ARE CHARGED WITH THE SUPERVISION OF A CAFETERIA OR OTHER COMMON AREA THAT IS ROUTINELY USED BY STUDENTS FOR DINING DURING MEAL TIMES; AND

(c) TEACHERS WHO TEACH AT LEAST ONE COURSE IN WHICH A STUDENT WHO IS KNOWN TO HAVE A FOOD ALLERGY IS ENROLLED.".

Renumber succeeding subsection accordingly.

Page 6, strike lines 4 through 12 and substitute the following:

"(F) THE NAMES AND TELEPHONE NUMBERS OF PERSONS WHOM THE SCHOOL SHOULD CONTACT IN ADDITION TO EMERGENCY MEDICAL PERSONNEL IN THE EVENT THAT THE STUDENT SUFFERS AN ALLERGIC REACTION TO FOOD; AND

(G) AN ASSESSMENT OF THE STUDENT'S READINESS TO CARRY AND POTENTIALLY SELF-ADMINISTER SELF-INJECTABLE EPINEPHRINE OR OTHER MEDICATION PRESCRIBED FOR THE STUDENT IN THE EVENT THAT THE STUDENT SUFFERS AN ALLERGIC REACTION TO FOOD, WHICH ASSESSMENT SHALL BE SIGNED BY A PHYSICIAN AND THE STUDENT'S PARENT OR LEGAL GUARDIAN. A WRITTEN MEDICAL AUTHORIZATION SUBMITTED TO THE SCHOOL'S ADMINISTRATION BY THE STUDENT'S PARENT OR LEGAL GUARDIAN PURSUANT TO SECTION 22-1-119.5 (2) (b) (IV) (A) SHALL SUFFICE FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH (G).";

line 23, strike "ALL FACULTY AND ADMINISTRATIVE" and substitute "APPROPRIATE".

Page 7, line 16, strike "(1)";

strike lines 26 and 27.

Page 8, strike lines 1 through 11;

line 15, strike "(1)";

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strike lines 25 through 27.

Page 9, strike lines 1 through 9.

Page 10, line 1, strike "22-2-135 (2)" and substitute "22-2-135 (3) (a) (III), C.R.S.";

strike line 2.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB09-011** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB09-225** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1012** 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 6, before "**group**", insert "**small**";

line 11, before "EMPLOYER", insert "SMALL".

Page 3, line 9, strike "(6), THE FEDERAL" and substitute "(6)";

strike lines 10 and 11;

line 13, strike "OR GROUP HEALTH COVERAGE" and substitute "HEALTH COVERAGE PLAN OR A SMALL GROUP";

line 15, before "GROUP", insert "SMALL";

line 16, before "GROUP", insert "SMALL";

line 17, strike "HEALTH COVERAGE";

line 18, after "ENTIRE", insert "SMALL" and, after the second "THE", insert "SMALL";

line 22, strike "PRIVATE" and substitute "INDIVIDUALLY IDENTIFIABLE".

Page 4, line 1, before "GROUPS", insert "SMALL";

line 2, strike "PLAN." and substitute "PLAN OR SMALL GROUP PLAN.";

line 3, strike "INCLUDE" and substitute "INCLUDE, BUT ARE NOT LIMITED TO,";

after line 9, insert the following:

"(c) A CARRIER SHALL NOT OFFER OR SELL IN THIS STATE AN INDIVIDUAL OR GROUP HEALTH COVERAGE PLAN THAT INCLUDES A WELLNESS AND PREVENTION PROGRAM, OR AN INCENTIVE OR REWARD FOR PARTICIPATION IN A WELLNESS AND PREVENTION PROGRAM, THAT VIOLATES THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, AND THE FEDERAL REGULATIONS IMPLEMENTING SUCH ACT.

