

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

93rd Legislative Day

Thursday, April 9, 2009

Prayer	By the chaplain, Rev. Dwight Blackstock, Presbyterian Church, Denver.	10 11 12
Pledge	By Senator Kester.	13 14
Call to Order	By the President at 9:00 a.m.	15 16 17
Roll Call	Present--34 Absent--1, Mitchell. Present later-- 1, Mitchell.	18 19 20 21
Quorum	The President announced a quorum present.	22 23
Reading of Journal	On motion of Senator Foster, reading of the Journal of Wednesday, April 8, 2009, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26 27

MESSAGE FROM THE HOUSE

April 8, 2009

The House has postponed indefinitely SB09-242 . The bill is returned herewith.

The Speaker has appointed Representatives Levy, chairman, King, and Miklosi as House conferees on the First Conference Committee on SB09-013.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB09-1073, amended as printed in House Journal, April 7, page 1062.
HB09-1094, amended as printed in House Journal, April 7, pages 1062-1063.
HB09-1111, amended as printed in House Journal, April 7, pages 1063-1064.
HB09-1310, amended as printed in House Journal, April 7, pages 1072-1073.
HB09-1137, amended as printed in House Journal, April 7, pages 1073-1074.
HB09-1317, amended as printed in House Journal, April 7, page 1094.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB09-098, amended as printed in House Journal, April 7, page 1093.

The House has voted to grant the House conferees on the First Conference Committee on
SB09-013 to consider matters not at issue between the two houses.

MESSAGE FROM THE REVISOR OF STATUTES

April 8, 2009

We herewith transmit:

Without comment, as amended, HB09-1073, 1094, 1111, 1137, 1310, and 1317.
Without comment, as amended, SB09-098.

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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 No. 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 previously extended until Friday, March 27, 2009 (the 80th legislative day) and subsequently extended until Friday, April 10, 2009 (the 94th legislative day), is further extended until Friday, April 17, 2009 (the 101st 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
Representative Weissmann
House Majority Leader
Representative May
House Minority Leader

(signed)
Senator Groff
President of the Senate
Senator Shaffer
Senate Majority Leader
Senator Penry
Senate Minority Leader

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 LLS No. 09-0384, the Long Appropriation Bill:

The Friday, March 27 deadline (the 80th legislative day) for passage of the long appropriation bill in the Senate as extended until Friday, April 3, 2009 (the 87th legislative day), and subsequently extended until Thursday, April 9, 2009 (the 93rd legislative day), is further extended until Monday, April 13, 2009 (the 97th 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
Representative Weissmann
House Majority Leader
Representative May
House Minority Leader

(signed)
Senator Groff
President of the Senate
Senator Shaffer
Senate Majority Leader
Senator Penry
Senate Minority Leader

SENATE SERVICES REPORT

Correctly Enrolled: SJR09-026 and 029; SR09-013 and 014.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB09-005, 014, 047, 053, 054, 059, 060, 084, 092, 107, 109, 137, 157, 181, 182, 208, 222 and 231; SJR09-028, 030 and 033; SR09-014.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

MESSAGE FROM THE HOUSE

April 9, 2009

The House has adopted the First Report of the First Conference Committee on HB09-1162, as printed in House Journal, April 2, pages 1012-1014, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB09-1153, as printed in House Journal, April 6, page 1066, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB089-1217, 1222, 1230, 1248, 1293, 1149 and has repassed the bills as so amended.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1010, amended as printed in House Journal, April 8, pages 1104-1105.

MESSAGE FROM THE REVISOR OF STATUTES

April 9, 2009

We herewith transmit:

Without comment, as amended, HB09-1010.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, April 9, 2009, at 11:15 a.m.: SB09-005, 014, 047, 053, 054, 059, 060, 084, 092, 107, 109, 137, 157, 181, 182, 208, 222 and 231.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the Special Orders -- Second Reading of Bills Calendar (SB09-180, HB09-1180, HB09-1042, SB09-235) of Thursday, April 9, was laid over to follow the General Orders -- Second Reading of Bills Calendar of Thursday, April 9.

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:

HB09-1309 by Representative(s) Pace; also Senator(s) Tochtrop--Concerning inspection of boilers.

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

YES	28	NO	4	EXCUSED	3	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	E
Cadman	N	Keller	E	Renfroe	N	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	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

SB09-254 by Senator(s) Bacon, Veiga; also Representative(s) Scanlan and Balmer--Concerning the

authority of certain licensed beer manufacturers to use common licensed premises for the production of beer products in this state.

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

YES	32	NO	0	EXCUSED	3	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	E
Cadman	Y	Keller	E	Renfroe	Y	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 was declared **passed**.

SB09-252 by Senator(s) Boyd, Carroll M., Lundberg, Morse, Newell, Spence; also Representative(s) Frangas, Gagliardi, Green, Kefalas, Kerr J., Primavera, Riesberg, Swalm--Concerning mail order prescription drugs for medicaid recipients who have third-party insurance.

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

YES	32	NO	0	EXCUSED	3	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	E
Cadman	Y	Keller	E	Renfroe	Y	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 was declared **passed**.

Committee of the Whole On motion of Senator Boyd, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Boyd 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:

HB09-1295 by Representative(s) Todd and Massey, Carroll T., Benefield, Merrifield, Middleton, Casso, Frangas, Hullinghorst, Kerr A., Labuda, McGihon, Miklosi, Murray, Scanlan; also Senator(s) Heath, Bacon, King K., Veiga, Spence--Concerning authorizing Metropolitan state college of Denver to offer master's degree programs.

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

HB09-1130 by Representative(s) Gardner B.; also Senator(s) Isgar--Concerning the collection of sales taxes by a county government.

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

HB09-1213 by Representative(s) Gagliardi; also Senator(s) Schwartz--Concerning the creation of the housing development grant fund in the state treasury to be administered by the division of housing for purposes associated with increasing the supply of affordable housing in the state.

Amendment No. 1, Local Government & Energy Committee Amendment.
 (Printed in Senate Journal, April 3, page 957 and placed in members' bill files.)

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

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

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

YES	32	NO	0	EXCUSED	3	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	E
Cadman	Y	Keller	E	Renfroe	Y	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: HB09-1295, HB09-1130, HB09-1213 as amended.

