

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

27th Legislative Day Monday, February 2, 2009

- Prayer 11
 By the chaplain, Dr. Roger Teel, Senior Minister and Spiritual Leader, Mile Hi Church of Religious Science, Lakewood. 12
- Pledge 14
 By Senator Hudak. 15
- Call to Order 16
 By the President at 10:00 a.m. 17
- Roll Call 19
 Present--34 20
 Excused--1, Mitchell. 21
- Quorum 22
 The President announced a quorum present. 23
- Reading of Journal 24
 On motion of Senator Carroll, reading of the Journal of Friday, January 30, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 25

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

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

SB09-059 by Senator(s) Schwartz, Brophy, Mitchell, Shaffer B., Veiga; also Representative(s) Gardner B., Labuda, Levy, McGihon, Roberts--Concerning the enactment of Colorado Revised Statutes 2008 as the positive and statutory law of the state of Colorado.

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

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		

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

SB09-017 by Senator(s) Tochtrop, Morse; also Representative(s) Riesberg, Benefield, Labuda, Peniston, Rice--Concerning firefighter and police officer disability and survivor benefits.

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

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		

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

Co-sponsors added: Groff and Shaffer B.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB09-007 by Senator(s) Veiga; also Representative(s) Riesberg--Concerning making certain duties related to the involuntary commitment process for substance abusers solely the authority of a licensed physician.

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

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		

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

SB09-043 by Senator(s) Isgar, Kester, Tapia; also Representative(s) Roberts, Massey, McFadyen, Pace, Tipton--Concerning the merger of Pueblo community college and San Juan basin area vocational school, and, in connection therewith, clarifying the two-year authority of Fort Lewis college and making an appropriation.

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

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		

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

Co-sponsors added: Bacon, Heath, Hodge, King K., Penry, Schwartz, Shaffer B., Spence and Williams.

SB09-040 by Senator(s) Hodge; also Representative(s) Soper--Concerning the regulation of manufactured homes.

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

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		

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

Co-sponsors added: Tochtrop.

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

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

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		

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

Co-sponsors added: Gibbs.

SB09-038 by Senator(s) Hudak, Boyd, Morse, Shaffer B.; also Representative(s) Marostica--Concerning technical changes to judicial fees.

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

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		

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

SB09-084 by Senator(s) Scheffel; also Representative(s) Scanlan--Concerning documents related to the role of the office of the secretary of state as filing office for secured transactions.

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

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		

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

SB09-047 by Senator(s) Newell; also Representative(s) Roberts--Concerning the oversight of crime victim services, and, in connection therewith, creating the crime victim services advisory board and repealing the victims compensation and assistance coordinating committee and the victims assistance and law enforcement advisory board.

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

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		

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

Co-sponsors added: Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Morse, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop and Williams.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

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

Laid over until Tuesday, February 3, retaining its place on the calendar.

SB09-080 by Senator(s) Isgar, Romer, White; also Representative(s) Looper--Concerning limited exemptions for water collected from certain residential rooftops.

Laid over until Tuesday, February 3, retaining its place on the calendar.

SB09-041 by Senator(s) Romer; also Representative(s) Vigil--Concerning the administration of the "Private Activity Bond Ceiling Allocation Act".

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, January 29, page 127-130 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Romer.

Strike the Finance Committee Report, dated January 27, 2009, and substitute the following:

"Amend printed bill, page 2, strike line 3 and substitute the following:

"amended, and the said 24-32-1703 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:";

after line 5, insert the following:

"(8.5) "DIRECT ALLOCATION" MEANS AN ALLOCATION OF THE STATE CEILING MADE TO STATE ISSUING AUTHORITIES AS SPECIFIED IN SECTION 24-32-1705 (1) (a) OR DESIGNATED LOCAL ISSUING AUTHORITIES AS SPECIFIED IN SECTION 24-32-1706 (1).";

strike lines 17 through 25.

Page 3, strike lines 1 through 19.

Renumber succeeding sections accordingly.

Page 5, strike lines 16 through 27.

Page 6, strike lines 1 through 9 and substitute the following:

~~"(6) (a) No application for an allocation shall be complete unless it is accompanied by an application fee. The amount of such fee shall be determined and collected by the executive director. All fees collected pursuant to this paragraph (a) shall be transmitted to the state treasurer, who shall credit the same to the private activity bond allocations fund created in paragraph (b) of this subsection (6). The general assembly shall make annual appropriations from the general fund for expenditures of the executive director incurred in the performance of his or her duties under this article.~~

~~(b) (I) In addition to the application fee required pursuant to paragraph (a) of this subsection (6), the department may charge an administrative fee to entities other than local governments that receive bonding authority from the committee. The executive director shall determine the amount of the fee annually based on the costs associated with the administration of this article and shall be responsible for the collection of the fee. The fees collected pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the private activity bond allocations fund, which fund is hereby created in the state treasury. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration of this article."~~

strike line 14 and substitute the following:

"REVIEW OF APPLICATIONS FOR BONDING AUTHORITY FROM THE STATEWIDE BALANCE FOR INDUSTRIAL DEVELOPMENT BONDS.

SECTION 5. Part 17 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-32-1709.5. Administrative costs of the department - private activity bond allocation fund - creation - rule. (1) THE DEPARTMENT MAY CHARGE AND COLLECT THE FOLLOWING ADMINISTRATIVE FEES FOR THE COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 17:

(a) **The direct allocation fee.** THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE FEE FOR DIRECT ALLOCATIONS. THE EXECUTIVE DIRECTOR SHALL ANNUALLY DETERMINE THE AMOUNT OF THE FEE. IN NO EVENT SHALL THE AMOUNT OF THE FEE SPECIFIED IN THIS PARAGRAPH (a) BE SET SO AS TO REIMBURSE THE DEPARTMENT FOR MORE THAN THIRTY PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THIS PART 17. THE FEE CHARGED SHALL ONLY BE BORNE BY ENTITIES THAT USE THE DIRECT ALLOCATION TO ISSUE PRIVATE ACTIVITY BONDS OR MAKE A

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MORTGAGE CREDIT CERTIFICATE ELECTION.

(b) **The statewide balance application fee.** NO APPLICATION FOR AN ALLOCATION REQUIRED BY SECTION 24-32-1707 SHALL BE COMPLETE UNLESS IT IS ACCOMPANIED BY AN APPLICATION FEE. THE EXECUTIVE DIRECTOR SHALL DETERMINE THE AMOUNT OF THE FEE.

(c) **The statewide balance issuance fee.** THE DEPARTMENT MAY CHARGE AN ADMINISTRATIVE FEE TO ENTITIES THAT RECEIVE BONDING AUTHORITY FROM THE STATEWIDE BALANCE AS SPECIFIED IN SECTION 24-32-1707. THE EXECUTIVE DIRECTOR SHALL ANNUALLY DETERMINE THE AMOUNT OF THE FEE BASED ON THE COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 17.

(2) (a) THE FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE PRIVATE ACTIVITY BOND ALLOCATIONS FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO IN THIS SUBSECTION (2) AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 17. ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT 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 TO THE GENERAL FUND OR ANY OTHER FUND.

(b) THE FUND IS EXCLUDED FROM THE LIMITATIONS SPECIFIED IN SECTION 24-75-402. THE FUND'S TARGET RESERVE SHALL BE THREE TIMES THE LEVEL OF THE PRIOR YEAR'S SPENDING AUTHORITY FROM THE FUND. THE UNCOMMITTED RESERVES OF THE FUND SHALL NOT EXCEED THE TARGET RESERVE. IF THE AMOUNT OF UNCOMMITTED RESERVES OF THE FUND AT THE CONCLUSION OF ANY GIVEN FISCAL YEAR EXCEEDS THE TARGET RESERVE, THE EXECUTIVE DIRECTOR SHALL REDUCE THE AMOUNT OF ONE OR MORE OF THE FEES SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO AN AMOUNT CALCULATED TO RESULT IN AN AMOUNT OF UNCOMMITTED RESERVES OF THE FUND FOR THE CURRENT FISCAL YEAR THAT DOES NOT EXCEED THE TARGET RESERVE. IN CALCULATING THE REDUCTION IN FEES, THE EXECUTIVE DIRECTOR MAY TAKE INTO ACCOUNT ANY INCREASES IN SPENDING AUTHORITY FROM THE FUND. IF THE EXECUTIVE DIRECTOR REDUCES THE AMOUNT OF A FEE PURSUANT TO THIS PARAGRAPH (b), THE EXECUTIVE DIRECTOR MAY SUBSEQUENTLY RAISE THE AMOUNT OF THE FEE SO LONG AS THE PROJECTED AMOUNT OF UNCOMMITTED RESERVES OF THE FUND DOES NOT EXCEED THE TARGET RESERVE. THE EXECUTIVE DIRECTOR SHALL NOT INCREASE THE FEE BEYOND ANY LIMITS SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

(3) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE TO THE EXTENT NECESSARY FOR THE ADMINISTRATION OF THIS PART 17.

SECTION 6. 24-75-402 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(w) THE PRIVATE ACTIVITY BOND ALLOCATIONS FUND CREATED IN SECTION 24-32-1709.5 (2)."

Renumber succeeding section accordingly."

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

SB09-065 by Senator(s) Schultheis, Isgar; also Representative(s) McNulty, Kerr J., Primavera-- Concerning the audit requirements for the public safety communications trust fund.

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

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SB09-035 by Senator(s) Renfroe; also Representative(s) Sonnenberg--Concerning a penalty for a violation of certain proscribed acts for government officials. 1
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Laid over until Tuesday, February 3, retaining its place on the calendar. 4
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SB09-060 by Senator(s) Tochtrop; --Concerning clarifications to the law regarding testing illegal drug laboratories for methamphetamine. 6
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 9
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 11
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On motion of Senator Tochtrop, the Report of the Committee of the Whole was adopted on the following roll call vote: 15
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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: 19
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Passed on Second Reading: SB09-041 as amended, SB09-065, SB09-060. 30
Laid over until Tuesday, February 3 retaining their place on the Calendar: SB09-064, 31
SB09-080, SB09-035. 32
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CONSIDERATION OF RESOLUTIONS 36
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SR09-008 by Senator(s) Newell; --Concerning A Season for Nonviolence. 38
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On motion of Senator Newell, the resolution was read at length and **adopted** by the following roll call vote: 40
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YES	29	NO	5	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Morse, Romer, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga and Williams. 44
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SR09-009 by Senator(s) Foster, Brophy, Bacon, Boyd, Cadman, Carroll M., Gibbs, Harvey, Heath, Hodge, Hudak, Keller, Kester, King K., Lundberg, Mitchell, Morse, Penry, Renfroe, Romer, Sandoval, Scheffel, Schwartz, Spence, Tapia, Tochtrop, Veiga, Groff, Schultheis, Shaffer B.; --Concerning the strong expression of support for the state of Israel in its battle against recent terrorist attacks and reaffirming the strong support of the Colorado Senate for the Israeli-Palestinian peace process. 55
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Amendment No. 1(L.001), by Senator Cadman. 65

Amend printed resolution, page 3, line 26, strike "innocent". 66
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The amendment was declared **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		

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	N	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	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Kopp and White.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB09-066** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 27, strike "of the association's defined benefit plan." and substitute "OF THE ASSOCIATION'S DEFINED BENEFIT PLAN."

Page 6, line 20, strike "BENEFIT".

Page 17, line 8, strike "STATE";

line 13, strike "STATE";

line 15, strike "SUBJECT TO CONTRACTUAL PROVISIONS, THE" and substitute "THE";

line 17, strike "STATE";

line 21, strike "BENEFIT" and substitute "CONTRIBUTION";

line 22, strike "STATE".

Page 19, line 8, strike "amended" and substitute "amended, and the said 24-51-205 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

after line 19, insert the following:

"(7) THE BOARD IS AUTHORIZED TO PURCHASE AND MAINTAIN APPROPRIATE ANNUITY CONTRACTS FOR THE PURPOSE OF PROVIDING A VOLUNTARY CONTRIBUTION PROGRAM TO QUALIFIED EMPLOYEES OF AFFILIATED EMPLOYERS PURSUANT TO SECTION 403 (b) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND TO CREATE A SEPARATE TRUST FUND TO HOLD THE ASSETS OF THE PROGRAM."

Page 20, after line 9, insert the following:

"SECTION 17. 24-51-213 (1), Colorado Revised Statutes, is amended to read:

24-51-213. Confidentiality. (1) All information contained in records of members, former members, inactive members, and benefit recipients and their dependents, PARTICIPANTS IN THE VOLUNTARY INVESTMENT PROGRAM ESTABLISHED PURSUANT TO PART 14 OF THIS ARTICLE, AND PARTICIPANTS IN THE DEFERRED COMPENSATION PLAN ESTABLISHED PURSUANT TO PART 16 OF THIS ARTICLE shall be kept confidential by the association."

Renumber succeeding sections accordingly.

Page 20, after line 24, insert the following:

"SECTION 19. 24-51-1401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-51-1401. Voluntary investment program established and fund created. (3) THE BOARD IS HEREBY AUTHORIZED TO OFFER PARTICIPATION IN THE VOLUNTARY INVESTMENT PROGRAM TO ALL EMPLOYEES OF EMPLOYERS THAT ARE AFFILIATED WITH THE ASSOCIATION, REGARDLESS OF WHETHER THOSE EMPLOYEES ARE MEMBERS OR RETIREES."

Renumber succeeding sections accordingly.

Page 20, line 26, strike "BY THE ADDITION OF A NEW SUBSECTION".

Page 21, strike line 1 and substitute the following:

program. (1) ~~A member or a retiree~~ AN ELIGIBLE EMPLOYEE PURSUANT TO SECTION 24-51-1401 may participate in the voluntary investment program authorized in section 24-51-1401 by authorizing his or her employer, as defined in section 24-51-101 (20), to contribute an amount by payroll deduction in lieu of receiving such amount as ~~member~~ salary or ~~retiree~~ pay. The amount of such contribution by a ~~member or a retiree~~ PARTICIPANT shall be subject to any limitations established by federal law. These voluntary contributions, in addition to investment earnings, shall be exempt from federal and state income taxes until the ultimate distribution of such contributions has been made to the PARTICIPANT, member, former member, or beneficiary.

(2) The board may, at its discretion, allow ~~members and retirees~~ PARTICIPANTS IN THE VOLUNTARY INVESTMENT PROGRAM to elect to make after-tax voluntary contributions to the voluntary investment program by payroll deduction. Investment earnings on such contributions are exempt from federal and state income taxes until the ultimate distribution of such contributions has been made to the PARTICIPANT, member, former member, or beneficiary.

(3) All voluntary contributions by a participating member shall be included in the salary of such member for the purpose of calculating member and employer contributions pursuant to the provisions of section 24-51-401. The member ~~and employer~~ contribution provisions of section 24-51-401 and the matching employer contribution provisions of section 24-51-408.5 shall not apply to any voluntary contribution made by a retiree.

(4) The employer shall deliver all voluntary contributions to the service provider designated by the association within five days after the date that the ~~members~~ PARTICIPANTS are paid and consistent with the provisions of section 24-51-401 (1.7) (c) and (1.7) (d).

(5) (a) EFFECTIVE JULY 1, 2009, ALL ASSETS OF THE STATE";

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after line 18, insert the following:

"SECTION 21. 24-51-1404, Colorado Revised Statutes, is amended to read:

24-51-1404. Investments of the voluntary investment program. ~~Members and retirees participating~~ PARTICIPANTS in the voluntary investment program shall designate that their voluntary contributions be invested in one or more types of investments made available by the board. These investments may include, but are not limited to, equity investments, fixed-income investments, life insurance company products, and any investments permitted pursuant to the provisions of section 24-51-206."

Renumber succeeding sections accordingly.

Page 22, line 7, strike "(i)," and substitute "(j),";

line 25, strike "A MEMBER OR RETIREE" and substitute "AN EMPLOYEE".

Page 23, line 6, strike everything after the period;

strike lines 7 through 9 and substitute the following:

"(3) ALL EMPLOYERS THAT ARE AFFILIATED WITH THE DEFERRED COMPENSATION PLAN PRIOR TO JULY 1, 2009, INCLUDING ENTITIES THAT ARE NOT AFFILIATED EMPLOYERS OF THE ASSOCIATION, AS EMPLOYER IS DEFINED IN SECTION 24-51-101 (20), SHALL REMAIN AFFILIATED AND SHALL NOT HAVE TO APPLY TO THE ASSOCIATION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(4) ANY EMPLOYEE WHO IS EMPLOYED BY AN ENTITY THAT IS AFFILIATED WITH THE DEFERRED COMPENSATION PLAN SHALL BE ENTITLED TO PARTICIPATE IN THE PLAN REGARDLESS OF WHETHER THAT INDIVIDUAL IS A MEMBER OR RETIREE OF THE ASSOCIATION.";

line 11, strike "A MEMBER OR RETIREE WHO IS AN" and substitute "AN";

line 13, after "(2)", insert "OR (3)";

line 17, strike "A MEMBER OR RETIREE" and substitute "THE EMPLOYEE";

line 21, strike "MEMBER, FORMER MEMBER," and substitute "PARTICIPANT, FORMER PARTICIPANT,".

Page 24, line 7, strike "MEMBERS OR RETIREES" and substitute "EMPLOYEES";

line 14, strike "MEMBERS AND RETIREES" and substitute "INDIVIDUALS".

MESSAGE FROM THE HOUSE

February 2, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1025, 1037, 1122, 1034, 1089, 1102.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1044, amended as printed in House Journal, January 28, page 144. HB09-1012, amended as printed in House Journal, January 28, pages 146-147.

SENATE SERVICES REPORT

Correctly Engrossed: SB09-007, 017, 038, 040, 043, 047, 050, 059 and 084.
Correctly Revised: HJR09-1006, 1007 and 1008.

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Senate in recess. Senate reconvened.

IMMEDIATE RECONSIDERATION OF SR09-008

SR09-008 by Senator(s) Newell; --Concerning A Season for Nonviolence.

Having voted on the prevailing side, Senator Brophy moved for immediate reconsideration of the last Senate action, Consideration of Resolutions, on SR09-008.

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

CONSIDERATION OF RESOLUTIONS

SR09-008 by Senator(s) Newell; --Concerning A Season for Nonviolence.

Third Reading Amendment No. 1(L.001), by Senator Brophy.

Amend printed resolution, page 2, line 18, strike "Alliance." and substitute "Alliance and to Hamas."

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

YES	13	NO	21	EXCUSED	1	ABSENT	0
Bacon		N Hodge		N Morse		N Shaffer B.	N
Boyd		N Hudak		N Newell		N Spence	Y
Brophy		Y Isgar		N Penry		Y Tapia	N
Cadman		Y Keller		N Renfroe		Y Tochtrop	N
Carroll M.		N Kester		Y Romer		N Veiga	N
Foster		N King K.		Y Sandoval		N White	Y
Gibbs		N Kopp		Y Scheffel		Y Williams	N
Harvey		Y Lundberg		Y Schultheis		Y President	N
Heath		N Mitchell		E Schwartz		N	

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

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

Senate in recess. Senate reconvened.

MESSAGE FROM THE REVISOR OF STATUTES

February 2, 2009

We herewith transmit:

Without comment, HB09-1025, 1034, 1037, 1089, 1102, and 1122.
Without comment, as amended, HB09-1012 and 1044.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB09-158** by Senator(s) Isgar; --Concerning analysis by the department of natural resources of conservation programs implemented on private lands.
Agriculture and Natural Resources
- SB09-159** by Senator(s) Sandoval; --Concerning the mandatory offer of dependent coverage to an unmarried child.
Health and Human Services
- SB09-160** by Senator(s) Hudak; also Representative(s) Todd--Concerning recommendations from the P-20 council relating to educator licensure, and, in connection therewith, streamlining and aligning the alternative teacher and the teacher in residence programs.
Education
- SB09-161** by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the issuance of Colorado ski country special license plates.
Transportation
- SB09-162** by Senator(s) Schwartz, Heath, Veiga; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning the operation of the project by the state's chief information officer to create an inventory of broadband service areas, and, in connection therewith, authorizing the acceptance of publicly funded gifts, grants, and donations, and making an appropriation.
Business, Labor and Technology
Appropriations
- HB09-1023** by Representative(s) Gagliardi and Swalm; also Senator(s) Boyd--Concerning the age requirement for blood donations by a minor.
Health and Human Services

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Tuesday, February 3, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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