

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

112th Legislative Day Tuesday, April 28, 2009

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Prayer	By the chaplain, Rev. Dwight Blackstock, Presbyterian Church, Denver.	11
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Pledge	By Senator Penry.	13
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Call to Order	By the President at 9:30 a.m.	15
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Roll Call	Present--24	18
	Excused--11, Bacon, Harvey, Hodge, Keller, King, Kopp, Sandoval, Scheffel, Tapia, White, Williams.	19
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	Present later--11, Bacon, Harvey, Hodge, Keller, King, Kopp, Sandoval, Scheffel, Tapia, White, Williams.	21
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Heath, reading of the Journal of Monday, April 27, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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COMMITTEE OF REFERENCE REPORTS

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Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	34
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Judiciary	The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	59
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MEMBERS OF THE
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2013:

Janelle R. Doughty of Marvel, Colorado, a Democrat and member of the community at large, appointed;

Eva Muniz Valdez of Pueblo, Colorado, a Democrat and member of the community at large, reappointed.

Judiciary The Committee on Judiciary 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 ON JUDICIAL DISCIPLINE

effective July 1, 2009 for a term expiring June 30, 2013:

Kathleen S. Kelley of Meeker, Colorado, reappointed;
James R. Spaanstra of Lakewood, Colorado, reappointed.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1157** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 11 through 27.

after line 27, insert the following:

"SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendment to section 18-18-203 (2), Colorado Revised Statutes, enacted in section 1 of this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1348** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 7 and substitute the following:

"PERFORMING ANY OTHER LEGISLATIVE ACTIVITY THAT RELATES TO THE DRAFTING OF BILLS AND OTHER LEGISLATIVE MEASURES, INCLUDING AMENDMENTS TO SUCH BILLS OR MEASURES, AND TO THE RENDERING OF ASSISTANCE OR INFORMATION TO CONSTITUENTS ON THEIR PERSONAL AND PRIVATE MATTERS THAT ARE NOT PUBLICLY KNOWN. IN ADDITION, NO STAFF".

Judiciary After consideration on the merits, the Committee recommends that **SB09-288** be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that **SB09-292** 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 printed bill, page 12, line 18, strike "social" and substitute "social HUMAN".

Page 54, line 10, strike "(3) (a)," and substitute "(2) (b) and (3) (a)," and strike "is" and substitute "are";

strike line 13 and substitute the following:

"program - fund created. (2) (b) The program fund and the accounts of the program fund shall consist of such moneys as the general assembly may appropriate thereto from the clean energy fund created in section ~~27-75-1201(1)~~ 24-75-1201 (1), C.R.S., and any gifts, grants, or donations that may be made to the program fund. In accordance with section 24-36-113 (1) (a), which requires the state treasurer, in making investments, to use prudence and care to preserve the principal and to secure the maximum rate of interest consistent with safety and liquidity, if the general assembly chooses not to appropriate moneys to the program fund or to the accounts of the program fund, nothing in this article shall be deemed to require the state treasurer to credit any moneys to the program fund or the accounts of the program fund. All interest and income earned on the deposit and investment of moneys in the program fund and the accounts of the program fund shall be used for the loan buy-down account and the loan loss reserve account. Moneys in the loan buy-down account and loan loss reserve account of the program fund shall remain in the accounts and shall not be transferred to the general fund or any other fund at the end of any fiscal year.

(3) (a) All moneys in the program fund are".

Page 78, line 2, strike "(1)," and substitute "(1) and (4)," and strike "is" and substitute "are";

after line 24, insert the following:

"(4) No such carriers shall use any motor vehicle for the transportation of persons or property for compensation on any public highway in this state unless the annual fees required by ~~subsections (1) and (2)~~ SUBSECTION (1) of this section have been paid. In lieu of the penalty provisions specified in section 40-7-105, every motor vehicle carrier who violates the provisions of this section is subject to the penalties set forth in section 40-10-113 and every contract carrier by motor vehicle who violates the provisions of this section is subject to the penalties set forth in section 40-11-111."

Page 87, after line 8, insert the following:

"SECTION 135. 39-8-104 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

39-8-104. Notice of meeting. (1) Except as provided in subsection (2) of this section, prior to July 1 of each year, the county clerk and recorder shall give notice in at least one issue of a newspaper published in his or her county that beginning on July 1, the county board of equalization will sit in the ~~county courthouse~~ COUNTY'S REGULAR PUBLIC MEETING LOCATION OR OTHER APPROPRIATE PUBLIC MEETING PLACE to review the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor.

(2) (a) Prior to a date established by the county board of equalization, but no later than September 1, the county clerk and recorder in a county that has made an election pursuant to section 39-5-122.7 (1) shall give notice in at least one issue of a newspaper published in his or her county that beginning such date the county board of equalization will sit in the ~~county courthouse~~ COUNTY'S REGULAR PUBLIC MEETING LOCATION OR OTHER APPROPRIATE PUBLIC MEETING PLACE to review the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor.

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SECTION 136. 39-8-105 (2), Colorado Revised Statutes, is amended to read:

39-8-105. Reports of assessor. (2) At a meeting of the board on OR BEFORE July 15, the assessor shall report the valuation of all taxable personal property in the county and shall note any valuations for assessment of portable or movable equipment which have been apportioned pursuant to the provisions of section 39-5-113. He shall submit a list of all persons in the county who have failed to return any schedules and shall report his action in each case. He shall also submit a list of persons who have appeared before him to present objections or protests and his action in each case."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **SB09-286** 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. Legislative declaration. (1) The general assembly finds and declares that:

(a) In 2007, it created the Colorado commission on criminal and juvenile justice, referred to in this section as the "commission", in House Bill 07-1358;

(b) The commission was tasked with enhancing public safety, ensuring justice, and ensuring protection of the rights of victims through the cost-effective use of public resources by studying evidence-based, recidivism reduction initiatives that ensure the cost-effective expenditure of limited criminal justice funds;

(c) Based on that study and consistent with its mission, the commission developed sixty-six recommendations, including six bills referred to the general assembly during the 2009 legislative session; and

(d) The state of Colorado faces an unprecedented budget crisis during the coming fiscal year, and it is imperative that the general assembly consider cost-saving measures in the criminal justice system during the second regular session of the sixty-seventh general assembly.

(2) Therefore, the general assembly determines that it is necessary to direct the commission to prioritize the study of sentencing reform while maintaining the public safety.

SECTION 2. 16-11.3-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11.3-103. Duties of the commission - mission - staffing - repeal. (2.5) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA, THE COMMISSION SHALL STUDY SENTENCING PRACTICES IN COLORADO.

(b) SPECIFICALLY, THE COMMISSION MAY STUDY, INCLUDING BUT NOT LIMITED TO THE FOLLOWING SENTENCING AREAS:

(I) A STATEWIDE DEPARTMENT OF CORRECTIONS CORRECTIONAL FACILITY MANAGEMENT PLAN AND POTENTIAL DEPARTMENT OF CORRECTIONS CORRECTIONAL FACILITY BED LIMITATION;

(II) SENTENCING PRACTICES RELATED TO THE OFFENSE OF DRIVING UNDER RESTRAINT DESCRIBED IN SECTION 42-2-138, C.R.S.;

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(III) SENTENCING PRACTICES RELATED TO DRUG CRIMES DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S.; AND

(IV) WHETHER PAROLE SHOULD BE INCLUDED IN THE SENTENCE OR OUTSIDE THE SENTENCE.