Committee of the Whole On motion of Senator Boyd, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Boyd 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:

HB09-1299 by Representative(s) Kerr A., Benefield, Carroll T., Casso, Court, Curry, Ferrandino, Frangas, Green, Hullinghorst, Kefalas, McCann, Middleton, Miklosi, Pommer, Rice, Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s) Romer, Bacon, Groff, Veiga-- Concerning adoption of an agreement among the states to elect the president of the United States by national popular vote.

Laid over until Friday, April 10, retaining its place on the calendar.

HB09-1170 by Representative(s) Casso, Pace; also Senator(s) Tochtrop--Concerning unemployment insurance benefits for locked-out employees.

Laid over until Friday, April 10, retaining its place on the calendar.

SB09-093 by Senator(s) Williams, Heath, King K.; also Representative(s) Marostica, Middleton, Rice, Roberts--Concerning identity theft, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.
 (Printed in Senate Journal, February 12, page 261 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
 (Printed in Senate Journal, As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

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

HB09-1287 by Representative(s) McGihon; also Senator(s) Mitchell--Concerning changes to the "Colorado Probate Code".

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

SB09-223 by Senator(s) Boyd, Kester, White; also Representative(s) Kerr A. and Gardner B.-- Concerning revisions to the retail food establishment inspection process.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 2, page 926 and placed in members' bill files.)

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

Amend the Appropriations Committee Report, dated April 1, 2009, page 1, line 6, strike "0-24" and substitute "0-50";

line 7, strike "24" and substitute "50";

line 14, strike "0-24" and substitute "0-50";

line 15, strike "24" and substitute "50".

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

Amend the Appropriations Committee Report, dated April 1, 2009, page 2, line 5, strike "TO IMPLEMENT THIS PART 16." and substitute "AS MATCHING FUNDS TO THE INCREASE IN FEES PURSUANT TO SECTIONS 25-4-1607 AND 25-4-1608.";

strike lines 6 and 7 and substitute the following:

"DEPARTMENT SHALL REQUEST MONEYS FROM THE GENERAL FUND."

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

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

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, March 20, page April 8 and placed in members' bill files.)

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

HB09-1001 by Representative(s) Rice, Balmer, Liston, McFadyen, Solano; also Senator(s) Heath, Mitchell, Scheffel, Schwartz, Veiga--Concerning the creation of an income tax credit to incentivize Colorado job growth.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, March 12, page 701 and placed in members' bill files.)

As amended, ordered revised 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.)

HB09-1063 by Representative(s) Summers; also Senator(s) Penry--Concerning granting in-state student status to a child who moves to Colorado during the child's senior year of high school as the result of the child's legal guardian taking a job in the state.

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

SB09-135 by Senator(s) Penry; --Concerning information collection regarding parole decisions.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 12, page 261-262 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, page 955 and placed in members' bill files.)

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

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- SB09-239** by Senator(s) Tochtrop, Boyd; also Representative(s) Riesberg--Concerning the continuation of the state board of nursing.
Laid over until Friday, April 10, retaining its place on the calendar.
- SB09-226** by Senator(s) Sandoval; --Concerning policies for the management of food allergies among school children.
Laid over until Friday, April 10, retaining its place on the calendar.
- SB09-163** by Senator(s) Hudak and King K.; also Representative(s) Middleton and Massey--Concerning the education accountability system.
Laid over until Friday, April 10, retaining its place on the calendar.
- SB09-130** by Senator(s) Spence; --Concerning the creation of the Colorado scholarships for children with autism pilot program.
Laid over until Friday, April 10, retaining its place on the calendar.
- SB09-121** by Senator(s) White; also Representative(s) May--Concerning the sales and use tax exempt status of meals provided to employees of a business where prepared food is regularly sold.
Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 13, page 299 and placed in members' bill files.)
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB09-045** by Senator(s) King K.; also Representative(s) Middleton--Concerning agreements between postsecondary students and Colorado public institutions of higher education concerning the transferability of academic credits between institutions.
Laid over until Friday, April 10, retaining its place on the calendar.
- SB09-089** by Senator(s) King K., Hudak, Kopp, Spence; also Representative(s) Middleton, Gardner B., Massey, Murray, Summers, Tipton--Concerning the state charter school institute.
Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 13, page 334-337 and placed in members' bill files.)
Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 6, page 964 and placed in members' bill files.)
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

- HB09-1001** by Representative(s) Rice, Balmer, Liston, McFadyen, Solano; also Senator(s) Heath, Mitchell, Scheffel, Schwartz, Veiga--Concerning the creation of an income tax credit to incentivize Colorado job growth.
Senator Mitchell moved to amend the Report of the Committee of the Whole to show that the following Mitchell floor amendment, (L.038) to HB 09-1001, did pass.
Amend reengrossed bill, page 4, strike lines 25 and 26 and substitute the following:
"(I) BRING A NET JOB GROWTH OF AT LEAST FIVE NEW".
Page 5, strike lines 3 through 12.
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	15	NO	19	EXCUSED	1	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	E
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Boyd, 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	E
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-093 as amended, SB09-223 as amended, SB09-245 as amended, SB09-135 as amended, SB09-121, SB09-089 as amended HB09-1287, HB09-1001 as amended, HB09-1063.

Laid over until Friday, April 10 retaining their place on the Calendar: HB09-1299, HB09-1170, SB09-163, SB09-239, SB09-226, SB09-130, SB09-045.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-031 by Senator(s) Heath; also Representative(s) Riesberg--Concerning the creation of the clean technology discovery evaluation grant program.

Senator Heath moved that the Senate concur in House amendments to **SB09-031**, as printed in House Journal, March 26, page 1021. The motion was **passed** by 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	E
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

YES	32	NO	2	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	E
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

Co-sponsors added: Bacon and Gibbs.

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.

Laid over until Friday, April 10, retaining its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE
BOARD OF TRUSTEES FOR
ADAMS STATE COLLEGE

effective December 12, 2009 for a term expiring December 31, 2008:

Mary K. Griffin of Boulder, Colorado, a Democrat, to fill the vacancy occasioned by the resignation of Peggy Lamm of Superior, Colorado, appointed;

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

Mary K. Griffin of Boulder, Colorado, a Democrat, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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

MEMBER OF THE
BOARD OF TRUSTEES FOR
WESTERN STATE COLLEGE OF COLORADO

for terms expiring December 31, 2012:

Meyer M. Saltzman of Denver, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

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

INTRODUCTION OF BILLS -- FIRST READING

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

SB09-283 by Senator(s) Sandoval; --Concerning the use of redaction software by the secretary of state to redact taxpayer identification numbers from secured transaction records filed with the secretary of state.

