

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

118th Legislative Day

Monday, May 4, 2009

Prayer By the chaplain, Rev. John Thompson, Park Hill United Methodist Church, Denver.

Pledge By Senator Hodge.

Call to Order By the President at 9:00 a.m.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Newell, reading of the Journal of Friday, May 1, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

CORRECTED

Appropriations After consideration on the merits, the Committee recommends that **HB09-1094** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, after line 19, insert the following:

"(f) AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT OF TRANSPORTATION;"

Reletter succeeding paragraphs accordingly.

Page 7, strike line 17 through 19 and substitute "TREASURER, AND CREDITED TO THE GENERAL FUND.";

line 20, strike "ASSOCIATED WITH SECTION 42-4-239.";

strike lines 25 through 27.

Page 8, strike lines 1 through 4;

line 5, strike "(2) In" and substitute the following:

"SECTION 4. Appropriation. In";

line 7, strike "division," and substitute "division";

strike line 9;

line 10, strike "1.2 FTE," and substitute "thirty-eight thousand six hundred fifty-three dollars (\$38,653) and 0.9 FTE,";

strike lines 12 through 18.

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Business, Labor, & Technology 1
 After consideration on the merits, the Committee recommends that **HB09-1363** be referred 2
 to the Committee of the Whole with favorable recommendation. 3
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Finance 5
 After consideration on the merits, the Committee recommends that **HB09-1368** be 6
 postponed indefinitely. 7
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Finance 9
 After consideration on the merits, the Committee recommends that **HB09-1366** be 10
 amended as follows, and as so amended, be referred to the Committee on Appropriations 11
 with favorable recommendation. 12

Amend reengrossed bill, page 3, after line 25, insert the following: 13
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"**SECTION 2.** 39-22-518 (2) (b) (I), Colorado Revised Statutes, 15
 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH 16
 to read: 17
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39-22-518. Tax modification for net capital gains - repeal. 19
 (2) For the purposes of this section: 20
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(b) (I) "Qualifying gains receiving capital treatment" means the 22
 amount of net capital gains, as defined in section 1222 (11) of the internal 23
 revenue code, included in any qualified taxpayer's federal income tax 24
 return and: 25
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(B.5) EARNED BY THE QUALIFIED TAXPAYER ON BREEDING 27
 LIVESTOCK THAT WAS ACQUIRED ON OR AFTER MAY 9, 1994, AND THAT 28
 HAS BEEN OWNED BY THE QUALIFIED TAXPAYER FOR A HOLDING PERIOD OF 29
 AT LEAST FIVE YEARS PRIOR TO THE DATE OF THE TRANSACTION FROM 30
 WHICH THE NET CAPITAL GAINS ARISE." 31
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Renumber succeeding section accordingly. 33
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Judiciary 35
 After consideration on the merits, the Committee recommends that **HB09-1352** be 36
 postponed indefinitely. 37
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Judiciary 39
 After consideration on the merits, the Committee recommends that **HB09-1351** be 40
 amended as follows, and as so amended, be referred to the Committee on Appropriations 41
 with favorable recommendation. 42

Amend reengrossed bill, page 2, after line 24, insert the following: 43
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"(c) NOTHING IN THIS SUBSECTION (1.5) SHALL PRECLUDE AN 45
 INMATE FROM RECEIVING EARNED TIME PURSUANT TO SUBSECTION (1) OF 46
 THIS SECTION IF THE INMATE DOES NOT QUALIFY FOR EARNED TIME 47
 PURSUANT TO THIS SUBSECTION (1.5)." 48
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Judiciary 50
 After consideration on the merits, the Committee recommends that **HB09-1321** be 51
 amended as follows, and as so amended, be referred to the Committee of the Whole with 52
 favorable recommendation. 53
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Amend reengrossed bill, page 2, line 2, strike "(4)," and substitute "(3) 55
 (c),"; 56
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strike lines 6 through 20 and substitute the following: 58
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"repeal. (3) (c) (I) ~~No~~ A juvenile taken to a detention or shelter facility 60
 or a temporary holding facility pursuant to section 19-2-502 as the result 61
 of an allegedly delinquent act that constitutes any of the offenses 62
 described in subparagraph (III) of paragraph (a) of this subsection (3) 63
 shall NOT be released from such facility if a law enforcement agency has 64
 requested that a detention hearing be held to determine whether the 65
 juvenile's immediate welfare or the protection of the community requires 66
 that the juvenile be detained. ~~No such~~ A juvenile shall NOT thereafter be 67
 released from detention except after a hearing, reasonable advance notice 68
 of which has been given to the district attorney, alleging new 69
 circumstances concerning the further detention of the juvenile. 70
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(II) Following a detention hearing held in accordance with subparagraph (I) of this paragraph (c), no A juvenile who is to be tried as an adult for criminal proceedings pursuant to a direct filing or transfer shall NOT be held at any facility intended to be utilized by juvenile offenders, unless the district attorney and the defense counsel agree otherwise. IN DETERMINING WHETHER JAIL IS THE APPROPRIATE PLACE OF CONFINEMENT, DISTRICT ATTORNEY AND DEFENSE COUNSEL SHALL CONSIDER THE FOLLOWING FACTORS:";
 line 21, strike "(I)" and substitute "(A)";

line 22, strike "(II)" and substitute "(B)".

Page 3, line 1, strike "(III)" and substitute "(C)";

line 3, strike "(IV)" and substitute "(D)";

line 6, strike "(V)" and substitute "(E)";

line 10, strike "(VI)" and substitute "(F)";

line 13, strike "(VII)" and substitute "(G)";

line 15, strike "(VIII)" and substitute "(H)";

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

line 20, strike "(X)" and substitute "(J)";

line 21, strike "(b)" and substitute "(III)";

strike lines 25 through 27 and substitute the following

"(IV) If there is no agreement, detention of the juvenile shall be subject to the provisions of subsection (4) of this section."

Strike pages 4 and 5.

Page 6, strike lines 1 through 21.

Renumber succeeding section accordingly.

State,
 Veterans, &
 Military
 Affairs

After consideration on the merits, the Committee recommends that **HB09-1337** be referred to the Committee of the Whole with favorable recommendation.

State,
 Veterans, &
 Military
 Affairs

After consideration on the merits, the Committee recommends that **HB09-1336** be referred to the Committee of the Whole with favorable recommendation.

State,
 Veterans, &
 Military
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After consideration on the merits, the Committee recommends that **HB09-1335** be referred to the Committee of the Whole with favorable recommendation.

State,
 Veterans, &
 Military
 Affairs

After consideration on the merits, the Committee recommends that **HB09-1331** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 21, after the period, add
 ""CATEGORY 3" ALSO MEANS NEW MEDIUM DUTY TRUCKS THAT ARE
 DIESEL-ELECTRIC HYBRIDS OR GASOLINE-ELECTRIC HYBRIDS THAT HAVE
 THIRTY PERCENT BETTER FUEL ECONOMY THAN A COMPARABLE VEHICLE
 POWERED SOLELY BY A DIESEL OR GASOLINE INTERNAL COMBUSTION
 ENGINE. FOR PURPOSES OF ESTABLISHING A COMPARABLE VEHICLE, THE
 DIESEL OR GASOLINE INTERNAL COMBUSTION ENGINE SHALL BE STANDARD
 IN A VEHICLE OF THE SAME MODEL YEAR AND THE SAME VEHICLE CLASS AS
 ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
 AGENCY AND BE COMPARABLE IN WEIGHT, SIZE, AND USE. FUEL ECONOMY

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COMPARISONS SHALL BE MADE USING CITY FUEL ECONOMY STANDARDS IN A MANNER THAT IS SUBSTANTIALLY SIMILAR TO THE MANNER IN WHICH CITY FUEL ECONOMY IS MEASURED IN ACCORDANCE WITH PROCEDURES SET FORTH IN 40 C.F.R. 600, AS IN EFFECT ON AUGUST 8, 2005."

Page 11, line 3, strike "(d) FOR" and substitute "(d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d), FOR";

after line 16, insert the following:

"(II) FOR THE PURCHASE OR CONVERSION OF A CATEGORY 3 OR CATEGORY 4 MEDIUM DUTY TRUCK THAT PERMANENTLY DISPLACES A MOTOR VEHICLE OR POWER SOURCE THAT IS TWELVE YEARS OLD OR OLDER, THE PERCENTAGES SPECIFIED FOR CATEGORY 3 AND CATEGORY 4 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE MULTIPLIED BY ONE AND TWENTY-FIVE ONE-HUNDREDTHS, BUT IN NO EVENT SHALL THE PERCENTAGE EXCEED ONE HUNDRED PERCENT. FOR PURPOSES OF THIS SUBPARAGRAPH (II), "PERMANENTLY DISPLACES A MOTOR VEHICLE OR POWER SOURCE" MEANS THE VEHICLE OR POWER SOURCE BEING REPLACED WILL BE RENDERED INOPERABLE AND DONATED TO AN ESTABLISHED AUTO PARTS RECYCLER, AS DEFINED IN SECTION 42-4-2201 (1), C.R.S., OR A SCRAP METAL RECYCLER, THAT OPERATES PURSUANT TO ALL LAWS, RULES, AND REGULATIONS OF THE STATE AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGARDING RECYCLING."

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1351** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 3, strike "eight hundred eight thousand six" and substitute "eight hundred sixty-seven thousand nine hundred fifty-nine dollars (\$867,959) and 10.8 FTE,";

line 4, strike "hundred twenty-three dollars (\$808,623) and 10.2 FTE,";

line 11, strike "three million eight hundred sixty-one thousand three hundred" and substitute "two million nine hundred ninety-seven thousand nine hundred seventy-five dollars (\$2,997,975).";

line 12, strike "twenty-three dollars (\$3,861,323).".

Appropriations

After consideration on the merits, the Committee recommends that **HJR09-1017** be referred to the Senate for final action.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-266** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1366** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Finance Committee Report, dated May 1, 2009, and substitute the following:

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

SECTION 1. 39-22-518 (2) (b) (I) (C), (2) (b) (I) (D), (2) (b) (I) (E), (2) (b) (I) (F), (5) (a), (5) (b) (I), (5) (b) (VI), (5) (c), (5) (d) (I), and (5) (d) (VI), Colorado Revised Statutes, are amended, and the said 39-22-518 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-22-518. Tax modification for net capital gains - repeal.
(2) For the purposes of this section:

(b) (I) "Qualifying gains receiving capital treatment" means the amount of net capital gains, as defined in section 1222 (11) of the internal

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revenue code, included in any qualified taxpayer's federal income tax return and:

(C) Subject to the provisions of subsection (5) of this section, earned by such qualified taxpayer on real or tangible personal property located within Colorado that was acquired before May 9, 1994, and that has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which the net capital gains arise if the transaction from which the net capital gains arise occurred during any income tax year commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2010, for which, based upon the financial report prepared in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and the voters statewide have either not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year; or

(D) Subject to the provisions of subsection (5) of this section, earned on the sale of stock or on the sale of an ownership interest in a Colorado company, limited liability company, or partnership where such stock or ownership interest was acquired before May 9, 1994, and has been owned by the qualified taxpayer for a holding period of at least five years prior to the date of the transaction from which the net capital gains arise if the transaction from which the net capital gains arise occurred during any income tax year commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2010, for which, based upon the financial report prepared in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and the voters statewide have either not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year; or

(E) Subject to the provisions of subsection (5) of this section, earned by such qualified taxpayer on real or tangible personal property located within Colorado that has been owned by the qualified taxpayer for a holding period of at least one year, but less than five years prior to the date of the transaction from which the net capital gains arise if the transaction from which the net capital gains arise occurred during any income tax year commencing on or after January 1, 2001, BUT BEFORE JANUARY 1, 2010, for which, based upon the financial report prepared in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and the voters statewide either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year; or

(F) Subject to the provisions of subsection (5) of this section, earned on the sale of stock or on the sale of an ownership interest in a Colorado company, limited liability company, or partnership where such stock or ownership interest has been owned by the qualified taxpayer for a holding period of at least one year, but less than five years prior to the date of the transaction from which the net capital gains arise if the transaction from which the net capital gains arise occurred during any income tax year commencing on or after January 1, 2001, BUT BEFORE JANUARY 1, 2010, for which, based upon the financial report prepared in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution and the voters statewide either have not authorized the state to retain and spend all of the excess state revenues or have authorized the state to retain and spend only a portion of the excess state revenues for that fiscal year.

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(5) (a) If, based on the financial report prepared by the controller in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for any state fiscal year commencing on or after July 1, 1998, BUT BEFORE JULY 1, 2009, exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for that fiscal year by less than two hundred sixty million dollars, as adjusted pursuant to paragraph (b) of this subsection (5), then any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (C) or (D) of subparagraph (I) of paragraph (b) of subsection (2) of this section shall not be allowed for the income tax year in which said state fiscal year ended.

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(b) (I) No later than October 1 of any calendar year commencing on or after January 1, 2000, BUT BEFORE JANUARY 1, 2010, the executive director of the department of revenue shall annually adjust the dollar amount specified in paragraph (a) of this subsection (5) to reflect the rate of growth of Colorado personal income for the calendar year immediately preceding the calendar year in which said adjustment is made. For purposes of this subparagraph (I), "the rate of growth of Colorado personal income" means the percentage change between the most recent published annual estimate of total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce for the calendar year immediately preceding the calendar year in which the adjustment is made and the most recent published annual estimate of total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce for the calendar year prior to the calendar year immediately preceding the calendar year in which the adjustment is made.

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(VI) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any calendar year commencing on or after January 1, 2000, BUT BEFORE JANUARY 1, 2010, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the state fiscal year ending during said calendar year, the executive director shall not determine whether any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (C) or (D) of subparagraph (I) of paragraph (b) of subsection (2) of this section shall be allowed until the impact of the results of said election on the amount of the excess state revenues to be refunded is ascertained.

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(c) If, based on the financial report prepared by the controller in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for any state fiscal year commencing on or after July 1, 2000, BUT BEFORE JULY 1, 2009, exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for that fiscal year by less than four hundred thirty million dollars, as adjusted pursuant to paragraph (d) of this subsection (5), then any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (E) or (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section shall not be allowed for the income tax year in which said state fiscal year ended.

