

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

99th Legislative Day

Wednesday, April 15, 2009

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Prayer	By the chaplain, Rep. Vern Rempel, First Mennonite Church of Denver.	11
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Pledge	By Senator Tochtrop.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--30	18
	Absent--2, Romer, Tapia.	19
	Excused--3, Mitchell, Renfroe, White.	20
	Present later--3, Mitchell, Romer, Tapia.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Carroll, reading of the Journal of Tuesday, April 14, 2009, was dispensed with and the Journal was approved as corrected by the Secretary	25
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COMMITTEE OF REFERENCE REPORTS

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Finance	After consideration on the merits, the Committee recommends that HB09-1311 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32
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Finance	After consideration on the merits, the Committee recommends that HB09-1275 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36
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INTRODUCTION OF MEMORIALS

The following memorial was read by title:

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SJM09-003	by Senator(s) Cadman, Groff, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Isgar, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams; --Memorializing former Senate President Ray Powers.	45
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Laid over one day under Senate Rule 30(d).

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

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SCR09-001	by Senator(s) Lundberg, Renfroe, King K., Penry, Brophy, Harvey, Kester, Sandoval, Scheffel; also Representative(s) Gardner C., Baumgardner, Lambert--Submitting to the registered electors of the state of Colorado an amendment to article X of the constitution of the state of Colorado, concerning the creation of a state savings and trust fund, and, in connection therewith, allowing the general assembly to determine how to fund the trust fund, allowing the general assembly, by a majority vote of the members of each house, to authorize the transfer of moneys from the trust fund to the state general fund if state general fund appropriations growth falls below a specified level, allowing the general assembly, by a two-thirds vote of the members of each house, to appropriate or transfer moneys from the	59
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trust fund for any purpose, and requiring replenishment of the trust fund under specified conditions if the general assembly makes appropriations or transfers from the trust fund.
State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-285 by Senator(s) Heath, Mitchell, Schwartz, Foster, Gibbs, Groff, Isgar, King K., Newell, Romer, Spence, Tapia, Veiga, White, Williams; also Representative(s) Summers and Solano, McFadyen, Rice--Concerning the inclusion of career and technical education program providers among the institutions of higher education that are permitted to offer concurrent enrollment opportunities to high school students.
Business, Labor and Technology

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions--SJR09-032.

CONSIDERATION OF RESOLUTIONS

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

On motion of Senator Kopp, the resolution was read at length.

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

Amend printed joint resolution, page 3, line 24, before "Steve", insert "Sue Fox, President of the Rotary Club of Denver," and strike "Cantrall," and substitute "Cantrell,".

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

On motion of Senator Kopp, the resolution was adopted on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB09-244** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated March 19, 2009, page 1, strike line 1 and substitute the following:

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

"SECTION 1. Legislative declaration. The general assembly acknowledges that when mandated coverages are added to private insurance plans that the services covered by the children's basic health plan and the health benefit plans for state employees are often adjusted and revised to include such mandated coverages. However, the general assembly hereby declares that due to the budgetary issues facing the state of Colorado during fiscal years 2008-09 and 2009-10, the general assembly cannot at this time fund an expansion of the children's basic health plan and the health benefits plans for state employees to include comparable provisions. It is the hope that such programs may be able to include comparable services for autism spectrum disorders in the future."

Re-number succeeding sections accordingly.

Page 3, strike lines 13 through 18 and substitute the"

Page 3 of the committee report, line 15, after "BENEFIT", insert "FOR AUTISM SPECTRUM DISORDERS";

line 18, after "BENEFIT", insert "FOR AUTISM SPECTRUM DISORDERS";

line 20, after "BENEFIT" insert "FOR AUTISM SPECTRUM DISORDERS";

strike line 30.

Page 4 of the committee report, strike lines 1 through 4 and substitute the following:

"strike lines 12 through 17 of the printed bill and substitute the following:

"(e) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1.4), THE COVERAGE REQUIRED UNDER THIS SUBSECTION (1.4) SHALL NOT BE SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, OR COINSURANCE PROVISIONS THAT ARE LESS FAVORABLE TO AN INSURED THAN THE DOLLAR LIMITS, DEDUCTIBLES, OR COINSURANCE PROVISIONS THAT APPLY TO PHYSICAL ILLNESS GENERALLY UNDER THE HEALTH BENEFIT PLAN.";

line 23, strike "3." and substitute "4.";

line 25, strike "RENEW" and substitute "ISSUE, RENEW,";"

Page 5 of the committee report, strike lines 14 through 28.

Page 6 of the committee report, strike lines 1 through 26 and substitute the following:

""**SECTION 6.** 24-50-605 (1) (f), Colorado Revised Statutes, is amended to read:

24-50-605. Group benefit plans - specifications - contracts.
 (1) (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (f), the specifications drawn by the director for any group benefit plans shall include the mandated coverages required by

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section 10-16-104, C.R.S. The director shall provide to the legislative committee of reference a financial impact statement for any proposed mandated coverage that relates to either the state's share of the employee benefit premium or the state employee's share of the premium.

(II) THE SPECIFICATIONS DRAWN BY THE DIRECTOR FOR ANY GROUP BENEFIT PLANS SHALL NOT INCLUDE THE MANDATED COVERAGE SPECIFIED IN SECTION 10-16-104 (1.4), C.R.S. IN ADDITION, NOTHING IN THIS SECTION OR ANY OTHER STATE LAW SHALL BE CONSTRUED TO MAKE THE MANDATED COVERAGE SPECIFIED IN SECTION 10-16-104 (1.4), C.R.S., APPLY TO HEALTH BENEFIT PLANS OFFERED OR PROVIDED BY INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE.