State, Veterans & Military Affairs

SB09-284 by Senator(s) Newell, Morse, Shaffer B., Boyd, Foster, Hodge; also Representative(s) Levy--Concerning the authority of a law enforcement officer under specified circumstances to prevent a person from communicating with someone other than a peace officer by blocking communications.

Judiciary

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

Health and Human Services
Appropriations

HB09-1022 by Representative(s) Solano; also Senator(s) Boyd--Concerning assistance to counties to implement recidivism reduction programs for the mentally ill.

Health and Human Services
Appropriations

HB09-1035 by Representative(s) Riesberg; also Senator(s) Heath--Concerning sales and use tax refunds for certain Colorado-based technology companies.

Finance
Appropriations

HB09-1039 by Representative(s) McNulty; also Senator(s) Kopp--Concerning in-state tuition classification for honorably discharged military veterans, and making an appropriation therefor.

State, Veterans & Military Affairs
Appropriations

HB09-1043 by Representative(s) Ryden; also Senator(s) Williams--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution to the Make-A-Wish Foundation of Colorado fund.

Finance

HB09-1047 by Representative(s) Todd; also Senator(s) Williams--Concerning a program for providing additional therapies to certain persons with disabilities who are eligible to receive Medicaid, and making an appropriation in connection therewith.

Health and Human Services
Appropriations

HB09-1119 by Representative(s) Vigil, Court, Labuda, Pace, Todd; also Senator(s) Schwartz--

	Concerning creation of a program to assist entities providing programs to address substance abuse problems in rural areas of Colorado.	1
	Health and Human Services	2
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HB09-1123	by Representative(s) Lambert, Kerr J., Balmer, Baumgardner, Gardner B., Gardner C., King S., Liston, Lundberg, Marostica, Massey, Priola, Roberts, Stephens, Swalm, Waller; also Senator(s) Schultheis, Harvey, Brophy, Hodge, King K., Penry, Renfroe, Scheffel--	5
	Concerning changes to crimes related to unlawful treatment of persons to align with similar law provisions, and making an appropriation in connection therewith.	6
	Judiciary	7
	Appropriations	8
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HB09-1132	by Representative(s) Murray and Priola, Liston, Benefield, Labuda, Waller; also Senator(s) Heath, Scheffel--Concerning the use of messaging systems to commit unlawful activity, and making an appropriation in connection therewith.	13
	Judiciary	14
	Appropriations	15
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HB09-1163	by Representative(s) Gardner C., Baumgardner, Bradford, King S., Looper, May, McNulty, Murray, Scanlan, Summers, Tipton, Todd, Vaad; also Senator(s) Romer, Spence, Brophy, Harvey--Concerning crimes in which the victim is a child.	19
	Judiciary	20
	Appropriations	21
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HB09-1173	by Representative(s) Riesberg; also Senator(s) Hodge--Concerning efforts to reduce the amount of contraband tobacco products in the state, and making an appropriation therefor.	25
	Finance	26
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HB09-1199	by Representative(s) Scanlan, Benefield, Curry, Ferrandino, Gerou, Kerr A., King S., Levy, Massey, Middleton, Nikkel, Roberts; also Senator(s) Gibbs--Concerning increased efforts to address wildfire risk, and, in connection therewith, providing resources to the Colorado state forest service to augment its technical outreach capabilities and provide loans and grants for market-based and forest treatment solutions to reduce wildfire risk, and making an appropriation.	29
	Agriculture and Natural Resources	30
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HB09-1204	by Representative(s) Massey, McGihon; also Senator(s) Boyd--Concerning health insurance coverage for preventive health care services, and, in connection therewith, expanding required coverage for certain preventive health care services that receive high recommendations from the United States preventive services task force and the national commission on prevention priorities.	37
	Health and Human Services	38
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HB09-1307	by Representative(s) Benefield and Massey, Court, Vaad, Gagliardi, Marostica, McNulty, Merrifield, Middleton, Miklosi, Primavera, Scanlan, Solano; also Senator(s) Shaffer B. and Penry--Concerning the televising of proceedings of state government, and, in connection therewith, creating the Colorado channel authority.	44
	State, Veterans & Military Affairs	45
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HB09-1308	by Representative(s) Curry; also Senator(s) Isgar--Concerning the addition of the division of water resources in the department of natural resources to the list of entities eligible to receive first tier funding from the operational account of the severance tax trust fund, and, in connection therewith, modifying appropriations made to the division of water resources in the general appropriation acts for the 2008-09 and 2009-10 fiscal years.	50
	Agriculture and Natural Resources	51
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HB09-1312	by Representative(s) Kerr A., Merrifield, Middleton, Scanlan, Todd; also Senator(s) Schwartz and Romer--Concerning the renewable energy and energy efficiency for schools loan program.	57
	Education	58
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HB09-1316	by Representative(s) Solano, King S.; also Senator(s) Shaffer B.--Concerning public dissemination of personal information of a person working in the criminal justice system.	62
	Judiciary	63
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HB09-1322	by Representative(s) Benefield, Massey, McFadyen, Miklosi, Scanlan, Todd; also Senator(s) Schwartz--Concerning access by motor vehicle repair shops to an electronic system implemented by the department of revenue for purposes of determining ownership and lienholders of abandoned motor vehicles abandoned at motor vehicle repair shops.	66
	Transportation	67
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HB09-1325	by Representative(s) Todd; also Senator(s) Bacon--Concerning the governor's authority to	72

activate the National Guard.
State, Veterans & Military Affairs

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CONFERENCE COMMITTEE GRANTED FURTHER POWERS

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SB09-013 by Senator(s) Gibbs and Schwartz, Penry; also Representative(s) Levy and King S.--
Concerning the extension of civil immunity to persons engaged in emergency response
activities.

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Senator Gibbs moved that the Senate Conferes on the First Conference Committee on
SB09-013 be granted permission to go beyond the scope of the differences between the
two Houses.

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

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SB09-101 by Senator(s) White; also Representative(s) Levy--Concerning the requirement for the
creation of an independent historic preservation commission by any city receiving moneys
from the state historical fund for historic preservation purposes when the city is not a
certified local government, and, in connection therewith, establishing the composition and
operation of such a commission.