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(d) (I) No later than October 1 of any given calendar year commencing on or after January 1, 2001, BUT BEFORE JANUARY 1, 2010, the executive director shall annually adjust the dollar amount specified in paragraph (c) of this subsection (5) to reflect the rate of growth of Colorado personal income for the calendar year immediately preceding the calendar year in which such adjustment is made. For purposes of this subparagraph (I), "the rate of growth of Colorado personal income" means the percentage change between the most recent published annual estimate of total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce for the calendar year immediately preceding the calendar year in which the adjustment is made and the most recent published annual estimate of total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce for the calendar year prior to the calendar year

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immediately preceding the calendar year in which the adjustment is made.

(VI) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any calendar year commencing on or after January 1, 2001, BUT BEFORE JANUARY 1, 2010, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the state fiscal year ending during said calendar year, the executive director shall not determine whether any modification for qualifying gains receiving capital treatment authorized by sub-subparagraph (E) or (F) of subparagraph (I) of paragraph (b) of subsection (2) of this section shall be allowed until the impact of the results of said election on the amount of the excess state revenues to be refunded is ascertained.

(8) (a) SUBSECTIONS (5), (6), AND (7) OF THIS SECTION AND THIS PARAGRAPH (a) ARE REPEALED, EFFECTIVE ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a).

(b) SUB-SUBPARAGRAPHS (C), (D), (E), AND (F) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2015.

SECTION 2. 39-22-518 (2) (b) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUB-SUBPARAGRAPHS to read:

39-22-518. Tax modification for net capital gains - repeal.
(2) For the purposes of this section:

(b) (I) "Qualifying gains receiving capital treatment" means the amount of net capital gains, as defined in section 1222 (11) of the internal revenue code, included in any qualified taxpayer's federal income tax return and:

(B.5) EARNED BY THE QUALIFIED TAXPAYER ON BREEDING LIVESTOCK THAT WAS ACQUIRED ON OR AFTER MAY 9, 1994, AND THAT HAS BEEN OWNED BY THE QUALIFIED TAXPAYER FOR A HOLDING PERIOD OF AT LEAST FIVE YEARS PRIOR TO THE DATE OF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE; OR

(B.7) EARNED BY THE QUALIFIED TAXPAYER ON TANGIBLE PROPERTY USED IN MANUFACTURING THAT WAS ACQUIRED ON OR AFTER MAY 9, 1994, AND THAT HAS BEEN OWNED BY THE QUALIFIED TAXPAYER FOR A HOLDING PERIOD OF AT LEAST FIVE YEARS PRIOR TO THE DATE OF THE TRANSACTION FROM WHICH THE NET CAPITAL GAINS ARISE; EXCEPT THAT THE MAXIMUM AMOUNT OF NET CAPITAL GAINS THAT SHALL BE QUALIFYING GAINS RECEIVING CAPITAL TREATMENT FOR ANY INCOME TAX YEAR SHALL BE TWENTY-FIVE THOUSAND DOLLARS.

SECTION 3. 39-22-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-22-124. Tax credit against state taxes - legislative declaration - hearings and appeals. (11) FOR THE 2009-10, 2010-11, AND 2011-12 FISCAL YEARS ONLY, A QUALIFIED TAXPAYER MAY APPLY, IN THE MANNER PROVIDED FOR THE CREDITS AGAINST STATE TAXES AUTHORIZED BY THE OTHER PROVISIONS OF THIS SECTION, FOR A REFUND OF ANY AMOUNT OF PERSONAL PROPERTY TAX PAID DURING THE IMMEDIATELY PRECEDING FISCAL YEAR THAT THE TAXPAYER WOULD NOT HAVE HAD TO PAY IF THE AMOUNT OF THE APPLICABLE PERSONAL PROPERTY TAX EXEMPTION SPECIFIED IN SECTION 39-3-119.5 HAD BEEN SIX THOUSAND DOLLARS HIGHER."

SECTION 4. Appropriation. (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2009, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the state education fund created in section 22-55-103 (1), Colorado Revised Statutes, the sum of three million dollars (\$3,000,000). Of such sum:

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(a) Five hundred thousand dollars (\$500,000) shall be further appropriated to the school awards program fund for the purpose of making financial awards to public schools as authorized by article 11 of title 22, Colorado Revised Statutes.

(b) Five hundred thousand dollars (\$500,000) shall be further appropriated to the department of education for the alternative teacher compensation plan grant program created in article 69 of title 22, Colorado Revised Statutes.

(c) Five hundred thousand dollars (\$500,000) shall be further appropriated to the department of education for the state share of districts' total program funding for the purpose of increasing participation in the accelerating students through concurrent enrollment program created in section 22-35-108, Colorado Revised Statutes.

SECTION 5. 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."."

Health & Human Services

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

MEMBERS OF THE STATE BOARD OF HEALTH

for terms expiring March 1, 2013:

Dr. Philip S. Mehler of Denver, Colorado, a resident of the 1st Congressional District and a Republican, appointed;

Kindra K. Mulch of Burlington, Colorado, a resident of the 4th Congressional District and a Democrat, reappointed;

Hon. Joelle Riddle of Durango, Colorado, a resident of the 3rd Congressional District and a Democrat, reappointed;

Glenn H. Schlabs of Colorado Springs, Colorado, a resident of the 5th Congressional District and a Democrat, reappointed;

Joan W. Sowinski of Centennial, Colorado, a resident of the 6th Congressional District and a Republican, appointed.

MESSAGE FROM THE HOUSE

May 1, 2009

The House failed to pass SB09-255 on Second Reading. The bill is returned herewith.

The House has voted to grant the House conferees on the First Conference Committee on SB09-256 to consider matters not at issue between the two houses.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Special Orders -- Second Reading of Bills Calendar (HB09-1204, HB09-1020) was laid over to follow the General Orders -- Third Reading of Bills -- Final Passage Calendar.

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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:

HB09-1067 by Representative(s) Pommer; also Senator(s) White--Concerning the establishment of an incentive for the donation of water rights to the Colorado water conservation board for use as instream flow rights.

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

YES	31	NO	4	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.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Gibbs, Groff, Heath, Kopp, Penry, Schwartz and Shaffer B.

HB09-1342 by Representative(s) Benefield and Kagan, Ferrandino, Fischer, Gagliardi, Green, Hullinghorst, Judd, Kerr A., Labuda, McCann, Merrifield, Middleton, Ryden, Scanlan, Todd; also Senator(s) Boyd and Williams, Bacon, Carroll M., Foster, Heath, Hudak, Morse, Newell, Romer, Schwartz, Shaffer B., Veiga--Concerning the elimination of the state sales and use tax exemption for cigarettes, 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**.

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.

CONSIDERATION OF RESOLUTIONS

SR09-015 by Senator(s) Morse; --Concerning creation of the Colorado Senate Business Retention Initiative.

Amendment No. 1(L.001), by Senator Morse.

Amend printed resolution, page 2, line 13, strike "President" and substitute "majority leader";

line 29, strike "President," and substitute "majority leader,";

line 33, strike "President" and substitute "majority leader".

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

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	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	N	Schultheis	N	President	N
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Morse, the resolution was **adopted** by the following roll call vote:

YES	23	NO	12	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	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	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Newell, Penry, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, White and Williams.

SJR09-040 by Senator(s) Boyd; also Representative(s) Frangas--Concerning the implementation of a process to create a transformed and integrated behavioral health system in Colorado.

Amendment No. 1(L.001), by Senator Boyd.

Amend printed resolution, page 4, line 35, after "The", insert "behavioral health cabinet will submit the final report of the" and strike "will report";

line 39, strike "take" and substitute "consider".

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		

On motion of Senator Boyd, the resolution was **adopted** by the following roll call vote:

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	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	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

Co-sponsors added: Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Newell, Schwartz, Shaffer B. and Tochtrop.

HJR09-1016 by Representative(s) Weissmann, Kerr A.; also Senator(s) Shaffer B.--Concerning the convening date for the 2010 Second Regular Session of the Sixty-seventh General Assembly.

On motion of Senator Shaffer, the resolution was **adopted** by 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		

SJR09-055 by Senator(s) Gibbs, Carroll M., Foster, Heath, King K., Kopp, Newell, Romer, Sandoval, Scheffel, Schwartz, Shaffer B., Tapia, Veiga, Williams; also Representative(s) McFadyen--Concerning the recognition of Colorado Department of Transportation employees, and, in connection therewith, declaring the month of April to be "Colorado Department of Transportation Remembrance Month".

Amendment No. 1(L.001), by Senator Gibbs.

Amend printed joint resolution, page 2, line 26, strike "April" and substitute "July".

Page 1, line 103, strike "**APRIL**" and substitute "**JULY**".

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		

On motion of Senator Gibbs, the resolution was **adopted** by 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		

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Groff, Harvey, Hodge, Hudak, Isgar, Keller, Kester, Lundberg, Mitchell, Morse, Penry, Renfroe, Schultheis, Spence, Tochtrop and White.

SJR09-057 by Senator(s) Penry and Groff; also Representative(s) Bradford and Solano--Concerning prevention of methamphetamine use in Colorado, and, in connection therewith, proclaiming "Colorado Meth Project Day".

On motion of Senators Penry and Groff, the resolution was **adopted** by 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		

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

SJR09-058 by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Weissmann and Kerr A., Carroll T., May--Concerning the appointment of a joint committee to notify the Governor that the First Regular Session of the Sixty-seventh General Assembly is about to adjourn sine die.

On motion of Senator Shaffer, the resolution was **adopted** by 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		

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

The President appointed Senators Scheffel and Newell to serve on the committee to notify the Governor.

MESSAGE FROM THE GOVERNOR

April 30, 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:

SB09-020 CONCERNING THE RESPONSIBILITY FOR RESPONDING TO WILD LAND FIRES.

Approved April 30, 2009 at 3:15 p.m.

SB09-062 CONCERNING INCENTIVES FOR ARMED FORCES VETERANS TO ENTER THE TEACHING PROFESSION.

Approved April 30, 2009 at 3:25 p.m.

SB09-098 CONCERNING BLENDING DIESEL FUELS AFTER WITHDRAWAL AT THE RACK, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved April 30, 2009 at 3:41 p.m.

SB09-100 CONCERNING AMENDING THE DEFINITION OF "NONCUSTODIAL PARENT" IN THE "COLORADO WORKS PROGRAM ACT" TO ENABLE A NONCUSTODIAL PARENT TO RECEIVE EMPLOYMENT ASSISTANCE REGARDLESS OF WHETHER THE NONCUSTODIAL PARENT'S CHILD IS RECEIVING ASSISTANCE UNDER THE COLORADO WORKS PROGRAM.

Approved April 30, 2009 at 3:20 p.m.

SB09-105 CONCERNING REMOVAL OF THE STATUTORY LIMIT ON THE AMOUNT THAT MAY BE RAISED IN A SINGLE YEAR BY A SPECIAL PROPERTY TAX LEVIED BY A BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF FIGHTING SPECIFIED TYPES OF FIRES IN A COUNTY.

Approved April 30, 2009 at 3:16 p.m.

SB09-141 CONCERNING THE CREATION OF THE FOUNTAIN CREEK WATERSHED, FLOOD CONTROL, AND GREENWAY DISTRICT.

Approved April 30, 2009 at 3:35 p.m.

Sincerely,

Bill Ritter, Jr.
Governor

May 1, 2009

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

Ladies and Gentlemen:

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

SB09-260 CONCERNING THE TRANSFER IN STATE FISCAL YEARS 2008-09 AND 2009-10 OF ALL MONEYS NOT OTHERWISE ALLOCATED FROM STATE PUBLIC SCHOOL LANDS TO THE STATE PUBLIC SCHOOL FUND INSTEAD OF THE PERMANENT SCHOOL FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved May 1, 2009 at 11:24 a.m.

SB09-261 CONCERNING THE USE OF MONEYS IN THE SUPPLEMENTAL OLD AGE PENSION HEALTH AND MEDICAL CARE FUND TO PAY FOR SERVICES RECEIVED BY CERTAIN PERSONS IN THE STATE MEDICAID PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

Approved May 1, 2009 at 11:25 a.m.

SB09-262 CONCERNING THE FUNDING SOURCE FOR STATE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

Approved May 1, 2009 at 11:25 a.m.

SB09-263 CONCERNING PAYMENTS TO MEDICAID NURSING FACILITY PROVIDERS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved May 1, 2009 at 11:27 a.m.

SB09-264 CONCERNING THE INCREASED MONEYS RECEIVED DUE TO THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", AND MAKING APPROPRIATIONS THEREFOR.

Approved May 1, 2009 at 11:28 a.m..

SB09-265 CONCERNING THE TIMING OF PAYMENTS MADE UNDER PUBLIC MEDICAL ASSISTANCE PROGRAMS, AND MAKING APPROPRIATIONS THEREFOR.

Approved May 1, 2009 at 11:30 a.m.

SB09-267 CONCERNING THE PERCENTAGE OF COSTS THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES PAYS FOR A CHILD WHO IS PLACED IN A RESIDENTIAL CHILD CARE FACILITY BY THE COUNTY DEPARTMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved May 1, 2009 at 11:31 a.m.

SB09-268 CONCERNING CLARIFYING THE APPOINTMENT OF STATE-PAID PROFESSIONALS IN CASES INVOLVING CHILDREN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Approved May 1, 2009 at 11:32 a.m.

SB09-270 CONCERNING THE CREDITING TO THE GENERAL FUND OF EARNINGS GENERATED DURING SPECIFIED FISCAL YEARS FROM THE DEPOSIT AND INVESTMENT OF CASH FUNDS THAT RECEIVE REVENUES FROM THE CONSTITUTIONALLY IMPOSED TAXES ON CIGARETTES AND TOBACCO PRODUCTS.

Approved May 1, 2009 at 11:33 a.m.

SB09-272 CONCERNING THE COLORADO HIGH COST SUPPORT MECHANISM, AND, IN CONNECTION THEREWITH, TRANSFERRING TO THE STATE TREASURER MONEYS ADMINISTERED UNDER THE DIRECTION OF THE PUBLIC UTILITIES COMMISSION FOR THE SUPPORT OF UNIVERSAL BASIC TELEPHONE SERVICE IN HIGH COST AREAS OF THE STATE.

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Approved May 1, 2009 at 11:34 a.m.