SECTION 7. 25.5-8-107 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

25.5-8-107. Duties of the department - schedule of services - premiums - copayments - subsidies. (1) In addition to any other duties pursuant to this article, the department shall have the following duties:

(a) (IV) THE SCHEDULE OF HEALTH CARE SERVICES INCLUDED IN THE PLAN SHALL NOT INCLUDE COVERAGE PURSUANT TO THE MANDATORY COVERAGE PROVISIONS OF SECTION 10-16-104 (1.4), C.R.S."

Renumber succeeding section accordingly."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-006** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 4, strike "**report.**" and substitute "**report - repeal.**".

Page 5, after line 3, insert the following:

"(3) (a) THE PROVISIONS OF THIS SECTION SHALL ONLY TAKE EFFECT IF BY JUNE 15, 2010, THE DEPARTMENT OF REVENUE RECEIVES AN AMOUNT THROUGH GIFTS, GRANTS, AND DONATIONS THAT IS EQUAL TO OR GREATER THAN THE FINAL FISCAL ESTIMATE FOR SENATE BILL 09-006, AS ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY, TO COVER THE ESTIMATED COSTS OF IMPLEMENTING THIS SECTION. ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (3) SHALL BE DEPOSITED INTO THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT FUND CREATED PURSUANT TO SECTION 42-2-312.

(b) ON OR BEFORE JUNE 30, 2010, THE EXECUTIVE DIRECTOR SHALL FILE A WRITTEN NOTICE WITH THE REVISOR OF STATUTES INDICATING THAT THE ESTIMATED AMOUNT OF MONEYS WAS RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3). IF THE NOTICE IS NOT RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2010, THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010. IF THE NOTICE IS RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2010, THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2010.";

line 8, strike "**authority.**" and substitute "**authority - repeal.** (1)";

after line 10, insert the following:

"(2) THIS SECTION SHALL ONLY BECOME EFFECTIVE IF SECTION 42-2-311, C.R.S. BECOMES EFFECTIVE ON OR BEFORE JULY 1, 2010. IF SECTION 42-2-311, C.R.S. DOES NOT BECOME EFFECTIVE BY JULY 1, 2010, THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2010.

SECTION 4. Effective date. This act shall only take effect upon receipt of the notice required in section 42-2-311 (3), Colorado Revised Statutes."

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Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB09-164** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 18, 2009, page 1, line 6, strike "SERVICES" and substitute "SERVICES";

after line 6, add the following:

"after line 26, insert the following:

SECTION 3. Effective date. (1) This act shall take effect upon passage; except that this act shall not take effect unless:

(a) The general appropriations bill is enacted at the 2009 regular session of the General Assembly and becomes law; and

(b) The general appropriations bill enacted at the 2009 regular session of the General Assembly includes an increase in the appropriation to the department of human services, division of child welfare, for training, for the fiscal year beginning July 1, 2009, which increase is for an amount not less than eight hundred eighty thousand seven hundred eighteen dollars (\$880,718), including four hundred ninety-six thousand three hundred twenty-five dollars (\$496,325) of general fund moneys and three hundred eighty-four thousand three hundred ninety-three dollars (\$384,393) of moneys from federal sources, and 3.0 FTE."

Renumber succeeding section accordingly."

Appropriations

After consideration on the merits, the Committee recommends that **SB09-253** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 22, insert the following:

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for the relocation of certain utility infrastructure, for the fiscal year beginning July 1, 2009, the sum of ninety-seven thousand three hundred sixty-two dollars (\$97,362) cash funds and 0.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of fifteen thousand twenty dollars (\$15,020) and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 103, strike "ENTITY" and substitute "ENTITY, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

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

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Amend printed bill, page 3, after line 10, insert the following:

"(3) THE EXEMPTION SET FORTH IN SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO BUSINESS PERSONAL PROPERTY LOCATED IN A COUNTY IN WHICH THE ASSESSED VALUE OF BUSINESS PERSONAL PROPERTY FOR A PROPERTY TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2010, IS THIRTY PERCENT OR MORE OF THE TOTAL ASSESSED PROPERTY VALUE IN THE COUNTY FOR THE SAME YEAR. SUCH EXEMPTION SHALL NOT APPLY TO THE PROPERTY TAX LEVIED BY THE COUNTY OR A MUNICIPALITY, SPECIAL DISTRICT, OR SCHOOL DISTRICT LOCATED WITHIN THE COUNTY UNTIL THE FIRST YEAR SUBSEQUENT TO A PROPERTY TAX YEAR IN WHICH THE ASSESSED VALUE OF BUSINESS PERSONAL PROPERTY LOCATED IN THE COUNTY IS LESS THAN THIRTY PERCENT OF THE TOTAL ASSESSED PROPERTY VALUE IN THE COUNTY."

Appropriations

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

Amend printed bill, page 12, before line 23, insert the following:

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the unemployment compensation fund, created in section 8-77-101 (1) (a), Colorado revised statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for the fiscal year beginning July 1, 2009, the sum of two hundred thirty-four thousand one hundred ninety-two dollars (\$234,192), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of the Colorado unemployment insurance trust fund, created in section 8-77-102 (4), Colorado revised statutes, from moneys distributed in accordance with Section 903 (g) of the federal Social Security Act, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for the fiscal year beginning July 1, 2009, the sum of five hundred thousand dollars (\$500,000). This amount shall remain available until June 30, 2010."