(c) (I) BY NOVEMBER 30, 2009, THE COMMISSION SHALL UPDATE THE GOVERNOR, THE ATTORNEY GENERAL, THE CHIEF JUSTICE OF THE SUPREME COURT, AND THE EXECUTIVE COMMITTEE OF THE GENERAL ASSEMBLY REGARDING THE COMMISSION'S FINDINGS, RECOMMENDATIONS, AND PROPOSED PLAN FOR THE ONGOING STUDY OF SENTENCING REFORM. ADDITIONALLY, BY FEBRUARY 1, 2010, THE COMMISSION SHALL PROVIDE THE EXECUTIVE COMMITTEE OF THE GENERAL ASSEMBLY WITH SPECIFIC RECOMMENDATIONS REGARDING THE SENTENCING PRACTICES STUDIED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2.5).

(II) THIS PARAGRAPH (c) AND PARAGRAPH (b) OF THIS SUBSECTION (2.5) ARE REPEALED, EFFECTIVE JULY 1, 2010.

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."

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--SJR09-046.

CONSIDERATION OF RESOLUTIONS

SJR09-046 by Senator(s) Hudak, Williams, Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Isgar, Keller, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga; also Representative(s) Gagliardi, Acree, Apuan, Benefield, Bradford, Carroll T., Casso, Court, Curry, Ferrandino, Fischer, Frangas, Green, Hullinghorst, Judd, Kagan, Kefalas, Kerr A., King S., Labuda, Levy, Looper, Marostica, Massey, McCann, McFadyen, McKinley, Merrifield, Middleton, Miklosi, Nikkel, Pace, Peniston, Pommer, Primavera, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Soper, Stephens, Summers, Todd, Vaad, Vigil, Waller--Concerning the designation of April 28, 2009, as "Equal Pay Day".

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

YES	33	NO	2	EXCUSED	0	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	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB09-253 by Senator(s) Veiga, Spence; also Representative(s) Casso, Kerr J., Looper--Concerning the recovery of costs for the relocation of certain utility infrastructure relocated at the

request of a Colorado governmental entity, and making an appropriation in connection therewith.

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

YES	26	NO	9	EXCUSED	0	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	N	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	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**.

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Boyd, Gibbs, Groff, Hodge, Kester, Kopp, Penry, Schwartz and Veiga.

HB09-1305 by Representative(s) Levy, Apuan, Benefield, Casso, Court, Ferrandino, Frangas, Hullinghorst, Judd, Kerr A., Labuda, McFadyen, Merrifield, Middleton, Miklosi, Pace, Peniston, Pommer, Primavera, Ryden, Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s) Veiga, Romer, Bacon, Boyd, Carroll M., Foster, Heath, Hodge, Hudak, Isgar, Morse, Newell, Shaffer B., Tapia, Tochtrop, Williams--Concerning limitations on the requirements for cost bonds in civil lawsuits.

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

YES	24	NO	11	EXCUSED	0	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	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	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**.

HB09-1026 by Representative(s) Marostica, Fischer, McFadyen, Rice, Vaad; also Senator(s) Williams, Spence--Concerning the application of vehicle laws to low-power vehicles that operate with less than four wheels in contact with the ground, and, in connection therewith, defining "low-power scooter" and "electric personal assistive mobility device".

A majority of those elected to the Senate having voted in the affirmative, Senator Williams was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.024), by Senator Williams.

Amend revised bill, page 36, strike lines 19 through 25 and substitute the following:

"(2) UNLESS PROHIBITED UNDER SECTION 42-4-111 (1) (bb), AN EPAMD MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH VEHICLE USE."

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

YES	35	NO	0	EXCUSED	0	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	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	26	NO	9	EXCUSED	0	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.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	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**.

HB09-1170 by Representative(s) Casso, Pace; also Senator(s) Tochtrop--Concerning unemployment insurance benefits for locked-out employees.

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

YES	21	NO	14	EXCUSED	0	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	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	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, Carroll M. and Hudak.

HB09-1015 by Representative(s) Murray, Marostica; also Senator(s) Hodge--Concerning certain actions taken by the designated election official in conducting primary elections.

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

YES	24	NO	11	EXCUSED	0	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	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	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 and Spence.

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Heath, Kester, King K., Kopp, Morse, Newell, Penry, Tochtrop and Williams.

HB09-1076 by Representative(s) Pace; also Senator(s) Tochtrop--Concerning remuneration resulting from an employee's separation from employment for the purpose of calculating the postponement of unemployment insurance benefits.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	N	Spence	N
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	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, Carroll M., Gibbs, Groff, Heath, Hudak, Schwartz and Shaffer B..

HB09-1056 by Representative(s) McCann; also Senator(s) Kopp--Concerning increased penalty authority for the department of public health and environment for violations of solid waste disposal laws.

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

YES	33	NO	2	EXCUSED	0	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	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	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	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: Boyd, Gibbs, Harvey, Heath, Kester, Newell, Penry, Tochtrop and White.

HB09-1085 by Representative(s) Rice; also Senator(s) Heath--Concerning the regulation of mortgage loan originators, and, in connection therewith, modifying the "Mortgage Broker Licensing Act" to conform to the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008", exempting certain financial institutions from the list of prohibited practices under the act, and making an appropriation.

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

YES	27	NO	8	EXCUSED	0	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	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Newell

HB09-1100 by Representative(s) Benefield, Merrifield, Todd; also Senator(s) Tochtrop, Hudak-- Concerning the creation of an "Alive at Twenty-five" special license plate, and making an appropriation therefor.

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

YES	32	NO	3	EXCUSED	0	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	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	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	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: Newell, Penry and Williams.

HB09-1136 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning a person's competency to perform electrical work, and making an appropriation in connection therewith.

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

YES	22	NO	13	EXCUSED	0	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	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	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

HB09-1244 by Representative(s) Casso, Looper, McNulty, Primavera, Vaad; also Senator(s) Kopp-- Concerning the exemption of property carriers by motor vehicle from regulation by the public utilities commission, and making an appropriation therefor.

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Hodge

HB09-1275 by Representative(s) Apuan, Balmer, McFadyen, Rice, Solano; also Senator(s) Morse, Heath, Mitchell, Schwartz, Veiga--Concerning the ability of the department of public health and environment to issue a provisional certification to an applicant seeking certification as an emergency medical technician, and making an appropriation therefor.

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Boyd, Gibbs, Groff, Isgar, Kester, Newell, Tochtrop and Williams.

HB09-1318 by Representative(s) Sonnenberg and McFadyen; also Senator(s) Brophy and Shaffer B.--Concerning the issuance of overweight permits based on axle configuration for vehicles weighing more than the eighty-five thousand pound nonoverweight vehicle gross vehicle weight limit, and, in connection therewith, repealing before it takes effect a newly enacted increase in the limit from eighty-five thousand pounds to ninety-two thousand pounds, making an overweight vehicle permit available for a vehicle that is operated in combination with a trailer or semitrailer if the trailer has a tandem or triple axle grouping and the vehicle weighs up to ninety-seven thousand pounds, and specifying overweight vehicle permit fees for such a vehicle of five hundred dollars for an annual permit, two hundred fifty dollars for a six-month permit, and fifteen dollars plus ten dollars per axle for a single trip permit.