SB09-274 CONCERNING THE FINANCING OF THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, AUTHORIZING APPROPRIATIONS FROM THE HIGHWAY USERS TAX FUND TO THE DIVISION OF MOTOR VEHICLES IN THE FISCAL YEARS 2008-09 AND 2009-10, CREDITING DURING FISCAL YEAR 2009-10 THE FEES RELATING TO DRIVER'S LICENSES AND IDENTIFICATION CARDS THAT WOULD OTHERWISE BE ALLOCATED TO THE HIGHWAY USERS TAX FUND TO THE LICENSING SERVICES CASH FUND, MODIFYING APPROPRIATIONS MADE TO THE DIVISION OF MOTOR VEHICLES IN THE FISCAL YEAR 2008-09 LONG APPROPRIATIONS BILL, AND MAKING AN APPROPRIATION.

Approved May 1, 2009 at 11:35 a.m.

SB09-277 CONCERNING THE GENERAL FUND RESERVE REQUIRED FOR THE 2009-10 STATE FISCAL YEAR.

Approved May 1, 2009 at 11:37 a.m.

SB09-278 CONCERNING THE AUGMENTATION OF THE GENERAL FUND DURING SPECIFIED FISCAL YEARS WITH REVENUE THAT WOULD OTHERWISE BE TRANSFERRED TO FUND THE CAPITAL CONSTRUCTION NEEDS OF THE STATE.

Approved May 1, 2009 at 11:38 a.m.

Sincerely,

Bill Ritter, Jr.
Governor

May 1, 2009

The Honorable Colorado Senate
Sixty-Seventh General Assembly
First Regular Session
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Colorado Senate the following act:

SENATE BILL 09-259 CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 2009, EXCEPT AS OTHERWISE NOTED.

Approved in part and disapproved in part on May 1, 2009, at 11:17 a.m.

It is my constitutional obligation to review the general appropriations bill and exercise the line item veto when necessary. While I have approved Senate Bill 09-259 (the "FY 2009-10 Long Bill") as a whole, I have vetoed certain footnotes within the bill. Pursuant to the Colorado Constitution, I have filed copies of the vetoed items from this bill, with my objections, with the Colorado Senate.

I would like to thank the General Assembly for working with me to balance the Colorado's critical priorities during these difficult budgetary times. Due to projections of insufficient revenue, this budget reflects minimal increases to support case load increases and meet statutory and constitutional requirements.

VETO AND COMMENT ON FOOTNOTES

Article IV, Section 12 of the Colorado Constitution allows me to line item veto the

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general appropriations bill (the "Long Bill"). Although I have exercised this power to veto certain portions of the FY 2009-10 Long Bill that do not meet with my approval, for the second consecutive year, I have done so with respect to far fewer items than any Governor in recent history. I believe this is due in large part to the compromise over headnotes and footnotes that was reached between the legislative and executive branches. This compromise culminated in House Bill 08-1321, which was signed into law on March 24, 2008. As a result of that bill, very few headnotes are included in the Long Bill. Instead, those substantive headnotes are in statute where they properly belong. Moreover, the bill contained much needed clarity with respect to what properly belongs in Long Bill footnotes. Specifically, the purposes of and limitations on Long Bill footnotes are as follows:

(a) When it is not feasible, due to the format of the annual general appropriation act, to set forth fully in the line item description the purpose of an item of appropriation or a condition or limitation on the item of appropriation, the footnotes at the end of each section of the annual general appropriations act are provisions that set forth such purposes, conditions or limitations. Such provisions are intended to be binding portions of the items of appropriation to which they relate to the extent that those purposes, conditions, or limitations are integral to the appropriation and are not, in accordance with the Colorado Supreme Court decision in *Colorado General Assembly v. Owens*, 136 P.3d 262 (Colo. 2006), conditions reserving to the General Assembly powers of close supervision over the appropriation.

(b) The footnotes may also contain an explanation of any assumptions used in determining a specific amount of an appropriation. However, such footnotes shall not contain any provision of substantive law or any provision requiring or requesting that any administrative action be taken in connection with any appropriation. Footnotes may set forth any other statement of explanation or expression of legislative intent relating to any appropriation.

C.R.S. § 24-75-112(2).

This shared understanding of the scope of and limitations on footnotes comports with the constitutional limitations on what provisions may be included in a general appropriations bill. For example, Article III provides separation of powers between the executive and legislative branches. While the legislative branch has the authority to appropriate state funds, the executive branch has the inherent responsibility and authority to administer state funds. Therefore, the legislature may not attach conditions in the Long Bill that intrude into the administration of state government. See *Colorado General Assembly v. Owens*, 136 P.3d 262, 266 (Colo. 2006) (holding that "the legislature 'may not attach conditions to a general appropriation bill which purport to reserve to the legislature powers of close supervision that are essentially executive in character.'"); see also *Anderson v. Lamm*, 579 P.2d 620 (Colo. 1978); *Colorado General Assembly v. Lamm*, 704 P.2d 1371 (Colo. 1985) (hereinafter *Lamm II*). Furthermore, Article V, section 32 of the Colorado Constitution prohibits the legislature from including substantive legislation in the Long Bill. *Owens*, 136 P.3d at 266; *Anderson*, 579 P.2d at 624; *Lamm II*, 704 P.2d at 1382.

Five footnotes, however, violate Article III and/or Article V of the Colorado Constitution, as well as certain provisions of House Bill 08-1321. Because the executive branch cannot abide by legislative directives that are in violation of the Colorado Constitution, I have vetoed the following footnotes:

FOOTNOTES

1. Footnote 7, page 39: Department of Education, Library Programs, Reading Services for the Blind - This appropriation is for the support of privately operated reading services for the blind, as authorized by Section 24-90-105.5, C.R.S. It is the intent of the General Assembly that \$200,000 of this appropriation be used to provide access to radio and television broadcasts of locally published and produced materials and \$50,000 of this appropriation be used to provide telephone access to digital transmissions of nationally published and produced materials.

I am vetoing this footnote but directing the Department to comply to the extent feasible. By requesting that a portion of the appropriation be used to support a privately operated reading program for the blind, this footnote goes beyond simply expressing legislative intent and violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation and runs a foul of House Bill 08-1321. I will, however, direct the Department to comply to the extent feasible.

2. Footnote 18, page 75: Department of Higher Education, Governing Boards, Trustees of Adams State College; Trustees of Mesa State College; Trustees of Metropolitan State College of Denver; Trustees of Western State College; Trustees of Fort Lewis College; regents of the University of Colorado; Trustees of the Colorado School of Mines; University of Colorado; Board of Governors of the Colorado State University System; State Board for Community Colleges and Occupational Education State System of Community Colleges - It is the intent of the General Assembly that any effective increase in the resident undergraduate tuition rate not exceed 9.0 percent per student or 9.0 percent per credit hour at Adams State College; Mesa State College; Metropolitan State College of Denver; Western State College; Fort Lewis College; the Colorado School of Mines; the University of Colorado System; the Colorado State University System; and the Colorado Community College institutions. In the event that after reductions in funding from the Reappropriated Funds from the College Opportunity Fund stipends, fee-for-service dollars to these institutions of higher education exceeds 9.0 percent of the Reappropriated Funds from the College Opportunity Fund stipends and fee-for-service dollars amount in HB 08-1375, the institutions of higher education shall be allowed to increase tuition above the 9.0 percent limit up to the amount necessary to backfill the loss of funds, subject to the approval of the institution's respective governing board. It is the intent of the General Assembly that any increases in spending authority necessary to cover the backfill of lost Reappropriated Funds will be addressed through a supplemental in the 2010 session. It is the intent of the General Assembly that the institutions may increase all graduate and nonresident tuition rates to reflect market conditions and that any additional spending authority necessary to cover graduate and nonresident tuition rate increase will be addressed through a supplemental appropriation during the 2010 session.

I am vetoing this footnote and directing the Department and Governing Boards not to comply. By authorizing higher education institutions and their governing boards to raise tuition by more than 9% if certain conditions are met, the footnote goes beyond simply expressing legislative intent and violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriations and runs afoul of House Bill 08-1321. Moreover, I am vetoing this footnote because it fails to account for funding from the State Fiscal Stabilization Funds that the Governing Boards are to receive in FY 2009-10. When accounting for the State Fiscal Stabilization Funds, the Governing Boards are at their respective funding levels from the College Opportunity Fund in House Bill 08-1375. Since these funds are not accounted for in the footnote, the Governing Boards would be able to adjust tuition rates to bring in their relative shortfall from funding through the College Opportunity Fund between House Bill 08-1375 and Senate Bill 09-259, far in excess of 9% tuition rates.

Increasing tuition above this 9% level has the potential to violate the provisions in the American Recovery and Reinvestment Act of 2009 ("ARRA"), Section XIV, which provides that recipients of these funds are instructed to "mitigate tuition increases." Additionally, increasing tuition above this 9% level raises serious access and affordability concerns for the students and families of those attending colleges. Whenever there are tuition increases the affordability of college becomes more challenging and access is, in turn, limited to those who have the ability to pay for college at a higher cost. This footnote does not consider the provisions in the ARRA nor does it account for the impact that the tuition increases it authorizes would have on access to and the affordability of higher education. Therefore, I request the Governing Boards maintain a 9% per student and per credit hour cap on resident undergraduate tuition growth, as the tuition cash funds spending authority indentified in Senate Bill 09-259 has been calculated to this level. Additionally, consistent with what we have done for the past two years and as a matter of principle and policy, I strongly urge the Governing Boards to ensure that resident undergraduate students with documented financial need (i.e., level 1 and 2) receive sufficient financial aid to limit their effective tuition rate increases to 5%.

3. Footnote 25, page 105: Department of Human Services, Division of Child Care, Child Care Assistance Program Automated System Replacement -- It is the intent of the General Assembly that this project: 1) have a steering committee that includes a county commissioner, a county human services director, and a user of the system; 2) that the Department pilot the program before rolling it out; 3) that the steering committee, including the county representatives, should decide whether the system is "go" or "no go" at the roll out stages; and 4) that ongoing costs for maintenance and administration of this system be covered through savings in or reductions to the Colorado Child Care Assistance Program and remaining Child Care Development Fund reserves. The new system will not drive additional costs to the state General Fund.

I am vetoing this footnote and directing the Department to comply to the extent feasible. By detailing the membership of the steering committee, requesting a pilot program be conducted, vesting the "go" or "no go" decision in the steering committee, and specifying the manner in which maintenance and administration costs be covered, this footnote goes well beyond simply expressing legislative intent and violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation and runs afoul of House Bill 08-1321 by requesting that certain administrative action be taken in connection with an appropriation. I will, however, ask the Department to consider the General Assembly's suggestions during the implementation of this project.

4. Footnote 47, page 200: Department of Public Safety, Division of Criminal Justice, Community Corrections -- It is the intent of the General Assembly that the Division of Criminal Justice review its allocations of community corrections funding to judicial districts on a monthly basis to determine the utilization of community corrections beds. It is further the intent of the General Assembly that the Division of Criminal Justice adjust its allocations to judicial districts monthly based on the review of utilization rates, and when appropriate, re-allocate funding to allow maximum use of community corrections beds.

I am vetoing this footnote but directing the Department to comply to the extent feasible. By requesting that the Division of Criminal Justice review its allocations of community corrections funding to juridical districts on a monthly basis the footnote goes beyond simply expressing legislative intent and violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriations and runs afoul of House Bill 08-1321. I will, however, direct the Department to comply to the extent feasible.

5. Footnote 48, page 200: Department of Public Safety, Division of Criminal Justice, Community Corrections -- It is the intent of the General Assembly that the appropriations for transition and diversion community corrections beds first restore reductions made in FY 2008-09 for intensive residential treatment community corrections beds. It is further the intent of the General Assembly that the intensive residential treatment pilot program be designated for the San Luis Valley community corrections facility.

I am vetoing this footnote but directing the Department to comply to the extent feasible. By requesting that the Department restore intensive residential treatment community corrections beds and that these beds be designated for the San Luis Valley community corrections facility, this footnote goes beyond simply expressing legislative intent and violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation and runs a foul of House Bill 08-1321. I will, however, direct the Department to comply to the extent feasible.

For these reasons, I have exercised my power to veto certain portions of Senate Bill 09-259.

Sincerely,

Bill Ritter, Jr.
Governor

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-133 by Senator(s) Spence; also Representative(s) Primavera--Concerning increased surcharges for traffic violations that apply the moneys collected to the Colorado traumatic brain injury trust fund, and making an appropriation in connection therewith.

Senator Spence moved that the Senate concur in House amendments to **SB09-133**, as printed in Senate Journal, April 27, pages 1497-1498. The motion was **adopted** by 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	31	NO	4	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	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, as amended, was declared **repassed**.

Co-sponsors added: Boyd and Newell.

SB09-245 by Senator(s) Sandoval; also Representative(s) Schafer S.--Concerning changes to conform to portions of federal Public Law 110-351 relating to kinship.

Senator Sandoval moved that the Senate not concur in House amendments to **SB09-245**, as printed in Senate Journal, April 29, page 1638, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion 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 President appointed Senators Sandoval, Chair, Romer, and Mitchell as Senate Conferees on the First Conference Committee on **SB09-245**.

Senator Sandoval moved that the Senate Conferees on the First Conference Committee on **SB09-245** be granted permission to go beyond the scope of the differences between the two houses.

SB09-235 by Senator(s) Gibbs and Isgar; also Representative(s) Merrifield--Concerning certain fees charged by the division of wildlife.

Senator Gibbs moved that the Senate concur in House amendments to **SB09-235**, as printed in Senate Journal, April 29, pages 1638-1639. The motion was **adopted** by 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	25	NO	10	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	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	Y	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, as amended, was declared **repassed**.

Co-sponsors added: Schwartz

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-256

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB09-256,
concerning the financing of public schools, and making an appropriation
therefor, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 11, strike lines 20 and 21 and substitute the
following:

"this subsection (3). ~~but shall apply to the district's share of its total
program pursuant to section 22-54-106 (1) (a) (I).~~"

Page 12, after line 26, insert the following:

"SECTION 9. 22-54-124 (4), Colorado Revised Statutes, is
amended to read:

**22-54-124. State aid for charter schools - use of state education
fund moneys - definitions.** (4) For the 2001-02 budget

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year, the 2003-04 budget year, and each budget year thereafter, the general assembly shall annually appropriate from the state education fund created in section 17 (4) of article IX of the state constitution, to the department of education for distribution to eligible school districts and eligible institute charter schools in accordance with the formula set forth in paragraph (a) of subsection (3) of this section, an amount equal to the total amount of moneys to be distributed to all districts and institute charter schools as determined pursuant to said formula.