Renumber succeeding sections accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that **SB09-250** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **SB09-282** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 21 and substitute the following:

"REPEAL OF SAID ARTICLE.";

line 22, strike "(18.5)".

Page 7, line 12, after "MEMBER", insert "OR RETIREE".

Page 19, line 27, strike "24-51-1702 (17)" and substitute "24-51-1702 (31)".

Page 24, after line 27, insert the following:

"(4) UNDER NO CIRCUMSTANCE SHALL ANY DEBT OBLIGATIONS OF

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THE DENVER PUBLIC SCHOOLS BECOME OBLIGATIONS OF THE ASSOCIATION, ANY OTHER EMPLOYER AFFILIATED WITH THE ASSOCIATION, OR THE STATE. IN ADDITION, UNDER NO CIRCUMSTANCE SHALL ANY DEBT OBLIGATIONS OF THE ASSOCIATION BECOME OBLIGATIONS OF THE DENVER PUBLIC SCHOOLS."

Page 37, line 4, after "(5)", insert "(a)";

line 7, after "ACCRUED", insert "UNDER THE DPS PLAN";

strike line 11 and substitute the following:

"EMPLOYED BY A DENVER PUBLIC SCHOOLS AND IF AT LEAST ONE OF THE FOLLOWING APPLIES:

(I) THE DPS MEMBER WAS";

line 13, strike "2009." and substitute "2009; OR

(II) THE DPS MEMBER WAS A DEFERRED DPS MEMBER AS OF DECEMBER 31, 2009.

(b) SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), SERVICE CREDIT SHALL BE GRANTED FOR AN APPROVED LEAVE OF ABSENCE ANY TIME DURING A MEMBER'S EMPLOYMENT WITH DENVER PUBLIC SCHOOLS PRIOR TO DECEMBER 31, 2009, TO SERVE AT A CHARTER SCHOOL, AS DEFINED IN SECTION 24-51-1702 (10), FOR NO LONGER THAN A THREE-YEAR PERIOD, PROVIDED THAT WRITTEN CERTIFICATION OF ELIGIBILITY UNDER THIS PARAGRAPH (b) IS PROVIDED TO THE ASSOCIATION BY DENVER PUBLIC SCHOOLS. SERVICE CREDIT PROVIDED FOR IN THIS PARAGRAPH (b) SHALL APPLY ONLY TO THE CALCULATION OF A SUBSIDY PAYABLE FROM THE DPS DIVISION HEALTH CARE TRUST FUND."

Page 44, line 12, after "THE", insert "DENVER PUBLIC SCHOOLS RETIREMENT".

Page 58, line 27, strike "SERVICE;" and substitute "SERVICE".

Page 61, line 20, strike "24-51-1736" and substitute "24-51-1734".

Page 62, line 26, strike "SECTION 24-51-1705" and substitute "SECTIONS 24-51-1705 AND 24-51-1706".

Page 64, line 9, strike "IN THE EVENT OF";

line 10, strike "TERMINATION OF EMPLOYMENT WITH THE DISTRICT".

Page 66, line 23, strike "(I)" and, strike "(b)" and substitute "(c)";

strike line 26 and substitute the following:

"AFFILIATE MEMBERS ON OR AFTER JULY 1, 2005, THE FOLLOWING CALCULATIONS SHALL APPLY:

(I) IF SAID MEMBER SHALL".

Page 78, line 14, after "SECTION", insert "AND SECTIONS 24-51-1728 TO 24-51-1731".

Page 80, line 7, strike "24-51-1706" and substitute "24-51-1707".

Page 81, line 24, after "24-51-1715", insert "(1) (c)".

Page 83, line 5, strike "24-51-1716" and substitute "24-51-1717";

line 6, strike "24-51-1721," and substitute "24-51-1724,".

Page 84, line 12, after "(6)", insert "(a)";

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line 17, strike "(a)" and substitute "(I)";
strike line 20 and substitute the following:
"PERIODS OF NONCOVERED EMPLOYMENT SERVICE CREDIT AND INTEREST";
line 22, strike "(b)" and substitute "(II)".

Page 85, line 1, strike "OUTSIDE" and substitute "PERIODS OF
NONCOVERED EMPLOYMENT";
line 2, strike "UNDER SECTION 24-51-1705";
line 6, strike "THE" and substitute "(b) THE".

Page 89, line 2, strike "DOCUMENT" and substitute "DOCUMENT,";
line 4, strike "BY" and substitute "OF".

Page 92, line 8, strike "PARAGRAPH (b) AND" and substitute "PARAGRAPH
(b),";
line 12, strike "PARAGRAPHS" and substitute "PARAGRAPH".

Page 93, line 10, strike "1984" and substitute "1984,".

Page 94, line 25, strike "SECTION";
line 26, strike "24-51-1736 (1) (a) AND (1) (b)," and substitute
"PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1),";

line 27, strike "SUBSECTION (3)" and substitute "PARAGRAPH (c)".

Page 96, line 27, strike "OPTION C" and substitute "OPTION P3".

Page 97, strike lines 6 through 11 and substitute the following:
"BE JOINED IN BY ALL OF THEM.";

line 13, strike "24-71-1742" and substitute "24-51-1742".

Page 123, line 15, strike "24-51-1207 (3)." and substitute
"24-51-1206.7".

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 23, pages 444-471 and placed in members' bill
files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, page 956 and placed in members' bill files.)