(d) ANY WELLNESS AND PREVENTION PROGRAM, OR AN INCENTIVE OR REWARD FOR PARTICIPATION IN SUCH PROGRAM, OFFERED BY A CARRIER PURSUANT TO THIS SECTION SHALL COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 3 THROUGH 8 OF ARTICLE 34 OF TITLE 24, C.R.S.";

line 13, strike "PLAN;" and substitute "PLAN OR SMALL GROUP PLAN;"

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line 16, before "GROUP", insert "SMALL";

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line 21, before "GROUP", insert "SMALL";

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line 23, before "GROUP", insert "SMALL".

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Page 5, line 2, before "GROUPS", insert "SMALL";

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line 5, after "INCENTIVES", insert "OR REWARDS";

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strike lines 16 and 17.

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Renumber succeeding subparagraphs accordingly.

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Page 5, line 18, before "GROUPS", insert "SMALL";

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line 24, strike "OR GROUP HEALTH COVERAGE" and substitute "HEALTH COVERAGE PLANS OR SMALL GROUP";

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line 27, strike "(4)" and substitute "(5)".

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Page 7, after line 6, insert the following:

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"(XIV) PATIENT-CENTERED MEDICAL HOME PROGRAMS;"

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Renumber succeeding subparagraphs accordingly.

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Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB09-1007** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Education

The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

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MEMBER OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

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effective July 2, 2008 for a term expiring July 1, 2011:

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Barbara J. "BJ" Scott of Colorado Springs, Colorado, a resident of the 5th Congressional District and a Republican, appointed.

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Education

The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD

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for a term expiring July 1, 2009:

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Dean L. Titterington of Englewood, Colorado, a Republican who has experience as a charter school board member or founder of a charter school, to fill the vacancy occasioned by the resignation of Christine S. Howard of Louisville, Colorado, appointed;

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for terms expiring July 1, 2011:

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Wayne D. Eckerling of Denver, Colorado, a Democrat who has experience as a public school teacher and as a public school administrator working with charter schools, appointed;

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Patrick A. Grippe of Highlands Ranch, Colorado, an Unaffiliated who has experience as a public school administrator working with charter schools, reappointed.

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Education	The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	1 2 3 4 5 6 7 8 9 10 11 12
	<u>MEMBER OF THE READ-TO-ACHIEVE BOARD</u>	4 5 6 7 8
	effective as of eight o'clock a.m. on January 7, 2009, for a term expiring April 1, 2011:	7 8
	Joanne E. Scanlan of Colorado Springs, Colorado, to serve as a kindergarten, first, second or third grade elementary school teacher and as a Republican, appointed	9 10 11 12
Education	After consideration on the merits, the Committee recommends that HB09-1082 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
	Amend reengrossed bill, page 2, line 12, after "BOARD", insert "AT WHICH VOTES ARE TAKEN AND RECORDED";	17 18 19
	line 21, strike "ONE YEAR." and substitute "90 DAYS."	20 21
Education	After consideration on the merits, the Committee recommends that HB09-1046 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25
Education	After consideration on the merits, the Committee recommends that SB09-230 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	26 27 28 29
	Amend printed bill, page 3, line 16, strike "district OR A" and substitute "district".	30 31 32
	Page 6, line 17, strike "MEANS" and substitute "MEANS:";	33 34
	strike line 18 and substitute the following:	35 36
	(a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR	37 38 39
	(b) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";	40 41 42
	line 19, strike "(a)" and substitute "(I)";	43 44
	line 22, strike "(b)" and substitute "(II)".	45 46
	Page 7, line 1, strike "MEANS A DISTRICT CHARTER" and substitute "MEANS:";	47 48 49
	strike line 2 and substitute the following:	50 51
	(a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR	52 53 54
	(b) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";	55 56 57
	line 3, strike "(a)" and substitute "(I)";	58 59
	line 6, strike "(b)" and substitute "(II)".	60 61
	Page 8, line 2, strike "MEANS A DISTRICT CHARTER" and substitute "MEANS:";	62 63 64
	strike line 3 and substitute the following:	65 66
	(a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR	67 68 69

(b) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";

line 4, strike "(a)" and substitute "(I)";

line 7, strike "(b)" and substitute "(II)".