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

YES	35	NO	0	EXCUSED	0	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	Y	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: Gibbs, Hodge, Kester, Kopp, Penry and Schultheis.

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

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

YES	25	NO	10	EXCUSED	0	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	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	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	N	President	Y
Heath	Y	Mitchell	N	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, Gibbs, Isgar, Newell, Penry and Williams.

SB09-291

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

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

YES	21	NO	14	EXCUSED	0	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	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

HB09-1322

by Representative(s) Benefield, Massey, McFadyen, Miklosi, Scanlan, Todd; also Senator(s) Schwartz--Concerning access by motor vehicle repair shops to an electronic system implemented by the department of revenue for purposes of determining ownership and lienholders of abandoned motor vehicles abandoned at motor vehicle repair shops.

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

YES	35	NO	0	EXCUSED	0	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	Y	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**.

SB09-285

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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, Hodge, Keller, Kester, Kopp, Lundberg, Morse, Penry, Sandoval, Scheffel, Shaffer B. and Tochtrop.

SB09-294

by Senator(s) Romer; --Concerning applications for the issuance of a certificate of public convenience and necessity to provide taxi service that relates to counties with a population of at least seventy thousand.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
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	N	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

SB09-293

by Senator(s) Isgar; also Representative(s) Curry, Labuda, Looper, Sonnenberg--Concerning changes to certain tier two transfers out of the operational account of the severance tax trust fund to compensate for a projected revenue loss in that fund for the 2009-10 state fiscal year.

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

YES	35	NO	0	EXCUSED	0	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	Y	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**.

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

A majority of those elected to the Senate having voted in the affirmative, Senator Penry was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1,(L.015), by Senator Penry.

Amend revised bill, page 3, strike lines 15 through 20 and substitute the following:

"(II) UNALLOCATED NATIONAL FOREST PAYMENTS SHALL REMAIN UNSPENT UNTIL SUCH TIME AS THE PARTIES AGREE UPON THE ALLOCATION OF THE NATIONAL FOREST PAYMENTS BETWEEN THE COUNTY ROAD AND BRIDGE FUND AND THE PUBLIC SCHOOLS IN THE COUNTY."

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

YES	35	NO	0	EXCUSED	0	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	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	30	NO	5	EXCUSED	0	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	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	Y	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	N	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, King K., Newell, Spence and Williams.

Upon request of Senator Shaffer, HB09-1332 was removed form the General Orders -- Second Reading of Bills--Consent Calendar and placed at the beginning of the General Orders--Second Reading of Bills Calendar

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

HB09-1332 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia-- Concerning the repeal of provisions requiring a cumulative economic analysis of state air quality control measures every five years.

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

HB09-1299 by Representative(s) Kerr A., Benefield, Carroll T., Casso, Court, Curry, Ferrandino, Frangas, Green, Hullinghorst, Kefalas, McCann, Middleton, Miklosi, Pommer, Rice, Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s) Romer, Bacon, Groff, Veiga-- Concerning adoption of an agreement among the states to elect the president of the United States by national popular vote.

Laid over until Wednesday, April 29, retaining its place on the calendar.

HB09-1313 by Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi, Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil, Green, Pace, Pommer; also Senator(s) Bacon, Gibbs, Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller, Morse, Romer, Shaffer B.--Concerning expanding civic engagement options through student-directed programs at institutions of higher education.

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

HB09-1339 by Representative(s) Green, Frangas; also Senator(s) Boyd--Concerning a change in the definition of "clinical social work practice" to mean the same as "social work practice".

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

SB09-287 by Senator(s) Mitchell; --Concerning the voluntary contribution designation benefiting the Special Olympics Colorado fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.

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

HB09-1317 by Representative(s) Pace and McKinley, McFadyen, Curry, Gagliardi, Hullinghorst, Massey, Merrifield, Miklosi, Scanlan, Sonnenberg, Tipton, Vigil, Weissmann; also Senator(s) Kester, Isgar--Concerning state lands sought to be acquired by the federal government associated with the expansion of the Pinon Canyon maneuver site.

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

HB09-1164 by Representative(s) Primavera, Gagliardi, Green, Kefalas, Kerr J., McGihon; also Senator(s) Kester--Concerning a surcharge on breast cancer awareness special license plates to provide funding for cancer treatment for women who are not currently eligible to participate in the breast and cervical cancer prevention and treatment program under the "Colorado Medical Assistance Act".

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, March 24, page 848 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 24, page 1278 and placed in members' bill files.)

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

Senator Shaffer moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 1:00 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

MESSAGE FROM THE HOUSE

April 28, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-256, amended as printed in House Journal, April 27, pages 1490-1496, and amended on Third Reading as printed in House Journal, April 28.

The House has adopted and transmits herewith HJR09-1022, and amended as printed in House Journal, April 28.

MESSAGE FROM THE REVISOR OF STATUTES

April 28, 2009

We herewith transmit:

Without comment, as amended, HB09-256.

MESSAGE FROM THE GOVERNOR

April 27, 2009

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

Ladies and Gentlemen:

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

SB09-280 CONCERNING FUNDING FOR CAPITAL CONSTRUCTION, AND MAKING SUPPLEMENTAL APPROPRIATIONS IN CONNECTION THEREWITH.

Approved April 27, 2009 at 2:32 P.M.

Sincerely,

Bill Ritter, Jr.
Governor

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SENATE SERVICES REPORT

Correctly Printed: SB09-297.
Correctly Engrossed: SB09-SB09-232, 253, 285, 291, 293 and 294; SJR09-045.
Correctly Reengrossed: SB09-130, 241, 244 and 247.
Correctly Revised: HB09-1015, 1026, 1056, 1076, 1085, 1100, 1136, 1170, 1244,
1250, 1275, 1303, 1305, 1316, 1318 and 1322.
Correctly Enrolled: SB09-002, 025, 106, 252 and 259; SJR09-036 and 049; SR09-016.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR09-037, 041 and 052; HB09-1058, 1240.

Senate in recess. Senate reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS - con't

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

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 15, page 1099-1100 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, page 1278 and placed in members' bill files.)

Amendment No. 3(L.009), by Senator Gibbs.

Amend reengrossed bill, page 16, after line 2, insert the following:

"SECTION 5. 24-32-2106 (2) (a), Colorado Revised Statutes, is amended to read:

24-32-2106. Financing - repeal. (2) (a) (I) A disaster emergency fund is hereby established, which shall receive moneys appropriated ~~thereto~~ by the general assembly. Moneys in the disaster emergency fund shall remain ~~therein~~ IN THE FUND until expended.

(II) THE GOVERNOR MAY MAKE A ONE-TIME TRANSFER OF UP TO SIX HUNDRED THOUSAND DOLLARS FROM THE DISASTER EMERGENCY FUND TO THE WILDFIRE EMERGENCY RESPONSE FUND CREATED IN SECTION 23-31-309, C.R.S. THE GOVERNOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING PROMPTLY AFTER MAKING THE TRANSFER. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE UPON THE REVISOR OF STATUTE'S RECEIPT OF THE NOTICE."

