

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

45th Legislative Day

Friday, February 20, 2009

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Prayer	By the chaplain, Rabbi Mitch Delcau, Congregation Temple Emanuel, Denver.	11
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Pledge	By Senator Boyd.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--34	18
	Excused--1, Veiga.	19
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Quorum	The President announced a quorum present.	21
		22
Reading of Journal	On motion of Senator Heath, reading of the Journal of Thursday, February 19, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Finance	After consideration on the merits, the Committee recommends that HB09-1093 be referred to the Committee of the Whole with favorable recommendation.	30
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Finance	After consideration on the merits, the Committee recommends that HB09-1101 be referred to the Committee of the Whole with favorable recommendation.	33
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Finance	After consideration on the merits, the Committee recommends that SB09-181 be referred to the Committee of the Whole with favorable recommendation.	36
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THIRD READING OF BILLS -- FINAL PASSAGE

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

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HB09-1091	by Representative(s) Soper and Court, McGihon, Merrifield, Todd; also Senator(s) Romer, Schwartz--Concerning a requirement that carbon monoxide alarms be installed in residential properties.	44
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A majority of those elected to the Senate having voted in the affirmative, Senator King was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.022), by Senator King.

Amend revised bill, page 4, line 17, strike "TEN" and substitute "FIFTEEN".

Page 5, line 6, strike "TEN" and substitute "FIFTEEN";

line 20, strike "TEN" and substitute "FIFTEEN".

Page 6, line 10, strike "TEN" and substitute "FIFTEEN".

The amendment was declared **passed** 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	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	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, Cadman, Carroll M., Foster, Gibbs, Groff, Hodge, Isgar, Keller, Kester, King K., Mitchell, Morse, Newell, Sandoval, Shaffer B., Spence, Tochtrop, White and Williams.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB09-227** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 1, line 107, strike "AND";

line 110, strike "ASSISTANCE." and substitute the following:
"ASSISTANCE, AND MODIFYING THE APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **09-132** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 3. Part V (1) (A), (1) (C), (1) (D), (5), and the affected totals of section 2 of chapter 474, Session Laws of Colorado 2008, are amended to read:

Section 3. Appropriation.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

(1) EXECUTIVE DIRECTOR'S OFFICE

(A) General Administration

Personal Services	19,015,961					
	18,812,638					
	(273.2 FTE)					
	269.4					
Health, Life, and Dental	1,278,471					
Short-term Disability	22,871					
	22,621					
S.B. 04-257 Amortization Equalization Disbursement	279,035					
	275,961					
S.B. 06-235 Supplemental Amortization Equalization Disbursement	128,887					
	127,446					
Salary Survey and Senior Executive Service	676,435					
	673,446					
Performance-based Pay Awards	251,236					
	249,966					

Workers' Compensation	32,346				
Operating Expenses	1,803,990				
	1,800,190				
Legal Services and Third Party Recovery					
Legal Services for 13,089 hours	982,984				
Administrative Law Judge Services	469,789				
Purchase of Services from Computer Center	135,103				
Payment to Risk Management and Property Funds	71,989				
Leased Space Capitol Complex	394,236				
Leased Space	395,208				
General Professional Services and Special Projects ⁸	2,006,184				
	<u>27,944,725</u>	12,011,895(M)	895,861 ^a	1,674,195 ^b	13,362,774
		12,018,550(M)	666,404 ^a		13,369,429

^a Of this amount, \$254,463 shall be from the Children's Basic Health Plan Trust Fund created in Section 25.5-8-105 (1), C.R.S.; ~~\$229,457 shall be from the Colorado Cares Rx Program Cash Fund created in Section 25.5-2.5-105 (1), C.R.S.~~; \$158,956 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.; \$80,745 shall be from estate recoveries; \$55,343 shall be from the Primary Care Fund created in Section 24-22-117 (2) (b) (I), C.R.S.; \$33,679 shall be from the Autism Treatment Fund created in Section 25.5-6-805, C.R.S.; \$31,509 shall be from the Short-term Innovative Health Program Grant Fund created in Section 25-36-101 (1), C.R.S.; \$28,972 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S.; and \$22,737 shall be from the Comprehensive Primary and Preventive Care Fund created in Section 25.5-3-207 (1), C.R.S.

^b Of this amount, \$1,670,858 shall be a transfer from the Department of Human Services, and \$3,337 shall from Old Age Pension Fund moneys appropriated to the Department of Human Services, pursuant to Article 24 of the State Constitution.

(C) Information Technology Contracts and Projects

Information					
Technology Contracts	23,611,692	5,424,454(M)	1,817,517 ^a	100,328 ^b	16,269,393
	22,307,943		513,768 ^a		
Fraud Detection					
Software Contract	1,000,000	100,000(M)			900,000
Colorado Benefits					
Management System					
Medical Assistance					
Project	5,300,000	2,536,236(M)			2,763,764
Centralized Eligibility					
Vendor Contract					
Project	153,600	73,503(M)			80,097
	<u>30,065,292</u>				
	28,761,543				

^a Of this amount, ~~\$1,303,749 shall be from the Colorado Cares RX Program Cash Fund created in Section 25.5-2.5-105 (1), C.R.S.;~~ \$284,899 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I); \$226,984 shall be from the Children's Basic Health Plan Trust Fund created in Section 25.5-8-105 (1), C.R.S.; and \$1,885 shall be from the Autism Treatment Fund created in Section 25.5-6-805, C.R.S.

^b Of this amount, \$97,981 shall be from Old Age Pension Fund moneys appropriated to the Department of Human Services, pursuant to Article 24 of the State Constitution; and \$2,347 shall be a transfer from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II), C.R.S.

(D) Eligibility Determinations and Client Services

Medical Identification					
Cards	120,000	48,444(M)	10,759 ^a	1,593 ^b	59,204
Contracts for Special					
Eligibility					
Determinations	2,410,994	913,610(M)	30,854 ^c		1,466,530
County					
Administration	23,803,133	7,248,943(M)	4,752,981 ^d		11,801,209
	23,682,683		4,632,531 ^d		
Administrative Case					
Management	2,917,528	1,458,764(M)			1,458,764
Customer Outreach	3,790,283	1,861,628(M)	33,514 ^a		1,895,141
	<u>33,041,938</u>				
	32,921,488				

^a These amounts shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.

^b This amount shall be from Old Age Pension Fund moneys appropriated to the Department of Human Services, pursuant to Article 24 of the State Constitution.

^c Of this amount, \$25,854 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.; and \$5,000 shall be from the Autism Treatment Fund created in Section 25.5-6-805, C.R.S.

^d This amount shall be from local funds.

103,794,807
102,141,151

(5) OTHER MEDICAL SERVICES

Services for 5,389 Old Age Pension State Medical Program clients	15,311,715		12,836,715 ^a	2,475,000 ^b
Transfer of Tobacco Tax Cash Fund into the Supplemental Old Age Pension State Medical Fund	2,475,000		2,475,000 ^c	
Commission on Family Medicine Residency Training Programs	2,173,558	1,086,779(M)		1,086,779
Enhanced Prenatal Care Training and Technical Assistance	117,411	58,706(M)		58,705
Nurse Home Visitor Program	3,010,000			1,505,000 ^d 1,505,000
Medicare Modernization Act of 2003 State Contribution Payment	81,155,195	81,155,195		
Public School Health Services	27,501,534		14,101,907 ^e	13,399,627
Colorado Cares Rx Program Contract Costs	2,278,378		2,278,378^f	
	<u>134,022,791</u>			

131,744,413

^a Of this amount, \$9,998,483 shall be from the Old Age Pension Health and Medical Care Fund, pursuant to Section 7 (C) of Article 24 of the State Constitution, and \$2,838,232 shall be from the Supplemental Old Age Pension Health and Medical Care Fund created in Section 25.5-2-101 (2), C.R.S. Of the amount from the Supplemental Old Age Pension Health and Medical Care Fund, \$750,000 is the statutorily required transfer into the fund pursuant to the provisions of Section 39-26-123 (3), C.R.S., and \$2,088,232 is unexpended fund balance in the Supplemental Old Age Pension Health Medical Care Fund.

^b This amount shall be a transfer of funds from the Tobacco Tax Cash Fund created in Section 24-22-117 (1) (a), C.R.S., into the Supplemental Old Age Pension Health and Medical Care Fund and shall be in addition to the amount appropriated from this fund as cash funds.

^c This amount shall be from the Tobacco Tax Cash Fund created in Section 24-22-117 (1) (a), C.R.S. This appropriation meets the requirement to appropriate a portion of the revenues collected from the imposition of additional state cigarette and tobacco taxes to the Old Age Pension program for health related purposes pursuant to Section 21 of Article X of the State Constitution.

^d This amount shall be transferred from the Department of Public Health and Environment.

^e This amount represents funds certified as expenditures incurred by school districts that are eligible for federal financial participation under Medicaid.

~~^f This amount shall be from the Colorado Cares RX Program Cash Fund created in Section 25.5-2.5-105 (1), C.R.S.~~

**TOTALS PART V
(HEALTH CARE
POLICY AND
FINANCING)**

\$3,745,280,	\$1,158,613,	\$369,495	\$367,176,66		\$1,826,495,0
527	022	,000 ^a	6 ^b	\$23,500,825	14
\$3,741,361,	\$1,158,619,		\$363,244,63		\$1,826,501,6
803	677		2 ^b		69

^a Of this amount, \$369,000,000 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$495,000 shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$495,000 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

^b This amount includes \$273,607 from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., and represents the total amount that the State Treasurer shall transfer from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (1) (a), C.R.S., to the Colorado Autism Treatment Fund pursuant to Section 24-22-115 (1) (a), C.R.S."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB09-025** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 26, insert the following:

"Section 4. Appropriation-adjustments in long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the identification security fund created in Section 42-1-220 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2009, the sum of two hundred ninety-two thousand eight hundred seven dollars (\$292,807), or so much thereof as may be necessary, for the purpose of providing identification security in driver's license and other identification documents.

(2) For the purpose of adjusting appropriations to reflect the extension of fees pursuant to this bill, the general fund appropriation made in the annual appropriation act, for the fiscal year beginning July 1, 2009, to the department of revenue, division of motor vehicles, driver and vehicle services shall be reduced by the sum of two hundred ninety-two thousand eight hundred seven dollars (\$292,807)."

Renumber succeeding sections accordingly.

Page 1, line 103, strike "**SECURITY.**" and substitute "**SECURITY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-031** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Local Government and Energy Committee Report, dated February 5, 2009, page 8, after line 15, insert the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the clean technology discovery evaluation cash fund created in section 24-48.5-111 (5) (a), Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, economic development programs, for the clean technology discovery evaluation grant program, for the fiscal year beginning July 1, 2009, the sum of five million dollars (\$5,000,000) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.";

line 16, strike "**SECTION 3.**" and substitute "**SECTION 4.**";

after line 18, insert the following:

"Page 1, line 102, strike "**PROGRAM.**" and substitute "**PROGRAM, AND MAKING AN APPROPRIATION THEREFORE.**"."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-068** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 24, insert the following:

"SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado domestic abuse program fund created in section 39-22-802 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to the office of self sufficiency, for the fiscal year beginning July 1, 2009, the sum of eight hundred forty-three

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thousand four hundred thirty dollars (\$843,430) cash funds and 0.7 FTE, 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 family violence justice fund created in section 14-4-107 (1), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for allocation to courts administration, administration, family violence grants, for the fiscal year beginning July 1, 2009, the sum of one hundred forty-three thousand four hundred thirty dollars (\$143,430) cash funds, or so much thereof as may be necessary, for the implementation of this act. "

Renumber succeeding sections accordingly.

Page 1, line 103, strike "FAMILIES." and substitute "FAMILIES, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-076** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB09-180** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 20, after line 12, insert the following:

"(5) THE DIRECTOR MAY CHARGE THE PETITIONER A FEE TO COVER THE COSTS ASSOCIATED WITH AN ELECTION. ALL MONEYS COLLECTED BY THE DIRECTOR PURSUANT TO THIS SUBSECTION (5) SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE MONEYS TO THE FIREFIGHTER AND LAW ENFORCEMENT OFFICER COLLECTIVE BARGAINING CASH FUND, WHICH IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LABOR AND EMPLOYMENT FOR THE PURPOSES OF CONDUCTING ELECTIONS PURSUANT TO THIS SECTION AND TO COVER ALL COSTS ASSOCIATED WITH THE ELECTIONS. ANY INTEREST EARNED OR DEPOSIT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR."

Transportation

After consideration on the merits, the Committee recommends that **SB09-003** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 2 through 7 and substitute the following:

"(I) That portion of Adams county ~~which~~ THAT is east of Kiowa creek (Range ~~62~~ SIXTY-TWO west, townships ~~1, 2, and 3~~ ONE, TWO, AND THREE south) between the Adams-Arapahoe county line and the Adams-Weld county line;

(II) That portion of Arapahoe county ~~which~~ THAT is east of Kiowa creek (Range ~~62~~ SIXTY-TWO west, townships ~~4 and 5~~ FOUR AND FIVE south) between the Arapahoe-Elbert county line and the Arapahoe-Adams county line;"

strike lines 20 through 27 and substitute the following:

"boundary defined on a north-to-south axis by Range ~~71~~ West SEVENTY-ONE WEST AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY TOWNSHIP FIVE NORTH, THAT PORTION THAT IS WEST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY RANGE SEVENTY-THREE WEST, and that portion ~~which~~ THAT is north of the boundary ~~defined on an east-to-west axis by Township 10 North~~ LATITUDINAL LINE 40 DEGREES, 42 MINUTES, 47.1 SECONDS NORTH.";

Page 6, strike lines 21 and 22 and substitute the following:

"beginning NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 78; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 43 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 62; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 49, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 62 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 46; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 27, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 46 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 36; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 19, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 36 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 20; AND THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 39 AND SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 20."

Page 7, line 3, after the period, add "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, VEHICLES REGISTERED IN THE COUNTIES OF LARIMER AND WELD SHALL NOT BE REQUIRED TO OBTAIN A CERTIFICATE OF EMISSIONS CONTROL PRIOR TO JULY 1, 2011, IN ORDER TO BE REGISTERED OR REREGISTERED."

Trans-
portation

After consideration on the merits, the Committee recommends that **SB09-175** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Trans-
portation

After consideration on the merits, the Committee recommends that **SB09-161** be referred to the Committee on Appropriations with favorable recommendation.

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
COLORADO TRAUMATIC BRAIN INJURY BOARD

for a term expiring June 30, 2010:

Kathryn L. Doeschot of Thornton, Colorado to serve as a rehabilitation specialist who has experience working with persons with traumatic brain injuries, appointed;

effective July 1, 2008 for terms expiring June 30, 2011:

Myriam DeLeon of Lakewood, Colorado to serve as a member of the public with experience with persons with traumatic brain injuries, appointed;

Susan B. Charlifue of Littleton, Colorado to serve as a clinical research scientist who has experience evaluating persons with traumatic brain injuries, reappointed;

Dr. David T. Matero of Denver, Colorado to serve as a neurosurgeon or neuropsychiatrist who has experience working with persons with traumatic brain injuries, appointed.

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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
COLORADO COMMISSION FOR DEAF AND HARD OF HEARING

for terms expiring July 1, 2012:

Leslie W. Ralphe of Colorado Springs, Colorado, to serve as a late deafened member, appointed;

Jennifer A. Peterson of Arvada, Colorado, a public member, appointed;

Dr. Barbara H. Jenkins of Centennial, Colorado, to serve as a professional in the field of deafness, appointed;

Shelley J. Strickfaden of Morrison, Colorado, a parent of a deaf or hard of hearing person, reappointed.

Upon request of Senator Shaffer, SB09-129, SB09-042, and SB09-066 were removed from the General Orders -- Second Reading of Bills -- Consent Calendar and placed at the end of the General Orders -- Second Reading of Bills Calendar -- of Friday, February 20.

Committee of the Whole On motion of Senator Carroll, the Senate resolved itself into the Committee of the of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Carroll 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:

HB09-1128 by Representative(s) Priola, Balmer, Baumgardner, Bradford, Frangas, Gardner C., Hullinghorst, Liston, Looper, Casso, McNulty, Merrifield, Middleton, Roberts, Sonnenberg, Soper, Swalm, Todd; also Senator(s) Hodge, Penry, Spence, Williams, King K.--Concerning the establishment of an academic license to allow a dentist employed by a school of dentistry to engage in the practice of dentistry in connection with programs affiliated with the school.

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

HB09-1033 by Representative(s) Schafer S., Merrifield, Todd, Benefield; also Senator(s) Spence, Williams--Concerning the regulation of flight schools.

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

SB09-137 by Senator(s) Renfroe; also Representative(s) Baumgardner--Concerning the timely payment of debts in relation to a waiver of the right to attach a property lien.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, February 12, page 286 and placed in members' bill files.)

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

SB09-106 by Senator(s) Isgar, Penry, Brophy, Hodge; also Representative(s) Roberts--Concerning the continuously appropriated water supply reserve account, and, in connection therewith, extending the account, requiring the interbasin compact committee, in consultation with the Colorado water conservation board, to report annually on how moneys from the account were allocated, and conditioning grants to applicants required to adopt a water conservation plan.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 13, pages 320-321 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll M., 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	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-137 as amended, SB09-106 as amended, HB09-1128, HB09-1033.

Committee of the Whole

On motion of Senator Carroll, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Carroll 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:

SB09-064 by Senator(s) King K., Romer, Bacon, Groff, Heath, Hudak, Kopp, Spence, Williams; also Representative(s) Massey, Merrifield, Baumgardner, Benefield, Gardner B., Middleton, Murray, Peniston, Priola, Scanlan, Schafer S., Solano, Summers, Todd--Concerning building inspections relating to utilities.

Laid over until Monday, February 23, retaining its place on the calendar.

SB09-061 by Senator(s) Carroll M.; also Representative(s) Primavera--Concerning the qualifications of health care professionals who review claims for medical treatment under insurance policies.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 12, page 283-286 and placed in members' bill files.)

Amendment No. 2(L.011), by Senator Carroll.
Amend printed bill, page 4, line 1, strike "LICENSED" and substitute "LICENSED, CERTIFIED, OR REGISTERED";

line 8 of the printed bill, after "appeal -", insert "independent medical examinations -" and, after "(1)", insert "(a)".

Page 6 of the printed bill, line 6, strike the second "a" and substitute "a AT LEAST ONE";

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line 25 of the printed bill, strike "OR THAT CONDUCTS AN INTERNAL" and substitute "SHALL:";

strike line 26 of the printed bill.

Amend the Health and Human Services Committee Report, dated February 11, 2009, page 1, line 18, strike "REVIEW IF SUCH" and substitute "REVIEW. BY PERFORMING THE UTILIZATION REVIEW, THE";

line 19 of the committee report, strike "AGREES TO BE SUBJECT" and substitute "SHALL BE DEEMED TO CONSENT".

Page 2 of the committee report, strike line 5 and substitute the following:

"line 14 of the printed bill, strike "WHO IS LICENSED IN THIS" and substitute "WHO:";

strike line 15 of the printed bill and substitute the following:

"(I) IS LICENSED IN THIS STATE IN GOOD STANDING; AND

(II) (A) HAS APPROPRIATE EXPERTISE IN THE SAME";

strike line 17 of the printed bill and substitute the following:

"REVIEWED; OR

(B) CONSULTS OR CONFERS WITH A COLORADO-LICENSED HEALTH CARE PROFESSIONAL WHO HAS APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), IF A COLORADO-LICENSED HEALTH CARE";

line 10 of the committee report, strike "CONSIDERATION IF SUCH" and substitute "CONSIDERATION. BY PERFORMING THE REVIEW AND CONSIDERATION, THE";

line 11 of the committee report, strike "AGREES TO BE SUBJECT" and substitute "SHALL BE DEEMED TO CONSENT";

strike lines 17 through 26 of the committee report and substitute the following:

""(3) AN INSURER REGULATED UNDER THIS ARTICLE THAT PROVIDES AN INDEPENDENT MEDICAL EXAMINATION PROCESS SHALL ENSURE THAT THE INDEPENDENT MEDICAL EXAMINATION IS PERFORMED BY A HEALTH CARE PROFESSIONAL WHO IS LICENSED IN GOOD STANDING IN THIS STATE AND HAS APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED."."

Page 3 of the committee report, line 2, before "strike", insert "strike "LICENSED" and substitute "LICENSED, CERTIFIED, OR REGISTERED" and,";

line 14 of the committee report, strike "REVIEW IF SUCH" and substitute "REVIEW. BY PERFORMING THE UTILIZATION REVIEW, THE";

line 15 of the committee report, strike "AGREES TO BE SUBJECT" and substitute "SHALL BE DEEMED TO CONSENT";

line 25 of the committee report, strike ""(a)";" and substitute ""(a)" and, strike "THAT" and substitute "THAT, PURSUANT TO THIS SECTION,";

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strike lines 27 through 32 of the committee report.

Page 4 of the committee report, strike lines 1 and 2 and substitute the following:

"Page 7 of the printed bill, line 1, strike "(b)" and substitute "(II) (A)";

line 2 of the printed bill, strike "REVIEWED." and substitute "REVIEWED; OR";

after line 2 of the printed bill, insert the following:

"(B) CONSULT OR CONFER WITH A COLORADO-LICENSED PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL WHO HAS THE APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED; OR

(C) CONFER WITH THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL TREATING THE COVERED PERSON.

(b) A PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL THAT, PURSUANT TO THIS SECTION, EVALUATES A FIRST-LEVEL APPEAL OR CONDUCTS AN INTERNAL REVIEW OF AN APPEAL FROM A DENIAL OF A REQUEST FOR COVERED BENEFITS SHALL:

(I) BE LICENSED IN COLORADO IN GOOD STANDING; AND

(II) (A) HAVE APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED; OR

(B) CONSULT OR CONFER WITH A COLORADO-LICENSED PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL WHO HAS THE APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED.

(c) NOTWITHSTANDING PARAGRAPH (a) OR (b) OF THIS SUBSECTION (8)";

strike lines 13 and 14 of the committee report and substitute the following:

"OR EVALUATE OR REVIEW THE APPEAL. BY PARTICIPATING IN THE REVIEW OF A CLAIM FOR COVERED BENEFITS OR THE EVALUATION OR REVIEW OF AN APPEAL OF A DENIAL, THE OUT-OF-STATE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL SHALL BE DEEMED TO CONSENT TO THE JURISDICTION";

strike lines 23 through 32 of the committee report.

Page 5 of the committee report, strike lines 1 through 6 and substitute the following:

"SECTION 9. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-113.3. Claims for disability income benefits - internal review or appeal - independent medical review - licensed health care professionals to perform. (1) (a) AN INSURER REGULATED UNDER THIS ARTICLE OR ARTICLE 7 OF THIS TITLE THAT HAS AN INTERNAL PROCESS FOR REVIEWING AND CONSIDERING ELIGIBILITY FOR PAYMENT OF BENEFITS FOR DISABILITY INCOME SHALL ENSURE THAT THE REVIEW AND CONSIDERATION OF A CLAIM THAT INVOLVES A DECISION ABOUT MEDICAL ELIGIBILITY FOR DISABILITY BENEFITS IS CONDUCTED BY A HEALTH CARE PROFESSIONAL WHO:

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(I) IS LICENSED IN THIS STATE IN GOOD STANDING; AND

(II) (A) HAS APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED; OR

(B) CONSULTS OR CONFERS WITH A COLORADO-LICENSED HEALTH CARE PROFESSIONAL WHO HAS THE APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), IF A COLORADO-LICENSED HEALTH CARE PROFESSIONAL WITH APPROPRIATE EXPERTISE IS NOT AVAILABLE TO PERFORM THE REVIEW AND CONSIDERATION, THE INSURER MAY USE A HEALTH CARE PROFESSIONAL WHO IS LICENSED IN GOOD STANDING IN ANOTHER STATE AND HAS THE APPROPRIATE EXPERTISE TO PERFORM THE REVIEW AND CONSIDERATION. BY PARTICIPATING IN THE REVIEW AND CONSIDERATION OF A CLAIM FOR DISABILITY INCOME BENEFITS, THE OUT-OF-STATE HEALTH CARE PROFESSIONAL SHALL BE DEEMED TO CONSENT TO THE JURISDICTION AND DISCIPLINARY AUTHORITY OF THE STATE BOARD OF MEDICAL EXAMINERS PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., OR OTHER APPROPRIATE STATE BOARD THAT REGULATES THE PROFESSION IN WHICH THE HEALTH CARE PROFESSIONAL IS ENGAGED.

(2) WHEN AN INSURER DENIES DISABILITY INCOME BENEFITS, THE INSURER SHALL NOTIFY THE INSURED OF THE DENIAL IN WRITING AND SHALL IDENTIFY, IN THE WRITTEN DENIAL, THE LICENSED HEALTH CARE PROFESSIONAL ON WHOSE OPINION THE DENIAL IS BASED.

(3) AN INSURER REGULATED UNDER THIS ARTICLE OR ARTICLE 7 OF THIS TITLE THAT PROVIDES AN INDEPENDENT MEDICAL EXAMINATION PROCESS SHALL ENSURE THAT THE INDEPENDENT MEDICAL EXAMINATION IS PERFORMED BY A HEALTH CARE PROFESSIONAL WHO IS LICENSED IN GOOD STANDING IN THIS STATE AND HAS APPROPRIATE EXPERTISE IN THE SAME OR SIMILAR SPECIALTIES AS WOULD TYPICALLY MANAGE THE CASE BEING REVIEWED.".";

strike line 55, and substitute the following:

As amended, laid over until Monday, February 23, retaining its place on the calendar.

SB09-156 by Senator(s) Veiga; also Representative(s) Miklosi--Concerning the reduction of plastic bag use.

Laid over until Monday, February 23, retaining its place on the calendar.

SB09-029 by Senator(s) Shaffer B.; also Representative(s) McFadyen--Concerning a requirement that people on a school bus wear safety belts.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 13, page 289-290 and placed in members' bill files.)

Amendment No. 2(L.006), by Senator Shaffer.

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Amend the Transportation Committee Report, dated February 12, 2009, page 1, line 19, strike "BUS." and substitute "BUS.";

line 23, strike "Part 19 of article 4 of title 42," and substitute "Article 32 of title 22,".

Page 3, line 1, strike "~~42-4-1905.~~" and substitute "~~22-32-139.~~";

line 2, strike "(1) (a)".

strike lines 7 through 18.".

Strike page 2 of the committee report.

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

SB09-091 by Senator(s) Romer; also Representative(s) Rice--Concerning motor vehicle dealer franchise agreements.

Amendment No. 1, Business, Labor & Technology Committee Amendment.

(Printed in Senate Journal, February 13, page 292-298 and placed in members' bill files.)

Amendment No. 2(L.018), by Senator Romer.

Amend the Business, Labor and Technology Committee Report, dated February 11, 2009, page 2, strike lines 4 and 5 and substitute the following:

"(i) (I) TO FAIL TO PROVIDE TO THE MOTOR VEHICLE DEALER, WITHIN TWENTY DAYS AFTER RECEIPT OF A NOTICE OF INTENT FROM A MOTOR VEHICLE DEALER, THE LIST OF DOCUMENTS AND INFORMATION NECESSARY";

line 15, strike "CONFIRMS IT";

line 19, strike "CONFIRMS IT";

line 25, strike "THE REQUEST;" and substitute "ALL DOCUMENTS AND INFORMATION NECESSARY TO APPROVE THE SALE OR TRANSFER OF OWNERSHIP;".

Page 3, strike lines 21 through 35 and substitute the following:

"(r) TO FAIL TO PAY TO A MOTOR VEHICLE DEALER:

(I) WITHIN NINETY DAYS AFTER THE TERMINATION, CANCELLATION, OR NONRENEWAL OF A FRANCHISE FOR THE FAILURE OF A DEALER TO MEET PERFORMANCE SALES AND SERVICE OBLIGATIONS OR AFTER THE TERMINATION, ELIMINATION, OR CESSATION OF A LINE-MAKE, THE COST OF THE LEASE FOR THE FACILITIES USED FOR THE FRANCHISE OR LINE-MAKE FOR THE UNEXPIRED TERM OF THE LEASE, NOT TO EXCEED ONE YEAR; EXCEPT THAT:

(A) IF THE MOTOR VEHICLE DEALER OWNS THE FACILITIES, THE VALUE OF RENTING SUCH FACILITIES FOR ONE YEAR, PRORATED FOR EACH LINE-MAKE BASED UPON TOTAL SALES VOLUME FOR THE PREVIOUS TWELVE MONTHS BEFORE THE INVOLUNTARY TERMINATION;

(B) IF THE DEALER SELLS RECREATIONAL VEHICLES AND A SUBSEQUENT MANUFACTURER OR DISTRIBUTOR THAT MANUFACTURES OR DISTRIBUTES RECREATIONAL VEHICLES REPLACES ANY PORTION OF THE VACATED FACILITIES, THE LEASE OR RENTAL VALUE SHALL BE

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PRORATED ON A MONTHLY BASIS UNLESS THE DEALER SELLS MOTOR VEHICLES THAT ARE NOT RECREATIONAL VEHICLES;

(II) WITHIN NINETY DAYS AFTER THE TERMINATION, ELIMINATION, OR CESSATION OF A LINE-MAKE, THE FAIR MARKET VALUE OF THE MOTOR VEHICLE DEALER'S GOODWILL FOR THE LINE-MAKE AS OF THE DATE THE MANUFACTURER OR DISTRIBUTOR ANNOUNCES THE ACTION THAT RESULTS IN THE TERMINATION, ELIMINATION, OR CESSATION, NOT INCLUDING ANY AMOUNTS PAID UNDER SUB-SUBPARAGRAPHS (A) TO (E) OF SUBPARAGRAPH (I) OF PARAGRAPH (1) OF THIS SUBSECTION (1); AND".

Page 4 strike lines 1 and 2;

line 25, strike "Operation" and substitute "(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), operation";

line 27, strike "another," and substitute "another INDEPENDENT OWNER OR OPERATOR;"

before line 33, insert the following:

"(II) OPERATION OF A DEALERSHIP WHO SELLS RECREATIONAL VEHICLES FOR NOT MORE THAN EIGHTEEN MONTHS DURING THE TRANSITION FROM ONE OWNER OR OPERATOR TO ANOTHER INDEPENDENT OWNER OR OPERATOR;"

Page 7, strike lines 4 and 5 and substitute the following:

"(i) (I) TO FAIL TO PROVIDE TO THE POWERSPORTS VEHICLE DEALER, WITHIN TWENTY DAYS AFTER RECEIPT OF A NOTICE OF INTENT FROM A POWERSPORTS VEHICLE DEALER, THE LIST OF DOCUMENTS AND";

line 16, strike "CONFIRMS IT";

line 20, strike "CONFIRMS IT";

line 26, strike "THE"

line 27, strike "REQUEST;" and substitute "ALL DOCUMENTS AND INFORMATION NECESSARY TO APPROVE THE SALE OR TRANSFER OF OWNERSHIP;"

Page 8, strike lines 23 through 34 and substitute the following:

"(r) TO FAIL TO PAY TO A POWERSPORTS VEHICLE DEALER:

(I) WITHIN NINETY DAYS AFTER THE TERMINATION, CANCELLATION, OR NONRENEWAL OF A FRANCHISE FOR THE FAILURE OF A DEALER TO MEET PERFORMANCE SALES AND SERVICE OBLIGATIONS OR AFTER THE TERMINATION, ELIMINATION, OR CESSATION OF A LINE-MAKE, THE COST OF THE LEASE FOR THE FACILITIES USED FOR THE FRANCHISE OR LINE-MAKE FOR THE UNEXPIRED TERM OF THE LEASE, NOT TO EXCEED ONE YEAR; EXCEPT THAT, IF THE POWERSPORTS VEHICLE DEALER OWNS THE FACILITIES, THE VALUE OF RENTING SUCH FACILITIES FOR ONE YEAR, PRORATED FOR EACH LINE-MAKE BASED UPON TOTAL SALES VOLUME FOR THE PREVIOUS TWELVE MONTHS BEFORE THE INVOLUNTARY TERMINATION;

(II) WITHIN NINETY DAYS AFTER THE TERMINATION, ELIMINATION, OR CESSATION OF A LINE-MAKE, THE FAIR MARKET VALUE OF THE POWERSPORTS VEHICLE DEALER'S GOODWILL FOR THE LINE-MAKE AS OF THE DATE THE MANUFACTURER OR DISTRIBUTOR ANNOUNCES THE ACTION THAT RESULTS IN THE TERMINATION, ELIMINATION, OR CESSATION, NOT INCLUDING ANY AMOUNTS PAID UNDER SUBPARAGRAPHS (I) TO (V) OF PARAGRAPH (1) OF THIS SUBSECTION (1); AND".

Page 9, strike lines 1 through 5;

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line 29, strike "another;" and substitute "another INDEPENDENT OWNER OR OPERATOR;".

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

SB09-149 by Senator(s) Boyd; also Representative(s) Kerr J.--Concerning the method by which a county home rule charter commission is created for the purpose of proposing a home rule charter.

Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, February 13, page 309-310 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Boyd.

Amend printed bill, page 2, line 4, after "(1)", insert the following:

"PRIOR TO ESTABLISHING A CHARTER COMMISSION, THE BOARD OF COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING IN EACH COMMISSIONER DISTRICT TO DETERMINE WHETHER A CHARTER COMMISSION SHOULD BE FORMED.".

Amend the Local Government and Energy Committee Report, dated February 12, 2009, page 1, line 1, strike ""IN" and substitute the following:

""SUCH HEARING SHALL BE HELD AT LEAST THREE HUNDRED NINETY DAYS PRIOR TO THE COORDINATED ELECTION OR GENERAL ELECTION AT WHICH THE CHARTER MAY BE CONSIDERED. IN" .

Page 4 of the printed bill, strike lines 1 through 4 and substitute the following:

~~"filing AN APPLICATION with the county clerk and recorder, on forms supplied by the county clerk and recorder, a nomination petition signed by at least twenty-five registered electors of the county and a statement by the candidate consenting to serve if elected BOARD OF COUNTY COMMISSIONERS. Said petition and statement APPLICATION"~~.

Page 5 of the printed bill, line 11, strike "Within" and substitute "~~Within~~";

line 12, strike "two hundred forty days after its initial meeting," and substitute "~~two hundred forty days after its initial meeting~~ AT LEAST ONE HUNDRED FIFTY DAYS PRIOR TO THE COORDINATED ELECTION OR GENERAL ELECTION AT WHICH THE PROPOSED CHARTER MAY BE CONSIDERED,";

strike lines 24 through 27.

Page 6 of the printed bill, strike lines 1 and 2 and substitute the following:

~~"(3) In the event that the charter commission fails to present a charter to the board of county commissioners after the specified time, the charter commission shall recess for a period of not less than thirty days nor more than ninety days. The board of county commissioners shall then call the charter commission to begin a second attempt to present a charter which shall be presented within a period of ninety days. In the";~~

line 3, strike "a second attempt" and substitute "~~a second attempt~~ THAT THE CHARTER COMMISSION FAILS";

line 4, strike "commissioners also fails," and substitute "~~commissioners, also fails,~~".

Page 7 of the printed bill, line 13, before "ELECTORS", insert "REGISTERED";

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line 16, after "~~election.~~", insert "THE BOARD OF COUNTY COMMISSIONERS, IF REFERRING THE PROPOSED CHARTER, SHALL REFER THE PROPOSED CHARTER TO THE REGISTERED ELECTORS NO LESS THAN ONE HUNDRED DAYS PRIOR TO SUCH ELECTION OR AT AN EARLIER TIME AS MAY BE REQUIRED BY THE APPLICABLE ELECTION OFFICIAL.";

line 17, before "ELECTORS", insert "REGISTERED";

line 18, strike "TEN" and substitute "SIXTY".

Amendment No. 3(L.005), by Senator White.

Amend Transportation Committee Report, dated February 12, 2009, page 1, strike line 3 and substitute the following:

"ADDITION OF THE FOLLOWING NEW PARAGRAPHS,".

strike line 15 and substitute the following:

"TRAFFIC SAFETY.

(i) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY MAY NOT UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT A VIOLATION OF SECTION 42-4-237 OR ANY COMPARABLE MUNICIPAL ORDINANCE.

SECTION 3. 42-4-110.5 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF ANEW PARAGRAPH to read:

42-4-110.5. Automated vehicle identification systems.

(2) A municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(j) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY MAY NOT UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT A VIOLATION OF SECTION 42-4-239 OR ANY COMPARABLE MUNICIPAL ORDINANCE."

Renumber succeeding sections accordingly.

Page 4 of the printed bill, line 4, strike "date." and substitute "date; except that, section 3 of this act shall only take effect if House Bill 09-1094 is enacted and becomes law."

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

SB09-143 by Senator(s) Bacon; also Representative(s) Hullinghorst, Fischer--Concerning enforcing traffic regulations through the expanded use of an automated vehicle identification system.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 13, page 289 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Bacon.

Amend printed bill, page 4, strike line 1 and substitute the following:

"surcharge, is forty dollars OR SO MUCH AS IS NECESSARY TO COVER THE EXPENSES OF THE VEHICLE IDENTIFICATION SYSTEM."

Amendment No. 3(L.005), by Senator White.

Amend Transportation Committee Report, dated February 12, 2009,

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page 1, strike line 3 and substitute the following:

"ADDITION OF THE FOLLOWING NEW PARAGRAPHS," .";

strike line 15 and substitute the following:

"TRAFFIC SAFETY.

(i) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY MAY NOT UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT A VIOLATION OF SECTION 42-4-237 OR ANY COMPARABLE MUNICIPAL ORDINANCE.

SECTION 3. 42-4-110.5 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF ANEW PARAGRAPH to read:

42-4-110.5. Automated vehicle identification systems. (2) A municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(j) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY MAY NOT UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT A VIOLATION OF SECTION 42-4-239 OR ANY COMPARABLE MUNICIPAL ORDINANCE." .

Renumber succeeding sections accordingly.

Page 4 of the printed bill, line 4, strike "date." and substitute "date; except that, section 3 of this act shall only take effect if House Bill 09-1094 is enacted and becomes law."

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

SB09-123 by Senator(s) Williams, Sandoval; also Representative(s) Todd, Solano--Concerning a pilot program to reduce the dropout rate of adolescent students, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 13, page 320-321 and placed in members' bill files.)

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

SB09-121 by Senator(s) White; also Representative(s) May--Concerning the sales and use tax exempt status of meals provided to employees of a business where prepared food is regularly sold.

Referred to the Committee on Appropriations.

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

Laid over until Monday, February 23, retaining its place on the calendar.

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 Monday, February 23, retaining its place on the calendar.

SB09-105 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning removal of the statutory limit on the amount that may be raised in a single year by a special property tax levied by a board of county commissioners for the purpose of fighting specified types of fires in a county.

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

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- SB09-129** by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning the duties that may be performed by a dental hygienist. 1
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Amendment No. 1, Health & Human Services Committee Amendment. 4
(Printed in Senate Journal, February 13, page 315-316 and placed in members' bill files.) 5
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Amendment No. 2(L.008), by Senator Tochtrop. 8
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Amend the Health and Human Services Committee Report, dated February 12, 2009, page 2, line 12, after "A" insert "PRACTICING"; 10
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line 16, strike "DOLLARS." and substitute "DOLLARS. UPON REQUEST OF THE BOARD, THE DENTAL HYGIENIST SHALL PROVIDE PROOF OF THE INSURANCE TO THE BOARD." 12
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 17
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(For further action, see Amendments to the Report of the Committee of the Whole.) 20
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- SB09-042** by Senator(s) Tapia; also Representative(s) Vigil and Peniston--Concerning the administration of the exempt status of property for property tax purposes. 22
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Amendment No. 1, Finance Committee Amendment. 25
(Printed in Senate Journal, January 23, page 96 and placed in members' bill files.) 26
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Amendment No. 2, Appropriations Committee Amendment. 28
(Printed in Senate Journal, February 17, page 345-347 and placed in members' bill files.) 29
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Amendment No. 3(L.005), by Senator Tapia. 32
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Amend the Finance Committee Report, dated January 20, 2009, page 1, strike lines 5 through 8 and substitute the following: 34
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"Page 3, strike lines 26 and 27 and substitute the following: 37
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"preceding the year in which application is made." 39
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Page 4, line 1, strike "39-9-109 (6)." 41
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Page 5, strike lines 4 through 12. 43
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Re-number succeeding section accordingly." 45
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Amendment No. 4(L.006), by Senator Tapia. 48
49
Amend the Appropriations Committee Report, dated February 13, 2009, page 1, line 12, after "AMENDED," insert "OR THE REHABILITATION TAX CREDIT PROGRAM UNDER 26 U.S.C. SEC. 47 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED," 50
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Page 2 of the committee report, line 8, after "AMENDED," insert "OR THE REHABILITATION TAX CREDIT PROGRAM UNDER 26 U.S.C. SEC. 47 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED," 55
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Amendment No. 5(L.007), by Senator Tapia. 62
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Amend the Appropriations Committee Report, dated February 13, 2009, page 1, line 7, strike "MANAGER" and substitute "PARTNER". 64
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Amend printed bill, page 5, after line 3, insert the following:

"SECTION 4. 39-3-137 (2) and (3), Colorado Revised Statutes, are amended to read:

39-3-137. Organizations with tax exempt status - forgiveness of taxes owed. (2) Any waiver of the balance of taxes owed by an organization pursuant to subsection (1) of this section shall be contingent upon the reestablishment of the organization's tax-exempt status by the PROPERTY TAX ADMINISTRATOR, AS AUTHORIZED BY THE state board of equalization. ~~pursuant to section 39-9-109.~~

(3) The state board of equalization may AUTHORIZE THE PROPERTY TAX ADMINISTRATOR TO reestablish tax-exempt status ~~pursuant to section 39-9-109~~ for any organization that meets the criteria specified in paragraphs (a) to (d) of subsection (1) of this section and that paid all or any portion of a property tax bill for a year or years in which the organization was denied tax-exempt status."

Renumber succeeding sections accordingly.

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

SB09-066

by Senator(s) Tochtrop, Isgar, Schultheis; also Representative(s) Primavera-- Concerning the consolidation of public employee retirement plans under the public employees' retirement association.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 2, page 154-156 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, February 17, page 347-348 and placed in members' bill files.)

Amendment No. 3(L.003), by Senator Tochtrop.

Amend the Finance Committee Report, dated January 29, 2009, page 2, line 12, after "ARTICLE,", insert "PARTICIPANTS IN THE DEFINED CONTRIBUTION PLAN ESTABLISHED PURSUANT TO PART 15 OF THIS ARTICLE,".

Amendment No. 4(L.004), by Senator Tochtrop.

Amend printed bill, page 26, line 6, strike "20, 21, and 22" and substitute "23, 24, and 25".

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

SB09-002

by Senator(s) Morse, Bacon, Foster, Isgar, Keller, Newell, White; also Representative(s) Peniston, Gagliardi, Levy, Marostica, Massey, Miklosi, Roberts-- Concerning an increase in the motor vehicle registration fee to fund the emergency medical services account within the highway users tax fund.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, February 17, page 345 and placed in members' bill files.)

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

Call of the Senate.

Call raised.

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-029 by Senator(s) Shaffer B.; also Representative(s) Hullinghorst--Concerning a requirement that people on a school bus wear safety belts.

Senator Spence moved to amend the Report of the Committee of the Whole to show that SB09-029, as amended, did not pass.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **lost** on the following roll call vote:

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

SB09-129 by Senator(s) Tochtrop; also Representative(s) Gagliardi--Concerning the duties that may be performed by a dental hygienist.

Senators Morse and Spence moved to amend the Report of the Committee of the Whole to show that the following Morse floor amendment, (L.009) to SB 09-129, did pass.

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

"SECTION 1. 12-35-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-35-103. Definitions. As used in this article, unless the context otherwise requires:

(4.5) "DENTAL HYGIENE DIAGNOSIS" MEANS THE IDENTIFICATION OF AN EXISTING ORAL HEALTH PROBLEM THAT A DENTAL HYGIENIST IS QUALIFIED AND LICENSED TO TREAT WITHIN THE SCOPE OF DENTAL HYGIENE PRACTICE. THE DENTAL HYGIENE DIAGNOSIS FOCUSES ON BEHAVIORAL RISKS AND PHYSICAL CONDITIONS THAT ARE RELATED TO ORAL HEALTH. A DENTIST SHALL CONFIRM ANY DENTAL HYGIENE DIAGNOSIS THAT REQUIRES SURGERY, IRREVERSIBLE PROCEDURES, PRESCRIPTION DRUGS, OR OTHER INTERVENTIONS OR MODES OF TREATMENT THAT ARE LEGALLY DEFINED AS DENTAL PRACTICE."

Renumber succeeding sections accordingly.

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **passed** on the following roll call vote:

YES	18	NO	16	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	N
Boyd	N	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	N
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	E
Foster	Y	King K.	Y	Sandoval	N	White	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	N	Schultheis	N	President	N
Heath	Y	Mitchell	Y	Schwartz	Y		

REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll, 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	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-029 as amended, SB09-091 as amended, SB09-149 as amended, SB09-143 as amended, SB09-123 as amended, SB09-105, SB09-129 as amended, SB09-042 as amended, SB09-066 as amended, SB09-002 as amended.

Laid over until Monday, February 23: SB09-064, SB09-061 as amended, SB09-156, SB09-088, SB09-122.

Referred to the Committee on Appropriations: SB09-121.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB09-227 was made Special Orders at 12:27 p.m.

Committee of the Whole The hour of 12:27 p.m. having arrived, Senator Carroll moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Carroll was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

SB09-227 by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica--Concerning assistance with the unfunded accrued liability of old hire pension plans that are affiliated with the fire and police pension association, and, in connection therewith, eliminating the state contribution to the old hire pension plans for the 2008-09, 2009-10, and 2010-11 state fiscal years, extending the state contribution through the 2014-15 state fiscal year, extending the amortization period for underfunded old hire pension plans that no longer receive state assistance, and modifying the appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.

Amend printed bill, page 1, line 107, strike "AND";

line 110, strike "ASSISTANCE." and substitute the following:
 "ASSISTANCE, AND MODIFYING THE APPROPRIATION THEREFOR."

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

REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Carroll M., 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	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-227 as amended.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **SB09-1024** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government and Energy After consideration on the merits, the Committee recommends that **SB09-171** 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 13, strike "ECONOMY." and substitute "ECONOMY AND OTHER PRIORITIZED INDUSTRIES."

Local Government and Energy After consideration on the merits, the Committee recommends that **SB09-1037** 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 The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2010:

Douglas L. Shriver of Monte Vista, Colorado to serve as a representative from Division 3, appointed; 1
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Carolyn F. Burr of Denver, Colorado to serve as a representative of municipal and industrial users, appointed. 4
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for terms expiring May 1, 2011: 8
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George H. Schubert of Calhan, Colorado to serve as a resident agriculturist from the Upper Big Sandy Basin, appointed; 10
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Charles "Max" Smith of Walsh, Colorado to serve as a resident agriculturist from the Southern High Plains Basin, reappointed. 13
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for terms expiring May 1, 2012: 16
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Dennis W. Coryell of Burlington, Colorado, a resident agriculturist from the Northern High Plains Basin, reappointed; 18
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Larry W. Cleaver of Grand Junction, Colorado, a representative of municipal or industrial water users of the state, and who resides west of the continental divide, reappointed. 21
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Agriculture
and Natural
Resources

The Committee on Agriculture and Natural Resources has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 23
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MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

to continue serving for a term expiring June 30, 2010: 29
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William G. Kane of Aspen, Colorado, redesignated to serve as a representative of the Northern Region. 35
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for terms expiring June 30, 2012: 39
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James C. Pribyl of Boulder, Colorado to serve as a representative of the public at-large and as a Democrat, appointed; 41
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Gary A. Butterworth of Colorado Springs, Colorado to serve as a representative of the Southern Region and as a Republican, appointed; 44
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Laurie A. Mathews of Denver, Colorado to serve as a representative of the Metro Region and as a Democrat, appointed. 47
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Agriculture
and Natural
Resources

After consideration on the merits, the Committee recommends that **SB09-154** be referred to the Committee on Appropriations with favorable recommendation. 54
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Agriculture
and Natural
Resources

After consideration on the merits, the Committee recommends that **SB09-174** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 59
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Amend printed bill, page 4, line 20, strike "ARTICLE." and substitute "ARTICLE; EXCEPT THAT AN INCREASE OF MORE THAN TEN PERCENT IN THE FEE FOR AN OCCUPATIONAL LICENSE OR REGISTRATION SHALL BE SUBJECT TO RATIFICATION BY THE COMMISSION." 64
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Page 9, line 23, strike "TIME." and substitute "TIME, OR THE GROUP REPRESENTING THE MAJORITY OF GREYHOUND OPERATORS AS OF JANUARY 1, 2008."

Page 10, strike lines 8 and 9 and substitute the following:

"located on the premises of a ~~greyhound track in the same circuit as the in-state simulcast facility~~ CLASS B TRACK THAT HAS CONDUCTED, OR IS SCHEDULED TO CONDUCT DURING THE NEXT TWELVE MONTHS, A LIVE RACE MEET OF HORSES OF AT LEAST THE DURATION REQUIRED FOR A CLASS B TRACK."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB09-182** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and the recommendation it be placed on the consent calendar.

Amend printed bill, page 3, strike lines 15 through 20.

Renumber succeeding subsection accordingly.

Page 4, line 3, strike "OPEN." and substitute "OPEN, SUBJECT TO AVAILABILITY."

Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB09-165** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and the recommendation it be placed on the consent calendar.

Amend printed bill, page 4, line 15, strike "MONEYS" and substitute "SEVERANCE TAX RECEIPTS".

Page 5, line 1, after "MONEYS", insert "ANNUALLY".

Appropriations

After consideration on the merits, the Committee recommends that **SB09-026** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 26, after line 10, insert the following:

"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registration cash fund created in section 24-34-105 (1) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2009, the sum of one hundred thirty-one thousand three hundred fifty-eight dollars (\$131,358) cash funds and 1.3 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 101, strike "TRAINERS." and substitute "TRAINERS, AND MAKING AN APPROPRIATION IN CONNECTION THEREFOR."

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

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

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SENATE SERVICES REPORT

Correctly Engrossed: SB09-002, 029, 042, 066, 091, 105, 106, 123, 129, 137, 143, 149 and 227.
Correctly Revised: HB09-1033 and 1128.
Correctly Rerevised: HB09-1091.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: **HB09-1014.**

On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, February 23, 2009.

Approved:

Peter C. Groff
 President of the Senate

Attest:

Karen Goldman
 Secretary of the Senate

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