Page 9, line 21, strike "school districts and" and substitute "~~school districts and~~";

line 24, strike "school district OR" and substitute "~~school district~~";

line 26, strike "school district's OR" and substitute "~~school district's~~";

line 27, strike "school district OR" and substitute "~~school district~~".

Page 10, line 2, strike "school district's OR" and substitute "~~school district's~~";

line 4, strike "school district's or" and substitute "~~school district's or~~";

line 7, strike "MEANS A DISTRICT CHARTER" and substitute "MEANS:";

strike line 8 and substitute the following:

"(a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR

(b) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";

line 9, strike "(a)" and substitute "(I)";

line 12, strike "(b)" and substitute "(II)";

line 19, strike "school districts and" and substitute "~~school districts and~~";

line 25, strike "school districts and" and substitute "~~school districts and~~".

Page 11, line 13, strike "MEANS A DISTRICT CHARTER" and substitute "MEANS:";

strike line 14 and substitute the following:

"(I) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR

(II) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";

line 15, strike "(I)" and substitute "(A)";

line 18, strike "(II)" and substitute "(B)";

line 24, strike "MEANS A DISTRICT CHARTER" and substitute "MEANS:";

strike line 25 and substitute the following:

"(a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR

(b) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";

line 26, strike "(a)" and substitute "(I)".

Page 12, line 2, strike "(b)" and substitute "(II)";

line 11, strike "school districts AND" and substitute "~~school districts~~";

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line 23, strike "school districts," and substitute "~~school districts~~";

line 24, strike "AUTHORITIES," and substitute "AUTHORITIES".

Page 13, line 3, strike "school district, the state charter school" and substitute "~~school district, the state charter school~~";

strike line 4 and substitute the following:

"~~institute, a charter school~~, SCHOOLFOOD AUTHORITY or a facility school";

line 12, strike "MEANS A DISTRICT CHARTER" and substitute "MEANS:";

strike line 13 and substitute the following:

(a) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE; OR

(b) A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL THAT:";

line 14, strike "(a)" and substitute "(I)";

line 17, strike "(b)" and substitute "(II)";

line 25, strike "school districts" and substitute "~~school districts~~";

line 26, strike "AND".

Page 14, line 13, strike "school districts and" and substitute "~~school districts and~~";

line 20, strike "school district, the state charter school" and substitute "~~school district, the state charter school~~";

strike line 21 and substitute the following:

"~~institute, or a charter school~~ SCHOOLFOOD AUTHORITY in implementing".

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SENATE SERVICES REPORT

Correctly Printed: SJR09-016.
Correctly Engrossed: SJR09-015.
Correctly Enrolled: SB09-015, 040, 204, 206, 207, 211, 212 and 213.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, February 26, 2009, at 9:50 a.m.: SB09-015, 206 and 207.

MESSAGE FROM THE GOVERNOR

To the Honorable Senate
Sixty-seventh General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

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

SB09-211 CONCERNING A DELAY IN THE EXPANSION OF ELIGIBILITY FOR THE CHILDREN'S BASIC HEALTH PLAN, AND MAKING MODIFICATIONS TO AN APPROPRIATION THEREFOR.

Approved February 27, 2009 at 2:00.

SB09-212 CONCERNING A TEMPORARY LIMITATION ON THE MAXIMUM AMOUNT OF STATE SALES AND USE TAX REVENUES THAT MAY BE RETAINED BY A RETAIL VENDOR TO COMPENSATE FOR THE VENDOR'S EXPENSES INCURRED IN THE COLLECTION AND REMITTANCE OF THE TAX REVENUES TO THE STATE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved February 27, 2009 at 2:01.

SB09-213 CONCERNING APPROPRIATIONS FOR THE ALTERNATIVE TEACHER COMPENSATION PLAN GRANT PROGRAM.

Approved February 27, 2009 at 2:03.

Sincerely,
Bill Ritter, Jr.
Governor

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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, March 2, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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