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Senator White moved that the Senate Conferes on the First Conference Committee on
SB09-101 be granted permission to go beyond the scope of the differences between the
two Houses.

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

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COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources The Committee on Agriculture and Natural Resources has had under consideration and has
had a hearing on the following appointments and recommends that the appointments be
confirmed:

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MEMBERS OF THE
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

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for a term expiring June 1, 2009:

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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.

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for a term expiring June 1, 2011:

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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.

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for terms expiring June 1, 2012:

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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.

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

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

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On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB09-281, SB09-273, SB09-259, SB09-260, SB09-261, SB09-262, SB09-263, SB09-264, SB09-265, SB09-267, SB09-268, SB09-269, SB09-270, SB09-271, SB09-272, SB09-274, SB09-275, SB09-276, SB09-277, SB09-278, SB09-279, SB09-280 were made Special Orders at 3:25 p.m.

Committee of the Whole The hour of 3:25 p.m. having arrived, Senator Boyd moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Boyd was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

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

SB09-281 by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, requiring Pinnacol Assurance to pay a policyholder dividend, and putting in place measures for the general assembly to assess the operation of Colorado laws governing worker safety and injury compensation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 997 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.)

SB09-273 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning changes in the laws governing Pinnacol Assurance to allow the state to make use of certain funds authorized by statute to be collected by Pinnacol Assurance, and, in connection therewith, augmenting state revenues by requiring the transmittal of certain surplus funds of Pinnacol Assurance to the state treasury, clarifying the laws governing Pinnacol Assurance's funds, and making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, pages 992-995 and placed in members' bill files.)

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

Strike the Appropriations Committee Report, dated April 7, 2009.

Amend printed bill, page 4, strike lines 19 through 27.

Page 5, strike lines 1 and 2.

Re-number succeeding section accordingly.

Page 1, line 107, strike "TREASURY," and substitute "TREASURY AND";

line 108, strike "FUNDS, AND MAKING AN" and substitute "FUNDS.";

strike line 109.

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

SB09-259 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and

during the fiscal year beginning July 1, 2009, except as otherwise noted.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 985 and placed in members' bill files.)

Amendment No. 2(J.039), by Senator Morse.

Amend printed bill, page 22, line 6, in the ITEM & SUBTOTAL column, strike "96,714,225" and substitute "94,594,525" and, in the GENERAL FUND column, strike "94,355,518" and substitute "92,235,818";

line 9, in the ITEM & SUBTOTAL column, strike "13,159,236" and substitute "12,885,340" and, in the GENERAL FUND column, strike "13,159,236" and substitute "12,885,340".

Adjust affected totals accordingly.

Amendment No. 3(J.034), by Senator Kopp.

Severed Section 1

Page 371, line 10, in the ITEM & SUBTOTAL column, strike "3,709,206" and substitute "2,869,206" and, in the GENERAL FUND column, strike "2,471,143" and substitute "1,631,143";

line 11, in the GENERAL FUND column, strike "(37.5 FTE)" and substitute "(23.5 FTE)".

Adjust affected totals accordingly.

Page 128, line 3, in the ITEM & SUBTOTAL column, strike "120,136,630" and substitute "120,943,870" and, in the GENERAL FUND column, strike "120,136,630" and substitute "120,943,870".

Adjust affected totals accordingly.

Page 136, line 6, in the TOTAL column, strike "7,946,202" and substitute "7,965,522" and, in the GENERAL FUND column, strike "5,752,274" and substitute "5,771,594".

Page 137, line 8, in the ITEM & SUBTOTAL column, strike "5,602,030" and substitute "5,615,470" and, in the GENERAL FUND column, strike "4,055,322" and substitute "4,068,762".

Adjust affected totals accordingly.

Amendment No. 4(J.023), by Senator Shaffer.

Amend printed bill, page 127, line 6, strike "\$930.00" and substitute "\$2,040.00";

line 7, in the ITEM & SUBTOTAL column, strike "123,490,050" and substitute "270,881,400";

line 12, strike "\$465.00" and substitute "\$1,020.00";

line 13, in the ITEM & SUBTOTAL column, strike "372,000" and substitute "816,000";

line 14, in the ITEM & SUBTOTAL column, strike "123,862,050" and substitute "271,697,400" and, in the GENERAL FUND column, strike "123,862,050" and substitute "271,697,400".

Page 128, line 3, in the ITEM & SUBTOTAL column, strike "120,136,630" and substitute "261,135,648" and, in the GENERAL FUND column, strike "120,136,630" and substitute "261,135,648".

Adjust affected totals accordingly.

Page 128, line 9, in the ITEM & SUBTOTAL column, strike

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"15,769,152" and substitute "22,027,611" and, in the REAPPROPRIATED FUNDS column, strike "5,287,027^b" and substitute "11,545,486^b";

line 13, strike "\$1,210,860" and substitute "\$2,656,080";

line 14, strike "\$4,076,167" and substitute "\$8,889,406".

Page 129, line 3, in the ITEM & SUBTOTAL column, strike "40,245,641" and substitute "50,524,646" and, in the REAPPROPRIATED FUNDS column, strike "8,683,507^b" and substitute "18,962,512^b";

line 7, strike "\$4,109,670" and substitute "\$9,014,760";

line 8, strike "\$4,573,837" and substitute "\$9,947,752";

line 13, in the ITEM & SUBTOTAL column, strike "92,296,408" and substitute "112,842,755" and, in the REAPPROPRIATED FUNDS column, strike "17,357,163^b" and substitute "37,903,510^b".

Page 130, line 2, strike "\$15,763,500" and substitute "\$34,578,000";

line 3, strike "\$1,593,663" and substitute "\$3,325,510";

line 7, in the ITEM & SUBTOTAL column, strike "15,443,637" and substitute "20,660,060" and, in the REAPPROPRIATED FUNDS column, strike "4,406,735^b" and substitute "9,623,158^b";

line 11, strike "\$1,331,760" and substitute "\$2,921,280";

line 12, strike "\$3,074,975" and substitute "\$6,701,878".