(a) PRIOR TO THE 2009-10 BUDGET YEAR, from the moneys appropriated for a given budget year PURSUANT TO THIS SECTION, the department shall make lump sum payments of all moneys to be distributed to each eligible school district and eligible institute charter school during the budget year as soon as possible.

(b) FOR THE 2009-10 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE DEPARTMENT SHALL DISTRIBUTE THE TOTAL AMOUNT TO BE DISTRIBUTED PURSUANT TO THIS SECTION TO EACH ELIGIBLE SCHOOL DISTRICT AND ELIGIBLE INSTITUTE CHARTER SCHOOL IN TWELVE APPROXIMATELY EQUAL MONTHLY PAYMENTS DURING THE APPLICABLE BUDGET YEAR IN CONJUNCTION WITH THE DISTRIBUTION OF THE STATE'S SHARE OF DISTRICT TOTAL PROGRAM PURSUANT TO SECTION 22-54-115."

Renumber succeeding sections accordingly.

Page 13, after line 11, insert the following:

"SECTION 11. 22-30.5-112 (2) (a.7), Colorado Revised Statutes, is amended to read:

22-30.5-112. Charter schools - financing - definitions - guidelines. (2) (a.7) For the 2000-01 budget year ~~and budget years thereafter~~ THROUGH THE 2008-09 BUDGET YEAR, each charter school shall annually allocate the minimum per pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by the number of students enrolled in the charter school who are not students enrolled in an on-line program, as defined in section 22-30.7-102 (9), to a fund created by the charter school for capital reserve purposes, as set forth in section 22-45-103 (1) (c) and (1) (e), or solely for the management of risk-related activities, as identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S., or among such allowable funds. Said moneys shall be used for the purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be expended by the charter school for any other purpose. ANY MONEYS REMAINING IN SUCH FUND THAT HAVE NOT BEEN EXPENDED PRIOR TO THE 2009-10 BUDGET YEAR SHALL BE BUDGETED FOR THE PURPOSES SET FORTH IN SECTION 22-45-103 (1) (c) AND (1) (e) IN THE 2009-10 BUDGET YEAR OR ANY BUDGET YEAR THEREAFTER."

Renumber succeeding sections accordingly.

Page 24, line 17, strike "**study - repeal.**" and substitute "**study - authority to contract - funding.**".

Page 26, after line 12, insert the following:

"(4) (a) FOLLOWING COMPLETION OF THE FEASIBILITY STUDY, IF THE COMMISSIONER CONCLUDES THAT THE CREATION AND OPERATION OF STATE RESIDENTIAL SCHOOLS WOULD BE BENEFICIAL TO THE STATE, THE COMMISSIONER MAY CONTRACT FOR THE CREATION AND OPERATION OF ONE OR MORE STATE RESIDENTIAL SCHOOLS TO PROVIDE EDUCATIONAL SERVICES TO STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE. ANY STATE RESIDENTIAL SCHOOL OPERATED PURSUANT TO THIS SECTION SHALL PROVIDE AN EDUCATIONAL PROGRAM FOCUSED ON MATHEMATICS AND SCIENCE.

(b) IF THE COMMISSIONER DOES NOT CONTRACT FOR STATE

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RESIDENTIAL SCHOOLS AS AUTHORIZED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE COMMISSIONER MAY PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND PUBLIC SCHOOLS TO ADDRESS THE NEEDS OF STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE BY IMPROVING THE AVAILABILITY AND QUALITY OF SECONDARY-LEVEL MATHEMATICS AND SCIENCE CURRICULA.

(5) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT UP TO THREE MILLION DOLLARS BE APPROPRIATED TO THE COMMISSIONER TO EXPEND FOR THE IMPLEMENTATION OF SUBSECTION (4) OF THIS SECTION. THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE CREATION OF STATE RESIDENTIAL SCHOOLS AND THE PROVISION OF TECHNICAL ASSISTANCE TO IMPROVE SECONDARY-LEVEL MATHEMATICS AND SCIENCE CURRICULA AS PROVIDED IN SUBSECTION (4) OF THIS SECTION ARE IMPORTANT ELEMENTS OF ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, AND THE GENERAL ASSEMBLY MAY THEREFORE APPROPRIATE MONEYS FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE IMPLEMENTATION OF SUBSECTION (4) OF THIS SECTION.

(b) IN ADDITION TO THE FUNDING PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), IF THE COMMISSIONER CONTRACTS FOR THE CREATION AND OPERATION OF ONE OR MORE STATE RESIDENTIAL SCHOOLS, THE DEPARTMENT SHALL PROVIDE FUNDING FOR SAID SCHOOLS BY WITHHOLDING MONEYS FROM THE STATE SHARE OF TOTAL PROGRAM FUNDING PAYABLE TO THE DISTRICT OF RESIDENCE OF EACH STUDENT WHO ENROLLS IN A STATE RESIDENTIAL SCHOOL. THE AMOUNT WITHHELD SHALL BE EQUAL TO THE AMOUNT OF THE SCHOOL DISTRICT'S PER PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR MULTIPLIED BY THE NUMBER OF STUDENTS WHO RESIDE IN THE SCHOOL DISTRICT AND ARE ENROLLED IN THE STATE RESIDENTIAL SCHOOL AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR. A STUDENT WHO ENROLLS IN A STATE RESIDENTIAL SCHOOL SHALL BE COUNTED IN THE PUPIL ENROLLMENT OF THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE FOR PURPOSES OF THIS PARAGRAPH (b). THE DEPARTMENT SHALL ADOPT GUIDELINES AS NECESSARY FOR THE IMPLEMENTATION OF THIS PARAGRAPH (b).";

line 13, strike "(4)" and substitute "(c)";

line 14, strike "THIS" and substitute "THE";

line 17, after the period, add "THE COMMISSIONER IS AUTHORIZED TO SEEK AND ACCEPT ADDITIONAL PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS FOR THE IMPLEMENTATION OF THIS SECTION.";

strike line 18.

Page 37, after line 12, insert the following:

"SECTION 36. 24-75-601.1 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-601.1. Legal investments of public funds. (1) It is lawful to invest public funds in any of the following securities:

(h.5) ANY CERTIFICATE OF PARTICIPATION OR OTHER SECURITY EVIDENCING RIGHTS IN PAYMENTS TO BE MADE BY A SCHOOL DISTRICT UNDER A LEASE, LEASE-PURCHASE AGREEMENT, OR SIMILAR ARRANGEMENT IF THE SECURITY, AT THE TIME OF PURCHASE, CARRIES AT LEAST TWO CREDIT RATINGS FROM ANY OF THE NATIONALLY RECOGNIZED CREDIT RATING AGENCIES AND IS RATED AT OR ABOVE "A" BY ALL SUCH CREDIT AGENCIES THAT HAVE PROVIDED A RATING."

Renumber succeeding sections accordingly.

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Page 39, line 20, strike "22 through 24, 26, and 34" and substitute "26 through 28, 30, and 43";

line 22, strike "27 through 29 and 35" and substitute "31 through 33, 40, and 44";

line 24, strike "31" and substitute "35".

Page 40, line 1, strike "32" and substitute "41".

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

Amend rerevised bill, page 9, after line 2, insert the following:

"SECTION 4. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-106.5. Fiscal emergency restricted reserve - calculation of reserve amount. (1) FOR THE 2009-10 BUDGET YEAR, THE GENERAL ASSEMBLY DETERMINES THAT A STATE FINANCIAL CRISIS REQUIRES EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE TO BUDGET AN AMOUNT TO A FISCAL EMERGENCY RESTRICTED RESERVE PURSUANT TO SECTION 22-44-119. USING THE TOTAL AMOUNT TO BE BUDGETED FOR THE RESERVE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE AMOUNT TO BE BUDGETED TO THE FISCAL EMERGENCY RESTRICTED RESERVE BY EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE. THE AMOUNT BUDGETED BY EACH DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BE RELEASED FOR EXPENDITURE BY THE DISTRICT OR FOR DISTRIBUTION TO INSTITUTE CHARTER SCHOOLS BY THE STATE CHARTER SCHOOL INSTITUTE, AS APPLICABLE, ON JANUARY 6, 2010, IF THE GENERAL ASSEMBLY HAS NOT ACTED BY SAID DATE TO REQUIRE A RECISION BY THE ENACTMENT OF A NEGATIVE SUPPLEMENTAL APPROPRIATION OR IF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY HAS NOT ACTED BY SAID DATE TO REQUIRE A RECISION USING THE PROCESS DESCRIBED IN SECTION 24-75-111, C.R.S., FOR OVEREXPENDITURES.

(2) THE DEPARTMENT OF EDUCATION SHALL CALCULATE THE AMOUNT TO BE BUDGETED TO THE FISCAL EMERGENCY RESTRICTED RESERVE FOR THE 2009-10 BUDGET YEAR BY DIVIDING THE TOTAL AMOUNT TO BE BUDGETED FOR THE 2009-10 BUDGET YEAR, AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, BY THE SUM OF THE TOTAL PROGRAM OF ALL DISTRICTS AND INSTITUTE CHARTER SCHOOL FUNDING. THE DEPARTMENT SHALL CALCULATE THE AMOUNT TO BE BUDGETED BY EACH DISTRICT AS AN AMOUNT EQUAL TO THE TOTAL RESTRICTED RESERVE MULTIPLIED BY THE DISTRICT'S TOTAL PROGRAM AS CALCULATED PURSUANT TO SECTION 22-54-104 (2) (a) (VIII) OR (2) (b), WHICHEVER IS APPLICABLE. THE DEPARTMENT SHALL CALCULATE THE AMOUNT TO BE BUDGETED BY THE STATE CHARTER SCHOOL INSTITUTE FOR EACH INSTITUTE CHARTER SCHOOL BASED ON THE TOTAL RESTRICTED RESERVE MULTIPLIED BY THE TOTAL PROGRAM OF THE ACCOUNTING DISTRICT FOR EACH INSTITUTE CHARTER SCHOOL.

(3) FOR THE 2009-10 BUDGET YEAR, THE TOTAL AMOUNT OF THE RESTRICTED RESERVE SHALL BE ONE HUNDRED TEN MILLION DOLLARS."

Renumber succeeding sections accordingly.

Page 23, after line 1, insert the following:

"SECTION 21. Part 1 of article 44 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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22-44-119. Fiscal emergency restricted reserve. FOR THE 2009-10 BUDGET YEAR, EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BUDGET A TOTAL DOLLAR AMOUNT DETERMINED BY THE DEPARTMENT OF EDUCATION TO A FISCAL EMERGENCY RESTRICTED RESERVE IN THE GENERAL FUND. THE AMOUNT BUDGETED BY EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BE RELEASED FOR EXPENDITURE BY THE DISTRICT OR FOR DISTRIBUTION TO INSTITUTE CHARTER SCHOOLS BY THE STATE CHARTER SCHOOL INSTITUTE, AS APPLICABLE, ON JANUARY 6, 2010, IF THE GENERAL ASSEMBLY HAS NOT ACTED BY SAID DATE TO REQUIRE A RECISION BY THE ENACTMENT OF A NEGATIVE SUPPLEMENTAL APPROPRIATION OR IF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY HAS NOT ACTED BY SAID DATE TO REQUIRE A RECISION USING THE PROCESS DESCRIBED IN SECTION 24-75-111, C.R.S., FOR OVEREXPENDITURES."

Renumber succeeding sections accordingly.

Page 37, before line 13, insert the following:

"SECTION 37. Repeal. 22-43.7-109 (9) (c) (II), Colorado Revised Statutes, is repealed as follows:

22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements. (9) Except as otherwise provided in subsection (10) of this section, the board shall recommend and the state board shall approve financial assistance for a public school facility capital construction project only if the applicant provides matching moneys in an amount equal to a percentage of the total financing for the project determined by the board after consideration of the applicant's financial capacity, as determined by the following factors:

(c) With respect to a charter school's application for financial assistance:

~~(II) The per pupil revenue received by the charter school from the state that is required by law to be credited to a capital construction reserve;~~

SECTION 38. 22-43.7-202 (4) (b), Colorado Revised Statutes, is amended to read:

22-43.7-202. Applications for grants and matching grants - rules. (4) The board shall prioritize each application for a grant or a matching grant that describes a capital construction project deemed eligible by the board for a grant or matching grant pursuant to this part 2. The board shall prioritize the applications based on the following criteria, in descending order of importance:

(b) Capital construction projects in school districts or for institute charter schools that have previously demonstrated consistent efforts to allocate moneys to the school districts' or institute charter schools' capital reserve fund. ~~in excess of the minimum amounts required pursuant to section 22-54-105 (2) or 22-30.5-514 (1).~~

SECTION 39. 22-44-112 (2) (a), Colorado Revised Statutes, is amended to read:

22-44-112. Transfer of moneys. (2) (a) A board of education may transfer by resolution any unencumbered moneys from one fund to another, ~~except the capital reserve fund, any fund or account in the general fund established solely for the management of risk-related activities, the transportation fund, the special building and technology fund, OR the bond redemption fund. or the instructional supplies and materials account or the instructional capital outlay account in the general fund; except that unencumbered moneys may be transferred by resolution of the board between the capital reserve fund and any~~

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~~fund or account in the general fund established solely for the management of risk-related activities and between the instructional supplies and materials account and the instructional capital outlay account in the general fund.~~

SECTION 40. 22-11-601 (2), Colorado Revised Statutes, as enacted in Senate Bill 09-163, is amended to read:

22-11-601. Colorado school awards program - created - rules.

(2) In addition to the monetary awards made and distributed pursuant to ~~sections 22-11-602, 22-11-603~~ SECTIONS 22-11-602, 22-11-603, 22-11-603.5, and 22-11-605, the state board may annually apply any amount remaining from the amount annually appropriated for implementation of section 22-11-202 to provide tangible items of recognition, such as banners or trophies, to schools that receive the John Irwin schools of excellence awards and the governor's distinguished improvement awards."

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:
(signed)
Senator Romer, Chair
Senator Bacon

House Committee:
(signed)
Representative Pommer, Chair
Representative Scanlan
Representative Massey

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

**MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS**

for terms expiring January 1, 2013:

Paul P. Pettinger of Fort Collins, Colorado, an employee of an employer whose liability is insured by Pinnacol, appointed;

Robert John "R.J." Jolly of Kit Carson, Colorado, a farmer or employer whose liability is insured by Pinnacol, reappointed.

Laid over until Tuesday, May 5, retaining its place on the calendar.