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

On motion of Senator Shaffer, and with a majority of those elected to the Senate having
voted in the affirmative, the Third Reading of Bills Calendar (HB09-1180, SB09-235,
SB09-180, SB09-245, SB09-135) of Wednesday, April 15, was laid over until Thursday,
April 16, retaining its place on the calendar.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB09-163 by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey--
Concerning the education accountability system.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 3, page 956 and placed in members' bill files.)

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

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On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB09-1250, HB09-1299, HB09-1170, SB09-239, SB09-226, SB09-130 SB09-045) of Wednesday, April 15, was laid over until Thursday, April 16, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-163 by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey-- Concerning the education accountability system.

Senator Hudak moved to amend the Report of the Committee of the Whole to show that the following Penry and Spence floor amendment, (L.021) to SB 09-163, did not pass.

Amend printed bill, page 90, line 24, strike "UPON REQUEST, EACH" and substitute "EACH";

line 25, strike "PROVIDE" and substitute "MAIL" and strike "A" and substitute "EACH".

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 **passed** on the following roll call vote:

YES	22	NO	11	EXCUSED	2	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	E	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	N
Heath	Y	Mitchell	N	Schwartz	Y		

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 09-163 did pass.

Amend printed bill, page 90, strike lines 24 through 27 and substitute the following:

"AND FOR THE STATE. EACH PUBLIC SCHOOL SHALL ASK THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN THE SCHOOL WHETHER THE PARENT OR LEGAL GUARDIAN WANTS A PRINTED COPY OF THE SCHOOL, SCHOOL DISTRICT, INSTITUTE, OR STATE PERFORMANCE REPORT, AND SHALL PROVIDE A COPY IF REQUESTED."

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 **passed** on the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

Senator Schultheis moved to amend the Report of the Committee of the Whole to show that the following Renfroe floor amendment, (L.022) to SB 09-163, did pass.

Amend printed bill, page 50, strike lines 19 through 27.

Page 51, strike lines 1 through 14.

Renumber succeeding sections accordingly.

Page 69, strike lines 25 through 27.

Page 70 strike lines 1 through 21.

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	20	EXCUSED	2	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	N
Brophy	Y	Isgar	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	N	Sandoval	N	White	E
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	Y	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
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: SB09-163 as amended.

Laid over until Thursday, April 16 retaining their place on the Calendar: HB09-1250, HB09-1299, HB09-1170, SB09-239, SB09-226, SB09-130, SB09-045.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-171 by Senator(s) Schwartz, Heath, Veiga; also Representative(s) Todd and Vigil, Liston, McFadyen, Rice, Solano--Concerning the use of moneys in the Colorado customized training program.

Senator Schwartz moved that the Senate concur in House amendments to **SB09-171**, as printed in House Journal, April 3, pages 1021-1022.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB09-098 by Senator(s) Schwartz, Isgar, Brophy, Gibbs; also Representative(s) Vigil--Concerning blending diesel fuels after withdrawal at the rack, and making an appropriation in connection therewith.

Senator Schwartz moved that the Senate concur in House amendments to **SB09-098**, as printed in House Journal, April 7, page 1093.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
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, as amended, was declared **repassed**.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill 09-256, Concerning the Financing of Public Schools:

The Friday, March 13 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 27, 2009 (the 80th legislative day), Friday, April 10, 2009 (the 94th legislative day), and subsequently until Friday, April 17, 2009 (the 101st legislative day), is further extended until Monday, April 27, 2009 (the 111th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative T. Carroll
Speaker of the House of Representatives

(signed)
Representative Weissmann
House Majority Leader

(signed)
Senator Shaffer
Senate Majority Leader

(signed)
Representative May
House Minority Leader

(signed)
Senator Penry
Senate Minority Leader

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

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

for a term expiring June 1, 2009:

Jeanne L. Fenter of Fowler, Colorado to fill the vacancy occasioned by the resignation of Janet L. Frederick of Eads, Colorado and to serve as an at large member from tourism-based industries, and from a small community, appointed.

for a term expiring June 1, 2011:

Timothy H. Wolfe of Littleton, Colorado, a representative of the hotel, motel, and lodging industry, to fill the vacancy occasioned by the resignation of John J. Schafer of Parker, Colorado, appointed.

for terms expiring June 1, 2012:

James E. Durr of Eckert, Colorado, a resident of a small community and a small business owner with experience in the tourism-related retail industry, to fill the vacancy occasioned by the resignation of Dana K. Abrahamson of Georgetown, Colorado, appointed.

Heidi M. Kercher-Pratt of Broomfield, Colorado, to serve as an at large representative from tourism-based industries, appointed.

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

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YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

**MEMBERS OF THE
MEDICAL SERVICES BOARD**

effective July 2, 2008, for terms expiring July 1, 2012:

Linda M. Andre of Lakewood, Colorado, a resident of the 7th Congressional District, with knowledge of medical assistance programs, and a Democrat, appointed;

Mary Alice "Sally" Schaefer of Grand Junction, Colorado, a resident of the 3rd Congressional District, with knowledge of medical assistance programs, and a Republican, reappointed;

Kathleen A. Chitty of Westminster, Colorado, a resident of the 2nd Congressional District, with knowledge of medical assistance programs, and a Republican, reappointed.

for a term expiring July 1, 2012:

Mary E. Young of Alamosa, Colorado, a Republican and resident of the 3rd Congressional District with experience in caring for medically underserved children, appointed.

for a term expiring July 1, 2010:

Alan I. Eisenberg of Denver, Colorado, a Democrat and resident of the 1st Congressional District with knowledge of medical assistance programs, to fill the vacancy occasioned by the death of Joan M. Johnson of Denver, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB09-148 by Senator(s) Brophy, Gibbs; also Representative(s) Merrifield, Carroll T., Kerr A., Marostica, McNulty--Concerning revisions to the rules governing the safe interaction of bicycles with other vehicles on roadways.