Page 131, line 3, in the ITEM & SUBTOTAL column, strike "317,535,133" and substitute "379,019,008" and, in the REAPPROPRIATED FUNDS column, strike "52,110,404^b" and substitute "113,594,279^b";

line 7, strike "\$18,930,150" and substitute "\$41,524,200";

line 8, strike "\$33,010,254" and substitute "\$71,900,079";

line 15, in the ITEM & SUBTOTAL column, strike "34,043,872" and substitute "39,398,157" and, in the REAPPROPRIATED FUNDS column, strike "4,571,197^b" and substitute "9,925,482^b".

Page 132, line 4, strike "\$2,145,510" and substitute "\$4,706,280";

line 5, strike "\$2,377,687" and substitute "\$5,171,202";

line 12, in the ITEM & SUBTOTAL column, strike "746,147,326" and substitute "835,717,784" and, in the REAPPROPRIATED FUNDS column, strike "76,324,945^b" and substitute "165,895,403^b".

Page 133, line 3, strike "\$26,920,710" and substitute "\$59,051,880";

line 4, strike "\$48,746,704" and substitute "\$106,185,992";

line 12, in the ITEM & SUBTOTAL column, strike "80,460,784" and substitute "90,445,930" and, in the REAPPROPRIATED FUNDS column, strike "8,435,260^b" and substitute "18,420,406^b".

Page 134, line 1, strike "\$2,519,370" and substitute "\$5,526,360";

line 2, strike "\$5,915,890" and substitute "\$12,894,046";

line 6, in the ITEM & SUBTOTAL column, strike "81,085,396" and substitute "99,991,046" and, in the REAPPROPRIATED FUNDS column, strike "15,971,132^b" and substitute "34,876,782^b";

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line 10, strike "\$7,182,390" and substitute "\$15,754,920";

line 11, strike "\$8,788,742" and substitute "\$19,121,862".

Page 135, line 5, in the ITEM & SUBTOTAL column, strike "250,315,596" and substitute "311,106,316" and, in the REAPPROPRIATED FUNDS column, strike "52,854,841^b" and substitute "113,645,561^b";

line 9, strike "\$43,376,130" and substitute "\$95,147,640";

line 10, strike "\$7,978,711" and substitute "\$16,997,921".

Adjust affected total accordingly.

Page 136, line 6, in the TOTAL column, strike "7,946,202" and substitute "14,755,392" and, in the GENERAL FUND column, strike "5,752,274" and substitute "12,561,464".

Page 137, line 8, in the ITEM & SUBTOTAL column, strike "5,602,030" and substitute "10,402,472" and, in the GENERAL FUND column, strike "4,055,322" and substitute "8,855,764".

Adjust affected totals accordingly.

Amendment No. 5(J.003), by Senator Isgar.

Amend printed bill, page 247, after line 11, insert the following:

ITEM &
SUBTOTAL
\$

"Energy Council pursuant to
Section 2-3-311 (2) (b), C.R.S. 56,000";

line 12, in the TOTAL column, strike "1,380,500" and substitute "1,436,500" and, in the CASH FUNDS column, insert "56,000^b";

after line 15, insert the following:

"^b This amount shall be from the Oil and Gas Conservation and Environmental Response Fund pursuant to Section 23-41-114 (4) (V) (B), C.R.S.".

Adjust affected totals accordingly.

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.)

SB09-260 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning the transfer in state fiscal years 2008-09 and 2009-10 of all moneys not otherwise
allocated from state public school lands to the state public school fund instead of the permanent
school fund, and making an appropriation in connection therewith.

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.)

SB09-261 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica--
Concerning the use of moneys in the supplemental old age pension health and medical care
fund to pay for services received by certain persons in the state medicaid program, and making
an appropriation therefor.

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

SB09-262 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer--
Concerning the funding source for state costs of the breast and cervical cancer prevention and
treatment program, and making an appropriation therefor.

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

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- SB09-263** by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning payments to medicaid nursing facility providers. 1
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Amendment No. 1, Appropriations Committee Amendment. 4
(Printed in Senate Journal, 985-991, page April 8 and placed in members' bill files.) 5
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 7
Passage. 8
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- SB09-264** by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- 10
Concerning the increased moneys received due to the federal "American Recovery and 11
Reinvestment Act of 2009", and making appropriations therefor. 12
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Amendment No. 1, Appropriations Committee Amendment. 14
(Printed in Senate Journal, April 8, page 991 and placed in members' bill files.) 15
16
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 17
Passage. 18
19
- SB09-265** by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- 20
Concerning the timing of payments made under public medical assistance programs, and 21
making appropriations therefor. 22
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Amendment No. 1, Appropriations Committee Amendment. 24
(Printed in Senate Journal, April 8, page 991 and placed in members' bill files.) 25
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 27
Passage. 28
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- SB09-267** by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- 30
Concerning the percentage of costs that a county department of social services pays for a child 31
who is placed in a residential child care facility by the county department, and making an 32
appropriation in connection therewith. 33
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 35
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- SB09-268** by Senator(s) Tapia, Keller, White; also Representative(s) Pommer, Ferrandino, Marostica-- 38
Concerning clarifying the appointment of state-paid professionals in cases involving children. 39
40
Amendment No. 1, Appropriations Committee Amendment. 41
(Printed in Senate Journal, April 8, pages 991-992 and placed in members' bill files.) 42
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Amendment No. 2(L.001), by Senator Tapia. 44
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Amend printed bill, page 2, line 10, after "ARE", insert "DETERMINED TO 46
BE". 47
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 49
Passage. 50
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- SB09-269** by Senator(s) White, Keller, Tapia; also Representative(s) Ferrandino, Pommer, Marostica-- 52
Concerning adjustment of the allocation of tobacco litigation settlement moneys received by 53
the state during specified fiscal years, and, in connection therewith, requiring settlement 54
moneys that are disputed payments and settlement moneys in excess of a specified amount 55
to be credited to the general fund, requiring a portion of the moneys so credited to be 56
transferred to the children's basic health plan trust and the nurse home visitor program fund, 57
delaying mandated growth in the percentage of settlement moneys allocated for the 58
Colorado nurse home visitor program by one fiscal year, and making appropriations. 59
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Amendment No. 1(L.003), by Senator Hudak. 61
62
Amend printed bill, page 7, strike line 5 and substitute the following: 63
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"SECTION 3. 22-7-908 (1) and (3), Colorado Revised Statutes, 65
are"; 66
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line 7, strike "(3) Except as" and substitute "(1) There is hereby 68
established in the state treasury the read-to-achieve cash fund, referred to 69

in this section as the "cash fund". The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. Subject to appropriation by the general assembly, moneys in the cash fund shall be used to provide grants pursuant to this part 9 and to the reading assistance grant program created pursuant to section 22-88-102; EXCEPT THAT, FOR THE 2009-10 FISCAL YEAR, THE GENERAL ASSEMBLY MAY ALSO APPROPRIATE MONEYS FROM THE CASH FUND TO THE DEPARTMENT OF EDUCATION TO BE USED TO AWARD GRANTS FOR SUMMER SCHOOL PROGRAMS PURSUANT TO PART 8 OF THIS ARTICLE. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(3) Except as".