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES**

effective January 1, 2009 for terms expiring December 31, 2012:

Maria Teresa Fox of Wheat Ridge, Colorado, a graduate of the Colorado School of Mines and a Democrat, appointed;

L. Roger Hutson of Englewood, Colorado, a graduate of the Colorado School of Mines and a Republican, reappointed.

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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		

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for terms expiring July 1, 2012:

John C. Dickinson of Longmont, Colorado, a Democrat, reappointed;

David S. Ek of Colorado Springs, Colorado, an Unaffiliated, reappointed;

Dr. Morris D. Ververs of Simla, Colorado, a Republican, reappointed;

David Dawson of Boulder, Colorado, a Democrat, reappointed.

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		

On motion of Senator Boyd, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2011:

Jesse F. Wolff of Englewood, Colorado, to fill a vacancy occasioned by the resignation of Theresa Rapstine of Denver, Colorado, and to serve as a representative with knowledge of child abuse prevention, appointed.

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		

On motion of Senator Boyd, the following Governor's appointments were confirmed by

a roll call vote:

MEMBERS OF THE
COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2011:

Jayne R. Howard of Columbine Valley, Colorado, an individual who is currently insured or who has been insured under the program, to fill the vacancy occasioned by the resignation of Susan McIntosh-Hutton of Littleton, Colorado, appointed;

for terms expiring July 1, 2012:

Dr. Christine M. Gilroy of Denver, Colorado, a medical professional specializing in chronic disease, reappointed.

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		

On motion of Senator Isgar, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2012:

Eric W. Wilkinson of Greeley, Colorado, a resident of the South Platte drainage basin and a Republican, reappointed;

Carl Trick II of Cowdrey, Colorado, a resident of the North Platte drainage basin and a Republican, reappointed;

John H. McCLOW of Gunnison, Colorado, a resident of the Gunnison-Uncompahgre drainage basin, appointed.

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		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF PAROLE

for a term expiring July 1, 2010:

Michael E. Anderson of Denver, Colorado to fill the vacancy occasioned by the resignation of Maximino A. Atencio of Pueblo, Colorado, and to serve as a representative from law enforcement, appointed;

for terms expiring July 1, 2011:

Deborah C. Allen of Aurora, Colorado to serve as a citizen member, reappointed;

for a term expiring July 1, 2011:

Margaret M. Heckenbach of Highlands Ranch, Colorado to fill the vacancy occasioned by the resignation of Leslee V. Waggener of Centennial, Colorado, and to serve as a representative of parole or probation, appointed.

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		

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
STATE BOARD OF PAROLE

for terms expiring July 1, 2011:

Celeste M. C de Baca of Denver, Colorado to serve as a citizen member, reappointed.

YES	23	NO	12	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	N	Schwartz	Y		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

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.

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		

On motion of Senator Morse, the following Governor's appointments were confirmed by a roll call vote:

**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.

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		

On motion of Senator Sandoval, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS**

effective July 2, 2009 for terms expiring July 1, 2013:

Joel S. Rosenstein of Denver, Colorado, a person experienced in real estate transactions, reappointed;

David J. Myler of Carbondale, Colorado, a person experienced in real estate transactions, appointed;

Anita Padilla-Fitzgerald of Littleton, Colorado, a person experienced in mortgage banking, appointed;

James M. Hahn of Denver, Colorado, appointed;

John A. Blumberg of Denver, Colorado, reappointed.

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		

On motion of Senator Gibbs, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
TRANSPORTATION COMMISSION**

for a term expiring July 1, 2009:

Gilbert Ortiz Sr. of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of George H. Tempel of Wiley, Colorado, and to serve as a commissioner from the

Tenth Transportation District, appointed.

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		

On motion of Senator Isgar, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2012:

Gary L. Teague of Fort Morgan, Colorado, reappointed;

Robert T. Sakata of Brighton, Colorado, reappointed;

John L. Klomp of Pueblo, Colorado, appointed.

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		

On motion of Senator Hudak, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE ADVISORY COMMITTEE ON GOVERNMENTAL ACCOUNTING

effective May 18, 2009, for terms expiring May 18, 2013:

Kathleen R. Askelson of Indian Hills, Colorado, a finance officer representing school and junior college districts, appointed.

Kellie J. Case of Colorado Springs, Colorado, a finance officer representing city and town government, reappointed.

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		

On motion of Senator Morse, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

Joseph M. Samuel of Highlands Ranch, Colorado, appointed;

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		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE
STATE BOARD OF NURSING

for a term expiring July 1, 2010:

Bartlett D. Writer of Denver, Colorado, to fill the vacancy occasioned by the resignation of Christopher C. Dopke of Denver, Colorado, and to serve as a public member, appointed.

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		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2012:

Robert A. Arnott of Greenwood Village, Colorado, a person with appropriate scientific and technical training or experience, and a Republican, reappointed;

Dawn R. Meyers of Brighton, Colorado, a person with appropriate technical and industrial training or experience, and an Unaffiliated, appointed;

Jon D. Slutsky of Wellington, Colorado, a person with appropriate agricultural training or experience, and a Republican, reappointed.

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		

On motion of Senator Tochtrop, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
COLORADO HEALTH FACILITIES AUTHORITY BOARD OF DIRECTORS**

for terms expiring June 30, 2012:

Tucker H. Adams of Colorado Springs, Colorado, a Republican, reappointed;

Dennis E. Carruth of Carbondale, Colorado, a Republican, reappointed.

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		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
COVERCOLORADO BOARD OF DIRECTORS**

for a term expiring July 1, 2011:

Daryl W. Edmonds of Highlands Ranch, Colorado, a representative of an insurance carrier, reappointed.

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		

On motion of Senator Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF
THE UNIVERSITY OF COLORADO
HOSPITAL AUTHORITY BOARD OF DIRECTORS**

Jerry G. Rutledge, from the Fifth congressional District, to serve until August 31,

2012, or until his successor is appointed by the Board of Regents.

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		

Senate in recess. Senate reconvened.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB09-1338**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB09-1338, concerning modifications to state insurance laws to comply with recently enacted federal laws, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following change:

Amend rerevised bill, page 7, line 19, strike "THE" and substitute "ANY".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Casso, Chair	Senator Bacon, Chair
Representative Soper	Senator Newell
Representative Priola	Senator Mitchell

MESSAGE FROM THE HOUSE

May 4, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1357, amended as printed in House Journal, May 1, page 1661.

The House has passed on Third Reading and returns herewith SB09-291, 284, 287, 282.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-289, amended as printed in House Journal, May 1, page 1662.
SB09-232, amended as printed in House Journal, May 1, page 1662.
SB09-283, amended as printed in House Journal, May 1, page 1662.
SB09-294, amended as printed in House Journal, May 1, page 1663-1664.

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SB09-244, amended as printed in House Journal, May 1, pages 1665-1666.

The House has adopted and returns herewith SJR09-034.

The House has adopted the First Report of the First Conference Committee on SB09-271, as printed in House Journal, April 28, pages 1577-1578, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB09-269, as printed in House Journal, April 29, pages 1606-1608, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB09-279, as printed in House Journal, April 30, pages 1632-1635, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB09-281, as printed in House Journal, May 1, pages 1654-1655, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB09-1057, as printed in House Journal, April 28, pages 1534-1535, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB089-1180 and has repassed the bill as so amended.

The Speaker has appointed Representatives Gagliardi, chairman, Benefield, and Summers as House conferees on the First Conference Committee on SB09-226.

The Speaker has appointed Representatives Schafer, chairman, Frangas, and Tipton as House conferees on the First Conference Committee on SB09-245.

MESSAGE FROM THE REVISOR OF STATUTES

May 4, 2009

We herewith transmit:

Without comment, as amended, HB09-1357.

Without comment, as amended, SB09-232, 244, 283, 289, and 294.

Call of the Senate. Call raised.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB09-271 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the use of tobacco revenues generated under section 21 of article X of the state constitution in a state fiscal emergency, and making an appropriation therefor.

Senator Tapia moved for the adoption of the First Report of the First Conference Committee on **SB00-271**, as printed in Senate Journal, April 30, page 1376-1377. The motion was **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	N	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	Y	Schwartz	Y		

The question being "Shall the bill, as amended, 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	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.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	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, as amended, was declared **repassed**.

SB09-269

by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning adjustment of the allocation of tobacco litigation settlement moneys received by the state during specified fiscal years, and, in connection therewith, requiring settlement moneys that are disputed payments and settlement moneys in excess of a specified amount to be credited to the general fund, requiring a portion of the moneys so credited to be transferred to the children's basic health plan trust and the nurse home visitor program fund, delaying mandated growth in the percentage of settlement moneys allocated for the Colorado nurse home visitor program by one fiscal year, and making appropriations.

Senator White moved for the adoption of the First Report of the First Conference Committee on **SB09-269**, as printed in Senate Journal, April 29, pages 1393-1395. The motion was **adopted** by 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, as amended, was declared **repassed**.

SB09-279 by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Tapia moved for the adoption of the First Report of the First Conference Committee on **SB09-279**, as printed in Senate Journal, April 30, pages 1410-1412. The motion was **adopted** by the following roll call vote:

YES	23	NO	12	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	N	Schwartz	Y		

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

YES	23	NO	12	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	N	Schwartz	Y		

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

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.

Senator Shaffer moved for the adoption of the First Report of the First Conference Committee on **SB09-281**, as printed in Senate Journal, May 1, pages 1464-1465. The motion was **adopted** by the following roll call vote:

YES	21	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	*	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		

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

YES	19	NO	15	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	*	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	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	N		

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

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

HB09-1338 by Representative(s) Casso; also Senator(s) Bacon--Concerning modifications to state insurance laws to comply with recently enacted federal laws.

Senator Bacon moved for the adoption of the First Report of the First Conference Committee on **HB09-1338**, as printed in Senate Journal, May 4. The motion was **adopted** by the following roll call vote:

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	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	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	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	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	Y	Schwartz	Y		

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

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB09-1274, HB09-1094, HB09-1204, HB09-1020, HB09-1345, HB09-1280, HB09-1346, HB09-1334, HB09-1333, HB09-1065, HB09-1319, HB09-1349, HB09-1341, HB09-1359, HB09-1157, HB09-1073, HB09-1137, HB09-1010, HB09-1105, HB09-1343, HCR09-1003, HB09-1360, HB09-1364, HB09-1347, HB09-1353, HB09-1365, HB09-1367, HB09-1288, HB09-1081, HB09-1246, HB09-1126 were made Special Orders at 2:30 p.m.

Committee of the Whole

The hour of 2:30 p.m. having arrived, Senator Veiga moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Veiga was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

HB09-1274 by Representative(s) Weissmann; also Senator(s) Carroll M., Groff--Concerning capital crimes, and making an appropriation in connection therewith.

Amendment No. 1(L.014), by Senators Schwartz and Carroll.

Amend reengrossed bill, page 19, after line 17, insert the following:

"SECTION 22. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-166. Report on repeal of death penalty - repeal. (1) BY JANUARY 1, 2011, THE DEPARTMENT OF CORRECTIONS SHALL REPORT TO THE JOINT BUDGET COMMITTEE REGARDING ANY ADDITIONAL RISKS ENCOUNTERED BY THE DEPARTMENT AND ITS EMPLOYEES IN ENACTING HOUSE BILL 09-1274 AND ANY ADDITIONAL RESOURCES REQUIRED BY ENACTING HOUSE BILL 09-1274.

(2) THIS SECTION SHALL BE REPEALED, EFFECTIVE JULY 1, 2011."

Renumber succeeding sections accordingly.

Amendment No. 2(L.015), by Senators Morse and Penry.

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

SECTION 1. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-416.5. Cold case investigation - fund. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COLD CASE INVESTIGATION FUND, REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND SHALL CONSIST OF COSTS AND SURCHARGES LEVIED PURSUANT TO THIS SECTION AND PAYMENTS FOR GENETIC TESTING RECEIVED FROM OFFENDERS PURSUANT TO SECTIONS 16-11-102.4, 18-1.3-407, AND 19-2-925.6, C.R.S. SUBJECT TO ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY, THE EXECUTIVE DIRECTOR IS AUTHORIZED TO EXPEND MONEYS IN THE FUND TO PAY FOR THE INVESTIGATION OF CAPITAL COLD CASES AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) (a) A COST OF TWO DOLLARS AND FIFTY CENTS IS HEREBY LEVIED ON EACH CRIMINAL ACTION RESULTING IN A CONVICTION OR IN A DEFERRED JUDGMENT AND SENTENCE, AS PROVIDED IN SECTION

18-1.3-102, C.R.S., FOR A FELONY, A MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE, CHARGED PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE COSTS TO THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(b) THE PROVISIONS OF SECTIONS 18-1.3-701 AND 18-1.3-702, C.R.S., SHALL APPLY AS TO THE COLLECTION OF COSTS LEVIED PURSUANT TO THIS SUBSECTION (2).

(3) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SECTION 42-4-1701, C.R.S., FOR A MISDEMEANOR OR A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE UNDER STATE STATUTE THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBSECTION (3) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(4) A COST OF TWO DOLLARS AND FIFTY CENTS IS HEREBY LEVIED AGAINST EACH CIVIL ACTION RESULTING IN AN ADMISSION OF LIABILITY OR A JUDGMENT AGAINST THE DEFENDANT FOR A CLASS A OR CLASS B TRAFFIC INFRACTION CHARGED PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE COST TO THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(5) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SECTION 42-4-1701, C.R.S., FOR A CLASS A OR CLASS B TRAFFIC INFRACTION UNDER STATE STATUTE THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CIVIL ACTION. ALL MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBSECTION (5) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(6) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO SECTION 33-6-104, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (6) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(7) A SURCHARGE OF TWO DOLLARS AND FIFTY CENTS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO SECTION 33-15-102, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY THE DIVISION OF PARKS AND OUTDOOR RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (7) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(8) THE COURT MAY WAIVE A COST OR SURCHARGE LEVIED PURSUANT TO THIS SECTION IF THE COURT DETERMINES THE DEFENDANT IS INDIGENT.

SECTION 2. 42-4-1701, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (8) THE SURCHARGES DESCRIBED IN SUBSECTIONS (4) THROUGH (6) OF THIS SECTION ARE SEPARATE AND DISTINCT FROM A SURCHARGE LEVIED PURSUANT TO SECTION 24-33.5-416.5, C.R.S.