Renumber succeeding sections accordingly.

Page 16, strike lines 19 through 26.

Page 17, strike lines 1 and 2 and substitute the following:

"SECTION 7. **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."

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

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, page 1278 and placed in members' bill files.)

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

HB09-1133 by Representative(s) Sonnenberg, Marostica, Todd; also Senator(s) Kester--Concerning setting the amounts of license plate fees, and making an appropriation therefor.

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

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

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, page 1279 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator White.

Amend reengrossed bill, page 2, strike lines 6 through 14 and substitute the following:

"(3) (a) (III) For fiscal year YEARS 2006-07 and ~~fiscal years thereafter~~ 2007-08, seventy-five percent of the amount of the annual transfer made pursuant to subsection (2) of this section shall be credited to the trust fund and retained as principal in the trust fund. For fiscal year YEARS 2006-07 and ~~fiscal years thereafter~~ 2007-08, twenty-five percent of the amount of the annual transfer made pursuant to subsection (2) of this section and one hundred percent of any interest earned on the principal in the trust fund shall be subject to annual appropriation by the general assembly and may be allocated by the board for the purposes outlined in subsection (1) of this section."

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

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 17, page 1127 and placed in members' bill files.)

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

HB09-1289 by Representative(s) Curry; also Senator(s) Isgar--Concerning the species conservation trust fund, and, in connection therewith, approving the species conservation eligibility list.

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

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

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

HB09-1043 by Representative(s) Ryden; also Senator(s) Williams--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution to the Make-A-Wish Foundation of Colorado fund.

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

HB09-1022 by Representative(s) Solano; also Senator(s) Boyd--Concerning assistance to counties to implement recidivism reduction programs for the mentally ill.

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

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

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, April 24, page 1106-1108 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 24, page 1279 and placed in members' bill files.)

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

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

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, April 16, page 1108 and placed in members' bill files.)

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

Amend reengrossed bill, page 3, strike lines 14 through 25 and substitute the following:

"(II) ONE REPRESENTATIVE OF A RURAL LOCAL GOVERNMENT THAT IS INVOLVED IN ELECTRONICS RECYCLING, APPOINTED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS;

(III) ONE REPRESENTATIVE OF AN URBAN LOCAL GOVERNMENT THAT IS INVOLVED IN ELECTRONICS RECYCLING, APPOINTED BY THE COLORADO MUNICIPAL LEAGUE."

Page 4, strike lines 9 through 26 and substitute the following:

"(VI) TWO REPRESENTATIVES OF ELECTRONIC DEVICE MANUFACTURERS, OF WHOM ONE SHALL REPRESENT SMALL ELECTRONIC DEVICE MANUFACTURERS AND ONE SHALL REPRESENT COMPUTER AND TELEVISION MANUFACTURERS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

(VII) ONE REPRESENTATIVE OF A COUNTY THAT OWNS OR OPERATES A LANDFILL, APPOINTED BY COLORADO COUNTIES, INCORPORATED;

(VIII) ONE REPRESENTATIVE OF RETAILERS OF ELECTRONIC DEVICES APPOINTED BY THE COLORADO RETAIL COUNCIL; AND

(IX) TWO MEMBERS OF THE GENERAL ASSEMBLY, OF WHOM ONE SHALL BE A SENATOR APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE SHALL BE A REPRESENTATIVE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES."

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

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

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 16, page 1108 and placed in members' bill files.)

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

HB09-1065 by Representative(s) Benefield, Todd; also Senator(s) Spence--Concerning the quality teachers commission, and, in connection therewith, creating an educator identifier pilot program, and making an appropriation.

Laid over until Wednesday, April 29, retaining its place on the calendar.

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

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 17, page 1127 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, pages 1280-1281 and placed in members' bill files.)

Amendment No. 3(L.023), by Senator Schwartz.

Amend reengrossed bill, page 4, after line 2, insert the following:

"(1) "BANK" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 11-101-401 (5), C.R.S."

Renumber succeeding subsections accordingly.

Page 6, after line 5, insert the following:

"(2) IF A QUALIFIED SCHOOL DISTRICT APPLIES FOR A LOAN FROM THE LOAN PROGRAM PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND THE STATE TREASURER AUTHORIZES A LOAN FOR THE SCHOOL DISTRICT PURSUANT TO SECTION 22-92-107, THE SCHOOL DISTRICT SHALL NOT ACCEPT THE LOAN UNLESS THE SCHOOL DISTRICT HAS FIRST DETERMINED WHAT FINANCING TERMS ARE AVAILABLE TO IT FROM AT LEAST TWO BANKS."

Renumber succeeding subsections accordingly.

Amendment No. 4(L.018), by Senator Schwartz.

Amend the Education Committee Report, dated April 16, 2009, page 1, line 3, strike the second "A" and substitute "AN";

strike line 4 and substitute the following:

"ENERGY-EFFICIENT".

Amendment No. 5(L.016), by Senator Spence.

Amend reengrossed bill, page 3, strike line 27 and substitute the following:

"HYBRID-ELECTRIC BUS PROJECTS. FURTHERMORE, TO ENSURE THAT THE BEST INTERESTS OF COLORADO SCHOOLS ARE BEING SERVED, THE LEGISLATIVE SERVICE AGENCIES OF THE GENERAL ASSEMBLY SHALL

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CONDUCT A POST-ENACTMENT REVIEW OF THIS ACT AND REPORT THEIR CONCLUSIONS TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES. THE REVIEW SHALL INCLUDE CONSIDERATION OF THE FOLLOWING INFORMATION:

- (a) THE NAME AND LOCATION OF EACH QUALIFIED SCHOOL DISTRICT THAT HAS APPLIED FOR A LOAN FROM THE LOAN PROGRAM;
- (b) THE NUMBER OF LOANS THAT HAVE BEEN AWARDED TO QUALIFIED SCHOOL DISTRICTS FROM THE LOAN PROGRAM;
- (c) THE NAME AND LOCATION OF EACH QUALIFIED SCHOOL DISTRICT THAT HAS BEEN AWARDED A LOAN FROM THE LOAN PROGRAM;
- (d) THE AMOUNT OF EACH LOAN THAT IS AWARDED TO A QUALIFIED SCHOOL DISTRICT FROM THE LOAN PROGRAM;
- (e) THE TERMS OF REPAYMENT FOR EACH LOAN THAT IS AWARDED TO A QUALIFIED SCHOOL DISTRICT FROM THE LOAN PROGRAM;
- (f) THE RATE OF INTEREST THAT IS BEING CHARGED ON EACH LOAN THAT IS AWARDED TO A QUALIFIED SCHOOL DISTRICT FROM THE LOAN PROGRAM; AND
- (g) ANY OTHER INFORMATION THAT THE LEGISLATIVE SERVICE AGENCIES DETERMINE MAY BE HELPFUL TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, IN EVALUATING THE EFFECTIVENESS OF THE LOAN PROGRAM."

