

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

56th Legislative Day

Tuesday, March 3, 2009

Prayer By Senators Newell and Sandoval.

Pledge By Senator Morse

Call to Order By the President at 12:45 a.m.

Roll Call Present--34
Excused--1, Kester.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Lundberg, reading of the Journal of Monday, March 2, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.

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 Amendments to the Report of the Committee of the Whole on SB09-228.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE -- con't

SB09-228 by Senator(s) Morse, Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Keller, Newell, Romer, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Marostica and Court, Ferrandino, Frangas, Green, Hullinghorst, McCann, McGihon, Merrifield, Miklosi, Pace, Pommer, Todd, Weissmann--Concerning an increase in the flexibility of the general assembly to determine the appropriate use of state revenues.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.089) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Colorado state university identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and

prepared by legislative council staff, have been completed." .

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.092) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Front Range community college identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed.".

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 09-228 did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until all federal moneys from the "American Recovery and Reinvestment Act of 2009" have been spent and all Colorado state departments who have spent such moneys have reported how the moneys were spent to the appropriate Senate and House of Representatives committees of reference."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.054) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Weld county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.066) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 34 corridor from Greeley, Colorado, to the Nebraska state line substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Renfroe moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.081) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL

09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 85 corridor from Ault, Colorado, to Denver, Colorado, substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.104) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to the university of Colorado at Boulder identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.102) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Red Rocks community college identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed.".

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.088) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Colorado school of mines

identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.023) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Clear Creek county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.035) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE

CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Jefferson county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.074) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year 2007-08 YEAR 2009-10" and substitute "of THE state fiscal year 2007-08 THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 285 corridor from C-470 to Fairplay, Colorado, substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following Kopp floor amendment, (L.123) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until all structurally deficient bridges identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department have been repaired and the executive director of the department has reported such progress at a joint session of the transportation and energy committee of the House of Representatives and the transportation committee of the Senate.".

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 09-228 did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state

fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Douglas county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 09-228 did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to Arapahoe community college identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Scheffel floor amendment, (L.053) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Teller county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Scheffel floor amendment, (L.038) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the department has completed all of the bridge projects located in Lake county that are identified in the "2008 Colorado On-System Poor Bridges by County" report prepared by the bridge asset management unit in the department."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Scheffel floor amendment, (L.057) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the I-25 corridor from Denver, Colorado, to Colorado Springs, Colorado, substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Scheffel floor amendment, (L.067) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the department of transportation notifies the revisor of statutes in writing that the US 24 corridor from Minturn, Colorado, to Buena Vista, Colorado, substantially meets the department's service goals, maintenance objectives, optimum congestion levels, and safety standards for the corridor."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that the following Scheffel floor amendment, (L.106) to SB 09-228, did pass.

Amend printed bill, page 29, strike lines 4 through 6 and substitute the following:

"four and six hundred forty-five thousandths percent of all net revenue, less ten million eight hundred fifty thousand dollars, to the general fund; EXCEPT THAT FOR ANY FISCAL YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228, FIFTEEN PERCENT OF ALL NET REVENUE, LESS TEN MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS, SHALL BE CREDITED TO THE GENERAL FUND.";

line 13, strike "JULY 1, 2009," and substitute "THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 31, line 6, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,";

line 14, strike "of state fiscal year ~~2007-08~~ YEAR 2009-10" and substitute "of THE state fiscal year ~~2007-08~~ THAT COMMENCES ON OR AFTER THE EFFECTIVE DATE OF SENATE BILL 09-228,".

Page 37, strike lines 24 and 25 and substitute the following:

"SECTION 30. Effective date. This act shall not take effect until the first July 1 following the date that the Colorado commission on higher education notifies the revisor of statutes in writing that the capital construction projects related to the university of Colorado at Denver identified in the "Higher Education - Five-Year Capital Construction Plans", dated February 27, 2009, and prepared by legislative council staff, have been completed."

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

Senator Brophy moved to amend the Report of the Committee of the Whole to show that SB 09-228, as amended, did not pass.

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

YES	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	E	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	21	NO	13	EXCUSED	1	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	E	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 Committee of the Whole took the following action:

Passed on Second Reading: SB09-228, as amended.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB09-1153** 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 3, line 17, strike "TEN" and substitute "FIVE".

Page 5, line 27, strike "TEN" and substitute "FIVE".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1112** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB09-1169** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SJM09-001** be postponed indefinitely.

MESSAGE FROM THE HOUSE

March 3, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes **HB09-1064**, amended as printed in House Journal, March 2, pages 574-575.
HB09-1285, amended as printed in House Journal, March 2, page 575.

The House has passed on Third Reading and returns herewith **SB09-055, 079**.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; **SB09-032**, amended as printed in House Journal, March 2, page 575.

The House has voted to concur in the Senate amendments to **HB09-1021** and has repassed the bill as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

March 3, 2009

We herewith transmit:

Without comment, as amended, **HB09-1064** and **1285**.
Without comment, as amended, **SB09-032**.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR09-018 by Senator(s) Tochtrop; also Representative(s) Kerr A.--Concerning the designation of March 2009 as Colorectal Cancer Awareness Month.

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

**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:

HB09-1141 by Representative(s) Ferrandino; also Senator(s) White--Concerning laws enforced by the administrator of the "Uniform Consumer Credit Code".

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

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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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

HB09-1109 by Representative(s) Priola; also Senator(s) Veiga--Concerning the extension of foreclosure protection to owners of residential properties as to which formal foreclosure proceedings have not yet been commenced.

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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Hodge and Newell.

HB09-1004 by Representative(s) Apuan; also Senator(s) Boyd--Concerning the authority of organizations providing all-inclusive care for the elderly to employ physicians.

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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Gibbs, Groff, Newell and Tapia.

HB09-1023 by Representative(s) Gagliardi and Swalm; also Senator(s) Boyd--Concerning the age requirement for blood donations by a minor.

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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon, Groff, Hodge, Newell, Spence, Tapia and Tochtrop.

HB09-1025 by Representative(s) Riesberg, Frangas, Green, Massey; also Senator(s) Boyd, Kopp, Morse--Concerning requirements for individuals who collect data on hospital-acquired infection rates.

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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Groff and Lundberg.

IMMEDIATE RECONSIDERATION OF HB09-1141

HB09-1141 by Representative(s) Ferrandino; also Senator(s) White--Concerning laws enforced by the administrator of the "Uniform Consumer Credit Code".

Having voted on the prevailing side, Senator Kopp moved for immediate reconsideration of the last Senate action, Third Reading of Bills -- Final Passage -- Consent Calendar, on HB09-1141. 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	E	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		

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

HB09-1141 by Representative(s) Ferrandino; also Senator(s) White--Concerning laws enforced by the administrator of the "Uniform Consumer Credit Code".

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

YES	26	NO	8	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	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	E	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		

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

Committee of the Whole

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

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

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

HB09-1265 by Representative(s) Liston, Kerr J., Looper, Massey, Murray, Priola, Tipton; also Senator(s) King K.--Concerning a two-year limitation on abatement interest awarded to a nonprofit entity that has not qualified for tax exemption due to an error made by the nonprofit entity.

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

HB09-1050 by Representative(s) Soper; also Senator(s) Tochtrop--Concerning the voluntary contribution designation benefiting the Colorado Easter Seals fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation and changing the name of the fund.

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

HB09-1257 by Representative(s) Scanlan; also Senator(s) Scheffel--Concerning the requirement that the amount of public funds invested in any one certificate of deposit may not exceed the amount insured by the federal deposit insurance corporation.

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

HB09-1148 by Representative(s) Schafer S.; also Senator(s) Schwartz--Concerning the authority of the department of revenue to provide information about severance tax taxpayers to the department of local affairs.

Amendment No. 1, Local Government & Energy Committee Amendment.

(Printed in Senate Journal, February 27, page 527 and placed in members' bill files.)

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

HB09-1161 by Representative(s) Baumgardner, Bradford, Gardner C., King S., Looper, May, McNulty, Murray, Tipton; also Senator(s) Gibbs, White--Concerning a reduction in the time to provide written documentation supporting an oil and gas valuation statement.

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

HB09-1159 by Representative(s) Priola, Baumgardner, Lambert, Looper, Schafer S.; also Senator(s) Isgar, Hodge, Mitchell--Concerning the ability of a nonresident to serve on the board of

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directors of ground water management water districts.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, February 27, page 531 and placed in members' bill files.)

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

HB09-1078 by Representative(s) Ryden; also Senator(s) Hodge--Concerning training for foster parents in regard to individualized education programs.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 27, page 535 and placed in members' bill files.)

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

HB09-1007 by Representative(s) Frangas, Hullinghorst; also Senator(s) Newell, Boyd--Concerning improving child protection efforts by adding domestic violence experts to interagency oversight groups in the collaborative management program.

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

HB09-1046 by Representative(s) Scanlan; also Senator(s) Penry--Concerning procedures to implement the postsecondary and workforce readiness assessments pilot program.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Scheffel, 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	E	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: HB09-1265, HB09-1050, HB09-1257, HB09-1148 as amended, HB09-1161, HB09-1159 as amended, HB09-1078 as amended, HB09-1007, HB09-1046.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate moved HB09-1093, HB09-1101, HB09-1052, HB09-1122, HB09-1080, HB09-1072, HB09-1092, HB09-1005, HB09-1215, HB09-1088, HB09-1090, HB09-1008, HB09-1219, HB09-1162, HB09-1079, HB09-1174, HB09-1012, and HB09-1082 to the end of the General Orders -- Second Reading of Bills Calendar.

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

SB09-131 by Senator(s) Romer; --Concerning the requirement that students in public schools engage in a certain amount of physical activity each week.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 23, page 444 and placed in members' bill files.)

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

SB09-222 by Senator(s) Lundberg, Cadman, Schultheis, Harvey, Renfroe, Scheffel; --Concerning standards for a sign required to notify drivers that an automated vehicle identification device is being used to detect traffic violations.

Amendment No. 1(L.002), by Senator Lundberg.
Amend printed bill, page 3, strike lines 10 and 11.

Reletter succeeding sub-subparagraphs accordingly.

As amended, ordered engrossed 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 3:00 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

Committee of the Whole in Recess

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB09-064** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB09-168** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 8-42-107.2 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-42-107.2. Selection of independent medical examiner - procedure - time - applicability. (3) (d) THE IME SHALL NEITHER CONTACT ANY OF THE AUTHORIZED TREATING PHYSICIANS NOR ANY EXAMINING OR REVIEWING PHYSICIAN, NOR REQUEST A CLAIMANT TO UNDERGO REPEAT TESTING WHEN THE TESTING RESULTS WERE VALID AND THE IME HAS RESOLVED ANY DISPARITY IN TESTING RESULTS.

SECTION 2. 8-42-113.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-42-113.5. Recovery of overpayments - notice required.
(1) If a claimant has received an award for the payment of disability benefits or a death benefit under articles 40 to 47 of this title and also receives any payment, award, or entitlement to benefits under the federal

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old-age, survivors, and disability insurance act, an employer-paid retirement benefit plan, or any other plan, program, or source for which the original disability benefits or death benefit is required to be reduced pursuant to said articles, but which were not reflected in the calculation of such disability benefits or death benefit:

(b.5) AFTER THE FILING OF A FINAL ADMISSION OF LIABILITY, EXCEPT IN CASES OF FRAUD, ANY ATTEMPT TO RECOVER AN OVERPAYMENT SHALL BE ASSERTED WITHIN ONE YEAR AFTER THE TIME THE REQUESTOR KNEW OF THE EXISTENCE OF THE OVERPAYMENT.

SECTION 3. 8-43-201, Colorado Revised Statutes, is amended to read:

8-43-201. Disputes arising under "Workers' Compensation Act of Colorado". The director and administrative law judges employed by the office of administrative courts in the department of personnel shall have original jurisdiction to hear and decide all matters arising under articles 40 to 47 of this title; except that the following principles shall apply: A claimant in a workers' compensation claim shall have the burden of proving entitlement to benefits by a preponderance of the evidence; the facts in a workers' compensation case shall not be interpreted liberally in favor of either the rights of the injured worker or the rights of the employer; and a workers' compensation case shall be decided on its merits; AND A PARTY SEEKING TO MODIFY AN ISSUE DETERMINED BY A GENERAL OR FINAL ADMISSION, A SUMMARY ORDER, OR A FULL ORDER, SHALL BEAR THE BURDEN OF PROOF FOR ANY SUCH MODIFICATION."

Renumber succeeding sections accordingly.

Page 3, strike lines 15 through 27 and substitute the following:

SECTION 5. 8-43-404 (2), Colorado Revised Statutes, is amended to read:

8-43-404. Examination - refusal - personal responsibility - physicians to testify and furnish results - definitions. (2) The employee shall be entitled to have a physician, provided and paid for by the employee, present at any such examination. If an employee is examined by a chiropractor at the request of the employer, the employee shall be entitled to have a chiropractor provided and paid for by the employee present at any such examination. AFTER ANY EXAMINATION CONDUCTED UNDER THIS SECTION, THE EXAMINER SHALL PREPARE A WRITTEN REPORT GIVING A DESCRIPTION OF THE EXAMINATION PERFORMED, THE WRITTEN DOCUMENTS OR ANY OTHER MATERIALS REVIEWED, AND ALL FINDINGS OR CONCLUSIONS OF THE EXAMINER. The employee shall also be entitled to receive from the examining physician or chiropractor a copy of any report ~~which said~~ THAT THE physician or chiropractor makes to the employer, insurer, or division upon ~~said~~ THE examination, ~~said~~ AND THE copy ~~to~~ SHALL be furnished to the employee at the same time it is furnished to the employer, insurer, or division. The employee shall also be entitled to receive reports from any physician selected by the employer to treat ~~said~~ THE employee upon the same terms and conditions and at the same time the reports are furnished by the physician to the employer. ALL SUCH EXAMINATIONS SHALL BE RECORDED IN AUDIO IN THEIR ENTIRETY AND RETAINED BY THE EXAMINING PHYSICIAN UNTIL REQUESTED BY ANY PARTY. IF REQUESTED, AN EXACT COPY OF THE RECORDING SHALL BE PROVIDED TO THE PARTIES. NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO PREVENT ANY PARTY TO THE CLAIM FROM MAKING AN AUDIO RECORDING OF THE EXAMINATION. The employer shall be entitled to receive reports from any physician or chiropractor selected by the employee to treat or examine ~~said~~ THE employee in connection with such injury upon the same terms and at the same time the reports are furnished by the physician or chiropractor to the employee."

Page 4, strike lines 1 through 12.

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Judiciary

After consideration on the merits, the Committee recommends that **HB09-1241** 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 2, after line 1, insert the following:

SECTION 1. 15-1-401, Colorado Revised Statutes, is amended to read:

15-1-401. Short title. This SUBPARTS 1 THROUGH 6 OF THIS part 4 shall be known and may be cited as the "Uniform Principal and Income Act".

SECTION 2. 15-1-403, Colorado Revised Statutes, is amended to read:

15-1-403. Fiduciary duties - general principles. (1) In allocating receipts and disbursements to or between principal and income, and with respect to any matter within the scope of subparts 2 and 3 of this part 4, a fiduciary:

(a) Shall administer a trust or estate in accordance with the terms of the trust or the will, even if there is a different provision in SUBPARTS 1 THROUGH 6 OF this part 4;

(b) May administer a trust or estate by the exercise of a discretionary power of administration given to the fiduciary by the terms of the trust or the will, even if the exercise of the power produces a result different from a result required or permitted by SUBPARTS 1 THROUGH 6 OF this part 4;

(c) Shall administer a trust or estate in accordance with SUBPARTS 1 THROUGH 6 OF this part 4 if the terms of the trust or the will do not contain a different provision or do not give the fiduciary a discretionary power of administration; and

(d) Shall add a receipt or charge a disbursement to principal to the extent that the terms of the trust and SUBPARTS 1 THROUGH 6 OF this part 4 do not provide a rule for allocating the receipt or disbursement to or between principal and income.

(2) In exercising the power to adjust under section 15-1-404 (1) or a discretionary power of administration regarding a matter within the scope of SUBPARTS 1 THROUGH 6 OF this part 4, whether granted by the terms of a trust, a will, or SUBPARTS 1 THROUGH 6 OF this part 4, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest an intention that the fiduciary shall or may favor one or more of the beneficiaries. A determination in accordance with SUBPARTS 1 THROUGH 6 OF this part 4 is presumed to be fair and reasonable to all of the beneficiaries.

(3) The terms and conditions of a trust or a will shall govern all actions taken by a fiduciary with respect to any matter within the scope of SUBPARTS 1 THROUGH 6 OF this part 4. The provisions of SUBPARTS 1 THROUGH 6 OF this part 4 are default provisions and may be expanded, restricted, eliminated, or otherwise altered by the provisions of a trust or a will. The provisions of SUBPARTS 1 THROUGH 6 OF this part 4 shall govern the administration of a trust or will by a fiduciary only if such trust or will contains no conflicting provision.

(4) Nothing in SUBPARTS 1 THROUGH 6 OF this part 4 shall be construed to limit or restrict a maker of a trust or will from making provisions in such trust or will that are different from the provisions in SUBPARTS 1 THROUGH 6 OF this part 4.

SECTION 3. 15-1-404 (2) (f) and (7), Colorado Revised Statutes,

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are amended to read:

15-1-404. Trustee's power to adjust. (2) In deciding whether and to what extent to exercise the power conferred by subsection (1) of this section, a trustee shall consider all factors relevant to the trust and its beneficiaries, including the following factors to the extent they are relevant:

(f) The net amount allocated to income under the other sections of SUBPARTS 1 THROUGH 6 OF this part 4 and the increase or decrease in the value of the principal assets, which the trustee may estimate as to assets for which market values are not readily available;

(7) Nothing in this section or in SUBPARTS 1 THROUGH 6 OF this part 4 is intended to create or imply a duty to make an adjustment, and a trustee is not liable for not considering whether to make an adjustment or for choosing not to make an adjustment. In a proceeding with respect to a trustee's exercise or nonexercise of the power to make an adjustment under this section, the sole remedy is to direct, deny, or revise an adjustment between principal and income.

SECTION 4. 15-1-404.5 (4) (e) and (13) (b) (II), Colorado Revised Statutes, are amended to read:

15-1-404.5. Conversion - unitrusts - administration.
(4) **Administration of a unitrust.** During the time that a trust is a unitrust, the trustee shall administer the trust in accordance with the provisions of this subsection (4) as follows, unless otherwise expressly provided by the terms of the trust:

(e) A change in the method of determining a reasonable current return by converting to a unitrust in accordance with this section and substituting the distribution amount for net trust accounting income is a proper change in the definition of trust income and shall be given effect notwithstanding any contrary provision of SUBPARTS 1 THROUGH 6 OF this part 4. The distribution amount shall in all cases be deemed a reasonable current return that fairly apportiones the total return of a unitrust.

(13) **Application.** (b) This section shall be construed to apply to the administration of a trust that is administered in Colorado under Colorado law or that is governed by Colorado law with respect to the meaning and effect of its terms unless:

(II) The governing instrument expressly prohibits the use of this section by specific reference to one or more provisions of SUBPARTS 1 THROUGH 6 OF this part 4;

SECTION 5. 15-1-405 (1), Colorado Revised Statutes, is amended to read:

15-1-405. Notice of action. (1) A trustee may give a notice of proposed action regarding a matter governed by SUBPARTS 1 THROUGH 6 OF this part 4 as provided in this section. For the purpose of this section, a proposed action includes a course of action and a decision not to take action.

SECTION 6. 15-1-409 (3), Colorado Revised Statutes, is amended to read:

15-1-409. Apportionment of receipts and disbursements when decedent dies or income interest begins. (3) An item of income or an obligation is due on the date the payer is required to make a payment. If a payment date is not stated, there is no due date for the purposes of SUBPARTS 1 THROUGH 6 OF this part 4. Distributions to shareholders or other owners from an entity to which section 15-1-411 applies are deemed to be due on the date fixed by the entity for determining who is entitled to receive the distribution or, if no date is fixed, on the declaration date for the distribution. A due date is periodic for receipts or disbursements that must be paid at regular intervals under a lease or an obligation to pay

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interest or if an entity customarily makes distributions at regular intervals.

SECTION 7. 15-1-414 (1) (a), Colorado Revised Statutes, is amended to read:

15-1-414. Principal receipts. (1) A trustee shall allocate to principal:

(a) To the extent not allocated to income under SUBPARTS 1 THROUGH 6 OF this part 4, assets received from a transferor during the transferor's lifetime, a decedent's estate, a trust with a terminating income interest, or a payer under a contract naming the trust or its trustee as beneficiary;

SECTION 8. 15-1-421 (3) and (4), Colorado Revised Statutes, are amended to read:

15-1-421. Minerals, water, and other natural resources. (3) SUBPARTS 1 THROUGH 6 OF this part 4 ~~applies~~ APPLY whether or not a decedent or donor was extracting minerals, water, or other natural resources before the interest became subject to the trust.

(4) If a trust owns an interest in minerals, water, or other natural resources on July 1, 2001, the trustee may allocate receipts from the interest as provided in SUBPARTS 1 THROUGH 6 OF this part 4 or in the manner used by the trustee before July 1, 2001. If the trust acquires an interest in minerals, water, or other natural resources after July 1, 2001, the trustee shall allocate receipts from the interest as provided in SUBPARTS 1 THROUGH 6 OF this part 4."

Renumber succeeding sections accordingly.

Page 3, after line 23, insert the following:

SECTION 10. 15-1-422 (3) and (4), Colorado Revised Statutes, are amended to read:

15-1-422. Timber. (3) SUBPARTS 1 THROUGH 6 OF this part 4 ~~applies~~ APPLY whether or not a decedent or transferor was harvesting timber from the property before it became subject to the trust.

(4) If a trust owns an interest in timberland on July 1, 2001, the trustee may allocate net receipts from the sale of timber and related products as provided in SUBPARTS 1 THROUGH 6 OF this part 4 or in the manner used by the trustee before July 1, 2001. If the trust acquires an interest in timberland after July 1, 2001, the trustee shall allocate net receipts from the sale of timber and related products as provided in SUBPARTS 1 THROUGH 6 OF this part 4.

SECTION 11. 15-1-433, Colorado Revised Statutes, is amended to read:

15-1-433. Severability. If any provision of SUBPARTS 1 THROUGH 6 OF this part 4 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of SUBPARTS 1 THROUGH 6 OF this part 4 that can be given effect without the invalid provision or application, and to this end the provisions of SUBPARTS 1 THROUGH 6 OF this part 4 are severable.

SECTION 12. 15-1-434 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

15-1-434. Effective date - application to existing trusts and estates - election. (1) SUBPARTS 1 THROUGH 6 OF this part 4 shall take effect July 1, 2001.

(2) Subparts 1 through 6 of this part 4 shall apply to every trust or decedent's estate existing on and after July 1, 2001, except as otherwise

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expressly provided in the will or terms of the trust or in SUBPARTS 1 THROUGH 6 OF this part 4. For each trust established under a will or trust agreement existing and irrevocable on July 1, 2001, the trustee may elect to apply the "Uniform Principal and Income Act" of this state in effect on June 30, 2001. The trustee shall make such election by July 1, 2002.

(3) Notwithstanding the provisions of subsection (2) of this section, SUBPARTS 1 THROUGH 6 OF this part 4 shall not apply to any trust or decedent's estate existing on July 1, 2001, in which no trustee has the authority to act under section 15-1-404 unless the trustees elect to apply SUBPARTS 1 THROUGH 6 OF this part 4. The trustees may make this election at any time."

Renumber succeeding sections accordingly.

Page 6, line 24, strike "ON AND AFTER JULY" and substitute "BEFORE JULY 1, 2001, OR AFTER JULY 1, 2010;"

strike lines 25 and 26.

Page 7, line 6, strike "(3)." and substitute "(3); AND";

after line 6, insert the following:

"(c) TO TRUSTS IN EXISTENCE BEFORE JULY 1, 2001, THAT ARE SUBJECT TO SECTION 15-1-434 (3) AND THAT HAVE NOT ELECTED TO HAVE SUBPARTS 1 THROUGH 6 OF THIS PART 4 APPLY TO THE TRUST, IN ACCORDANCE WITH SECTION 15-1-434 (3).";

line 10, strike "2007," and substitute "2010,"

line 16, strike "PARAGRAPH (b)" and substitute "PARAGRAPHS (b) AND (c)".

Page 23, strike lines 21 through 24 and substitute the following:

(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), THIS SECTION APPLIES TO A TRUST OR ESTATE THAT IS SUBJECT TO THIS SUBPART 7 AND SHALL CONTROL OVER THE OTHER PROVISIONS OF THIS SUBPART 7 TO THE EXTENT THAT ANY INCONSISTENCY EXISTS BETWEEN SUCH PROVISIONS AND THIS SECTION.

(b) (I) IN THE CASE OF A TRUST OR A PROBATE ESTATE, THE TRUSTEE OR THE PERSONAL REPRESENTATIVE MAY ELECT TO HAVE THIS SECTION NOT APPLY TO THE TRUST OR THE PROBATE ESTATE BY GIVING NOTICE OF SUCH ELECTION TO THE BENEFICIARIES OF THE TRUST OR THE PROBATE ESTATE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

(II) IN THE CASE OF AN ESTATE OTHER THAN A TRUST, A LIFE TENANT OR THE REMAINDERMAN MAY ELECT TO HAVE THIS SECTION NOT APPLY TO THE ESTATE BY GIVING NOTICE OF SUCH ELECTION IN THE SAME TIME AND MANNER AS PROVIDED IN SECTION 15-1-454 (3) FOR AN ELECTION OUT OF THE APPLICATION OF THIS SUBPART 7 TO THE ESTATE.

(5) (a) IF A TRUSTEE OR A PERSONAL REPRESENTATIVE MAKES AN ELECTION UNDER THIS SECTION, HE OR SHE SHALL SATISFY THE REQUIREMENTS SET FORTH IN SECTION 15-1-405 FOR PROVIDING NOTICE OF THE ELECTION.

(b) IF A LIFE TENANT OR A REMAINDERMAN MAKES AN ELECTION UNDER THIS SECTION, HE OR SHE SHALL SATISFY THE REQUIREMENTS SET FORTH IN SECTION 15-1-454 (3) FOR PROVIDING NOTICE OF THE ELECTION AND RECORDING THE ELECTION."

Page 29, line 22, strike "THE PURPORTED" and substitute "A PURPORTED";

line 27, strike "OTHER THAN THE" and substitute "OTHER THAN A".

Page 30, line 2, strike "MAY" and substitute "SHALL";

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line 3, strike "A CUSTODIAN MAY" and substitute "A DEED TO A BURIAL PLOT AND BURIAL INSTRUCTIONS THAT ARE NOT PART OF A PURPORTED WILL MAY BE REMOVED BY A PERSON DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION PURSUANT TO PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, AND THE CUSTODIAN SHALL NOT PREVENT THE REMOVAL.";

strike lines 4 and 5.

Judiciary

After consideration on the merits, the Committee recommends that **HB09-1178** 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 2, line 14, after "TO", insert "PERSONS WITH DISABILITIES,".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-217

***** THIS REPORT ADOPTS THE REREVISED BILL *****

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

Your first conference committee appointed on SB09-217, concerning the reduction of moneys transferred to certain funds from the portion of limited gaming fund moneys that would otherwise be transferred to the general fund after the transfer to the local government limited gaming impact fund, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee: Moe Keller, Chairman Able Tapia Al White

House Committee: Mark Ferrandino, Chairman Jack Pommer Don Marostica

SENATE SERVICES REPORT

Correctly Revised: HB09-1004, 1023, 1025, 1109 and 1141. Correctly Rerevised: HB09-1021, 1030, 1044, 1121 and 1155. Correctly Enrolled: SJR09-008, 012 and 013; SR09-010, 011 and 012.

Senate in recess. Senate reconvened.

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MESSAGE FROM THE HOUSE

March 3, 2009

The House has postponed indefinitely SB09-007. The bill is returned herewith.

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1200 by Representative(s) Stephens, King S., Liston, Waller; also Senator(s) Scheffel, King K., Kopp--Concerning a requirement that the staff of the legislative council consider certain factors relating to counties in the local government impact section of a fiscal note. State, Veterans & Military Affairs

MESSAGE FROM THE GOVERNOR

February 3, 2009

To the Honorable Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

**MEMBER OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS**

for a term expiring June 1, 2012:

Andre A. Gutierrez of Colorado Springs, Colorado, a representative of private travel attractions and casinos, reappointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 2/6/09
Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

March 2, 2009

To the Honorable Senate
Sixty-seventh General Assembly
Second 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:

SB09-015 CONCERNING REMOVAL OF THE WHITE RIVER DRAINAGE BASIN FROM THE JURISDICTION OF WATER DIVISION 5 TO WATER DIVISION 6.

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Approved March 2, 2009 at 2:27 p.m.

SB09-108 CONCERNING THE IMPROVEMENT OF THE TRANSPORTATION SYSTEM OF THE STATE, AND, IN CONNECTION THEREWITH, PROVIDING ADDITIONAL SOURCES OF FUNDING FOR TRANSPORTATION AND MODIFYING THE TRANSPORTATION PLANNING PROCESS.

Approved March 2, 2009 at 1:55 p.m.

SB09-206 CONCERNING THE REPEAL OF THE WAITING LIST NAVIGATOR PILOT PROGRAM, AND REPEALING AN APPROPRIATION THEREFOR.

Approved March 2, 2009 at 2:28 p.m.

SB09-207 CONCERNING DELAYING IMPLEMENTATION OF THE CHILD WELFARE AND MENTAL HEALTH SERVICES PILOT PROGRAM, AND REPEALING AN APPROPRIATION THEREFOR.

Approved March 2, 2009 at 2:29 p.m.

Sincerely,
Bill Ritter, Jr.
Governor

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

SB09-237 by Senator(s) Lundberg, Harvey, Schultheis, Cadman, Brophy, Isgar, King K., Kopp, Mitchell, Penry, Renfroe, Romer, Scheffel, Tochtrop, White; also Representative(s) Acree, McNulty--Concerning grounds for mandatory expulsion from a public school.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 26, page 518 and placed in members' bill files.)

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

SB09-147 by Senator(s) Hodge, Brophy; also Representative(s) Priola, Gardner C.--Concerning the authorization of substitute water supply plans for the replacement of out-of-priority depletions caused by historic diversions from wells included in decreed augmentation plans entered by the water court for water division 1.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, February 27, page 527-531 and placed in members' bill files.)

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

SB09-224 by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Weissmann, Carroll T., May-- Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 27, page 531-532 and placed in members' bill files.)

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

SB09-020 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the responsibility for responding to wild land fires.

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- Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, February 13, page 310-315 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, February 27, page 532 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB09-022** by Senator(s) Bacon; also Representative(s) Solano--Concerning the state board of land commissioners.
- Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, January 30, page 134 and placed in members' bill files.)
- Amendment No. 2, Finance Committee Amendment.
(Printed in Senate Journal, February 13, page 298-299 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB09-052** by Senator(s) Bacon, Heath, King K., Newell, Williams; also Representative(s) Pommer, Ferrandino, Hullinghorst, Levy, Massey, Merrifield, Middleton, Primavera, Rice, Schafer S., Todd--Concerning the funding source for the innovative higher education research fund.
- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 27, page 532 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB09-024** by Senator(s) White; also Representative(s) Sonnenberg and Curry--Concerning responsibilities of the division of wildlife with respect to game damage issues.
- Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, February 13, page 325-327 and placed in members' bill files.)
- Amendment No. 2, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, February 27, page 532 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB09-051** by Senator(s) Carroll M.; also Representative(s) Levy--Concerning measures to facilitate the financing of energy-efficient structures.
- Amendment No. 1, Local Government & Energy Committee Amendment.
(Printed in Senate Journal, February 11, page 248-253 and placed in members' bill files.)
- Amendment No. 2(L.012), by Senator Carroll.
- Amend the Local Government and Energy Committee Report, dated February 10, 2009, page 2, line 10, strike "(3),";" and substitute "(3) and (4),";";
- strike line 16 and substitute the following:
- "Page 4, strike lines 1 through 15 and substitute the following:
- "(4) "Clean energy loan" means a loan in a maximum amount of twelve thousand five hundred dollars originated by a participating public lender or a participating private lender, INCLUDING BUT NOT LIMITED TO A BANK OR MORTGAGE LENDER, to a qualified borrower for the purpose of financing one or more clean energy improvements to the borrower's primary residence, RENTAL PROPERTY, OR PLACE OF BUSINESS; except that, if the qualified borrower is a nonprofit corporation or local government housing authority that provides units in a multi-unit housing project as

homes to individuals or families who meet the income qualifications of first tier or second tier qualified borrowers, the maximum amount of a loan shall be twelve thousand five hundred dollars multiplied by the number of units in the multi-unit housing project provided to the individuals or families."";

strike lines 17 and 18 of the committee report and substitute the following:

"strike lines 26 and 27 and substitute the following:

"(III) AUTHORIZE PARTICIPATING LENDERS, CERTIFIED CONTRACTORS, AND QUALIFIED BORROWERS ON WHOSE PROPERTY CLEAN ENERGY IMPROVEMENTS ARE MADE TO USE THE "COLORADO CLEAN & GREEN" LOGO OR OTHER LOGO AND".

Page 3 of the committee report, strike line 13 and substitute the following:

"Page 6, line 2, strike "LENDER OR CERTIFIED CONTRACTOR" and substitute "LENDER, CERTIFIED CONTRACTOR, OR QUALIFIED BORROWER";

after line 11, insert the following:".

Amendment No. 3(L.015), by Senator Carroll.

Amend printed bill, page 6, line 27, strike "38-12-505," and substitute "Article 12 of title 38,".

Page 7, line 1, strike "SUBSECTION" and substitute "PART";

strike line 2 and substitute the following:

**"PART 6
ENERGY EFFICIENCY**

38-12-601. Energy audits - definitions. (1) WITHIN";

line 8, strike "SUBSECTION (4)" and substitute "SECTION";

after line 9, insert the following:

"(2) AS USED IN THIS SECTION, "DWELLING UNIT" MEANS:

(a) THE AREA SUBJECT TO THE TENANT'S POSSESSORY INTEREST UNDER THE LEASE; AND

(b) WITH THE LANDLORD'S PERMISSION, ALL OR A SPECIFIED PORTION OF THE COMMON AREAS OF THE LEASED PREMISES."

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

Amend the Local Government and Energy Committee Report, dated February 10, 2009, page 2, line 7, strike "INSTITUTIONS." and substitute the following:

"INSTITUTIONS. NOTHING IN THIS ARTICLE IS INTENDED TO AFFECT LENDING REQUIREMENTS OR LIMITATIONS, NOR TO ALTER THE SCOPE OF LENDING, AS CURRENTLY DEFINED BETWEEN BANKS AND CREDIT UNIONS OR OTHER LENDERS."

Amendment No. 5(L.019), by Senator White

Amend printed bill, page 6, strike line 27.

Page 7, strike lines 1 through 9.

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- Renumber succeeding sections accordingly. 1
- As amended, ordered engrossed and placed on the calendar for Third Reading 2
and Final Passage. 3
- SB09-162** by Senator(s) Schwartz, Heath, Veiga; also Representative(s) Liston, McFadyen, Rice, 4
Solano--Concerning the operation of the project by the state's chief information officer to 5
create an inventory of broadband service areas, and, in connection therewith, authorizing the 6
acceptance of publicly funded gifts, grants, and donations, and making an appropriation. 7
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- Amendment No. 1, Appropriations Committee Amendment. 10
(Printed in Senate Journal, February 27, page 533 and placed in members' bill files.) 11
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 12
Passage. 13
- SB09-094** by Senator(s) Williams, Gibbs, Groff, Heath, Schwartz, Shaffer B.; also Representative(s) 14
Levy, Green, Marostica, Merrifield, Middleton, Primavera, Rice, Ryden, Scanlan-- 15
Concerning the creation of a transit and rail division within the department of 16
transportation. 17
- Amendment No. 1, Transportation Committee Amendment. 18
(Printed in Senate Journal, February 11, page 247 and placed in members' bill files.) 19
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 20
Passage. 21
- SB09-099** by Senator(s) Morse; also Representative(s) Ferrandino--Concerning centralized databases 22
to aid the delivery of state procurement services. 23
- Laid over until the end of the General Orders -- Second Reading of Bills Calendar, retaining 24
its place on the calendar. 25
- SB09-124** by Senator(s) Isgar; also Representative(s) Roberts--Concerning additional funding for 26
agricultural energy-related projects through the agriculture value-added cash fund. 27
- Amendment No. 1, Agriculture & Natural Resources Committee Amendment. 28
(Printed in Senate Journal, February 11, page 248 and placed in members' bill files.) 29
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 30
Passage. 31
- SB09-125** by Senator(s) Isgar; also Representative(s) Curry--Concerning the funding of Colorado 32
water conservation board projects, and making appropriations in connection therewith. 33
- Amendment No. 1, Agriculture & Natural Resources Committee Amendment. 34
(Printed in Senate Journal, February 13, page 324 and placed in members' bill files.) 35
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final 36
Passage. 37
- SB09-087** by Senator(s) Carroll M.; also Representative(s) Peniston--Concerning increased 38
accountability requirements for special districts. 39
- Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. 40
(Printed in Senate Journal, February 13, page 290-291 and placed in members' bill files.) 41
- Amendment No. 2, Appropriations Committee Amendment. 42
(Printed in Senate Journal, February 27, page 533-534 and placed in members' bill files.) 43
- As amended, laid over until Wednesday, March 4, retaining its place on the calendar. 44
- On motion of Senator Shaffer, and with a majority of those elected to the Senate having 45
voted in the affirmative, the balance of the General Orders -- Second Reading of Bills 46
Calendar of March 3 was laid over until Wednesday, March 4, retaining its place on the 47
calendar: SB09-075, SB09-225, HB09-1093, HB09-1101, HB09-1052, HB09-1122, HB09- 48
1080, HB09-1072, HB09-1092, HB09-1005, HB09-1215, HB09-1088, HB09-1090, HB09- 49
1008, HB09-1219, HB09-1162, HB09-1079, HB09-1174, HB09-1012, and HB09-1082. 50
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Scheffel, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

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	E	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-131 as amended, SB09-222 as amended, SB09-237 as amended, SB09-147 as amended, SB09-224 as amended, SB09-020 as amended, SB09-022 as amended, SB09-052 as amended, SB09-024 as amended, SB09-051 as amended, SB09-162 as amended, SB09-094 as amended, SB09-124 as amended, SB09-125 as amended.

Laid over until until Wednesday, March 4 retaining their place on the Calendar: SB09-087, as amended, SB09-075, SB09-225, HB09-1012, HB09-1082, HB09-1093, HB09-1101, HB09-1052, HB09-1122, HB09-1080, HB09-1072, HB09-1092, HB09-1005, HB09-1215, HB09-1088, HB09-1090, HB09-1008, HB09-1219, HB09-1162, HB09-1079, HB09-1174, SB09-099.

COMMITTEE OF REFERENCE REPORTS

Local Government and Energy After consideration on the merits, the Committee recommends that **SB09-229** be postponed indefinitely.

Local Government and Energy After consideration on the merits, the Committee recommends that **SB09-177** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB09-185

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your first conference committee appointed on SB09-185, concerning a supplemental appropriation to the department of education, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill and that the rerevised bill be adopted without change.

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Respectfully submitted,

Senate Committee:
Moe Keller, Chairman
Able Tapia
Al White

House Committee:
Mark Ferrandino, Chairman
Jack Pommer
Don Marostica

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 3, 2009, was laid over until Wednesday, March 4, 2009, retaining its place on the calendar.

Consideration of Resolutions: SJR09-017
Consideration of Governor's Appointments:
Public Employees' Retirement Benefit Plans
Solid and Hazardous Waste Commission
Colorado Commission on Higher Education
Charter School Institute Board
Read-to-Achieve Board
Conference Committees to Report: SB09-215, SB09-208, and SB09-210.

On motion of Senator Shaffer, the Senate adjourned until 9:00 a.m., Wednesday, March 4, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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