Laid over until Thursday, April 15, retaining its place on the calendar.

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

Senator Carroll moved for the adoption of the First Report of the First Conference Committee on **HB09-1281**, as printed in Senate Journal, April 14, pages 1076-1077. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	E	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	E
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SENATE SERVICES REPORT

Correctly Engrossed: SB09-180 and 235; SM09-002.
Correctly Revised: HB09-1180.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB09-021** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated February 9, 2009, page 2, line 4, strike "ALL MONEYS";

strike line 5;

line 6, strike "(2) (n), C.R.S." and substitute "ANY GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES THAT THE DIVISION IS HEREBY REQUIRED TO SEEK AND ACCEPT.";

strike line 19 and substitute the following:

"MOUNTAIN COLLEGE.

(c) THE DIVISION SHALL FUND THE TUITION VOUCHERS SPECIFIED IN PARAGRAPH (a) FROM THE VOLUNTEER FIREFIGHTER TUITION VOUCHER FUND CREATED IN SECTION 24-33.5-1215, OR ANY EXISTING APPROPRIATION.";

line 22, strike "4 and substitute the following:" and substitute "4.";

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strike lines 23 through 30.

Page 3, strike lines 1 through 4 and substitute the following:

"Renumber succeeding section accordingly."

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, April 14, 2009, at 3:40 p.m.:
SB09-030, 036, 039, 042, 050, 056, 078, 080, 111, 129, 150, 165, 168, 177 and 237.

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 Wednesday, April 15 was laid over until Thursday, April 16, retaining its place on the calendar.

Conference Committees to Report: HB09-1057, SB09-101, SB09-131, SB09-013.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB09-241** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 23, insert the following:

SECTION 4. 24-33.5-415.6, Colorado Revised Statutes, is amended to read:

24-33.5-415.6. Offender identification - fund. (1) There is hereby created in the state treasury the offender identification fund, referred to in this section as the "fund". Moneys in the fund shall consist of COSTS AND SURCHARGES LEVIED PURSUANT TO THIS SECTION AND payments for genetic testing received from offenders pursuant to sections 16-11-102.4, 18-1.3-407, and 19-2-925.6, C.R.S. Subject to annual appropriations by the general assembly, the executive director and the state court administrator are authorized to expend moneys in the fund to pay for genetic testing of offenders pursuant to sections 16-11-102.4 and 18-1.3-407, C.R.S. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(2) (Deleted by amendment, L. 2006, p. 1692, § 14, effective July 1, 2007.)

(3) (a) A COST OF FIVE DOLLARS IS HEREBY LEVIED ON EACH CRIMINAL ACTION RESULTING IN A CONVICTION OR IN A DEFERRED JUDGMENT AND SENTENCE, AS PROVIDED IN SECTION 18-1.3-102, C.R.S., FOR A FELONY, A MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE, CHARGED PURSUANT TO STATE STATUTE. THE DEFENDANT SHALL PAY THE COSTS TO THE CLERK OF THE COURT. EACH CLERK SHALL TRANSMIT THE MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(b) THE PROVISIONS OF SECTIONS 18-1.3-701 AND 18-1.3-702, C.R.S., SHALL APPLY AS TO THE COLLECTION OF COSTS LEVIED PURSUANT TO THIS SUBSECTION (3).

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

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

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(6) A SURCHARGE OF FIVE DOLLARS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT NOTICE ISSUED PURSUANT TO SECTION 42-4-1701, C.R.S., FOR A CLASS A OR CLASS B TRAFFIC INFRACTION UNDER STATE STATUTE THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CIVIL ACTION. ALL MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBSECTION (6) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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(7) A SURCHARGE OF FIVE DOLLARS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO SECTION 33-6-104, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (7) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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(8) A SURCHARGE OF FIVE DOLLARS IS HEREBY LEVIED AGAINST EACH PENALTY ASSESSMENT ISSUED PURSUANT TO SECTION 33-15-102, C.R.S., THAT RESULTS IN PAYMENT OF THE PENALTY ASSESSMENT WITHOUT THE COMMENCEMENT OF A CRIMINAL ACTION. ALL MONEYS COLLECTED BY THE DIVISION OF PARKS AND OUTDOOR RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO THIS SUBSECTION (8) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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

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SECTION 5. 42-4-1701, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (8) THE SURCHARGES DESCRIBED IN SUBSECTIONS (4) THROUGH (6) OF THIS SECTION ARE SEPARATE AND DISTINCT FROM A SURCHARGE LEVIED PURSUANT TO SECTION 24-33.5-415.6, C.R.S.

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

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42-4-1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration. (3) (a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been

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violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for the offense, the amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections 24-4.1-119 (1) (f), ~~and~~ 24-4.2-104 (1), AND 24-33.5-415.6, C.R.S., the number of points, if any, prescribed for the offense pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and ~~surcharge~~ SURCHARGES thereon are not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint, should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be paid within the time allowed in section 42-4-1701.

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

SECTION 7. 42-4-1709 (1), Colorado Revised Statutes, is amended to read:

42-4-1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license. (1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701 (5) (a), the penalty assessment notice ~~which~~ THAT shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for the traffic infraction, the amount of the ~~surcharge~~ SURCHARGES thereon pursuant to sections 24-4.1-119 (1) (f), ~~and~~ 24-4.2-104 (1), AND 24-33.5-415.6, C.R.S., the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and ~~surcharge~~ SURCHARGES thereon ~~is~~ ARE not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and ~~surcharge~~ SURCHARGES thereon within twenty days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint, should the prescribed penalty and ~~surcharge~~ SURCHARGES thereon not be paid within the time allowed in section 42-4-1701.

SECTION 8. 33-6-104, Colorado Revised Statutes, is amended to read:

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

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SECTION 24-33.5-415.6, C.R.S., and an assessment of five license suspension points.

(2) At the time that any person is charged with violating any misdemeanor provisions of articles 1 to 6 of this title or any rule or regulation of the commission, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine AND SURCHARGE in the form of a penalty assessment. Penalty assessments shall not be issued for violations for which minimum and maximum fines have been established. The penalty assessment notice given to the alleged offender shall contain the information required in and be in the form of a summons and complaint and shall specify in dollars the amount of the penalty to be assessed for the alleged offense and the amount of the surcharge SURCHARGES to be collected pursuant to section SECTIONS 24-4.2-104 (1) AND 24-33.5-415.6, C.R.S. If the alleged offender accepts such notice and pays the fine and the surcharge SURCHARGES entered thereon to the division within fifteen days of issuance of the notice, such acceptance and payment shall constitute an acknowledgment of guilt by such person of the violation set forth in the penalty assessment notice. Any person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine and surcharge SURCHARGES may be taken by the officer to the nearest known post-office facility and BE required to remit the amount of the specified fine and surcharge SURCHARGES to the division immediately by mail in United States currency or other legal tender by money order or personal check. Refusal or inability to remit the specified fine and surcharge SURCHARGES by mail when required shall constitute a refusal to accept a penalty assessment notice. The officer shall advise the person arrested of the license suspension points to be assessed in accordance with section 33-6-106. Checks tendered by the violator to and accepted by the division and on which payment is received by the division shall be deemed sufficient receipt. If the fine and surcharge SURCHARGES are not so paid, then the officer who issued the penalty assessment notice shall docket the summons and complaint with a court of competent jurisdiction for appearance by the person to answer the charges therein contained at such time and place as is specified in the summons and complaint.

SECTION 9. 33-15-102 (2), Colorado Revised Statutes, is amended to read:

33-15-102. Imposition of penalty - procedures. (2) At the time that any person is charged with violating any petty offense or misdemeanor provisions of articles 10 to THROUGH 15 or 32 of this title or any rule of the board, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine AND SURCHARGE in the form of a penalty assessment. Penalty assessments shall not be issued for violations for which minimum and maximum fines have been established. The penalty assessment notice given to the alleged offender shall contain the information required in and be in the form of a summons and complaint and shall specify in dollars the amount of the penalty to be assessed for the alleged offense AND THE AMOUNT OF THE SURCHARGE TO BE COLLECTED PURSUANT TO SECTION 24-33.5-415.6, C.R.S. If the alleged offender accepts such notice and pays the fine AND SURCHARGE entered thereon to the division within twenty days of issuance of the notice, such acceptance and payment shall constitute an acknowledgment of guilt by such person of the violation set forth in the penalty assessment notice. Any person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine AND SURCHARGE may be taken by the officer to the nearest known post-office facility and BE required to remit the amount of the specified fine AND SURCHARGE to the division immediately by mail in United States currency or other legal tender or by money order or personal check. Refusal or inability to remit the specified fine AND

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SURCHARGE by mail when required shall constitute a refusal to accept a penalty assessment notice. Checks tendered by the violator to and accepted by the division and on which payment is received by the division shall be deemed sufficient receipt. If the fine is AND SURCHARGE ARE not so paid, then the officer who issued the penalty assessment notice shall docket the summons and complaint with a court of competent jurisdiction for appearance by the person to answer the charges therein contained at such time and place as is specified in the summons and complaint.

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SECTION 10. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the offender identification fund created in section 24-33.5-415.6, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2009, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the implementation of this act.

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SECTION 11. Effective date. (1) Sections 4 through 12 of this act shall take effect July 1, 2009.

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(2) Sections 1 through 3 of this act shall take effect September 30, 2010."

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Renumber succeeding section accordingly.

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Page 1, line, 101, strike "FELONY." and substitute "FELONY, AND MAKING AN APPROPRIATION THEREFOR."

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Agriculture and Natural Resources

After consideration on the merits, the Committee recommends that **SB09-1199** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend reengrossed bill, page 12, line 15, strike "FIVE HUNDRED" and substitute "FOUR HUNDRED SEVENTY-FIVE";

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line 17, strike "TWO HUNDRED FIFTY" and substitute "TWO HUNDRED TWENTY-FIVE";

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strike line 25;

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line 27, strike "SECTION." and substitute "SECTION; AND";

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after line 27, insert the following:

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"(VII) UP TO FIFTY THOUSAND DOLLARS MAY BE EXPENDED FOR THE PURPOSES SPECIFIED IN SECTION 25-7-111 (5), C.R.S."

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Page 14, line 26, after "treasury.", insert "ANY MONEYS IN THE FUND IN EXCESS OF THOSE NEEDED FOR THE TRAINING OF DIRECTORS OF FIRE PROTECTION DISTRICTS SHALL BE USED FOR THE PURPOSE OF PROVIDING FIREFIGHTERS WITH BASIC WILDLAND FIREFIGHTING AND WILDLAND-URBAN INTERFACE FIREFIGHTING TRAINING THROUGH EXISTING WILDLAND FIRE TRAINING PROGRAMS."

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Page 15, after line 6, insert the following:

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"(c) THE DIVISION SHALL COORDINATE WITH THE FOREST SERVICE, AS THAT TERM IS DEFINED IN SECTION 23-31-302, C.R.S., IN DETERMINING HOW TO ALLOCATE STATE FUNDING FOCUSED ON FIREFIGHTER TRAINING."

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Page 16, after line 1, insert the following:

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"(c) THE DIVISION'S OBLIGATION TO PERFORM ITS DUTIES SPECIFIED IN THIS SUBSECTION (5) IS CONTINGENT UPON ITS RECEIPT OF REVENUES NECESSARY TO COVER ITS DIRECT AND INDIRECT COSTS FOR SUCH PERFORMANCE FROM THE HEALTHY FORESTS AND VIBRANT COMMUNITIES FUND CREATED IN SECTION 23-31-312 (10), C.R.S.";

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Reletter succeeding paragraph accordingly. 1
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 Page 16, line 7, strike the first "department of"; 3
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 line 10, strike "districts." and substitute "districts and basic wildland 5
 firefighting and wildland-urban interface firefighting training of 6
 firefighters."; 7
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 line 12, strike "stationary sources control" and substitute "healthy forests 9
 and vibrant communities"; 10
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 line 13, strike "25-7-114.7 (2) (b) (I)," and substitute "23-31-312 (10),"; 12
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 line 14, strike the first "department of". 14
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MESSAGE FROM THE HOUSE

April 14, 2009 21

The House has voted to grant the House conferees on the First Conference Committee 23
 on SB09-101 to consider matters not at issue between the two houses. 24

April 15, 2009 26

The House has passed on Third Reading and transmitted to the Revisor of Statutes 28
 HB09-1318. 29

The House has passed on Third Reading and transmitted to the Revisor of Statutes 31
 HB09-1313, amended as printed in House Journal, April 13, pages 1165-1166. 32
 HB09-1017, amended as printed in House Journal, April 13, page 1169. 33
 HB09-1298, amended as printed in House Journal, April 13, pages 1170-1171. 34
 HB09-1319, amended as printed in House Journal, April 13, pages 1172-1173. 35
 HB09-1320, amended as printed in House Journal, April 13, page 1173. 36
 HB09-1326, amended as printed in House Journal, April 13, pages 1173-1180. 37
 HB09-1329, amended as printed in House Journal, April 13, page 1180. 38

The House has passed on Third Reading and transmitted to the Revisor of Statutes; 40
 SB09-176, amended as printed in House Journal, April 14, page 1168. 41
 SB09-094, amended as printed in House Journal, April 14, page 1169. 42

The House has adopted and returns herewith SJR09-032. 44

The House has voted to concur in the Senate amendments to HB09-1213, 1001, 45
 and has repassed the bills as so amended. 46
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The House has passed on Third Reading and transmitted to the Revisor of Statutes 49
 HB09-1280, amended as printed in House Journal, April 14, page 1166. 50
 HB09-1157, amended as printed in House Journal, April 14, page 1171. 51

MESSAGE FROM THE REVISOR OF STATUTES

April 15, 2009 56

We herewith transmit: 58

Without comment, HB09-1318. 60
 Without comment, as amended, HB09-1017, 1298, 1313, 1320, and 1329. 61
 Without comment, as amended, SB09-094 and 176. 62
 Without comment, as amended, HB09-1157, 1280, and 1326. 63
 With comments, as amended, HB09-1319. 64

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR09-037 by Senator(s) Foster; also Representative(s) Todd--Concerning recognition of the national Court-appointed Special Advocates program and the sixteen Court-appointed Special Advocates programs in Colorado.

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

SJR09-038 by Senator(s) Romer; also Representative(s) Looper--Concerning the recognition of organ and tissue donors through the observation of "Donate Life Colorado Month".

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

SJR09-039 by Senator(s) Spence; also Representative(s) Primavera--Concerning recognition of the history of the disability rights movement, and, in connection therewith, proclaiming Disability History Week in Colorado.

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

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

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

SJR09-041 by Senator(s) Tochtrop; also Representative(s) Ryden--Concerning remembrance of the Armenian Genocide on April 24, 2009, and, in connection therewith, designating every April 24 hereafter as "Colorado Day of Remembrance of the Armenian Genocide".

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

SJR09-042 by Senator(s) Newell; also Representative(s) Frangas--Concerning the value of conflict resolution, and, in connection therewith, recognizing October 2009 as "Conflict Resolution Month".

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

INTRODUCTION OF MEMORIALS

The following memorials were read by title:

SJM09-004 by Senator(s) Mitchell; also Representative(s) Acree--Memorializing Congress to create a federal income tax deduction for health insurance premiums purchased by individuals.

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

SJM09-005 by Senator(s) Brophy; also Representative(s) Merrifield, Kerr A.--Concerning a request for changes to National Park Service rules to streamline the opening of trails on federal lands for bicycling.

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

SJM09-006 by Senator(s) Lundberg; also Representative(s) Gardner C.--Memorializing Congress to end the practice of earmarking federal funds provided to states.

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

INTRODUCTION OF BILLS -- FIRST READING

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

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SB09-286	by Senator(s) Morse and Carroll M., Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams; also Representative(s) Levy and Merrifield, Ferrandino, Kagan, Miklosi, Pommer, Pace, Benefield, Carroll T., Court, Fischer, Green, Hullinghorst, Judd, Kerr A., Labuda, McFadyen, Middleton, Rice, Ryden, Schafer S., Solano, Todd, Weissmann--Concerning criminal law, and, in connection therewith, changing the provisions related to legal representation of indigent defendants for certain misdemeanor cases; changing the offense level or sentencing options for select nonviolent offenses, property offenses, and drug offenses; changing the presumptive sentencing ranges for certain felony offenses; repealing certain extraordinary risk sentencing provisions; making changes to the habitual offender statute; and allowing for certain sentencing time credits for certain offenders.	1 2 3 4 5 6 7 8 9 10 11
	Judiciary	12 13
SB09-287	by Senator(s) Mitchell; --Concerning the voluntary contribution designation benefiting the Special Olympics Colorado fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.	14 15 16
	Finance	17 18
SB09-288	by Senator(s) Morse; --Concerning a limitation on the number of department of corrections facilities prison beds in the state of Colorado, and, in connection therewith, creating a working group to manage the use of the beds within the limitation.	19 20 21
	Judiciary	22 23
HB09-1017	by Representative(s) Pace; also Senator(s) Hodge--Concerning the water efficiency grant program cash fund, and, in connection therewith, giving the Colorado water conservation board continuous authority to spend moneys transferred to the water efficiency grant program cash fund from the operational account of the severance tax trust fund.	24 25 26 27
	Agriculture and Natural Resources	28 29
HB09-1157	by Representative(s) Waller, Baumgardner, Bradford, King S., Liston, Stephens; also Senator(s) Kopp, King K., Scheffel--Concerning the designation of N-benzylpiperazine as a schedule I controlled substance, and, in connection therewith, making an appropriation.	30 31 32
	Judiciary	33
	Appropriations	34 35
HB09-1280	by Representative(s) Looper; also Senator(s) Tapia and Williams--Concerning the adoption of a youth challenge corps program in Colorado.	36 37
	Education	38 39
HB09-1298	by Representative(s) McFadyen and Gardner C., Liston, Rice, Solano; also Senator(s) Mitchell, Heath, Scheffel, Schwartz--Concerning economic development for the trucking industry in Colorado, and making an appropriation in connection therewith.	40 41 42
	Finance	43
	Appropriations	44 45
HB09-1313	by Representative(s) Merrifield, Apuan, Benefield, Casso, Ferrandino, Fischer, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McFadyen, McGihon, Middleton, Miklosi, Peniston, Scanlan, Schafer S., Solano, Soper, Todd, Vigil, Green, Pace, Pommer; also Senator(s) Bacon, Gibbs, Groff, Newell, Veiga, Williams, Carroll M., Heath, Keller, Morse, Romer, Shaffer B.--Concerning expanding civic engagement options through student-directed programs at institutions of higher education.	46 47 48 49 50 51
	Education	52 53
HB09-1318	by Representative(s) Sonnenberg and McFadyen; also Senator(s) Brophy and Shaffer B.--Concerning the issuance of overweight permits based on axle configuration for vehicles weighing more than the eighty-five thousand pound nonoverweight vehicle gross vehicle weight limit, and, in connection therewith, repealing before it takes effect a newly enacted increase in the limit from eighty-five thousand pounds to ninety-two thousand pounds, making an overweight vehicle permit available for a vehicle that is operated in combination with a trailer or semitrailer if the trailer has a tandem or triple axle grouping and the vehicle weighs up to ninety-seven thousand pounds, and specifying overweight vehicle permit fees for such a vehicle of five hundred dollars for an annual permit, two hundred fifty dollars for a six-month permit, and fifteen dollars plus ten dollars per axle for a single trip permit.	54 55 56 57 58 59 60 61 62 63
	Transportation	64 65
HB09-1319	by Representative(s) Merrifield and Massey, Todd, Baumgardner, Benefield, Carroll T., Casso, Ferrandino, Fischer, Green, Kerr A., Levy, Middleton, Miklosi, Murray, Peniston, Primavera, Priola, Riesberg, Scanlan, Schafer S., Solano, Summers; also Senator(s) Williams, King K., Hudak, Penry, Bacon, Boyd, Heath, Romer, Scheffel, Schwartz, Shaffer	66 67 68 69

- B., Tapia--Concerning concurrent enrollment of public high school students in courses offered by institutions of higher education, and making an appropriation therefor.
Education
- HB09-1320** by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--
Concerning an increase in fees paid for certain dairy licenses, and making an appropriation in connection therewith.
Agriculture and Natural Resources
- HB09-1326** by Representative(s) Carroll T. and Court, Apuan, Benefield, Casso, Curry, Ferrandino, Fischer, Green, Hullinghorst, Kefalas, Kerr A., Levy, May, McCann, McFadyen, Merrifield, Middleton, Miklosi, Peniston, Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens, Todd, Vigil; also Senator(s) Shaffer B., Bacon, Boyd, Groff, Heath, Penry, Williams--
Concerning the integrity of the statewide citizen-initiated petition process, and making an appropriation therefor.
State, Veterans & Military Affairs
- HB09-1329** by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia--
Concerning the percentage of moneys transferred from the tobacco litigation settlement cash fund to the Colorado state veterans trust fund that are subject to annual appropriation, and making an appropriation in connection therewith.
Appropriations

MESSAGE FROM THE GOVERNOR

April 2, 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, appoint, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD**

for terms expiring February 12, 2012:

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

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

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

Sincerely,
(signed)

Bill Ritter, Jr.

Governor

Rec'd: 4/7/09

Karen Goldman, Secretary of the Senate

Committee on Agriculture & Natural Resources

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, April 16, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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