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

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

YES	35	NO	0	EXCUSED	0	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	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-287, HB09-1332, HB09-1313, HB09-1339, HB09-1317, HB09-1164 as amended, HB09-1199 as amended, HB09-1173 as amended, HB09-1133, HB09-1329 as amended, HB09-1243 as amended, HB09-1289, HB09-1035, HB09-1043, HB09-1022, HB09-1196 as amended, HB09-1282 as amended, HB09-1119 as amended, HB09-1312 as amended.
 Laid over until Wednesday, April 29 retaining their place on the Calendar: HB09-1299, HB09-1065.

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.

Call of the Senate.

Call raised.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Senator Kopp moved that the Senate concur in House amendments to SB09-037, as printed in House Journal, April 24, page 1462.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted on the following roll call vote:

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams, President.

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

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams, President.

A majority of all member elected to the Senate having voted in the affirmative, the bill, as amended, was declared passed.

Co-sponsors added: Boyd

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

Senator Schwartz moved that the Senate concur in House amendments to SB09-075, as printed in House Journal, April 24, pages 1462-1463.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted on the following roll call vote:

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list members: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams, President.

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

YES	34	NO	1	EXCUSED	0	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	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	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

RECONSIDERATION OF SB09-281

SB09-281

by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, creating a legislative interim committee to study worker safety and the system of compensation for work-related injuries, and requiring performance audits of Pinnacol Assurance.

Having voted on the prevailing side, Senator Shaffer moved for reconsideration of the last Senate actions, Concurrence with House Amendments and Repassage of SB09-281. The roll call was taken with the following result:

YES	33	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	*	Tapia	Y
Cadman	Y	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	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

Senator Shaffer moved that the Senate not concur in House amendments to SB09-281, as printed in House Journal, April 22, pages 1396-1399, and that a Conference Committee be appointed. The motion was **adopted** on the following roll call vote:

YES	23	NO	11	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	*	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	Y	White	N
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The President appointed Senators Shaffer, Chair, Hodge, and Kopp as Senate Conferees on the First Conference Committee on **SB09-281**.

RECONSIDERATION OF HB09-1250

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

Having voted on the prevailing side, Senator Penry moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on HB09-1250. The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	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	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

Call of the Senate. Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE

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

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

YES	30	NO	5	EXCUSED	0	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	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	Y	Scheffel	N	Williams	Y
Harvey	Y	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.

CONSIDERATION OF GOVERNOR'S VETO

SB09-050 by Senator(s) Scheffel; also Representative(s) Murray--Concerning a requirement that at least one member of the limited gaming control commission be a resident of a locality in which limited gaming takes place.

(Governor's veto message printed in Senate Journal, April 23, pages 1258-1259.)

Senator Scheffel moved that **SB09-050** pass, notwithstanding the Governor's veto.

The roll was called with the following result:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	N	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	Y	King K.	Y	Sandoval	N	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	Y	Schwartz	N		

Less than a constitutional two-thirds majority of all members elected to the Senate having voted in the affirmative, the motion was **lost**.

RECONSIDERATION OF SB09-075

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

Having voted on the prevailing side, Senator Brophy moved for reconsideration of the last Senate action, Repassage of SB09-075. The roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	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	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

REPASSAGE OF SB09-075

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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**.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1267** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 9, strike lines 11 through 19 and substitute the following:

"SECTION 13. Appropriation - adjustments to the 2009 long bill.

For the implementation of this act, the appropriation from the general fund made in the annual general appropriation act for the fiscal year beginning July 1, 2009, to the department of higher education, for allocation to the college opportunity fund, for stipends for students attending participating private institutions, is increased by ninety-four thousand eight hundred sixty dollars (\$94,860), for an estimated ninety-three eligible full-time equivalent students, or so much thereof as may be necessary, for the implementation of this act."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-295** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report dated April 23, 2009, page 1, strike lines 1 and 2 and substitute the following:

"Amend printed bill, page 3, strike lines 2 through 14.

Strike pages 4 and 5.

Page 6, strike lines 1 through 6 and substitute the following:

"SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The convergence of state and national economic stresses, state constitutional provisions, and inconsistent regulation endangers the access by Colorado citizens to a quality, globally competitive, sustainable post-secondary education system;

(b) The health of the education system is essential to the economic well-being and development of Colorado;

(c) Colorado must address these issues in a coordinated manner; and

(d) As Colorado leaders seeks to position the state as an innovative leader in kindergarten through twelfth grade strategies, it is essential that the post-secondary system have the capacity to meet the needs of Colorado high school graduates."

Renumber succeeding sections accordingly.

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Page 6, line 16, strike "23-41-104.6 (4) and (5) (c) (I)," and substitute "23-41-104.6 (4),";

line 17, strike "are" and substitute "is".

Page 7, strike lines 21 through 27.

Strike page 8.

Page 9, strike lines 1 through 9 and substitute the following:

SECTION 4. 23-5-129 (5) (a), Colorado Revised Statutes, is amended to read:

23-5-129. Governing boards - performance contract - authorization - operations - repeal. (5) (a) (I) Beginning January 2006, and each January thereafter, the department of higher education shall report to the members of the education committees of the senate and the house of representatives and the members of the joint budget committee of the general assembly the financial effect of the provisions of each performance contract with regard to funding for the affected governing board of a state institution of higher education and overall funding for the statewide system of higher education, any exemptions granted pursuant to subsection (4) of this section, and a review of each state or private institution's operations under the institution's performance contract. The term of a performance contract may be up to ten years. The department of higher education may renew a performance contract at its discretion, with the agreement of the governing board.

(II) (A) IN ADDITION TO THE INFORMATION REQUIRED OF THE REPORT IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE JANUARY 2010 REPORT SHALL INCLUDE A SPECIFIC ANALYSIS OF THE EFFECT ON: FUNDING FOR THE GOVERNING BOARD OF EACH STATE INSTITUTION, THE OVERALL FUNDING FOR THE STATEWIDE SYSTEM OF THE INSTITUTION, AND THE PERFORMANCE CONTRACT AND FEE-FOR-SERVICE CONTRACTS; DATA REGARDING RELATIVE FUNDING OF STATE INSTITUTIONS VERSUS PEERS; STUDIES OF IMPROVEMENTS IN THE STATE SYSTEM; POTENTIAL EFFECTS OF THE FEDERAL STIMULUS PACKAGE; VOLATILITY AND INSTABILITY OF STATE FUNDING DUE TO ECONOMIC CONDITIONS, STATE CONSTITUTIONAL PROVISIONS, AND INCONSISTENT REGULATION OF REVENUE SOURCES SUCH AS TUITION AND FEES AND OF FINANCIAL AID EXPENDITURES FROM SUCH SOURCES. THE REPORT SHALL ALSO INCLUDE A FRAMEWORK FOR NEW PERFORMANCE CONTRACTS ENTERED INTO ON OR AFTER JANUARY 1, 2011, THAT SHALL INCLUDE INSTITUTIONAL PLANS FOR TUITION AND FINANCIAL AID, THE GENERAL ASSEMBLY TUITION SPENDING AUTHORITY, AND ACCOUNTABILITY MEASURES FOR PROGRESS TOWARD THE GOALS UNDER THE CONTRACT.

(B) THIS SUBPARAGRAPH (II) IS REPEALED EFFECTIVE JULY 1, 2010.