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SECTION 3. 42-4-1707 (3) (a) and (6), Colorado Revised Statutes, are amended to read:

42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (3) (a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for the offense, the amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections 24-4.1-119 (1) (f), ~~and~~ 24-4.2-104 (1), AND 24-33.5-416.5, C.R.S., the number of points, if any, prescribed for the offense pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and ~~surcharge~~ SURCHARGES thereon are not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint, should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be paid within the time allowed in section 42-4-1701.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, as provided in this section, must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty and ~~surcharge~~ SURCHARGES thereon to the department or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint. If the defendant does possess a valid Colorado driver's license, the defendant shall not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title to produce or divulge such person's social security number.

SECTION 4. 42-4-1709 (1), Colorado Revised Statutes, is amended to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for the traffic infraction, the amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections 24-4.1-119 (1) (f), ~~and~~ 24-4.2-104 (1), AND 24-33.5-416.5, C.R.S., the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and ~~surcharge~~ SURCHARGES thereon ~~is~~ ARE not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute

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a signed acknowledgment of liability and an agreement to pay the penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint, should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be paid within the time allowed in section 42-4-1701.

SECTION 5. 33-6-104, Colorado Revised Statutes, is amended to read:

33-6-104. Imposition of penalty - procedures. (1) Any person who violates any of the provisions of articles 1 to 6 of this title or any rule ~~or regulation~~ of the commission that does not have a specific penalty listed is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars, A SURCHARGE AS DESCRIBED IN SECTION 24-33.5-416.5, C.R.S., and an assessment of five license suspension points.

(2) At the time that any person is charged with violating any misdemeanor provisions of articles 1 to 6 of this title or any rule ~~or regulation~~ of the commission, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine AND SURCHARGE in the form of a penalty assessment. Penalty assessments shall not be issued for violations for which minimum and maximum fines have been established. The penalty assessment notice given to the alleged offender shall contain the information required in and be in the form of a summons and complaint and shall specify in dollars the amount of the penalty to be assessed for the alleged offense and the amount of the ~~surcharge~~ SURCHARGES to be collected pursuant to ~~section~~ SECTIONS 24-4.2-104 (1) AND 24-33.5-416.5, C.R.S. If the alleged offender accepts such notice and pays the fine and the ~~surcharge~~ SURCHARGES entered thereon to the division within fifteen days of issuance of the notice, such acceptance and payment shall constitute an acknowledgment of guilt by such person of the violation set forth in the penalty assessment notice. Any person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine and ~~surcharge~~ SURCHARGES may be taken by the officer to the nearest known post-office facility and BE required to remit the amount of the specified fine and ~~surcharge~~ SURCHARGES to the division immediately by mail in United States currency or other legal tender by money order or personal check. Refusal or inability to remit the specified fine and ~~surcharge~~ SURCHARGES by mail when required shall constitute a refusal to accept a penalty assessment notice. The officer shall advise the person arrested of the license suspension points to be assessed in accordance with section 33-6-106. Checks tendered by the violator to and accepted by the division and on which payment is received by the division shall be deemed sufficient receipt. If the fine and ~~surcharge~~ SURCHARGES are not so paid, then the officer who issued the penalty assessment notice shall docket the summons and complaint with a court of competent jurisdiction for appearance by the person to answer the charges therein contained at such time and place as is specified in the summons and complaint.

SECTION 6. 33-15-102 (2), Colorado Revised Statutes, is amended to read:

33-15-102. Imposition of penalty - procedures. (2) At the time that any person is charged with violating any petty offense or misdemeanor provisions of articles 10 ~~to~~ THROUGH 15 or 32 of this title or any rule of the board, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine AND SURCHARGE in the form of a penalty assessment. Penalty assessments shall not be issued for violations for which minimum and maximum fines have

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been established. The penalty assessment notice given to the alleged offender shall contain the information required in and be in the form of a summons and complaint and shall specify in dollars the amount of the penalty to be assessed for the alleged offense AND THE AMOUNT OF THE SURCHARGE TO BE COLLECTED PURSUANT TO SECTION 24-33.5-416.5, C.R.S. If the alleged offender accepts such notice and pays the fine AND SURCHARGE entered thereon to the division within twenty days of issuance of the notice, such acceptance and payment shall constitute an acknowledgment of guilt by such person of the violation set forth in the penalty assessment notice. Any person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine AND SURCHARGE may be taken by the officer to the nearest known post-office facility and BE required to remit the amount of the specified fine AND SURCHARGE to the division immediately by mail in United States currency or other legal tender or by money order or personal check. Refusal or inability to remit the specified fine AND SURCHARGE by mail when required shall constitute a refusal to accept a penalty assessment notice. Checks tendered by the violator to and accepted by the division and on which payment is received by the division shall be deemed sufficient receipt. If the fine ~~is~~ AND SURCHARGE ARE not so paid, then the officer who issued the penalty assessment notice shall docket the summons and complaint with a court of competent jurisdiction for appearance by the person to answer the charges therein contained at such time and place as is specified in the summons and complaint.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the cold case investigation fund created in section 24-33.5-416.5, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2009, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Effective date. This act shall take effect July 1, 2009.

SECTION 9. 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."

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

HB09-1094 by Representative(s) Levy, Fischer, Hullinghorst, Kefalas; also Senator(s) Bacon-- Concerning wireless telephone prohibitions for drivers, and making an appropriation in connection therewith.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 21, page 1178 and placed in members' bill files.)

Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, April 24, page 1262 and placed in members' bill files.)

Amendment No. 3, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, page 1392 and placed in members' bill files.)

Amendment No. 4(L.019), by Senator Bacon.

Amend reengrossed bill, page 4, after line 23, insert the following:

"(6) A DRIVER IN A MOTOR VEHICLE SHALL NOT BE CITED FOR A VIOLATION OF SUBSECTION (3) OF THIS SECTION UNLESS SUCH DRIVER WAS STOPPED BY A LAW ENFORCEMENT OFFICER FOR AN ALLEGED VIOLATION OF ARTICLES 1 TO 4 OF THIS TITLE OTHER THAN A VIOLATION OF THIS SECTION."

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Renumber succeeding subsections accordingly.

Amendment No. 5(L.024), by Senator Schwartz.

Amend reengrossed bill, page 2, strike lines 7 through 26 and substitute the following:

"(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a ~~mobile communication device~~ WIRELESS TELEPHONE while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner."

Page 3, line 1, strike "~~(b)~~ (c)" and substitute "(b)".

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 7 through 11.

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 23 through 27 and substitute the following:

"(2) ~~No A person who holds a temporary instruction permit or a minor's instruction permit pursuant to section 42-2-106~~ EIGHTEEN YEARS OF AGE OR YOUNGER shall NOT use a ~~mobile communication device~~ WIRELESS TELEPHONE FOR THE PURPOSE OF ENGAGING IN TEXT MESSAGING OR OTHER FORMS OF MANUAL DATA ENTRY OR TRANSMISSION while operating a motor".

Page 4, strike lines 1 through 11 and substitute the following:

~~"vehicle This section shall not apply to a person who is using the mobile communication device:~~ WHILE THE VEHICLE IS IN MOTION.

~~(a) To contact a public safety entity;~~

~~(b) While the vehicle is lawfully parked; or~~

~~(c) During an emergency."~~

Renumber succeeding subsections accordingly.

Page 4, line 12, strike "SUBSECTIONS (2) AND (3)" and substitute "SUBSECTION (2)";

line 17, strike "OR (3)";

line 20 strike "OR";

line 21, strike "(3)";

line 25, strike "OR (3)".

Page 5, line 1, strike "(e)" and substitute "(d)";

strike lines 6 through 24.

Renumber succeeding subsections accordingly.

Page 6, line 27, strike "(5)" and substitute "(4)".

Page 7, line 1, strike "(5)" and substitute "(4)".

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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 6:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in recess.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy

After consideration on the merits, the Committee recommends that **HB09-1362** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1331** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 29, strike lines 22 through 27.

Page 30, strike lines 1 through 3.

Renumber succeeding section accordingly.

Page 1, line 101, strike "**VEHICLES, AND**" and substitute "**VEHICLES.**"; strike line 102.

MESSAGE FROM THE HOUSE

May 4, 2009

The House has adopted and transmits herewith HJR09-1028.

The House has adopted and returns herewith SJR09-054.

The House has postponed indefinitely SB09-233, 253, 273, 296. The bill is returned herewith.

The House has postponed indefinitely SB09-250. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB089-1242, 1250, 1252, 1303, 1316, 1035, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB9-1111 and requests that a conference committee be appointed. The Speaker has appointed Representatives Massey, chairman, Riesberg, and Kagan as House conferees on the First Conference Committee on HB09-1111. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB09-1369, amended as printed in House Journal, May 1, pages 1662-1663, and amended on Third Reading as printed in House Journal, May 4.

MESSAGE FROM THE REVISOR OF STATUTES

May 4, 2009

We herewith transmit:

Without comment, as amended, HB09-1369.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR09-059 by Senator(s) Schwartz; --Concerning the designation of "Graduate and Professional Student Appreciation Month".

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

HJR09-1023 by Representative(s) Gardner B.; also Senator(s) Morse--Concerning the Ground-based Midcourse Defense System.

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

HJR09-1027 by Representative(s) King S.; also Senator(s) Morse--Concerning declaring the week of May 10-16, 2009, as Police Week and May 15, 2009, as Peace Officers' Memorial Day.

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

SR09-017 by Senator(s) Groff; --Concerning the approval by the Senate of the appointment by the Senate President of the honorable Dan Grossman as the Senate's appointment to the independent ethics commission created in article XXIX of the state constitution.

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

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1357 by Representative(s) Vigil; also Senator(s) Schwartz--Concerning a requirement that campaign finance reports required to be filed with the county clerk and recorder be filed instead with the secretary of state, and making an appropriation therefor.

State, Veterans & Military Affairs

SENATE SERVICES REPORT

Correctly Engrossed: SJR09-042, 044, 047 and 054.

Correctly Reengrossed: SB09-297.

Correctly Revised: HB09-1067 and 1342; HJR09-1020.

Correctly Rerevised: HB09-1017, 1039, 1047, 1111, 1123, 1132, 1163, 1202, 1266, 1267, 1290, 1298, 1310, 1320, 1326, 1330 and 1348.

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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB09-1164, 1041, 1224, 1276, SJM09-002; SJR09-039, 042, 045, 046 and 053.

SPECIAL ORDERS -- SECOND READING OF BILLS con't

HB09-1204 by Representative(s) Massey, McGihon; also Senator(s) Boyd--Concerning health insurance coverage for preventive health care services, and, in connection therewith, expanding required coverage for certain preventive health care services that receive high recommendations from the United States preventive services task force and the national commission on prevention priorities.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 17, page 1128 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1368 and placed in members' bill files.)

Amendment No. 3(L.008), by Senator Boyd.

Amend reengrossed bill, page 8, line 6, strike "SIXTY" and substitute "ONE HUNDRED".

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

HB09-1020 by Representative(s) Acree; also Senator(s) Spence, Boyd--Concerning expedited processes for reenrollment in publicly funded medical programs.

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

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

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

HB09-1280 by Representative(s) Looper; also Senator(s) Tapia and Williams--Concerning the adoption of a youth challenge corps program in Colorado.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 30, page 1421 and placed in members' bill files.)

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

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

Amendment No. 1(L.005), by Senator Shaffer.

Amend reengrossed bill, page 29, strike lines 21 and 22 and substitute the following:

"AND EITHER ARE OR ARE TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR ARE EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY.".

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Page 30, line 3, strike "AND IS OR IS TO";

strike line 4;

line 5, strike "EDUCATION" and substitute "AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY";

strike lines 21 and 22 and substitute the following:

"COMMISSION, AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY OR MAY CARRY THE VOLUME CAP".

Page 31, line 2, strike "AND IS";

strike line 3,

line 4, strike "HIGHER EDUCATION" and substitute "AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY";

Page 33, strike lines 11 and 12 and substitute the following;

"THE COMMISSION, AND EITHER IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR IS EXPECTED TO INCREASE ECONOMIC DEVELOPMENT IN THE VICINITY OF A FACILITY THAT IS OR IS TO BE OWNED OR USED BY ONE OR MORE PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN A MANNER THAT IS COMPLEMENTARY TO THE USE OF SUCH HIGHER EDUCATION FACILITY, MAY BE CARRIED FORWARD".

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

HB09-1334 by Representative(s) McCann and Apuan, Court, Gardner B., King S., Lambert, Ryden, Schafer S., Vigil, Waller; also Senator(s) Newell--Concerning the aggregation of multiple offenses involving theft-type crimes into a single offense.

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

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

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, April 30, page 1454-1455 and placed in members' bill files.)

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

HB09-1319 by Representative(s) Merrifield and Massey, Todd, Baumgardner, Benefield, Carroll T., Casso, Ferrandino, Fischer, Green, Kerr A., Levy, Middleton, Miklosi, Murray,

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Peniston, Primavera, Priola, Riesberg, Scanlan, Schafer S., Solano, Summers; also
Senator(s) Williams, King K., Hudak, Penry, Bacon, Boyd, Heath, Romer, Scheffel,
Schwartz, Shaffer B., Tapia--Concerning concurrent enrollment of public high school
students in courses offered by institutions of higher education, and making an appropriation
therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 24, pages 1262-1264 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 29, page 1375 and placed in members' bill files.)

Amendment No. 3(L.036), by Senator King.

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

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

"(4) "BOARD OF COOPERATIVE SERVICES" OR "BOCES" MEANS A
BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT
TO ARTICLE 5 OF THIS TITLE THAT OPERATES ONE OR MORE PUBLIC
SCHOOLS."

Renumber succeeding subsections accordingly.

Page 6, line 10, strike "HIGH SCHOOL OF A SCHOOL" and substitute "LOCAL
EDUCATION PROVIDER";

line 11, strike "DISTRICT";

line 14, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION
PROVIDER";

after line 17, insert the following:

"(9) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL
AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
OF THIS TITLE THAT SERVES ANY OF GRADES NINE THROUGH TWELVE.";

Renumber succeeding sections accordingly.";

line 2 of the committee report, strike "(8)" and substitute "(10)".

Page 2 of the committee report, strike line 3 and substitute the following:

"BOARD OF EDUCATION.

(11) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL
AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
PART 5 OF ARTICLE 30.5 OF THIS TITLE THAT SERVES ANY OF GRADES NINE
THROUGH TWELVE."

Renumber succeeding subsections accordingly.";

strike lines 5 and 6 of the committee report and substitute the following:

"Page 7, after line 13, insert the following:

"(13) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
BOARD OF COOPERATIVE SERVICES, A DISTRICT CHARTER SCHOOL, OR AN
INSTITUTE CHARTER SCHOOL."

Renumber succeeding subsections accordingly.

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Page 7, line 25, strike "NINTH, TENTH" and substitute "NINTH GRADE OR A HIGHER GRADE LEVEL IN A LOCAL EDUCATION PROVIDER.";

strike line 26.";

after line 6 of the committee report, insert the following:

"Page 8, line 4, after "STUDENT", insert "ENROLLED IN A HIGH SCHOOL OF A SCHOOL DISTRICT";

line 5, strike "A" and substitute "THE";

line 6, strike "DESIGNEE" and substitute "DESIGNEE, OR A QUALIFIED STUDENT ENROLLED IN A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A HIGH SCHOOL OF A BOCES WHO HAS APPLIED TO AND RECEIVED APPROVAL FROM THE CHIEF ADMINISTRATOR OF THE DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A HIGH SCHOOL OF A BOCES,";

line 10, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 12, strike "MIDDLE SCHOOLS, JUNIOR HIGH SCHOOLS, AND HIGH SCHOOLS OF" and substitute "LOCAL EDUCATION PROVIDER";

line 13, strike "THE SCHOOL DISTRICT";

line 18, strike "HIGH SCHOOL OF A SCHOOL DISTRICT." and substitute "LOCAL EDUCATION PROVIDER.";

line 22, strike "THE SCHOOL DISTRICT" and substitute "HIS OR HER LOCAL EDUCATION PROVIDER";

strike lines 23 and 24 and substitute the following:

"BY THE END OF HIS OR HER TWELFTH-GRADE YEAR AND IS THEREFORE RETAINED BY THE LOCAL EDUCATION PROVIDER FOR".

Page 9, line 5, strike "SCHOOL DISTRICT;" and substitute "LOCAL EDUCATION PROVIDER;";

line 8, strike "SCHOOL DISTRICT." and substitute "LOCAL EDUCATION PROVIDER.";

strike line 14 and substitute the following:

"(2) (a) (I) A QUALIFIED STUDENT ENROLLED IN A HIGH SCHOOL OF A SCHOOL DISTRICT WHO SEEKS TO CONCURRENTLY";

strike line 22 and substitute the following:

"HER DISCRETION.

(II) A QUALIFIED STUDENT ENROLLED IN A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A HIGH SCHOOL OF A BOCES WHO SEEKS TO CONCURRENTLY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL APPLY TO THE CHIEF ADMINISTRATOR OF THE DISTRICT CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR HIGH SCHOOL OF A BOCES FOR APPROVAL OF CONCURRENT ENROLLMENT NO LATER THAN SIXTY DAYS BEFORE THE END OF THE ACADEMIC TERM THAT IMMEDIATELY PRECEDES THE INTENDED TERM OF CONCURRENT ENROLLMENT; EXCEPT THAT THE CHIEF ADMINISTRATOR MAY WAIVE THE TIME LIMITATION AT HIS OR HER DISCRETION.

(III) IN APPLYING FOR CONCURRENT ENROLLMENT";

line 24, strike "THE SCHOOL DISTRICT" and substitute "HIS OR HER LOCAL EDUCATION PROVIDER";

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line 26, strike "DISTRICT OR" and substitute "DISTRICT,"; 1

line 27, strike "DESIGNEE" and substitute "DESIGNEE, OR A CHIEF 2

ADMINISTRATOR OF A DISTRICT CHARTER SCHOOL, INSTITUTE CHARTER 3

SCHOOL, OR HIGH SCHOOL OF A BOCES". 4

Page 10, strike line 2 and substitute the following: 5

"(2), THE SUPERINTENDENT, SUPERINTENDENT'S DESIGNEE, OR CHIEF 6

ADMINISTRATOR OF A DISTRICT CHARTER SCHOOL, INSTITUTE CHARTER 7

SCHOOL, OR HIGH SCHOOL OF A BOCES SHALL"; 8

line 5, strike "SCHOOL" and substitute "LOCAL EDUCATION PROVIDER"; 9

line 6, strike "DISTRICT"; 10

line 10, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION 11

PROVIDER"; 12

line 17, strike "HIGH SCHOOL," and substitute "LOCAL EDUCATION 13

PROVIDER,"; 14

line 20, strike "HIGH SCHOOL." and substitute "THE LOCAL EDUCATION 15

PROVIDER."; 16

line 23, "HIGH SCHOOL" and substitute "LOCAL EDUCATION PROVIDER". 17

Page 11, line 10, strike "HIGH SCHOOL OF A SCHOOL DISTRICT;" and 18

substitute "LOCAL EDUCATION PROVIDER;"; 19

line 21, strike "REQUIREMENTS." and substitute "REQUIREMENTS AT HIS OR 20

HER LOCAL EDUCATION PROVIDER."; 21

line 22, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION 22

PROVIDER"."; 23

strike line 9 of the committee report and substitute the following: 24

"line 7, strike "BASIC SKILLS CREDIT"; 25

line 9, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION 26

PROVIDER"; 27

line 12, strike "SCHOOL" and substitute "LOCAL EDUCATION PROVIDER"; 28

line 13, strike "DISTRICT"; 29

line 15, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION 30

PROVIDER"; 31

line 20, strike "SCHOOL" and substitute "LOCAL EDUCATION PROVIDER"; 32

line 21, strike "DISTRICT". 33

Page 13, line 2, after "THE", insert "QUALIFIED"; 34

line 11, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION 35

PROVIDER"; 36

line 15, strike "EXECUTES" and substitute "ENTERS INTO"; 37

line 16, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION 38

PROVIDER"; 39

after line 23, insert the following: 40

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"(8) (a) A DISTRICT CHARTER SCHOOL MAY ELECT TO ALLOW A QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL TO CONCURRENTLY ENROLL PURSUANT TO THE PROVISIONS OF A COOPERATIVE AGREEMENT THAT IS ENTERED INTO BY EITHER:

(I) THE SCHOOL DISTRICT OF THE DISTRICT CHARTER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION; OR

(II) THE DISTRICT CHARTER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION.

(b) IF A DISTRICT CHARTER SCHOOL ELECTS TO ALLOW A QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL TO CONCURRENTLY ENROLL PURSUANT TO THE PROVISIONS OF A COOPERATIVE AGREEMENT THAT IS ENTERED INTO BY THE SCHOOL DISTRICT OF THE DISTRICT CHARTER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION:

(I) THE DISTRICT CHARTER SCHOOL SHALL BE RESPONSIBLE FOR PAYING THE TUITION FOR EACH COURSE THAT IS COMPLETED BY THE QUALIFIED STUDENT PURSUANT TO THE COOPERATIVE AGREEMENT; AND

(II) THE QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL SHALL NOT CONCURRENTLY ENROLL UNLESS, NOT LATER THAN SIXTY DAYS BEFORE THE END OF THE ACADEMIC TERM THAT IMMEDIATELY PRECEDES THE INTENDED TERM OF CONCURRENT ENROLLMENT, HE OR SHE APPLIES FOR APPROVAL OF CONCURRENT ENROLLMENT FROM THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR HIS OR HER DESIGNEE, AND THE SUPERINTENDENT OR HIS OR HER DESIGNEE GRANTS SUCH APPROVAL OR WAIVES THIS TIME LIMITATION, AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(c) IF A DISTRICT CHARTER SCHOOL ELECTS TO ALLOW A QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL TO CONCURRENTLY ENROLL AS DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (8), NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO ENTITLE THE DISTRICT CHARTER SCHOOL TO ANY MONEYS FROM THE SCHOOL DISTRICT OF THE DISTRICT CHARTER SCHOOL OTHER THAN THOSE MONEYS TO WHICH THE DISTRICT CHARTER SCHOOL IS ENTITLED PURSUANT TO THE PROVISIONS OF THIS TITLE."

Renumber succeeding subsections accordingly.";

strike line 10 of the committee report and substitute the following:

"Page 14, line 9, strike "SCHOOL DISTRICT;" and substitute "LOCAL EDUCATION PROVIDER;"

line 13, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

after line 14, insert the following:";

line 11 of the committee report, strike ""(10)" and substitute ""(11)";

line 18 of the committee report, strike "ENROLLMENT"." and substitute "ENROLLMENT";";

after line 18 of the committee report, insert the following:

"line 25, strike "HIGH SCHOOL" and substitute "ACADEMIC";

line 26, after "CREDIT", insert "AT HIS OR HER LOCAL EDUCATION PROVIDER".

Page 15, line 8, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 10, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 18, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER".

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Page 16, line 3, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 13, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 17, strike "SCHOOL DISTRICT OF THE HIGH SCHOOL" and substitute "LOCAL EDUCATION PROVIDER";

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line 20, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 23, after the third "THE", insert "STUDENT'S";

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strike line 24 and substitute the following:

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"PUPIL COUNT OF HIS OR HER SCHOOL DISTRICT, OR, IN THE CASE OF A STUDENT ENROLLED IN AN INSTITUTE CHARTER SCHOOL, OF THE SCHOOL'S ACCOUNTING DISTRICT";

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line 25, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER".

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Page 17, line 3, strike "SCHOOL DISTRICT," and substitute "LOCAL EDUCATION PROVIDER,";

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line 5, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 6, strike "SCHOOL DISTRICT BOARD OF EDUCATION" and substitute "LOCAL EDUCATION PROVIDER";

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strike line 11 and substitute the following:

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"REIMBURSE THE LOCAL EDUCATION PROVIDER FOR THE TUITION PAID BY THE LOCAL EDUCATION PROVIDER";

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line 12, strike "DISTRICT";

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line 14, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

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line 18, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER".";

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strike line 25 of the committee report and substitute the following:

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"Page 19, line 21, strike "SCHOOL DISTRICTS" and substitute "LOCAL EDUCATION PROVIDERS";

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line 23, strike "and".

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Page 3 of the committee report, strike line 1 and substitute the following:

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"Page 20, line 1, strike "SCHOOL" and substitute "LOCAL EDUCATION PROVIDER";

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line 2, strike "DISTRICT";

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strike line 3 and substitute the following:";

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line 12 of the committee report, strike "HIGH SCHOOL OF A" and

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substitute "LOCAL EDUCATION PROVIDER";

line 13 of the committee report, strike "SCHOOL DISTRICT";

strike line 16 of the committee report and substitute the following:

"LOCAL EDUCATION PROVIDER;"

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

"Page 21, line 14, strike "HIGH SCHOOL OF A SCHOOL DISTRICT." and substitute "LOCAL EDUCATION PROVIDER."";

line 25, strike "PRINCIPAL;" and substitute "PRINCIPAL OR EQUIVALENT SCHOOL ADMINISTRATOR;"

Page 22, line 14, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 16, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 21, strike "SCHOOL DISTRICTS" and substitute "LOCAL EDUCATION PROVIDERS".

Page 23, line 1, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 2, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 5, strike "COUNT" and substitute "COUNT, OR, IN THE CASE OF A STUDENT ENROLLED IN AN INSTITUTE CHARTER SCHOOL, IN THE SCHOOL'S ACCOUNTING DISTRICT,";

line 15, strike "ASCENT" and substitute "ASCENT";

line 26, strike "SCHOOL DISTRICT." and substitute "LOCAL EDUCATION PROVIDER."";

strike line 29 of the committee report and substitute the following:

"Page 24, line 9, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

after line 18, insert the following:"

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

"EARLY COLLEGE.";

line 24, strike "SCHOOL DISTRICTS" and substitute "LOCAL EDUCATION PROVIDERS."";

line 3 of the committee report, strike "**repeal.**" and substitute "**repeal.**";";

after line 3 of the committee report, insert the following:

line 4, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 8, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 14, strike "SCHOOL DISTRICTS." and substitute "LOCAL EDUCATION PROVIDERS.".

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Page 26, line 2, strike "SCHOOL DISTRICTS" and substitute "LOCAL EDUCATION PROVIDERS";

line 7, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER";

line 20, strike "SCHOOL DISTRICTS" and substitute "LOCAL EDUCATION PROVIDERS";

line 24, strike "SCHOOL DISTRICT" and substitute "LOCAL EDUCATION PROVIDER".";

after line 14 of the committee report, add the following:

"Page 29, line 2, strike "DISTRICT".".

Amendment No. 4(L.034), by Senator Williams.

Amend reengrossed bill, page 23, after line 16, insert the following:

"(6) (a) A QUALIFIED STUDENT WHO IS DESIGNATED BY THE DEPARTMENT AS AN ASCENT PROGRAM PARTICIPANT SHALL NOT BE CONSIDERED A HIGH SCHOOL GRADUATE UNTIL HE OR SHE HAS COMPLETED HIS OR HER PARTICIPATION IN THE ASCENT PROGRAM AND ANY REMAINING GRADUATION REQUIREMENTS SPECIFIED BY HIS OR HER HIGH SCHOOL ADMINISTRATION.

(b) ON OR BEFORE JUNE 1, 2010, THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES FOR SCHOOLS AND SCHOOL DISTRICTS TO FOLLOW IN SATISFYING STATE AND FEDERAL REPORTING REQUIREMENTS CONCERNING THE ENROLLMENT STATUS OF ASCENT PROGRAM PARTICIPANTS. TO THE EXTENT PRACTICABLE, THE RULES SHALL ENSURE THAT SCHOOLS AND SCHOOL DISTRICTS ARE NOT ADVERSELY AFFECTED IN CALCULATING AND REPORTING THE COMPLETION OF HIGH SCHOOL GRADUATION REQUIREMENTS BY QUALIFIED STUDENTS WHO HAVE BEEN DESIGNATED BY THE DEPARTMENT AS ASCENT PROGRAM PARTICIPANTS. THE RULES SHALL INCLUDE, AT A MINIMUM, REPORTING REQUIREMENTS RELATING TO:

(I) THE PROVISIONS OF ARTICLE 7 OF THIS TITLE CONCERNING EDUCATIONAL ACCOUNTABILITY; AND

(II) THE PROVISIONS OF ARTICLE 11 OF THIS TITLE CONCERNING EDUCATIONAL ACCREDITATION.".

Amendment No. 5(L.038), by Senator Schwartz.

Amend reengrossed bill, page 18, line 7, strike "NINE" and substitute "TEN";

line 20, strike the second "AND";

line 25, strike "FINANCE." and substitute "FINANCE; AND

(d) THE DIRECTOR OF ACCREDITATION AND REGIONAL SERVICES WITHIN THE DEPARTMENT.".