Page 14, line 7, after "by", insert "one million";

line 8, strike "\$165,296" and substitute "\$1,165,296";

after line 8, insert the following:

"(b) (I) The cash funds appropriation to the department of education, assistance to public schools, grant programs, distributions, and other assistance, summer and after-school programs, summer school grant program, from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes, is increased by one million dollars (\$1,000,000).

(II) The cash funds appropriation to the department of education, assistance to public schools, grant programs, distributions, and other assistance, summer and after-school programs, summer school grant program, from the state education fund created in section 17 (4) of article IX of the state constitution, is decreased by one million dollars (\$1,000,000).".

Reletter succeeding paragraphs accordingly.

Amendment No. 2(L.002), by Senator White.

Amend printed bill, page 2, line 5, strike "A" and substitute "THE FOLLOWING";

line 6, strike "SUBSECTION," and substitute "SUBSECTIONS,".

Page 3, line 19, strike "SUBSECTION (5)" and substitute "SUBSECTIONS (5) AND (6)".

Page 5, strike lines 14 through 27.

Page 6, strike line 1 and substitute the following:

"OF THE SETTLEMENT PAYMENTS RECEIVED IN FISCAL YEAR 2008-09 THAT ARE NOT DISPUTED PAYMENTS, FIFTEEN MILLION FOUR HUNDRED THOUSAND DOLLARS OF THE STRATEGIC CONTRIBUTION FUND MONEYS SHALL BE ALLOCATED AMONG SETTLEMENT PROGRAMS IN FISCAL YEAR 2008-09 PURSUANT TO THE RULES OF SUBSECTIONS (1) AND (1.5) OF THIS SECTION AND EIGHTY-FOUR MILLION SIX HUNDRED THOUSAND DOLLARS OF THE REMAINING SETTLEMENT PAYMENTS SHALL BE ALLOCATED AMONG SETTLEMENT PROGRAMS IN FISCAL YEAR 2009-10 AS SPECIFIED IN SUBSECTIONS (1) AND (1.5) OF THIS SECTION. ANY SETTLEMENT PAYMENTS RECEIVED IN FISCAL YEAR 2008-09 THAT ARE NOT DISPUTED PAYMENTS AND ARE NOT TO BE ALLOCATED AMONG TOBACCO PROGRAMS PURSUANT TO THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO THE GENERAL FUND ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b).

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(6) ON THE EFFECTIVE DATE OF THIS SUBSECTION (6), THE STATE TREASURER SHALL TRANSFER ONE MILLION ONE HUNDRED THOUSAND DOLLARS FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115, C.R.S., TO THE GENERAL FUND. TO ACCOMMODATE THE TRANSFER, THE AMOUNT OF THE ALLOCATION TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED IN SECTION 25-36-101, C.R.S., PURSUANT TO SUBPARAGRAPH (IX) OF PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION FOR FISCAL YEAR 2009-10 SHALL BE REDUCED BY ONE MILLION ONE HUNDRED THOUSAND DOLLARS."

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

SB09-270 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer--
Concerning the crediting to the general fund of earnings generated during specified fiscal years from the deposit and investment of cash funds that receive revenues from the constitutionally imposed taxes on cigarettes and tobacco products.

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.)

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 992 and placed in members' bill files.)

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

SB09-272 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer--
Concerning the Colorado high cost support mechanism, and, in connection therewith, transferring to the state treasurer moneys administered under the direction of the public utilities commission for the support of universal basic telephone service in high cost areas of the state.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 992 and placed in members' bill files.)

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

SB09-274 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica--
Concerning the financing of the division of motor vehicles in the department of revenue, and, in connection therewith, authorizing appropriations from the highway users tax fund to the division of motor vehicles in the fiscal years 2008-09 and 2009-10, repealing the allocation of fees relating to driver's licenses and identification cards to the highway users tax fund and crediting such fees to the licensing services cash fund, and modifying appropriations made to the division of motor vehicles in the fiscal year 2008-09 long appropriations bill.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 995-996 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Williams.

Amend printed bill, page 2, strike lines 12 through 14 and substitute the following:

"who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. Every applicant shall submit, with the application,".

Page 3, strike lines 8 and 9 and substitute the following:

"state treasury to the credit of the highway users tax fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND.";

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strike lines 18 through 20 and substitute the following:

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"fee shall be transferred to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. In the";

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strike lines 25 and 26 and substitute the following:

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"shall credit three dollars and forty cents to the licensing services cash fund and nine dollars to the highway users tax fund; and EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general".

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

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"administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.";

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strike lines 8 through 10 and substitute the following:

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"treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. In the case of such a driver's license issued";

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strike lines 14 through 19 and substitute the following:

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"transmission to the state treasurer, who shall credit three dollars and forty cents to the ~~license-plate~~ LICENSING services cash fund and nine dollars to the highway users tax fund; and EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make appropriations therefrom for the expenses of the administration of this part 1 and part 2 of this article; except that eight dollars and fifty cents of each fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.";

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strike lines 23 through 25 and substitute the following:

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"to the state treasurer, who shall credit fifteen dollars to the highway users tax fund and five dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. In the case of the issuance of any".

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Page 5, strike lines 14 through 20 and substitute the following:

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"for the first duplicate license shall be transferred to the state treasurer, who shall credit five dollars to the highway users tax fund and one dollar and ninety cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The fee for a subsequent duplicate license shall be transferred to the state treasurer, who shall credit ten dollars to the highway users tax fund and three dollars and forty cents to the licensing services cash fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND.".

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Page 6, strike line 2 and substitute the following:

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"distributed to the highway users tax fund OR THE LICENSING SERVICES CASH FUND.";

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strike lines 16 through 18 and substitute the following:

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"transferred to the state treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. Such license";

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strike lines 23 through 25 and substitute the following:

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"transmission to the state treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make annual";

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strike line 27.

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Page 7, strike lines 1 and 2 and substitute the following:

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"1 and 2 of this article and this part 4; except that eight dollars and fifty cents of each commercial driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.";

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strike lines 7 through 9 and substitute the following:

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"shall be transferred to the state treasurer, who shall credit twenty-five dollars to the highway users tax fund and nine dollars and forty cents to the licensing services cash fund created in section 42-2-114.5; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. When";

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strike lines 13 and 14 and substitute the following:

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"treasurer, who shall credit nineteen dollars to the highway users tax fund and seven dollars and forty cents to the licensing services cash fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND.";

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strike lines 17 and 18 and substitute the following:

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"4; except that eight dollars and fifty cents of each such minor driver's license fee shall be allocated pursuant to section 43-4-205 (6) (b), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.";

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strike lines 24 through 26 and substitute the following:

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"4, and any fees credited to the fund pursuant to this subsection (3) in excess of the amount of the appropriations shall be allocated and expended as specified in section 43-4-205 (5.5) (f), C.R.S., OTHER THAN DURING FISCAL YEAR 2009-10.".

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Page 8, strike lines 3 through 9 and substitute the following:

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"treasurer, who shall credit the same to the highway users tax fund; EXCEPT THAT, FOR THE FISCAL YEAR 2009-10, THE STATE TREASURER SHALL CREDIT ALL OF SUCH FEES TO THE LICENSING SERVICES CASH FUND. The general assembly shall make annual appropriations therefrom for the expenses of the administration of parts 1 and 2 of this article and this part 4, and any fees credited to the fund pursuant to this subsection (6) in excess of the amount of the appropriations shall be allocated and expended as specified in section 43-4-205 (5.5) (f), C.R.S., OTHER THAN

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DURING FISCAL YEAR 2009-10."

Page 1, line 106, strike "REPEALING THE ALLOCATION OF" and substitute "CREDITING DURING FISCAL YEAR 2009-10 THE";

line 107, after "CARDS", insert "THAT WOULD OTHERWISE BE ALLOCATED";

line 108, strike "AND CREDITING SUCH FEES".

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

SB09-275 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the temporary elimination of the ability of any vendor to retain any amount of state sales tax revenues to compensate for the vendor's expenses incurred in the collection and remittance of the tax revenues to the state.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, pages 996-997 and placed in members' bill files.)

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

SB09-276 by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemptions for qualifying seniors and disabled veterans, and, in connection therewith, lowering for specified property tax years the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior or a qualifying disabled veteran that is partly exempt from property taxation, and making an appropriation in connection therewith.

Amendment No. 1(L.002), by Senator Penry.

Amend printed bill, page 2, line 8, strike "2011," and substitute "2010,";

line 13, strike "2011," and substitute "2010,";

line 19, strike "2011," and substitute "2010,".

Page 3, line 2, strike "2011," and substitute "2010,".

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.)

SB09-277 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the general fund reserve required for the 2009-10 state fiscal year.

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

SB09-278 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the augmentation of the general fund during specified fiscal years with revenue that would otherwise be transferred to fund the capital construction needs of the state.

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

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 8, page 997 and placed in members' bill files.)

Amendment No. 1(L.004), by Senator Tapia.

Amend printed bill, page 10, strike lines 18 through 27.

Page 11, strike lines 1 and 2.

Renumber succeeding sections accordingly.

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Page 16, line 19, strike "24" and substitute "23";

line 21, strike "25" and substitute "24".

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

SB09-280 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-281 by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, requiring Pinnacol Assurance to pay a policyholder dividend, and putting in place measures for the general assembly to assess the operation of Colorado laws governing worker safety and injury compensation.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the Appropriations Committee amendment to SB 09-281 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	15	NO	18	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	Y	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	*	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	*	Mitchell	Y	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senators Heath and Penry.

SB09-259 by Senator(s) Keller, Tapia, White; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2009, except as otherwise noted.

Senator Kopp moved to amend the Report of the Committee of the Whole to show that the following severed section (page 15, lines 1 through 24) of the Kopp floor amendment, (Amendment 1 - J.034) to SB 09-259, did pass.

Page 141, line 4, strike "**(HIGHER EDUCATION)**" and substitute "**(HIGHER EDUCATION)^{19a}**".

Page 143, after line 10, insert the following:

19aIt is the intent of the General Assembly that a bill be enacted that amends Senate Bill 09-224, enacted during the 2009 session to accomplish a 5% reduction in legislative staff salaries, a reduction in expenditures for health, life and dental benefits for legislative staff, and the necessary number of furlough days for members of the General Assembly to achieve a 5% reduction in member's salaries in order to achieve savings to increase appropriations to the department of higher education by the same amount."

Page 248, line 15, strike "**(LEGISLATIVE)**" and substitute "**(LEGISLATIVE)^{19a}**";

after line 15, insert the following:

"19aIt is the intent of the General Assembly that a bill be enacted that amends Senate Bill 09-224, enacted during the 2009 session to accomplish a 5% reduction in legislative staff salaries, a reduction in expenditures for health, life and dental benefits for legislative staff, and the necessary number of furlough days for members of the General Assembly to achieve a 5% reduction in member's salaries in order to achieve savings to increase appropriations to the department of higher education by the same amount."

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

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following severed section (page 2, lines 1 through 19, and page 3, lines 1 through 16) of the Kopp floor amendment, (Amendment 1 - J.034) to SB 09-259, did pass.

Page 23, line 4, in the ITEM & SUBTOTAL column, strike "321,309" and substitute "320,359" and, in the GENERAL FUND column, strike "316,349" and substitute "315,399".

Adjust affected totals accordingly.

Page 33, line 6, in the ITEM & SUBTOTAL column, strike "1,542,125" and substitute "1,525,025" and, in the GENERAL FUND column, strike "1,542,125" and substitute "1,525,025".

Adjust affected totals accordingly.

Page 34, line 12, in the ITEM & SUBTOTAL column, strike "280,177" and substitute "279,417".

Adjust affected totals accordingly.

Page 35, line 3, in the ITEM & SUBTOTAL column, strike "1,401,578" and substitute "1,393,978".

Adjust affected totals accordingly.

Page 36, line 11, in the ITEM & SUBTOTAL column, strike "16,845,379" and substitute "14,788,632" and, in the GENERAL FUND column, strike "15,945,434" and substitute "13,888,687";

line 12, in the GENERAL FUND column, strike "(284.1 FTE)" and substitute "(249.3 FTE)";

line 13, in the ITEM & SUBTOTAL column, strike "2,623,514" and substitute "2,528,514" and, in the GENERAL FUND column, strike "115,000" and substitute "20,000".

Page 37, strike line 2.

Adjust affected totals accordingly.

Page 128, line 3, in the ITEM & SUBTOTAL column, strike "120,136,630" and substitute "123,041,753" and, in the GENERAL FUND column, strike "120,136,630" and substitute "123,041,753".

Adjust affected totals accordingly.

Page 136, line 6, in the TOTAL column, strike "7,946,202" and substitute "8,015,732" and, in the GENERAL FUND column, strike "5,752,274" and substitute "5,821,804".

Page 137, line 8, in the ITEM & SUBTOTAL column, strike "5,602,030" and substitute "5,650,398", and in the GENERAL FUND column, strike "4,055,322" and substitute "4,103,690".

Adjust affected totals accordingly.

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	14	NO	21	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	Y
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	N	White	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	Y	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, (Amendment 4 - J.018) to SB 09-259, did pass.

Amend printed bill, page 80, line 13, in the ITEM & SUBTOTAL column, strike "695,775" and substitute "614,775" and, in the GENERAL FUND column, strike "645,775" and substitute "564,775".

Adjust affected totals accordingly.

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

SB09-270 by Senator(s) Tapia, Keller, White; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning the crediting to the general fund of earnings generated during specified fiscal years from the deposit and investment of cash funds that receive revenues from the constitutionally imposed taxes on cigarettes and tobacco products.

Senator King moved to amend the Report of the Committee of the Whole to show that the following King floor amendment, (L.001) to SB 09-270, did pass.

Amend printed bill, page 3, line 26, strike "2008-09, 2009-10, 2010-11, AND";

line 27, strike "2011-12 FISCAL YEARS," and substitute "2008-09 FISCAL YEAR,".

Page 4, line 7, strike "2008-09, 2009-10, 2010-11,";

line 8, strike "AND 2011-12 FISCAL YEARS" and substitute "2008-09 FISCAL YEAR".

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	16	NO	19	EXCUSED	0	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	Y
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	Y	White	N
Gibbs	N	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

SB09-276

by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemption for qualifying seniors, and, in connection therewith, lowering for a specified property tax year the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation, and making an appropriation in connection therewith.

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that SB 09-276, as amended, did not pass.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	N	Morse	Y	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	Y
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

IMMEDIATE RECONSIDERATION OF AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-276

by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemptions for qualifying seniors and disabled veterans, and, in connection therewith, lowering for specified property tax years the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior or a qualifying disabled veteran that is partly exempt from property taxation, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, Amendment to the Report of the Committee of the Whole, on SB09-276. The roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB09-276

by Senator(s) White, Keller, Tapia; also Representative(s) Pommer, Ferrandino, Marostica-- Concerning the property tax exemptions for qualifying seniors and disabled veterans, and, in connection therewith, lowering for specified property tax years the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior or a qualifying disabled veteran that is partly exempt from property taxation, and making an appropriation

in connection therewith.

Senator Scheffel moved to amend the Report of the Committee of the Whole to show that SB 09-276, 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	17	NO	18	EXCUSED	0	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	Y
Carroll M.	N	Kester	Y	Romer	N	Veiga	N
Foster	N	King K.	Y	Sandoval	Y	White	N
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	Y	Schwartz	Y		

ROLL CALL VOTE ON SB09-273

SB09-273 by Senator(s) White, Keller, Tapia; also Representative(s) Marostica, Ferrandino, Pommer-- Concerning changes in the laws governing Pinnacol Assurance to allow the state to make use of certain funds authorized by statute to be collected by Pinnacol Assurance, and, in connection therewith, augmenting state revenues by requiring the transmittal of certain surplus funds of Pinnacol Assurance to the state treasury, clarifying the laws governing Pinnacol Assurance's funds, and making an appropriation.

Senator Kopp requested a roll call vote on **SB09-273**.

YES	19	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	*	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senators Heath and Penry.

ROLL CALL VOTE ON SB09-281

SB09-281 by Senator(s) Shaffer B., Groff, Hodge, Keller, Morse, Romer, White, Tapia; also Representative(s) Weissmann--Concerning Pinnacol Assurance, and, in connection therewith, clarifying the operation of Pinnacol Assurance as a political subdivision of the state, requiring Pinnacol Assurance to pay a policyholder dividend, and putting in place measures for the general assembly to assess the operation of Colorado laws governing worker safety and injury compensation.

Senator Kopp requested a roll call vote on **SB09-281**.

YES	18	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	*	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	N	White	Y
Gibbs	N	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	*	Mitchell	N	Schwartz	N		

* Abstaining from voting under Senate Rule 17(c) -- Senators Heath and Penry.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	N
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-281 as amended, SB09-273 as amended, SB09-259 as amended, SB09-260, SB09-261, SB09-262, SB09-263 as amended, SB09-264 as amended, SB09-265 as amended, SB09-267, SB09-268 as amended, SB09-269 as amended, SB09-270, SB09-271 as amended, SB09-272 as amended, SB09-274 as amended, SB09-275 as amended, SB09-277, SB09-276 as amended, SB09-278, SB09-279 as amended, SB09-280.

On motion of Senator Shaffer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 9, was laid over until Monday, April 13, retaining its place on the calendar.

Special Orders -- Second Reading of Bills: SB09-180, HB09-1180, HB09-1042, SB09-235.

General Orders -- Second Reading of Bills: HB09-1299, HB09-1170, SB09-239, SB09-226, SB09-163, SB09-130, SB09-045, HB09-1250.

Consideration of Resolutions: SJR09-032, SJR09-035.

Consideration of House Amendments to Senate Bills: SB09-171.

Conference Committees to Report: HB09-1057, SB09-101, SB09-131, SB09-148, HB09-1281.

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On motion of Senator Shaffer, the Senate adjourned until 10:00 a.m., Monday, April 13, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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