SECTION 5. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-140. Higher education accessibility and affordability task force. (1) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL CONVENE A TASK FORCE TO STUDY ACCESSIBILITY AND AFFORDABILITY AT THE STATE INSTITUTIONS OF HIGHER EDUCATION. BEGINNING IN 2009, THE TASK FORCE SHALL MEET AT LEAST ANNUALLY. THE TASK FORCE SHALL BE STAFFED BY THE DEPARTMENT OF HIGHER EDUCATION STAFF.

(2) THE TASK FORCE CONVENED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING PERSONS:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION, OR HIS OR HER DESIGNEE;

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(b) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. THE MEMBERS SHALL SERVE WITHOUT COMPENSATION OR PER DIEM.

(c) TWO MEMBERS OF THE SENATE, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE SENATE. THE MEMBERS SHALL SERVE WITHOUT COMPENSATION OR PER DIEM.

(d) FOUR BUSINESS LEADERS APPOINTED BY THE GOVERNOR; AND

(e) THE CHIEF EXECUTIVE OFFICER OR PRESIDENT OF EACH STATE INSTITUTION OF HIGHER EDUCATION.

(3) THE TASK FORCE SHALL CONVENE TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR LEGISLATION ADDRESSING THE ISSUES OF ACCESSIBILITY AND AFFORDABILITY OF HIGHER EDUCATION AT THE STATE INSTITUTIONS OF HIGHER EDUCATION."

Renumber succeeding sections accordingly."

Page 2 of the Committee Report, strike line 11 and substitute the following:

"Page 22, strike lines 16 through 21 and substitute the following:

"state agency to be more than five hundred thousand dollars or if the fee for the professional services is estimated to exceed fifty thousand dollars; except that, for projects under the supervision of the department of transportation OR FOR CONTRACTS WITH A STATE INSTITUTION OF HIGHER EDUCATION, public notice shall be given by the department OR INSTITUTION if the basic transportation-related construction cost OR THE BASIC CONSTRUCTION COST of the project is estimated by the department OR INSTITUTION to be more than one million dollars or if the fee for"

Page 23, strike lines 4 and 5 and substitute the following:

"circulation in this state; and EXCEPT THAT, FOR CONTRACTS WITH A STATE INSTITUTION OF HIGHER EDUCATION, PUBLIC NOTICE SHALL BE GIVEN BY PUBLICATION AT LEAST ONCE IN ONE OR MORE DAILY NEWSPAPERS OF GENERAL CIRCULATION IN THIS STATE.";

strike lines 19 through 24 and substitute the following:";

after line 17 of the Committee Report, insert the following:

"Page 25, after line 22, insert the following:

"SECTION 20. Footnote 13a of Part VI of section 2 of Senate Bill 09-259, is amended to read:

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

13a Department of Higher Education, Colorado Commission on Higher Education, Administration, Administration; and College Opportunity Fund Program, Fee-for-service Contracts with State Institutions -- It is the intent of the General Assembly that the Department of Higher Education reduce expenditures for the Department's administration line item by ~~five percent~~ NINETY THOUSAND THREE HUNDRED FIFTY-NINE DOLLARS (\$90,359). The Department should accordingly collect less in FY 2009-10 in indirect cost recoveries from the higher education agencies.

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SECTION 21. Appropriation -- Adjustment to the 2009 long bill.

(1) For the implementation of this act, the appropriation from reappropriated funds made in the annual general appropriation act for the fiscal year beginning July 1, 2009, to the department of higher education, Colorado commission on higher education, for administration, is decreased by fifty thousand dollars (\$50,000). Said sum shall be from statewide and departmental indirect cost recoveries.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, Colorado commission on higher education, for administration, for the fiscal year beginning July 1, 2009, the sum of fifty thousand dollars (\$50,000) reappropriated funds, or so much thereof as may be necessary, for the department to include additional information in the January 2010 report on performance contracts required by section 23-5-129 (5) (a) (II) (A), Colorado Revised Statutes, and for the higher education accessibility and affordability task force required by section 23-5-140, Colorado Revised Statutes. Said sum shall be from statewide and departmental indirect cost recoveries.

SECTION 22. Effective date. This act shall take effect upon passage; except that section 20 shall only take effect if footnote 13a of Part VI of Senate Bill 09-259 is enacted and becomes law."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1039** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans & Military Affairs Committee Report, dated April 15, 2009, page 2, after line 7, insert the following:

"Page 2 of the reengrossed bill, line 4, strike "(1)" and substitute "(1) (a)";

strike lines 5 through 14 and substitute the following:

"CONTRARY, BEGINNING WITH THE FALL SEMESTER OF THE 2009-2010 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE INSTITUTION OF HIGHER EDUCATION IN COLORADO SHALL ADOPT A POLICY THAT GRANTS IN-STATE TUITION STATUS TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO ENROLLS IN SAID STATE INSTITUTION OF HIGHER EDUCATION AND WHO MEETS, FOR ANY LENGTH OF TIME, THE PRESUMPTIONS AND RULES FOR MAINTAINING A DOMICILE IN COLORADO DESCRIBED IN SECTION 23-7-103.

(b) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, BEGINNING WITH THE FALL SEMESTER OF THE 2009-2010 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE INSTITUTION OF HIGHER EDUCATION IN COLORADO MAY ADOPT A POLICY THAT GRANTS IN-STATE TUITION STATUS TO A DEPENDENT OF AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO ENROLLS IN SAID STATE INSTITUTION OF HIGHER EDUCATION IF THE SAID HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES MEETS, FOR ANY LENGTH OF TIME, THE PRESUMPTIONS AND RULES FOR MAINTAINING A DOMICILE IN COLORADO DESCRIBED IN SECTION 23-7-103.";

page 2 of the reengrossed bill, line 17, strike "CLASSIFICATION," and substitute "CLASSIFICATION;"

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strike line 18 and substitute "EXCEPT THAT, BEGINNING WITH THE FALL SEMESTER OF THE 2011-2012 ACADEMIC YEAR, UPON SUCH CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION, THE STUDENT SHALL ALSO BE ELIGIBLE TO RECEIVE A STIPEND FROM".

Amend reengrossed bill, page 2, strike lines 21 through 27 and substitute the following:

"SECTION 2. Adjustment to the 2009 long bill. For the implementation of this act, cash fund appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, from the students' share of tuition, to the department of higher education, governing boards, shall be reduced as follows:

(1) for the trustees of adams state college thirty-eight thousand three hundred seventy dollars (\$38,370);

(2) for the trustees of mesa state college, seventy thousand one hundred eighty-four dollars (\$70,184);

(3) for the trustees of metropolitan state college of Denver, sixty thousand nine hundred fifty-six dollars (\$60,956);

(4) for the trustees of western state college, eight thousand nine hundred seventy-six dollars (\$8,976);

(5) for the trustees of fort lewis college, one hundred ninety-seven thousand fifty-six dollars (\$197,056);

(6) for the board of governors of the Colorado state university system, seven hundred twenty-one thousand nine hundred ninety-three dollars (\$721,993);

(7) for the board of regents of the university of Colorado, seven hundred twenty-six thousand ninety-seven dollars (\$726,097);

(8) for the trustees of the Colorado school of mines, forty-two thousand twenty-four dollars (\$42,024); and,

(9) for the state board of community colleges and occupational education state system community colleges, ten thousand eight hundred fifty-six dollars (\$10,856)."