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

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

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

(Printed in Senate Journal, April 29, pages 1404-1405 and placed in members' bill files.)

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

HB09-1341 by Representative(s) Pace, McFadyen, Riesberg, Vigil; also Senator(s) Tapia, Boyd, Tochtrop--Concerning the continuation of the licensing of psychiatric technicians by the state board of nursing.

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.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 16, pages 1109-1113 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.)

Amendment No. 3(L.018), by Senator Spence.

Amend the Appropriations Committee Report, dated April 24, 2009, page 1, strike lines 1 through 5 and substitute the following:

"Amend the Education Committee Report, dated April 15, 2009, page 7, strike lines 15 through 22.

Renumber succeeding section accordingly.

Page 7 of the Education Committee report, strike line 26 and substitute the following:

"Page 1, strike line 103 and substitute "SYSTEM."."."

Amendment No. 4(L.020), by Senator Schwartz.

Amend the Education Committee Report, dated April 15, 2009, page 3, line 4, strike "AFFLUENT OR WHITE" and substitute "ADVANTAGED".

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

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

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

(Printed in Senate Journal, April 30, pages 1409-1410 and placed in members' bill files.)

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

HB09-1157 by Representative(s) Waller, Baumgardner, Bradford, King S., Liston, Stephens; also Senator(s) Kopp, King K., Scheffel--Concerning the designation of N-benzylpiperazine as a schedule I controlled substance, and, in connection therewith, making an appropriation.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 28, page 1338 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 30, page 1421 and placed in members' bill files.)

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

HB09-1073 by Representative(s) Massey, Frangas, Kerr J., Riesberg; also Senator(s) Boyd and Kopp, Morse--Concerning electronic prescriptions in the medical assistance program. Health and Human Services

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 30, page 1421-1422 and placed in members' bill files.)

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

HB09-1137 by Representative(s) Judd; also Senator(s) Newell--Concerning intercepts, and, in connection therewith, intercepting gambling winnings to pay outstanding restitution, and requiring the department of revenue to provide specified information to state agencies in conjunction with intercepts of tax refunds, and making an appropriation.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.

(Printed in Senate Journal, April 27, pages 1327-1328 and placed in members' bill files.)

Amendment No. 2(L.031), by Senator Newell.

Amend the State, Veterans & Military Affairs Committee Report, dated April 27, 2009, page 1, line 4, strike "BEGINNING JANUARY 1, 2011, RESTITUTION" and substitute "RESTITUTION";

strike line 15.

Page 2, strike lines 3 through 6.

Amend reengrossed bill, page 2, strike lines 7 through 19.

Page 3, strike lines 1 through 17.

Re-number succeeding sections accordingly.

Page 4, after line 1, insert the following:

SECTION 4. 24-33.5-506 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-33.5-506. Victims assistance and law enforcement fund - creation. (1) There is hereby created in the state treasury a fund to be known as the victims assistance and law enforcement fund, referred to in this section and sections 24-33.5-507 and 24-33.5-508 as the "fund". The state treasurer shall credit to the fund all moneys deposited with the state treasurer pursuant to section 24-4.2-105 (1) and voluntary victim assistance payments from inmates pursuant to article 24 of title 17, C.R.S. The general assembly shall make annual appropriations of the moneys in the fund to the division:

(e) FOR DISTRIBUTION BY THE DIVISION, BASED ON RECOMMENDATIONS FROM THE ADVISORY BOARD, THROUGH THE AWARDING OF GRANTS PURSUANT TO SECTION 24-33.5-507, TO THE JUDICIAL DEPARTMENT FOR THE PURPOSE OF EXPANDING THE "GAMBLING PAYMENT INTERCEPT ACT", PART 6 OF ARTICLE 35 OF THIS TITLE, TO INCLUDE INTERCEPTS OF RESTITUTION THAT A PERSON HAS BEEN ORDERED TO PAY PURSUANT TO SECTION 18-1.3-603 OR 19-2-918, C.R.S. ANY MONEYS RECEIVED BY THE DEPARTMENT FROM THE DIVISION SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE GAMBLING PAYMENT INTERCEPT CASH FUND CREATED IN SECTION 24-35-605.5 (1) FOR USE BY THE DEPARTMENT IN ACCORDANCE WITH THE PARAGRAPH (a) OF SUBSECTION (2) OF SAID SECTION 24-35-605.5.

SECTION 5. 24-33.5-507, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-33.5-507. Application for grants - disbursements from fund - rules. (4) FOR THE 2010-11 AND 2011-12 STATE FISCAL YEARS, THE

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JUDICIAL DEPARTMENT SHALL APPLY FOR A GRANT FOR THE PURPOSES DESCRIBED IN SECTION 24-33.5-506 (1) (e)."

Renumber succeeding sections accordingly.

Page 5, line 7, strike "THE" and substitute "ON AND AFTER THE DATE THAT THE JUDICIAL DEPARTMENT RECEIVES NOTICE FROM THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 24-35-605.5 (2) (b) (I), THE".

Page 6, line 3, strike "BEGINNING";

line 4, strike "JULY 1, 2010," and substitute "ON AND AFTER THE DATE THAT THE JUDICIAL DEPARTMENT RECEIVES NOTICE FROM THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 24-35-605.5 (2) (b) (I)," and strike "EIGHTY-FIVE" and substitute "TWENTY-FIVE";

strike line 9 and substitute the following:

"amended, and the said 24-35-605 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:".

Page 7, strike lines 25 through 27.

Page 8, strike lines 1 and 2 and substitute the following:

"(3) THE REGISTRY OPERATOR SHALL DEDUCT AN";

strike lines 6 through 27 and substitute the following:

"DEPOSIT IN THE GAMBLING PAYMENT INTERCEPT CASH FUND CREATED IN SECTION 24-35-605.5.

SECTION 10. Part 6 of article 35 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-35-605.5. Gambling payment intercept cash fund - creation - gifts, grants, donations - intercepts for restitution. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE GAMBLING PAYMENT INTERCEPT CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF ANY MONEYS DEPOSITED IN THE FUND PURSUANT TO SECTION 24-35-605 (3) AND ANY GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES, WHICH THE DEPARTMENT OF REVENUE AND THE JUDICIAL DEPARTMENT ARE HEREBY AUTHORIZED TO SEEK AND ACCEPT FOR THE PURPOSES SET FORTH IN THIS SECTION. 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.

(2) (a) THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF EXPANDING THE PROGRAM ESTABLISHED BY THIS PART 6 TO INCLUDE INTERCEPTS OF RESTITUTION THAT A PERSON HAS BEEN ORDERED TO PAY PURSUANT TO SECTION 18-1.3-603 OR 19-2-918, C.R.S., AS CERTIFIED BY THE JUDICIAL DEPARTMENT.

(b) ONCE THE INTERCEPT PROGRAM HAS BEEN EXPANDED AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2):

(I) THE DEPARTMENT OF REVENUE SHALL NOTIFY THE JUDICIAL DEPARTMENT AND THE REGISTRY OPERATOR THAT THE JUDICIAL DEPARTMENT MAY BEGIN CERTIFYING OUTSTANDING DEBT PURSUANT TO SECTION 24-35-604 (1.5); AND

(II) MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 6.

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(c) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2) MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. 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 OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND."

Renumber succeeding sections accordingly.

Page 13, strike lines 2 through 9.

Renumber succeeding sections accordingly.

Page 13, strike lines 11 through 13 and substitute the following:

"This act shall take effect September 1, 2009."

Page 1, line 105, strike "REFUNDS, AND MAKING AN";

line 106, strike "APPROPRIATION." and substitute "REFUNDS."

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

HB09-1010 by Representative(s) Massey and McGihon; also Senator(s) Gibbs and Spence--Concerning the promotion of Colorado as a location for film production activities, and making an appropriation therefor.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 27, pages 1328-1333 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 30, page 1422 and placed in members' bill files.)

Amendment No. 3(L.016), by Senator Gibbs.

Amend the State, Veterans & Military Affairs Committee Report, dated April 27, 2009, page 3, after line 33, insert the following:

"line 22, strike "BY THE GENERAL ASSEMBLY";".

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

HB09-1105 by Representative(s) Kefalas; also Senator(s) Scheffel--Concerning the creation of the Colorado innovation investment tax credit to be applied against state income taxes, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 30, page 1422 and placed in members' bill files.)

Amendment No. 2(L.008), by Senator Scheffel.

Amend reengrossed bill, page 2, strike lines 4 through 6.

Renumber succeeding paragraphs accordingly.

Page 2, line 8, strike "technology";

line 11, strike "in strategic industries".

Page 6, line 25, strike "FAILS TO MAINTAIN" and substitute "NO LONGER MEETS";

line 26, strike "FIVE" and substitute "THIRTY";

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- line 27, strike "FAILS TO MAINTAIN" and substitute "NO LONGER MEETS". 1
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Page 7, line 3, strike "BUSINESS FAILED TO"; 3
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line 4, strike "MEET" and substitute "DATE THAT THE BUSINESS NO LONGER 5
MEETS". 6
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Page 8, line 27, after "SUBMIT", insert "A COPY OF". 8
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Page 9, line 12, strike "A" and substitute "THE 2010". 10
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Page 12, line 3, strike "(g)," and substitute "(e),"; 12
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line 5, strike "(h)," and substitute "(f),"; 14
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line 7, strike "(i)," and substitute "(g),". 16
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 19
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HB09-1343 by Representative(s) Massey, Solano, Todd, Gagliardi, Merrifield; also Senator(s) Williams, 22
Foster, Heath, Hudak, Shaffer B.--Concerning the creation of the early childhood and school 23
readiness legislative oversight commission. 24
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Amendment No. 1, Education Committee Amendment. 26
(Printed in Senate Journal, April 30, page 1424 and placed in members' bill files.) 27
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 29
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HCR09-1003 by Representative(s) Lambert; also Senator(s) King K.--Submitting to the registered electors 32
of the state of Colorado an amendment to section 2 of article XVIII of the constitution of the 33
state of Colorado, concerning the regulation of games of chance by an authority specified by 34
the general assembly. 35
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Amendment No. 1, Finance Committee Amendment. 37
(Printed in Senate Journal, May 1, page 1424-1425 and placed in members' bill files.) 38
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 40
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HB09-1360 by Representative(s) Judd; also Senator(s) Sandoval--Concerning the adjustment of the ratio 43
of valuation for assessment for residential real property. 44
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 46
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HB09-1364 by Representative(s) Riesberg; also Senator(s) Boyd--Concerning an increase in the length 49
of terms served by members appointed to the health care task force. 50
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 52
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HB09-1347 by Representative(s) Kagan, Benefield, Frangas, Kerr J., McFadyen, Nikkel, Primavera, 55
Solano; also Senator(s) Romer, Spence--Concerning the issuance of a donate life special 56
license plate, and making an appropriation in connection therewith. 57
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 59
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HB09-1353 by Representative(s) Miklosi; also Senator(s) Foster, Newell--Concerning legal immigrants' 62
eligibility for public medical benefits. 63
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 66
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HB09-1365 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, 69

Tapia--Concerning modifications to the property tax exemption for certain property leased by governmental entities that use the property for governmental purposes.

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

HB09-1367 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) Keller, Tapia, White-- Concerning the restriction of general fund revenues related to the pay date shift of employees transferring to the office of information technology.

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

HB09-1288 by Representative(s) Nikkel, Acree, Apuan, Bradford, Casso, Court, Frangas, Gardner B., Gardner C., Kerr J., King S., Lambert, Liston, Massey, May, McKinley, McNulty, Murray, Priola, Sonnenberg, Stephens, Summers, Swalm, Tipton, Vigil; also Senator(s) Kopp, Brophy, Harvey, Kester, Lundberg, Mitchell, Penry, Renfro, Scheffel, Schultheis, Spence-- Concerning the creation of a searchable database web site related to state finances, and, in connection therewith, enacting the "Colorado Taxpayer Transparency Act", and making an appropriation.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, April 30, pages 1253-1454 and placed in members' bill files.)

Amendment No. 2(L.011), by Senator Sandoval.

Amend the Finance Committee Report, dated April 30, 2009, page 2, line 28, after "24-30-202;", insert "EXCEPT THAT, REGARDLESS OF THE FORM OF THE DATA IN THE FINANCIAL DATA WAREHOUSE, WHERE ACCESS TO EACH INDIVIDUAL TRANSACTION IS LIKELY TO HINDER, RATHER THAN FOSTER, THE GOAL OF ACCOUNTABILITY AND TRANSPARENCY, THE SYSTEM MAY PROVIDE ACCESS TO AGGREGATED INFORMATION;".

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

HB09-1126 by Representative(s) Hullinghorst, Curry; also Senator(s) Shaffer B., Heath--Concerning incentives for the development of solar thermal energy systems.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, May 1, page 1478 and placed in members' bill files.)

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

HB09-1081 by Representative(s) Looper; also Senator(s) Morse--Concerning an increase in the length of the statute of limitations for vehicular homicide, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 30, page 1419-1420 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 1, page 1464 and placed in members' bill files.)

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

HB09-1246 by Representative(s) Peniston; also Senator(s) Morse--Concerning the evaluation of driving schools attended as a result of a court order resulting from a violation of a law regulating the operation of a motor vehicle, and making an appropriation in connection therewith.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 1, page 1423-1424 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 1, page 1478 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Veiga, 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: HB09-1274 as amended, HB09-1094 as amended, HB09-1204 as amended, HB09-1020, HB09-1345, HB09-1280 as amended, HB09-1346 as amended, HB09-1334, HB09-1333 as amended, HB09-1319 as amended, HB09-1349 as amended, HB09-1341, HB09-1065 as amended, HB09-1359 as amended, HB09-1157 as amended, HB09-1073 as amended, HB09-1137 as amended, HB09-1010 as amended, HB09-1105 as amended, HB09-1343 as amended, HCR09-1003 as amended, HB09-1360, HB09-1364, HB09-1347, HB09-1353, HB09-1365, HB09-1367, HB09-1288 as amended, HB09-1126 as amended, HB09-1081 as amended, HB09-1246 as amended.

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 Monday, May 4, 2009, was laid over until Tuesday, May 5, 2009, retaining its place on the calendar.

Consideration of Resolutions: HJR09-1014, HJR09-1021, SJR09-050, HJR09-1022, HJR09-1024.

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

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, May 5, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate