

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

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79th Legislative Day Thursday, March 26, 2009

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- Prayer 10  
By the chaplain, Dwight Blackstock, Presbyterian Church, Denver. 11
- Pledge 12  
By Senator Spence. 13
- Call to 14  
Order 15  
By the President at 9:00 a.m. 16
- Roll Call 17  
Present--32 18  
Excused--3, Carroll, Lundberg, Mitchell. 19  
Present later--2, Carroll, Lundberg. 20
- Quorum 21  
The President announced a quorum present. 22
- Reading of 23  
Journal 24  
On motion of Senator Scheffel, reading of the Journal of Wednesday, March 25, 2009, was 25  
dispensed with and the Journal was approved as corrected by the Secretary. 26

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**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**SJR09-031** by Senator(s) Shaffer B.; also Representative(s) Rice--Concerning the continuing importance of Braille literacy in the lives of blind children and adults in Colorado and across the nation, and, in connection therewith, recognizing "National Braille Readers are Leaders Day".

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

YES	33	NO	0	EXCUSED	2	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.	E	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	E	Schwartz	Y		

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

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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**SJR09-032** by Senator(s) Kopp; also Representative(s) McNulty--Concerning the honoring of Rotarians and the Rotary Clubs of Colorado.

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

**SJR09-033** by Senator(s) Kopp, Harvey, Brophy, Kester, Cadman, Scheffel, Spence, Newell, King K., Penry, Renfroe, Schultheis, White; also Representative(s) Rice and McNulty, Priola, Kerr J., Looper--Concerning the designation of a portion of State Highway 85 as the "Navy SEAL Danny Phillip Dietz, Jr., Memorial Highway".

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

Committee of the Whole Senator Spence moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Spence 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:

**SB09-180** by Senator(s) Tochtrop, Carroll M.; also Representative(s) Casso--Concerning collective bargaining by employees of public safety agencies.

Laid over until Monday, March 30, retaining its place on the calendar.

**HB09-1180** by Representative(s) King S.; also Senator(s) Brophy--Concerning allowing valid Colorado concealed handgun permits to satisfy background check requirements for transfers of firearms.

Laid over until Monday, March 30, retaining its place on the calendar.

**HB09-1042** by Representative(s) Merrifield; also Senator(s) Gibbs--Concerning a prohibition on a slow-moving motor vehicle impeding highway traffic.

Laid over until Monday, March 30, retaining its place on the calendar.

**SB09-118** by Senator(s) Gibbs, Hodge, Isgar; also Representative(s) Fischer--Concerning continuation of pet animal care regulation.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 20, page 810-811 and placed in members' bill files.)

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

**HB09-1281** by Representative(s) Labuda, Baumgardner, Casso, Frangas, Hulinghorst, Marostica, Murray, Schafer S., Soper, Tipton; also Senator(s) Carroll M. and Newell--Concerning representation on state boards by persons with disabilities.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 20, page 794 and placed in members' bill files.)

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

Amend reengrossed bill, page 2, after line 1, insert the following:

**"SECTION 1.** 19-3.5-104 (2) (c), Colorado Revised Statutes, is amended to read:

**19-3.5-104. Colorado children's trust fund board - creation - members.** (2) The board shall consist of nine members, as follows:

(c) Six persons appointed by the governor and confirmed by the senate, five of whom shall be knowledgeable in the area of child abuse prevention and represent some of the following areas: Law enforcement;

medicine; law; business; mental health; domestic relations; child abuse prevention; education; and social work; and one who shall be a parent or a representative of a parent organization. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL, WHEN POSSIBLE, INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES. "

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Renumber succeeding sections accordingly.

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Page 2, after line 14, insert the following:

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"SECTION 3. 24-34-303 (1), Colorado Revised Statutes, is amended to read:

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**24-34-303. Civil rights commission - membership.** (1) There is hereby created, within the division, the Colorado civil rights commission. The commission shall consist of seven members, who shall be appointed by the governor, with the consent of the senate, for terms of four years. The governor shall make appointments in such a manner that there are at all times two members of the commission representing the business community, at least one of which shall be a representative of small business, two members of the commission representing state or local government entities, and three members of the commission from the community at large. The membership of the commission shall at all times be comprised of at least four members who are members of groups of people who have been or who might be discriminated against because of disability, race, creed, color, sex, sexual orientation, national origin, ancestry, marital status, religion, or age. Appointments shall be made to provide geographical area representation insofar as may be practicable, and no more than four members shall belong to the same political party. IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR SHALL, WHEN POSSIBLE, INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES. "

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Renumber succeeding sections accordingly.

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Page 3, after line 11, insert the following:

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"SECTION 5. 25.5-1-301 (1), Colorado Revised Statutes, is amended to read:

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**25.5-1-301. Medical services board - creation.** (1) There is hereby created in the state department a medical services board, referred to in this part 3 as the "board", which shall consist of eleven members appointed by the governor with the consent of the senate. The governor shall appoint persons to the board who have knowledge of medical assistance programs, and one or more of the appointments may include a person or persons who have received services through programs administered by the department within two years of the date of appointment. No more than six members of the board shall be members of the same political party. Of the eleven members appointed to the board, at least one shall be appointed from each congressional district. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL, WHEN POSSIBLE, INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES. "

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Renumber succeeding sections accordingly.

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Page 3, after line 22, insert the following:

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"SECTION 7. 27-10-129 (1), Colorado Revised Statutes, is amended to read:

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**27-10-129. Advisory board - service standards and regulations.** (1) There is hereby established an advisory board to the department for the purpose of assisting and advising the executive

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director in accordance with section 27-10-128 in the development of service standards and regulations. The board shall consist of not less than eleven nor more than fifteen members appointed by the governor and shall include one representative each from the division of mental health in the department, the department of human services, the department of public health and environment, the university of Colorado medical center, and a leading professional association of psychiatrists in this state; at least one member representing proprietary skilled health care facilities; one member representing nonprofit health care facilities; one member representing the Colorado bar association; one member representing consumers of mental health services; one member representing families of persons with mental illness; one member representing children's health care facilities; and other persons from both the private and the public sectors who are recognized or known to be interested and informed in the area of the board's purpose and function. IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL, WHEN POSSIBLE, INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES.

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**SECTION 8.** 43-1-106 (4) (c), Colorado Revised Statutes, is amended to read:

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**43-1-106. Transportation commission - powers and duties.**

(4) (c) As the terms of the members of the commission expire, the governor shall consider the appointment to the commission of one or more individuals with knowledge or experience in mass transportation in order to provide for a commission with expertise in different modes of transportation and shall consider the appointment to the commission of at least one individual with knowledge or experience in engineering. IN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR SHALL, WHEN POSSIBLE, INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, AS DEFINED IN SECTION 24-45.5-102 (2), C.R.S., A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES."

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Renumber succeeding section accordingly.

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Amendment No. 3(L.004), by Senator Williams.

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Amend reengrossed bill, page 3, after line 22, insert the following:

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**"SECTION 4.** 26-11-101 (1), Colorado Revised Statutes, is amended to read:

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**26-11-101. Commission on the aging created.** (1) There is hereby created in the state department the Colorado commission on the aging, referred to in this article as the "commission", which shall consist of seventeen members appointed by the governor, with the consent of the senate. Two members shall be appointed from each congressional district of the state, one of whom shall be from each major political party, and, after July 1, 1976, and thereafter when a vacancy occurs, one of such members shall be from west of the continental divide. A vacancy on the commission occurs whenever any member moves out of the congressional district from which he or she was appointed. Any member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. The governor shall fill the vacancy as provided in subsection (2) of this section. Appointments made to take effect on January 1, 1983, shall be made in accordance with section 24-1-135, C.R.S. No more than nine members of the commission shall be members of the same major political party. One member shall be appointed from the state at large, one member shall be appointed from among the membership of the senate, and one member shall be appointed from among the membership of the house of representatives. Appointments to the commission shall comply with the requirements of the rules and regulations of the United States department of health and human services promulgated pursuant to Public Law 93-29, known as the "Older Americans Comprehensive Services Amendments of 1973", as such rules and regulations appear in section 903.50 (c) of Title 45 of the code of federal regulations. IN MAKING APPOINTMENTS TO THE

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COMMISSION, THE GOVERNOR SHALL WHEN POSSIBLE INCLUDE REPRESENTATION BY AT LEAST ONE MEMBER WHO IS A PERSON WITH A DISABILITY, A FAMILY MEMBER OF A PERSON WITH A DISABILITY, OR A MEMBER OF AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES."

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

**SB09-003** by Senator(s) Bacon; also Representative(s) Fischer--Concerning the automobile inspection and readjustment program, and, in connection therewith, expanding the enhanced emissions program to Weld and Larimer counties, modifying the geographical boundaries of the program area, and altering criteria used to determine which collector's items are excluded from the emissions testing process.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, February 20, page 425-426 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 20, page 809-810 and placed in members' bill files.)

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

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

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.  
(Printed in Senate Journal, March 6, page 643-644 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 20, page 811 and placed in members' bill files.)

As amended, laid over until Monday, March 30, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-118 as amended, SB09-003 as amended, HB09-1281 as amended.

Laid over until Monday, March 30 retaining their place on the Calendar: SB09-180, HB09-1180, HB09-1042, SB09-235 as amended.

**THIRD READING OF BILLS -- FINAL PASSAGE**

**HB09-1217** by Representative(s) Murray; also Senator(s) Scheffel--Concerning the creation of local improvement districts for the purpose of improving public utilities.

Laid over until Monday, March 30, retaining its place on the calendar.

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

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

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

**SB09-230** by Senator(s) Spence and Groff; also Representative(s) May--Concerning the authorization of charter schools as school food authorities.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, February 27, page 538-540 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 23, page 817-818 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Heath.

Amend the Education Committee Report, dated February 26, 2009, page 1, strike line 2 and substitute the following:

""district";

line 26, strike "SHALL:" and substitute "MAY ATTEMPT TO NEGOTIATE THE TERMS OF THE CONTRACT WITH THE DISTRICT CHARTER SCHOOL. IF THE SCHOOL DISTRICT BOARD OF EDUCATION AND THE DISTRICT CHARTER SCHOOL ATTEMPT TO NEGOTIATE CONTRACT TERMS THAT ARE MUTUALLY SATISFACTORY, AND THE NEGOTIATIONS FAIL TO PRODUCE SUCH MUTUALLY SATISFACTORY TERMS, THE SCHOOL DISTRICT BOARD OF EDUCATION SHALL:". "

Page 2 of the committee report, line 13, strike ""(II)"". " and substitute ""(II)";";

after line 13, insert the following:

"line 16, strike "SHALL:" and substitute "MAY ATTEMPT TO NEGOTIATE THE TERMS OF THE CONTRACT WITH THE INSTITUTE CHARTER SCHOOL. IF THE INSTITUTE AND THE INSTITUTE CHARTER SCHOOL ATTEMPT TO NEGOTIATE CONTRACT TERMS THAT ARE MUTUALLY SATISFACTORY, AND THE NEGOTIATIONS FAIL TO PRODUCE SUCH MUTUALLY SATISFACTORY TERMS, THE INSTITUTE SHALL:". "

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

**SB09-090** by Senator(s) Hudak, Williams, Heath, Bacon, Foster, Groff, King K., Tapia; also Representative(s) Benefield and Merrifield, Carroll T., Solano, Todd, Pace, Scanlan, Levy, Summers, Ferrandino, Miklosi, Schafer S.--Concerning measures to increase parent involvement in public education.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, February 6, page 195-198 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 23, page 818 and placed in members' bill files.)

Amendment No. 3(L.011), by Senator Hudak.

Amend the Education Committee Report, dated February 5, 2009, page 3, strike lines 9 through 18 and substitute the following:

~~“(1) of this section.~~ THE MEMBERS OF EACH SCHOOL DISTRICT ACCOUNTABILITY".

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Amendment No. 4(L.010), by Senator Hudak.

Amend the Education Committee Report, dated February 5, 2009, page 6, line 12, after "THE", insert "MEMBERS OF THE";

line 13 of the committee report, after "AS", insert "MEMBERS OF".

Amendment No. 5(L.014), by Senator Hudak.

Amend the Education Committee Report, dated February 5, 2009, page 6, strike lines 23 and 24 and substitute the following:

"Page 25 of the printed bill, strike lines 1 through 13.

Renumber succeeding sections accordingly.

Page 25 of the printed bill, line 24, strike "09-\_\_\_," and substitute "09-090,".

Page 26 of the printed bill, strike lines 15 through 27 and substitute the following:

**"SECTION 7. 22-30.5-505 (2) (d), Colorado Revised Statutes, is amended to read:**

**22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules.** (2) (d) For any board member appointed on or after May 22, 2008, during his or her term of office, a member of the institute board shall not be a member of the general assembly; an officer, employee, or board member of a school district; ~~or charter school in the state~~; a member of the state board; or an employee of the institute board or the department of education."."

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

**SB09-167** by Senator(s) Boyd, Newell, Tochtrop; also Representative(s) Kefalas--Concerning the continuation of the state board of chiropractic examiners, and, in connection therewith, increasing insurance requirements, adjusting the board's disciplinary authority, authorizing animal chiropractic, and modifying the scope of practice.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, February 13, page 319-320 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 23, page 829 and placed in members' bill files.)

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

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

Laid over until Monday, March 30, retaining its place on the calendar.

**SB09-249** by Senator(s) Penry and Carroll M.; also Representative(s) Kerr A., Bradford, May-- Concerning the applicability to small common-interest communities of recently enacted provisions of the "Colorado Common Interest Ownership Act".

Laid over until Monday, March 30, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

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

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-230 as amended, SB09-090 as amended, SB09-167 as amended.

Laid over until Monday, March 30 retaining their place on the Calendar: SB09-037, SB09-249.

**COMMITTEE OF REFERENCE REPORTS**

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **SB09-247** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 27, strike "TO RELOCATE AS A RESULT OF THE" and substitute "DUE TO A".

Page 6, line 1, after "IN", insert "LOCATION OF".

Page 12, after line 22, insert the following:

**"SECTION 7.** Article 72 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-72-113. Annual report - federal stimulus moneys to expand unemployment benefits - repeal.** (1) (a) BY DECEMBER 31, 2009, AND BY EACH DECEMBER 31 THEREAFTER UNTIL FEDERAL STIMULUS MONEYS HAVE BEEN EXHAUSTED, THE DIVISION, IN CONNECTION WITH ITS REPORTING REQUIREMENTS SET FORTH IN SECTION 8-73-114 (6), SHALL REPORT ON THE TOTAL ACCUMULATED FEDERAL STIMULUS MONEYS EXPENDED AS OF DECEMBER 1 OF THE YEAR IN WHICH THE REPORT IS SUBMITTED IN CONNECTION WITH THE EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS ENACTED BY SENATE BILL 09-247 IN 2009. THE REPORT SHALL DELINEATE THE PORTIONS OF THE FEDERAL STIMULUS MONEYS EXPENDED IN CONNECTION WITH EACH AREA OF EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS ENACTED PURSUANT TO SENATE BILL 09-247.

(b) AS USED IN THIS SECTION, "FEDERAL STIMULUS MONEYS" MEANS UNEMPLOYMENT COMPENSATION MODERNIZATION INCENTIVE PAYMENTS MADE TO THE STATE'S UNEMPLOYMENT TRUST FUND IN ACCORDANCE WITH THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, FOR ENACTING UNEMPLOYMENT COMPENSATION MODERNIZATION AS REQUIRED BY THE FEDERAL ACT.

(2) (a) THIS SECTION IS REPEALED, EFFECTIVE WHEN THE STATE HAS EXHAUSTED ALL OF THE FEDERAL STIMULUS MONEYS PROVIDED TO THE STATE TO FUND THE EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS ENACTED BY SENATE BILL 09-247 IN 2009.

(b) THE DIRECTOR OF THE DIVISION SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, WHEN THE CONDITION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) HAS BEEN SATISFIED."

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Renumber succeeding sections accordingly.

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **SB09-248** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, line 16, strike "bond, LETTER OF CREDIT," and substitute "bond";

line 19, strike "contract IN EACH CALENDAR YEAR IN";

line 20, strike "WHICH THE CONTRACT IS TO BE PERFORMED." and substitute "contract; EXCEPT THAT, FOR A PUBLIC WORKS CONTRACT HAVING A TOTAL VALUE OF FIVE HUNDRED MILLION DOLLARS OR MORE, A BOND OR OTHER ACCEPTABLE SURETY, INCLUDING BUT NOT LIMITED TO A LETTER OF CREDIT, MAY BE ISSUED IN A PENAL SUM NOT LESS THAN ONE-HALF OF THE MAXIMUM AMOUNT PAYABLE UNDER THE TERMS OF THE CONTRACT IN ANY CALENDAR YEAR IN WHICH THE CONTRACT IS PERFORMED.".

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

"THAT A BOND OR OTHER ACCEPTABLE SURETY, INCLUDING BUT NOT LIMITED TO A LETTER OF CREDIT, BE FILED AND CURRENT FOR THE DURATION OF THE CONTRACT.";

line 4, strike "bond, LETTER OF CREDIT," and substitute "bond";

line 5, strike "surety," and substitute "surety OR OTHER QUALIFIED FINANCIAL INSTITUTION,";

line 14, after "surety", insert "OR OTHER QUALIFIED FINANCIAL INSTITUTION";

line 15, strike "bond, LETTER OF CREDIT," and substitute "bond";

line 17, strike "bond, LETTER OF CREDIT," and substitute "bond";

line 23, strike "bond, LETTER OF CREDIT," and substitute "bond".

Page 4, line 14, strike "on the bond, LETTER";

line 15, strike "OF CREDIT," and substitute "OR OTHER QUALIFIED FINANCIAL INSTITUTION on the bond".

Page 1, strike lines 101 through 106 and substitute the following:

**"CONCERNING CONTRACTOR SURETY REQUIREMENTS FOR A PUBLIC WORKS PROJECT CONTRACT HAVING A TOTAL VALUE OF FIVE HUNDRED MILLION DOLLARS OR MORE, AND, IN CONNECTION THEREWITH, REQUIRING A BOND OR OTHER ACCEPTABLE SURETY, INCLUDING BUT NOT LIMITED TO A LETTER OF CREDIT, TO BE FILED IN A SPECIFIED MINIMUM AMOUNT FOR THE DURATION OF THE CONTRACT."**

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **SB09-250** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 10, after the period, add "NOTHING IN THIS SUBSECTION (20) SHALL PROHIBIT COVERAGE FOR ORAL GENERIC MEDICATIONS IN A HEALTH BENEFIT PLAN.";

after line 10, insert the following:

**"SECTION 2.** Part 3 of article 5 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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**25.5-5-322. Oral anticancer medication.** THE MEDICAL ASSISTANCE PROGRAM IN THIS STATE SHALL INCLUDE THE SAME ORAL ANTICANCER MEDICATION COVERAGE REQUIRED TO BE PROVIDED BY PRIVATE HEALTH INSURANCE CARRIERS PURSUANT TO SECTION 10-16-104 (20), C.R.S."

Renumber succeeding section accordingly.

Health & Human Services After consideration on the merits, the Committee recommends that **HB09-1237** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services After consideration on the merits, the Committee recommends that **SB09-251** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **HB09-1296** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **HB09-1250** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1299** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB09-1248** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 15, after line 18, insert the following:

**SECTION 21.** 24-10-109 (3), Colorado Revised Statutes, is amended to read:

**24-10-109. Notice required - contents - to whom given - limitations.** (3) If the claim is against the state or an employee thereof, the notice shall be filed with the attorney general. If the claim is against any other public entity or an employee thereof, the notice shall be filed with the governing body of the public entity or the attorney representing the public entity. Such notice shall be effective upon mailing by registered mail OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, or upon personal service.

**SECTION 22.** 31-25-806 (1), Colorado Revised Statutes, is amended to read:

**31-25-806. Board membership - qualifications - nominations - rules - removal.** (1) Each appointed member of the board, except any member from the governing body, shall reside, be a business lessee, or own real property in the downtown development district within the municipality in which the authority is located. An officer, or director, PARTNER, MEMBER, AGENT, OR EMPLOYEE of a corporation ANY ENTITY THAT HAS FILED ORGANIZATIONAL PAPERS WITH THE SECRETARY OF STATE having its place of business in the downtown development district shall be eligible for appointment to the board. No officer or employee of the municipality where the authority is located, other than any appointee from the governing body, shall be eligible for appointment to the board. Within thirty days after the occurrence of a vacancy, the governing body, except as provided in section 31-25-805 (3), shall appoint a successor.

**SECTION 23.** 7-42-101 (3), Colorado Revised Statutes, is amended to read:

**7-42-101. Additional statements in certificates.** (3) In the case of a municipal corporation, which COUNTY, SPECIAL DISTRICT, OR OTHER

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ENTITY THAT HAS FILED ORGANIZATIONAL PAPERS WITH THE SECRETARY OF STATE THAT is a member or stockholder of a corporation described in subsection (1) or (2) of this section, an individual officer, PARTNER, MEMBER, agent, or employee of the municipal corporation, COUNTY, SPECIAL DISTRICT, OR ENTITY may be designated to serve as a director of the corporation irrespective of the fact that such individual is not a member or stockholder of the corporation."

**SECTION 24.** 13-17-102 (8), Colorado Revised Statutes, is amended to read:

**13-17-102. Attorney fees - definitions.** (8) ~~The provisions of~~ This section shall not apply to traffic offenses, matters brought under the provisions of the "Colorado Children's Code", title 19, C.R.S., or related juvenile matters, or matters involving violations of local government MUNICIPAL ordinances, and resolutions. ~~For purposes of this subsection (8), "local government" shall mean a county, home rule county, home rule or statutory city, town, territorial charter city, or city and county."~~

Renumber succeeding sections accordingly.

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**MESSAGE FROM THE HOUSE**

March 26, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1305.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1284, amended as printed in House Journal, March 23, pages 841-845.  
HB09-1176, amended as printed in House Journal, March 24, page 869.  
HB09-1120, amended as printed in House Journal, March 24, page 869.  
HB09-1196, amended as printed in House Journal, March 24, pages 869-870.  
HB09-1213, amended as printed in House Journal, March 24, page 870.  
HB09-1243, amended as printed in House Journal, March 24, pages 870-871.  
HB09-1275, amended as printed in House Journal, March 24, page 871.  
HB09-1291, amended as printed in House Journal, March 24, page 872.  
HB09-1293, amended as printed in House Journal, March 24, pages 872-874.

The House has voted to concur in the Senate amendments to HB089-1254, 1125,1139, 1089, 1110, 1143, 1216, 1260, and has repassed the bills as so amended.

The House has voted to dissolve the Second Conference Committee on HB09-215, and to adhere to its position, the bill is returned herewith.

The House has voted not to concur in the Senate amendments to HB09-1057 and requests that a conference committee be appointed. The Speaker has appointed Representatives A. Kerr, chairman, T. Carroll, and Waller as House conferees on the First Conference Committee on HB09-1057. The bill is transmitted herewith.

The House has adopted and returns herewith SJR09-031.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 26, 2009

Without comment, HB09-1305.  
Without comment, as amended, HB09-1120, 1176, 1196, 1213, 1243, 1275, 1284, 1291, and 1293.

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**INTRODUCTION OF BILLS -- FIRST READING**

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

**SB09-255** by Senator(s) Cadman; --Concerning the Colorado shared services authority.  
Business, Labor and Technology

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**HB09-1205** by Representative(s) Looper and Balmer, Apuan, Baumgardner, Casso, Kerr J., Labuda, Lambert, McNulty, Murray, Priola, Soper, Swalm, Todd, Vaad; also Senator(s) Williams, Bacon, Boyd, Gibbs, Schultheis--Concerning voting by members of the armed forces serving outside the United States.  
State, Veterans & Military Affairs

**HB09-1311** by Representative(s) Benefield; also Senator(s) Veiga--Concerning the sourcing of sales of companies providing mutual fund services for Colorado income tax apportionment.  
Finance

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 26 was laid over until Monday, March 30, retaining its place on the calendar.

Consideration of Resolutions: SJR09-028, SJR09-029, SJR09-030.  
 Consideration of House Amendments to Senate Bills: SB09-141.  
 Consideration of Conference Committee Reports: SB09-208, SB09-210, HB09-1108.  
 Conference Committees to Report: HB09-1153, HB09-1162.

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**MESSAGE FROM THE GOVERNOR**

March 25, 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:

**SB09-010** CONCERNING ENCOURAGING THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Approved March 25, 2009 at 9:22 a.m.

**SB09-017** CONCERNING FIREFIGHTER AND POLICE OFFICER DISABILITY AND SURVIVOR BENEFITS.

Approved March 25, 2009 at 9:23 a.m.

**SB09-033** CONCERNING EXPANDING THE LIST OF STUDENTS WHO QUALIFY TO RECEIVE A FREE LUNCH IN COLORADO TO INCLUDE CHILDREN IN PUBLIC SCHOOL EARLY CHILDHOOD EDUCATION PROGRAMS WHO ARE ELIGIBLE TO RECEIVE A REDUCED-COST LUNCH UNDER THE FEDERAL "NATIONAL SCHOOL LUNCH ACT".

Approved March 25, 2009 at 9:23 a.m.

**SB09-034** CONCERNING THE SECURITY LEVEL DESIGNATION FOR THE CENTENNIAL CORRECTIONAL FACILITY.

Approved March 25, 2009 at 9:25 a.m.

**SB09-041** CONCERNING THE ADMINISTRATION OF THE "PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT".

Approved March 25, 2009 at 9:26 a.m.

**SB09-044** CONCERNING ADMINISTRATIVE PROCEDURES IN RELATION TO THE DEPARTMENT OF HUMAN SERVICES.

Approved March 25, 2009 at 9:27 a.m.

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**SB09-065** CONCERNING THE AUDIT REQUIREMENTS FOR THE PUBLIC SAFETY COMMUNICATIONS TRUST FUND.

Approved March 25, 2009 at 9:27 a.m.

**SB09-079** CONCERNING IMPROVING THE WELL-BEING OF CHILDREN IN THE FOSTER CARE SYSTEM BY IMPROVING THE ABILITY OF BIRTH SIBLINGS TO MAINTAIN LONG-TERM CONNECTIONS.

Approved March 25, 2009 at 9:28 a.m.

**SB09-096** CONCERNING THE EXEMPTION OF CERTAIN CAPITAL CONSTRUCTION PROJECTS FUNDED WITH FEDERAL MONEYS FROM CERTAIN CONTRACT REQUIREMENTS.

Approved March 25, 2009 at 9:28 a.m.

**SB09-115** CONCERNING THE CONTINUATION OF THE REGULATION OF PUBLIC LIVESTOCK MARKETS.

Approved March 25, 2009 at 9:30 a.m.

**SB09-116** CONCERNING CONTINUATION OF THE "COLORADO SEED ACT".

Approved March 25, 2009 at 9:30 a.m.

**SB09-127** CONCERNING THE CONTINUATION OF THE REGULATION OF EGG QUALITY.

Approved March 25, 2009 at 9:31 a.m.

**SB09-140** CONCERNING A REQUIREMENT THAT PUBLIC TRUSTEES SERVE AT THE PLEASURE OF THE GOVERNOR.

Approved March 25, 2009 at 9:32 a.m.

Sincerely,

Bill Ritter, Jr.  
Governor

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**SENATE SERVICES REPORT**

**Correctly Printed:** SB09-253 and 254.

**Correctly Reengrossed:** SB09-133 and 242.

**Correctly Rerevised:** HB09-1018, 1151, 1200, 1220, 1229, 1240, 1264, 1279, 1285 and 1292.

**Correctly Enrolled:** SB09-035, 066, 097, 147 and 179.

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

**The President has signed:** SJR09-023, 024, 025 and 027; SM09-001.

HB09-1008, 1102, 1186, 1191, 1197, 1234, 1262, 1263.

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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, March 30, 2009.

Approved:

Peter C. Groff  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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