Page 3, strike lines 1 through 9.

Appropriations

After consideration on the merits, the Committee recommends that SB09-233 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Finance Committee Report, dated April 21, 2009, page 2, line 11, strike "(c) RESIDENTIAL" and substitute "(c) (I) FOR THE TAX YEARS COMMENCING JANUARY 1, 2010, AND JANUARY 1, 2011, RESIDENTIAL";

line 14, strike "gross finished building area." and substitute "total improvement square footage per parcel.";

strike lines 15 through 28 and substitute the following:

"(II) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO MIXED-USE PROPERTY CASH FUND, REFERRED TO IN THIS SUBPARAGRAPH (II) AS THE "FUND", TO PROVIDE FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH ADMINISTRATION NECESSITATED BY THE IMPLEMENTATION OF THIS PARAGRAPH (c) AND TO OFFSET LOST GENERAL FUND REVENUE AS A RESULT OF THE IMPLEMENTATION OF THIS PARAGRAPH (c). THE DIVISION OF PROPERTY TAXATION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FOR

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THE FUND FROM PRIVATE OR PUBLIC SOURCES. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH ADMINISTRATION NECESSITATED BY THE IMPLEMENTATION OF THIS PARAGRAPH (c) AND TO OFFSET LOST GENERAL FUND REVENUE AS A RESULT OF THE IMPLEMENTATION OF THIS PARAGRAPH (c). ANY MONEYS IN THE FUND NOT EXPENDED FOR SUCH PURPOSE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

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SECTION 2. Act subject to petition - effective date. (1) This act shall take effect January 1, 2010; except that this act shall not take effect unless, prior to such date, the revisor of statutes has received written notice from the Colorado office of economic development that the office has transmitted at least three hundred forty-four thousand dollars to the state treasurer for deposit in the Colorado mixed-use property cash fund.

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(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."."

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Appropriations

After consideration on the merits, the Committee recommends that **HB09-1290** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 2, line 14, after "thousand" insert "dollars".

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Page 3, line 1, strike "(1)" and substitute "(2)".

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Appropriations

After consideration on the merits, the Committee recommends that **HB09-1310** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 2, line 5, after "**enforcement -**", insert "**advisory opinions - rules - employee misclassification advisory opinion fund -**".

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Page 6, line 18, after "OPINION.", add "ANY FEES CHARGED PURSUANT TO THIS SUBSECTION (4) FOR THE COSTS ASSOCIATED WITH ISSUING AN ADVISORY OPINION SHALL BE DEPOSITED IN THE EMPLOYEE MISCLASSIFICATION ADVISORY OPINION FUND, WHICH FUND IS HEREBY CREATED. MONEYS IN THE EMPLOYEE MISCLASSIFICATION ADVISORY OPINION FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SUBSECTION (4). INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.".

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Page 8, after line 18, insert the following:

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"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the unemployment revenue fund created in section 8-77-106, (1), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for the fiscal year beginning July 1, 2009, the sum of nine hundred seventy-five dollars (\$975) cash funds, 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 employee misclassification advisory opinion fund created in section 8-72-113 (4) (c), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for the fiscal year beginning July 1, 2009, the sum of nine thousand eight hundred forty dollars (\$9,840) cash funds 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 103, strike "ACT"." and substitute "ACT", AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1204** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated April 16, 2009, page 1, strike lines 7 through 16.

Strike page 2 of the committee report.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1330** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 27, strike "25-8-502 (1) (i)," and substitute "25-8-502 (1) (i), Colorado Revised Statutes,".

Page 7, line 15, strike "25-8-502 (1) (b) (I) (R)," and substitute "25-8-502 (1) (c), Colorado Revised Statutes,".

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1266** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 14, after line 17, insert the following:

"SECTION 16. Appropriation - adjustments to the 2009 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The appropriation to the department of revenue, division of motor vehicles, driver and vehicle services, is decreased by seventeen thousand four hundred twenty-five dollars (\$17,425) cash funds and 0.4 FTE. Said sum shall be from the driver's license administrative revocation account created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes."

Renumber succeeding section accordingly.

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

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Appropriations	After consideration on the merits, the Committee recommends that HB09-1163 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5 6 7 8 9 10 11
	Amend the Judiciary Committee Report, dated April 20, 2009, page 1, strike lines 9 through 14.	6 7 8 9
	Page 2, strike lines 1 through 9.	9 10 11
Appropriations	After consideration on the merits, the Committee recommends that HB09-1047 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34
	Amend the Senate Health and Human Services Committee report dated April 23, 2009, page 1, strike line 1 and substitute the following:	16 17 18
	"Amend reengrossed bill, page 6, strike lines 6 through 14 and substitute the following:	19 20 21
	"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, executive director's office, for general administration, for the fiscal year beginning July 1, 2009, the sum of fifty-three thousand four hundred eighty dollars (\$53,480) and 0.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-six thousand seven hundred forty dollars (\$26,740) shall be cash funds from the department of health care policy and financing cash fund created in section 25-5-1-109, Colorado Revised Statutes, and twenty-six thousand seven hundred forty dollars (\$26,740) shall be from federal funds.".	22 23 24 25 26 27 28 29 30 31 32 33 34
Appropriations	After consideration on the merits, the Committee recommends that HB09-1320 be referred to the Committee of the Whole with favorable recommendation.	35 36 37
Appropriations	After consideration on the merits, the Committee recommends that HB09-1284 be referred to the Committee of the Whole with favorable recommendation.	38 39 40
Appropriations	After consideration on the merits, the Committee recommends that HB09-1202 be referred to the Committee of the Whole with favorable recommendation.	41 42 43
Appropriations	After consideration on the merits, the Committee recommends that HB09-1123 be referred to the Committee of the Whole with favorable recommendation.	44 45 46
Appropriations	After consideration on the merits, the Committee recommends that HB09-1020 be referred to the Committee of the Whole with favorable recommendation.	47 48 49
Appropriations	After consideration on the merits, the Committee recommends that HB09-1017 be referred to the Committee of the Whole with favorable recommendation.	50 51 52
Appropriations	After consideration on the merits, the Committee recommends that HB09-1326 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	53 54 55 56
	Amend reengrossed bill, page 31, line 6, strike "personnel," and substitute "personnel and administration,";	57 58 59
	line 7, strike "hearings," and substitute "courts,".	60 61
Appropriations	After consideration on the merits, the Committee recommends that HB09-1111 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	62 63 64 65 66 67 68
	Amend reengrossed bill, page 7, after line 13, insert the following:	66 67 68

"**25-20.5-606. Repeal of part.** THIS PART 6 IS REPEALED, EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE PRIMARY CARE OFFICE, THROUGH THE BUDGETARY PROCESS, SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY INFORMATION CONCERNING THE FUNDING SOURCE FOR THE OFFICE."

Page 17, after line 10, insert the following:

"**25-20.5-707. Repeal of part.** THIS PART 7 IS REPEALED, EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE PRIMARY CARE OFFICE, THROUGH THE BUDGETARY PROCESS, SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY INFORMATION CONCERNING THE FUNDING SOURCE FOR THE LOAN REPAYMENT PROGRAM."

Page 19, line 11, strike "health care" and substitute "visa waiver program fund created in section 25-20.5-605,";

strike line 12.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1298** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 11, strike lines 23 through 27.

Page 12, strike 1 and 2, and substitute the following:

"**SECTION 6. No appropriation.** The general assembly has determined that sections 3, 4, and 5 of this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of sections 3, 4, and 5 of this act.

SECTION 7. Effective date. This act shall take effect upon passage; except that sections 1 and 2 of this act shall take effect only if House Joint Resolution 09-1024 is adopted by both houses of the general assembly and the revisor of statutes has received written notice from the executive director of the department of revenue that additional revenue as a result of the implementation of the recommendation in House Joint Resolution 09-1024 is being collected."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-085** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 14
LEGISLATIVE TASK FORCE ON THE BUSINESS
PERSONAL PROPERTY TAX".

2-2-1401. Legislative task force on business personal property tax - creation - duties - repeal. (1) THERE IS HEREBY CREATED THE LEGISLATIVE TASK FORCE ON THE BUSINESS PERSONAL PROPERTY TAX, REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE SHALL MEET IN THE INTERIM AFTER THE CONCLUSION OF THE

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2009 FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY. THE TASK FORCE SHALL CONSIST OF:

(a) FIVE MEMBERS FROM THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(b) FIVE MEMBERS FROM THE HOUSE OF REPRESENTATIVES, THREE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(c) THE PROPERTY TAX ADMINISTRATOR, OR HIS OR HER DESIGNEE;

(d) A REPRESENTATIVE OF THE COLORADO MUNICIPAL LEAGUE, WHO SHALL BE APPOINTED BY THE GOVERNOR;

(e) A REPRESENTATIVE OF COLORADO COUNTIES, INCORPORATED, WHO SHALL BE APPOINTED BY THE GOVERNOR;

(f) A MEMBER OF A LOCAL CHAMBER OF COMMERCE, WHO SHALL BE APPOINTED BY THE GOVERNOR;

(g) A REPRESENTATIVE OF A SMALL BUSINESS IN THE STATE, WHO SHALL BE APPOINTED BY THE GOVERNOR;

(h) A REPRESENTATIVE OF A LARGE BUSINESS IN THE STATE, WHO SHALL BE APPOINTED BY THE GOVERNOR; AND

(i) A MEMBER OF THE PUBLIC WITH EXPERTISE IN TAX POLICY CHANGES, WHO SHALL BE APPOINTED BY THE GOVERNOR.

(2) THE TASK FORCE SHALL STUDY, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(a) BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS THAT ELIMINATE OR PHASE OUT THE BUSINESS PERSONAL PROPERTY TAX, INCLUDING THE EXEMPTIONS CREATED IN THIS SUBSECTION (2);

(b) AN ANALYSIS OF THE CUMULATIVE FISCAL IMPACT OF THE ELIMINATION ON THE STATE AND LOCAL GOVERNMENTS; AND

(c) METHODS TO REIMBURSE ANY REVENUE LOSSES TO LOCAL GOVERNMENTS RESULTING FROM THE EXEMPTIONS.

(3) THE TASK FORCE SHALL MEET AT LEAST SIX TIMES, WITH THE FIRST MEETING OCCURRING NO LATER THAN AUGUST 1, 2009, TASK FORCE MEETINGS SHALL BE OPEN TO THE PUBLIC, AND THE TASK FORCE SHALL SOLICIT THE TESTIMONY OF THE MEMBERS OF THE PUBLIC.

(4) (a) MEMBERS OF THE TASK FORCE SHALL NOT BE COMPENSATED FOR ATTENDANCE AT TASK FORCE MEETINGS, NOR SHALL THEY BE ELIGIBLE TO RECEIVE ANY REIMBURSEMENT FOR ANY EXPENSE INCURRED.

(b) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL NOT BE AVAILABLE TO ASSIST THE TASK FORCE IN CARRYING OUT ITS DUTIES.

(5) No later than November 1, 2009, the task force may make a report to the general assembly that includes recommendations for legislation.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. 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."

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Page 1, strike lines 101 and 102 and substitute the following:
"CONCERNING THE CREATION OF A LEGISLATIVE TASK FORCE TO
STUDY PROPERTY TAX EXEMPTION FOR BUSINESS PERSONAL
PROPERTY."

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1132** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 8 through 27.

Strike pages 5 and 6.

Page 7, strike lines 1 through 4 and substitute the following:

"SECTION 5. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to sections 13-21-1002, 18-3-306, 18-3-405.4 (1) and 18-9-111 (1)(e), Colorado Revised Statutes, enacted in sections 1 through 4 of this act will result in the minor fiscal impact of two additional offenders being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

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

MESSAGE FROM THE HOUSE

April 28, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1360, 1364.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1363, amended as printed in House Journal, April 27, page 1500.
HB09-1343, amended as printed in House Journal, April 27, page 1500.
HB09-1362, amended as printed in House Journal, April 27, pages 1500-1504.

The House has passed on Third Reading and returns herewith SB09-088,099, 104, 128, 158, 162, 178.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-087, amended as printed in House Journal, April 27, page 1496.
SB09-228, amended as printed in House Journal, April 27, pages 1486-1488, and amended on Third Reading as printed in House Journal, April 28.
SB09-123, amended as printed in House Journal, April 27, page 1497.
SB09-124, amended as printed in House Journal, April 27, page 1497.
SB09-043, amended as printed in House Journal, April 27, page 1497.
SB09-133, amended as printed in House Journal, April 27, pages 1497-1498.
SB09-160, amended as printed in House Journal, April 27, page 1498.
SB09-161, amended as printed in House Journal, April 27, pages 1498-1499.
SB09-167, amended as printed in House Journal, April 27, page 1499.
SB09-219, amended as printed in House Journal, April 27, pages 1499-1500.

MESSAGE FROM THE REVISOR OF STATUTES

April 28, 2009

We herewith transmit:

Without comment, HB09-1360 and 1364.

Without comment, as amended, HB09-1343, 1362, and 1363.

Without comment, as amended, SB09-043, 087, 123, 124, 133, 160, 161, 167, and 219.

Without comment, as amended, SB09-228.

Senator Penry moved that the Senate adjourn *sine die*.

YES	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment was lost.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, April 28, was laid over until Wednesday, April 29, retaining its place on the calendar.

Consideration of Resolutions: SR09-015, SJR09-039, SJR09-040, SJR09-042, SJR09-044, SJR09-045, SJR09-047, SJR09-048, HJR09-1014, HJR09-1016, HJR09-1021, SJR09-050, SJR09-051, SJR09-054, SJR09-055 SJR09-056, HJR09-1020.

Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006, SJM09-009.

Consideration of Governor's Appointments:

Members of the Pinnacol Assurance Board of Directors

Members of the Colorado School of Mines, Board of Trustees

Member of the Board of Trustees for the Colorado School for the Deaf and the Blind

Members of the Colorado Children's Trust Fund Board

Members of the CoverColorado Board of Directors

Conference Committees to Report: SB09-269, SB09-271, SB09-279.

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, April 29, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate