

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

114th Legislative Day Thursday, April 30, 2009

- Prayer 11
By the chaplain, Rev. Paul Kottke, University Park United Methodist Church, Denver. 12
- Pledge 13
By Senator Shaffer. 14
- Call to Order 15
By the President at 9:00 a.m. 16
- Roll Call 17
Present--34 18
Excused-- 1, Mitchell. 19
Present later--1, Mitchell. 20
- Quorum 21
The President announced a quorum present. 22
- Reading of Journal 23
On motion of Senator Heath, reading of the Journal of Wednesday, April 29, 2009, was dispensed with and the Journal was approved as corrected by the Secretary. 24
25
26

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-- SJR09-048. 27
28
29
30
31

CONSIDERATION OF RESOLUTIONS

SJR09-048 by Senator(s) Schwartz, Kester; also Representative(s) McKinley--Concerning the protection and restoration of Colorado's shortgrass prairie ecosystem. 32
33
34
35
36
37
38

On motion of Senator Schwartz, the resolution was read at length and **adopted** by the following roll call vote: 39
40
41
42
43
44

YES	28	NO	6	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Cadman, Foster, Gibbs, Groff, Newell, Penry, Romer, Shaffer B., Tochtrop and White. 54
55
56
57
58
59

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology 60
After consideration on the merits, the Committee recommends that **HB09-1359** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 61
62
63
64
65
66
67

Amend reengrossed bill, page 2, strike lines 12 and 13 and substitute the following:

"REPLACED, AND IMPROVED BY THE ASSOCIATION; WHETHER THERE IS A FUNDING PLAN FOR ANY WORK RECOMMENDED BY THE RESERVE STUDY AND, IF SO, THE PROJECTED SOURCES OF FUNDING FOR THE WORK; AND WHETHER THE".

Page 3, line 22, strike "THE EFFECTIVE DATE OF THIS PARAGRAPH (b)" and substitute "AUGUST 15, 2009,".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB09-1274** be referred to the Committee on Appropriations with favorable recommendation.

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:

CORRECTED
MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2012:

Gary L. Teague of Fort Morgan, Colorado, reappointed;

Robert T. Sakata of Brighton, Colorado, reappointed;

John L. Klomp of Pueblo, Colorado, appointed.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-279

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB09-279, concerning the augmentation of the general fund through transfers of certain moneys, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 5, line 11, strike "THE EFFECTIVE DATE OF THIS" and substitute "JULY 1, 2009,";

line 12, strike "PARAGRAPH (b),".

Page 10, strike lines 10 through 20.

Page 13, strike line 23 and substitute the following:

"CONTRARY:

(a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2.6), THE STATE";

line 24, strike "SEVENTY-FIVE" and substitute "FIFTY";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

strike line 26 and substitute the following:

"GENERAL FUND; AND

(b) ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT TWENTY-FIVE MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Page 15, line 12, strike "TWENTY-SEVEN" and substitute "SEVEN".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 10, after line 9, insert the following:

"SECTION 13. 38-13-116.7, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-13-116.7. Unclaimed property tourism promotion trust fund - creation - payments - interest - transfers.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JULY 1, 2009, THE STATE TREASURER SHALL DEDUCT FIVE MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TOURISM PROMOTION TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND."

Page 11, line 16, strike "TEN MILLION" and substitute "TWELVE MILLION FIVE HUNDRED THOUSAND";

line 20, strike "FIVE MILLION" and substitute "TWO MILLION FIVE HUNDRED THOUSAND".

Page 17, after line 26, insert the following:

"SECTION 27. 34-63-102 (5.4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions.

(5.4) Except as otherwise provided in subsection (5.5) of this section, on and after July 1, 2008, all moneys other than bonus payments, as defined in paragraph (b) of subsection (5.3) of this section, credited to the mineral leasing fund created in subparagraph (I) of paragraph (a) of subsection (1) of this section shall be distributed on a quarterly basis for quarters beginning on July 1, October 1, January 1, and April 1 of each state fiscal year as follows:

(b.5) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (5.4) TO THE CONTRARY, FOR EACH QUARTER COMMENCING DURING THE 2009-10 FISCAL YEAR, AS SOON AS PRACTICABLE AFTER MONEYS ARE CREDITED TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5.4), THE STATE TREASURER SHALL TRANSFER FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND TO THE GENERAL FUND AN AMOUNT EQUAL TO FIFTY PERCENT OF THE AMOUNT SO CREDITED TO THE FUND FOR SUCH QUARTER; EXCEPT THAT THE AGGREGATE AMOUNT OF MONEYS SO TRANSFERRED PURSUANT TO THIS PARAGRAPH (b.5) SHALL NOT EXCEED TWENTY-TWO MILLION SIX HUNDRED THOUSAND DOLLARS.

SECTION 28. 24-75-201.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-201.5. Revenue shortfalls - required actions by the governor with respect to the reserve. (1) (g) (I) FOR THE FISCAL YEAR 2008-09 ONLY, IF THE REVENUE ESTIMATE PREPARED IN ACCORDANCE WITH SECTION 24-75-201.3 (2) IN JUNE 2009 INDICATES THAT GENERAL FUND EXPENDITURES FOR SUCH FISCAL YEAR BASED ON APPROPRIATIONS THEN IN EFFECT WILL EXCEED THE AMOUNT OF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

GENERAL FUND REVENUES AVAILABLE FOR EXPENDITURE FOR SUCH FISCAL YEAR, THE STATE TREASURER AND THE CONTROLLER, UPON THE WRITTEN ORDER OF THE GOVERNOR, SHALL TRANSFER TO THE GENERAL FUND ON JUNE 30, 2009, FROM ANY OR ALL OF SUCH FUNDS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g), SUCH AMOUNTS AS ARE REQUIRED TO PERMIT PROMPT DISBURSEMENT FROM THE GENERAL FUND OF ANY APPROPRIATION MADE THEREFROM FOR ANY LAWFUL PURPOSE.

(II) THE TRANSFER OR TRANSFERS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) SHALL BE MADE FROM ONE OR MORE OF THE FOLLOWING FUNDS:

(A) THE EMPLOYMENT SUPPORT FUND CREATED IN SECTION 8-77-109 (1), C.R.S., NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS;

(B) THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115 (1) (a), NOT TO EXCEED EIGHTY-FOUR MILLION SIX HUNDRED THOUSAND DOLLARS;

(C) THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5) (a) (I), C.R.S., NOT TO EXCEED SEVENTY-TWO MILLION DOLLARS;

(D) THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND CREATED IN SECTION 37-60-121 (1) (a), C.R.S., NOT TO EXCEED SIXTY MILLION DOLLARS;

(E) THE UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-116.5 (1) (a), C.R.S., NOT TO EXCEED ONE HUNDRED MILLION DOLLARS;

(F) THE PERPETUAL BASE ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109 (2) (a), C.R.S., NOT TO EXCEED SEVENTY-FIVE MILLION DOLLARS;

(G) THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN SECTION 39-29-109 (2) (b), C.R.S., NOT TO EXCEED TWENTY-ONE MILLION THREE HUNDRED THOUSAND DOLLARS;

(H) THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN SECTION 39-29-110 (1) (a) (I), C.R.S., NOT TO EXCEED ONE HUNDRED TWENTY-EIGHT MILLION DOLLARS.

(III) EFFECTIVE JULY 1, 2009, THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER MONEYS FROM THE GENERAL FUND TO ANY OR ALL FUNDS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g) IN ORDER TO RESTORE TO SAID FUNDS ANY AMOUNT TRANSFERRED THEREFROM PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g)."

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:

House Committee:

(signed)
Senator Keller, Chair
Senator Tapia
Senator White

(signed)
Representative Pommer, Chair
Representative Ferrandino
Representative Marostica

MESSAGE FROM THE HOUSE

April 29, 2009

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1351, amended as printed in House Journal, April 28, pages 1561-1563.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

In response to the request of the Senate, the Speaker has appointed Representatives Pommer, chairman, Scanlan, and Massey as House conferees on the First Conference Committee on SB09-256.

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, SJR09-039, SJR09-051, SJR09-056, HJR09-1020.

CONSIDERATION OF RESOLUTIONS

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.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

Co-sponsors added: Boyd, Carroll M., Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Keller, Kester, Morse, Newell, Sandoval, Schwartz, Shaffer B., Tapia, Tochtrop, Veiga, White and Williams.

SJR09-051 by Senator(s) Romer and Bacon; also Representative(s) Middleton--Concerning the creation of an interim committee to study the financing of public schools.

Laid over until Thursday, May 7.

SJR09-056 by Senator(s) Romer; also Representative(s) Middleton--Concerning continuing Colorado's significant advances in education reform through the use of federal "Race to the Top" moneys.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

Co-sponsors added: Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Keller, King K., Morse, Newell, Sandoval, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga and White.

HJR09-1020 by Representative(s) Middleton, Todd, Massey, Ferrandino, Benefield, Kerr A., Merrifield, Peniston, Pommer, Scanlan, Solano; also Senator(s) Romer--Concerning the creation of an interim committee to study the financing of public schools.

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

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

Co-sponsors added: Groff, Heath, Hodge, Hudak, Morse, Newell, Schwartz and Williams.

RECONSIDERATION OF SJR09-056

SJR09-056 by Senator(s) Romer; also Representative(s) Middleton--Concerning continuing Colorado's significant advances in education reform through the use of federal "Race to the Top" moneys.

Having voted on the prevailing side, Senator Penry moved for reconsideration of the last Senate action, Consideration of Resolutions, on **SJR09-056**. The roll call was taken with the following result:

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		

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

CONSIDERATION OF RESOLUTIONS

SJR09-056 by Senator(s) Romer; also Representative(s) Middleton--Concerning continuing Colorado's significant advances in education reform through the use of federal "Race to the Top" moneys.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

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 Third Reading of Bills -- Final Passage.

THIRD READING OF BILLS -- FINAL PASSAGE

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

SB09-290 by Senator(s) Bacon, Kopp, Schwartz; also Representative(s) Riesberg, McFadyen, Sonnenberg--Concerning flexibility for capital construction projects.

A majority of those elected to the Senate having voted in the affirmative, Senator Bacon was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1,(L,009), by Senator Bacon.

Amend engrossed bill, page 3, line 13, after "approve", insert "FACILITY", and strike "planning" and substitute "~~planning~~";

line 14, after "~~planning~~", insert "PLANS", and strike "capital construction projects of" and substitute "~~capital construction projects of~~";

line 17, after "and", insert "CAPITAL CONSTRUCTION";

strike line 22 and substitute the following:

"FACILITY master plan AND program plan. ~~and physical plan.~~"

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

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		

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

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		

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

HB09-1338 by Representative(s) Casso; also Senator(s) Bacon--Concerning modifications to state insurance laws to comply with recently enacted federal laws.

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

YES	34	NO	1	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	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**.

SB09-292

by Senator(s) Brophy, Mitchell, Morse, Schwartz, Shaffer B., Veiga; also Representative(s) Labuda, Gardner B., Kagan, Levy, Roberts--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

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

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		

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

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.

A majority of those elected to the Senate having voted in the affirmative, Senator Renfroe was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1, (L.006), by Senator Renfroe.

Amend engrossed bill, page 4, after line 10, insert the following:

"(c) IN ADDITION, THE COMMISSION SHALL ALSO STUDY THE IMPACT OF REDUCING THE SENTENCING AREAS INDICATED IN PARAGRAPH (b) OF THIS SUBSECTION (2.5) AND SHALL STUDY THE IMPACT OF INCARCERATION ON CRIME RATES."

Reletter succeeding paragraphs accordingly.

Page 4, line 20, strike "PARAGRAPH (c) and PARAGRAPH (b)" and substitute "PARAGRAPH (d) AND PARAGRAPHS (b) AND (c)".

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71

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		

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

YES	25	NO	10	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	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Senator Schwartz requested that her name be removed as a sponsor on SB09-286.

SB09-233 by Senator(s) Schwartz, Heath, Scheffel; also Representative(s) Liston, McFadyen, Rice, Solano--Concerning entrepreneurial uses of property for property tax purposes.

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

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		

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

Co-sponsors added: Hodge and Newell.

SB09-295 by Senator(s) Boyd, Groff, Heath, Hodge, Kopp, Romer, Schwartz, Tochtrop, Williams; also Representative(s) May and Middleton, Merrifield--Concerning accessibility at state-supported institutions of higher education.

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

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		

A majority of all members elected to the Senate having voted in the affirmative, the bill

was declared **passed**.

Co-sponsors added: Bacon, Gibbs, King K. and Spence.

SB09-085

by Senator(s) Scheffel and Williams, Mitchell; also Representative(s) Rice and Priola, Lambert, McNulty--Concerning the creation of a legislative task force to study property tax exemption for business personal property.

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

YES	34	NO	1	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	N	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		

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

Co-sponsors added: Boyd, Gibbs, Groff, Heath, King K., Lundberg, Newell, Sandoval and Spence.

SB09-289

by Senator(s) Schwartz; also Representative(s) Primavera--Concerning the recycling development fee for waste tires.

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

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

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

SB09-296

by Senator(s) Boyd, Groff, Morse, Williams; also Representative(s) Ryden, Fischer, Green, Hullinghorst, Judd, Levy, McFadyen, Middleton, Pommer, Rice, Riesberg--Concerning the enforcement of offenses involving failure of certain persons in a vehicle to use an appropriate restraining device.

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

YES	20	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	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	N	Kester	N	Romer	Y	Veiga	Y
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

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

Co-sponsors added: Foster, Heath and Shaffer B.

HB09-1243 by Representative(s) Middleton and Massey, Labuda, Casso, Court, McGihon, Miklosi, Peniston, Primavera, Ryden, Scanlan, Todd, Vigil; also Senator(s) Bacon, Spence-- Concerning measures to raise the graduation rate in public high schools in Colorado, and making an appropriation in connection therewith.

A majority of those elected to the Senate having voted in the affirmative, Senator Bacon was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1,(L.010), by Senator Bacon.

Amend revised bill, page 34, line 12, strike "ESTABLISHED" and substitute "CREATED";

line 14, strike "ESTABLISHED" and substitute "CREATED";

line 17, strike "ESTABLISHED" and substitute "CREATED".

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

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		

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	Y
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	Y
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	N	Scheffel	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, the bill was declared **passed**.

Co-sponsors added: Boyd, Carroll M., Gibbs, Groff, Heath, Hudak, Isgar, King K., Morse, Newell, Penry, Sandoval, Schwartz and Shaffer B.

COMMITTEE OF REFERENCE REPORTS

Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointment and recommend that the appointment be confirmed:

MEMBER OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective July 1, 2009 for a term expiring June 30, 2013:
Joseph M. Samuel of Highlands Ranch, Colorado, appointed.

Judiciary After consideration on the merits, the Committee recommends that **HB09-1081** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 26 and 27.

Strike pages 3 through 12.

Page 13, strike lines 1 through 18 and substitute the following:

"SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 16-5-401, Colorado Revised Statutes, enacted in section 1 of this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB09-1334** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

MESSAGE FROM THE HOUSE

April 30, 2009

The House has adopted as amended and transmits herewith HJR09-1017, as printed in House Journal, April 21, page 1314.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB09-1366, amended as printed in House Journal, April 29, pages 1615-1616. HB09-1365, amended as printed in House Journal, April 29, page 1616. HB09-1367, amended as printed in House Journal, April 29, page 1616. HB09-1368, amended as printed in House Journal, April 29, pages 1617-1618.

The House has passed on Third Reading and returns herewith SB09-223.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB09-180, amended as printed in House Journal, April 29, page 1606. SB09-226, amended as printed in House Journal, April 29, page 1609-1614. SB09-163, amended as printed in House Journal, April 29, page 1616-1617, and on Third Reading as printed in House Journal, April 30. SB09-118, amended as printed in House Journal, April 29, page 1617. SB09-006, amended as printed in House Journal, April 29, page 1618.

The House has adopted and returns herewith SJR09-039, amended as printed in House Journal, April 30.

The House has voted not to concur in the Senate amendments to HB9-1164 and requests that a conference committee be appointed. The Speaker has appointed Representatives Primavera, chairman, McFadyen, and J. Kerr as House conferees on the First Conference Committee on HB09-1164. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Kester, Chair, Tochtrop, and Romer as Senate Conferees on the First Conference Committee on **HB09-1164**.

Senator Kester moved that the Senate Conferees on the First Conference Committee on HB09-1164 be granted permission to go beyond the scope of the differences between the two Houses.

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

SENATE SERVICES REPORT

Correctly Engrossed: SB09-085, 233, 286, 289, 290, 292, 295 and 296.
 Correctly Reengrossed: SB09-287.
 Correctly Revised: HB09-1388.
 Correctly Rerevised: HB09-1022, 1035, 1043, 1119, 1133, 1164, 1173, 1196, 1199, 1282,
 1289, 1312, 1313, 1317, 1329, 1332 and 1339.
 Correctly Enrolled: SB09-104 and 144.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB09-1213, 1237.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Wednesday, April 29, 2009, at 4:23 p.m.:
SB09-002, 104, 126, 144, 176 and 251.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1280** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1157** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend consideration on the merits, the Committee recommends the following:

HB09-1157 be amended as follows:

Amend reengrossed bill, page 1, line 102, strike "**SUBSTANCE, AND, IN CONNECTION**" and substitute "**SUBSTANCE.**";

strike line 103.

Appropriations

After consideration on the merits, the Committee recommends that **HB09-1073** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 24, insert the following:

"(2) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND MONEYS BE USED FOR THE IMPLEMENTATION OF THIS SECTION. THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL BE PREPARED ONLY IF, AND TO THE EXTENT THAT, GIFTS, GRANTS, OR DONATIONS ARE RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION."

Renumber succeeding subsection accordingly.

Page 2, after line 25, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, executive director's office, general administration, for the fiscal year beginning July 1, 2009, the sum of fifty-two thousand five hundred dollars (\$52,500), or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-six thousand two hundred fifty dollars (\$26,250) shall be from the department of health care policy and financing cash fund created pursuant to section 25.5-1-109 and twenty-six thousand two hundred fifty dollars (\$26,250) shall be from federal funds."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the Committee recommends that HB09-1137 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB09-1010 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Senate State, Veterans & Military Affairs committee report dated April 27, 2009, page 8, line 19, strike "appropriation:." and substitute "appropriation:.";

strike lines 20 and 21 of the and substitute the following:

"strike lines 21 through 27.

Page 11, strike lines 1 through 13;

line 14, strike "(3)" and substitute "SECTION 4. Adjustments to the 2009 long bill.";

after line 25 of the committee report, insert the following:

"Page 1, line 103, strike "therefor." and substitute "in connection therewith."."

Appropriations

After consideration on the merits, the Committee recommends that HB09-1105 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 14, line 2, strike "24-48.5-111," and substitute "24-48.5-111 (6) (a).";

line 5, strike "eighty-two thousand fifty-five dollars";

line 6, strike "(\$82,055) cash fund and 1.0 FTE," and substitute "forty-three thousand six hundred eighty-two dollars (\$43,682) cash funds and 0.5 FTE,".

Appropriations

After consideration on the merits, the Committee recommends that SB09-297 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB09-1067 be referred to the Committee of the Whole with favorable recommendation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1176** be postponed indefinitely.

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1246** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 5, strike "**fund.**" and substitute "**fund - rules.**";

line 16, after "ENTITY", insert "BY JULY 1, 2010,";

strike lines 19 and 20 and substitute the following:

"ENTITY SHALL SUBMIT A REPORT TO THE REFERRING COURT WITHIN THREE MONTHS AFTER A SCHOOL HAS BEEN EVALUATED";

after line 23, insert the following:

"(3) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES SETTING STANDARDS FOR FREQUENCY AND TYPES OF EVALUATIONS BASED UPON THE REVENUE RECEIVED PURSUANT TO SECTION 42-4-1717 AND THE EXPECTED EFFECTIVENESS OF FREQUENCIES AND TYPES OF EVALUATIONS."

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

"**SECTION 2.** 42-4-1717 (1), Colorado Revised Statutes, is amended, and the said 42-4-1717 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-1717. Conviction - attendance at driver improvement school - rules. (1) Except as otherwise provided in subsection (2) of this section, ~~whenever~~ IF a person has been convicted of violating ~~any provision of this article or ANY other law regulating the operation of MOTOR vehicles on highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any,~~ OTHER THAN A VIOLATION OF SECTION 42-4-1301, THE COURT MAY REQUIRE THE DEFENDANT, OR, IF THE DEFENDANT HAS NOT BEEN CONVICTED OF A VIOLATION OF THIS ARTICLE OR ANY OTHER LAW REGULATING THE OPERATION OF MOTOR VEHICLES WITHIN THE LAST EIGHTEEN MONTHS, THE COURT SHALL OFFER THE DEFENDANT AN OPPORTUNITY, AT THE DEFENDANT'S EXPENSE, to attend and satisfactorily complete a course of instruction at any designated driver improvement school ~~located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention.~~ UPON COMPLETION OF THE COURSE, THE COURT MAY SUSPEND ALL OR ANY PORTION OF THE FINE, SENTENCE OF IMPRISONMENT, OR POINTS ASSESSMENT UNDER SECTION 42-2-127. IF THE COURT SUSPENDS THE POINTS ASSESSMENT UNDER THIS SECTION, IT SHALL NOTIFY THE DEPARTMENT. Unless otherwise provided by law, such school shall be approved by the court.

(3) (a) A PERSON WHO IS REQUIRED TO ATTEND A COURSE OF";

line 9, after "DEPARTMENT", insert "AT LEAST MONTHLY";

after line 15, insert the following:

"(b) THE COURT SHALL INCLUDE ON THE REFERRAL FORM INFORMATION CONCERNING THE AMOUNT AND PURPOSE OF THE PENALTY SURCHARGE. IF THE COURT DETERMINES THAT A PERSON IS UNABLE TO PAY THE COST OF THE PENALTY SURCHARGE, THE COURT MAY WAIVE THE SURCHARGE AND THE DRIVER IMPROVEMENT SCHOOL SHALL NOT COLLECT NOR REMIT THE PENALTY SURCHARGE TO THE DEPARTMENT.

(c) A PERSON WHO IS REQUIRED TO ATTEND A COURSE OF INSTRUCTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION SHALL REGISTER WITH THE ENTITY THAT MONITORS THE DRIVER IMPROVEMENT SCHOOL PURSUANT TO SECTION 42-1-223. WHEN THE PERSON SATISFACTORILY COMPLETES THE COURSE, THE DRIVER IMPROVEMENT SCHOOL SHALL ELECTRONICALLY NOTIFY THE ENTITY. THE ENTITY SHALL ELECTRONICALLY TRANSMIT THE NOTICE TO THE REFERRING COURT AND THE DEPARTMENT."

Trans-
portation

After consideration on the merits, the Committee recommends that **HB09-1347** be referred to the Committee on Appropriations with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **HB09-1343** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 22, strike "**duties.**" and substitute "**duties - funding.**"

Page 3, line 26, strike "(I)";

line 27, strike "RECEIVE PAYMENT OF".

Page 4, strike lines 1 through 17 and substitute the following:

"BE COMPENSATED FOR OR REIMBURSED FOR EXPENSES IN RELATION TO THEIR DUTIES ON THE COMMISSION, AND THE LEGISLATIVE COUNCIL STAFF AND OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO ASSIST IN THE ACTIVITIES OF THE COMMISSION."

Page 5, strike lines 12 through 27 and substitute the following:

"(3) THE COMMISSION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR THE PURPOSES OF THIS PART 2; EXCEPT THAT THE COMMISSION SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 2 OR ANY OTHER LAW OF THIS STATE. ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS PURSUANT TO THIS SUBSECTION (3) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1401, C.R.S."

Page 6, strike lines 1 through 16.

Renumber succeeding C.R.S. section accordingly.

Page 6, line 18, strike "2014." and substitute "2012."

Finance

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

**MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING**

effective May 18, 2009, for terms expiring May 18, 2013:

Kathleen R. Askelson of Indian Hills, Colorado, a finance officer representing school and junior college districts, appointed.

Kellie J. Case of Colorado Springs, Colorado, a finance officer representing city and town government, reappointed;

Finance

After consideration on the merits, the Committee recommends that **HCR09-1003** be amended as follows, and as so amended, be referred to the Committee of the Whole with

favorable recommendation.

Amend reengrossed concurrent resolution, page 3, line 8, strike "has" and substitute "has SHALL HAVE".

Finance After consideration on the merits, the Committee recommends that **HB09-1360** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB09-1346** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government and Energy After consideration on the merits, the Committee recommends that **HB09-1327** be postponed indefinitely.

Local Government and Energy After consideration on the merits, the Committee recommends that **09-1126** be referred to the Committee on Appropriations with favorable recommendation.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB09-1164

***** THIS REPORT AMENDS THE REREVISED BILL *****

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

Your first conference committee appointed on HB09-1164, concerning a surcharge on breast cancer awareness special license plates to provide funding for cancer treatment for women who are not currently eligible to participate in the breast and cervical cancer prevention and treatment program under the "Colorado Medical Assistance Act", and requiring a post-enactment review of the implementation of this act, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 1, after "APPLYING", insert "ON OR BEFORE JUNE 30, 2012,";

line 4, after "PLATE.", insert "ON OR AFTER JULY 1, 2012, A PERSON APPLYING TO RENEW A BREAST CANCER AWARENESS SPECIAL LICENSE PLATE SHALL PAY THE TWENTY-FIVE DOLLAR SURCHARGE REQUIRED BY THIS PARAGRAPH (c).".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 5, line 7, after "(a)", insert "(I)";

after line 22, insert the following:

"(II) MONEYS IN THE FUND MAY BE USED TO COVER THE ADMINISTRATIVE COSTS OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO RECOGNIZE PROVIDERS IN ACCORDANCE WITH SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AS PROVIDING SCREENING ACTIVITIES UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Respectfully submitted,

House Committee:
(signed)
Representative Primavera, Chair
Representative McFadyen
Representative J. Kerr

Senate Committee:
(signed)
Senator Kester, Chair
Senator Romer
Senator Tochtrop

MESSAGE FROM THE REVISOR OF STATUTES

April 30, 2009

We herewith transmit:

Without comment, as amended, HB09-1365, 1366, 1367, and 1368.
Without comment, as amended, SB09-006, 118, 163, 180, and 226.

INTRODUCTION OF RESOLUTIONS

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

SJR09-057 by Senator(s) Penry and Groff; also Representative(s) Bradford and Solano--Concerning prevention of methamphetamine use in Colorado, and, in connection therewith, proclaiming "Colorado Meth Project Day".

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

SJR09-058 by Senator(s) Shaffer B., Groff, Penry; also Representative(s) Weissmann and Kerr A., Carroll T., May--Concerning the appointment of a joint committee to notify the Governor that the First Regular Session of the Sixty-seventh General Assembly is about to adjourn sine die.

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

HJR09-1017 by Representative(s) Riesberg and Roberts, Acree, Apuan, Benefield, Casso, Gagliardi, Gerou, Green, Hullinghorst, Kerr J., Massey, McCann, McKinley, Merrifield, Peniston, Primavera, Solano, Todd, Vaad, Gardner B., Gardner C., Liston, Looper, Scanlan, Sonnenberg, Summers, Swalm, Tipton, Vigil, Waller; also Senator(s) Williams, Boyd, Carroll M., Hodge, Isgar, Kester, Morse, Newell, Penry, Shaffer B., Tochtrop--Concerning the creation of an interim committee to study hospice and palliative care in Colorado. Appropriations

INTRODUCTION OF BILLS -- FIRST READING

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

HB09-1351 by Representative(s) Pommer and Ferrandino, Marostica; also Senator(s) Carroll M.-- Concerning an increase in the amount of time an inmate may have deducted from the inmate's sentence, and making an appropriation in connection therewith. Judiciary

HB09-1365 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) White, Keller, Tapia-- Concerning modifications to the property tax exemption for certain property leased by governmental entities that use the property for governmental purposes. Appropriations

HB09-1366 by Representative(s) Pommer; also Senator(s) Romer--Concerning the elimination of the state income tax modification for qualifying Colorado capital gains. Finance Appropriations

HB09-1367 by Representative(s) Marostica, Ferrandino, Pommer; also Senator(s) Keller, Tapia, White-- Concerning the restriction of general fund revenues related to the pay date shift of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

employees transferring to the office of information technology.
Appropriations

HB09-1368 by Representative(s) Labuda; also Senator(s) Carroll M.--Concerning the exclusion of specified types of state contracts from statutory provisions governing the state's centralized contract management system.
Finance

MESSAGE FROM THE GOVERNOR

April 28, 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 for your consideration, the following:

**MEMBERS OF THE
STATE BOARD OF HEALTH**

for terms expiring March 1, 2013:

Dr. Philip S. Mehler of Denver, Colorado, a resident of the 1st Congressional District and a Republican, appointed;

Kindra K. Mulch of Burlington, Colorado, a resident of the 4th Congressional District and a Democrat, reappointed;

Hon. Joelle Riddle of Durango, Colorado, a resident of the 3rd Congressional District and a Democrat, reappointed;

Glenn H. Schlabs of Colorado Springs, Colorado, a resident of the 5th Congressional District and a Democrat, reappointed;

Joan W. Sowinski of Centennial, Colorado, a resident of the 6th Congressional District and a Republican, appointed.

Sincerely,
(signed)
Bill Ritter, Jr.
Governor
Rec'd: 4/29/09
Karen Goldman, Secretary of the Senate

Committee on Health & Human Services

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

HB09-1348 by Representative(s) Weissmann; also Senator(s) Carroll M.--Concerning activities resulting from the performance of legislative duties.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 28, page 1338 and placed in members' bill files.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

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

Amend reengrossed bill, page 4, after line 26, insert the following:

"SECTION 4. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 14
LEGISLATIVE DEPARTMENT CASH FUND

2-2-1401. Legislative department cash fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LEGISLATIVE DEPARTMENT CASH FUND. THE FUND SHALL BE COMPRISED OF SUCH MONEYS THAT THE GENERAL ASSEMBLY, THE HOUSE OF REPRESENTATIVES, THE SENATE, OR ANY LEGISLATIVE SERVICE AGENCY ACCEPTS AS GIFTS, GRANTS, OR DONATIONS FROM PRIVATE AND PUBLIC SOURCES AND ANY OTHER MONEYS APPROPRIATED TO THE FUND. ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(2) MONEYS IN THE LEGISLATIVE DEPARTMENT CASH FUND ARE CONTINUOUSLY APPROPRIATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL TO PAY FOR EXPENSES OF THE LEGISLATIVE DEPARTMENT OF THE STATE OF COLORADO. MONEYS IN THE FUND SHALL BE EXPENDED CONSISTENT WITH ANY TERMS AND CONDITIONS IMPOSED AS A CONDITION OF RECEIVING SUCH MONEYS AS GIFTS, GRANTS, OR DONATIONS.

(3) FOR PURPOSES OF THIS SECTION, "LEGISLATIVE SERVICE AGENCY" MEANS THE OFFICE OF LEGISLATIVE LEGAL SERVICES, LEGISLATIVE COUNCIL STAFF, OFFICE OF THE STATE AUDITOR, OR STAFF OF THE JOINT BUDGET COMMITTEE."

Renumber succeeding section accordingly.

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

HB09-1267 by Representative(s) Todd; also Senator(s) Bacon--Concerning the removal of statutory provisions describing pervasively sectarian educational institutions, and making an appropriation in connection therewith.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 24, page 1265 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 24, page 1362 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.)

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

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 16, page 1116-1117 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1365-1366 and placed in members' bill files.)

Amendment No. 3(L.018), by Senator Kopp.

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

"SECTION 1. Short title. This act shall be known and may be cited as the "G.I. Promise Act"."

Renumber succeeding sections accordingly.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

- HB09-1290** by Representative(s) Nikkel and Apuan; also Senator(s) Harvey, Bacon--Concerning increasing the maximum amount of money that the Colorado commission on higher education may allocate for the purpose of providing tuition assistance to members of the National Guard, and making an appropriation therefor. 1
2
3
4
5
Amendment No. 1, Appropriations Committee Amendment. 6
(Printed in Senate Journal, April 28, page 1367 and placed in members' bill files.) 7
8
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 9
10
11
- 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. 12
13
14
15
16
17
Laid over until Friday, May 1, retaining its place on the calendar. 18
19
- HB09-1330** by Representative(s) Curry; also Senator(s) Isgar--Concerning fees assessed on certain feeding operations under the "Colorado Water Quality Control Act", and making an appropriation in connection therewith. 20
21
22
23
Amendment No. 1, Appropriations Committee Amendment. 24
(Printed in Senate Journal, April 28, page 1368 and placed in members' bill files.) 25
26
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 27
28
29
- HB09-1310** by Representative(s) Levy, Apuan, Court, McCann, Pace, Ryden; also Senator(s) Heath--Concerning the misclassification of employees as independent contractors for purposes of the "Colorado Employment Security Act". 30
31
32
33
Amendment No. 1, Appropriations Committee Amendment. 34
(Printed in Senate Journal, April 28, page 1367-1368 and placed in members' bill files.) 35
36
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 37
38
(For further action, see Amendments to the Report of the Committee of the Whole.) 39
40
- HB09-1266** by Representative(s) McCann; also Senator(s) Carroll M.--Concerning the repeal of the loss of driving privileges as a penalty for certain crimes. 41
42
43
Amendment No. 1, Judiciary Committee Amendment. 44
(Printed in Senate Journal, April 22, page 1192-1193 and placed in members' bill files.) 45
46
Amendment No. 2, Appropriations Committee Amendment. 47
(Printed in Senate Journal, April 28, page 1368 and placed in members' bill files.) 48
49
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 50
51
52
- 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. 53
54
55
56
Amendment No. 1, Judiciary Committee Amendment. 57
(Printed in Senate Journal, April 20, page 1178 and placed in members' bill files.) 58
59
Amendment No. 2, Appropriations Committee Amendment. 60
(Printed in Senate Journal, April 28, page 1369 and placed in members' bill files.) 61
62
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 63
64
65
(For further action, see Amendments to the Report of the Committee of the Whole.) 66
67
- 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. 68
69
70
71
72

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, April 24, page 1265 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1369 and placed in members' bill files.)

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

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.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment.
(Printed in Senate Journal, April 22, page 1192-1193 and placed in members' bill files.)

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

HB09-1284 by Representative(s) Levy; also Senator(s) Williams--Concerning corridor capacity strategic planning to foster transportation efficiency.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, April 22, page 1188-1189 and placed in members' bill files.)

As amended, declared **LOST** on Second Reading.

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

HB09-1202 by Representative(s) Todd, Benefield, Middleton, Ryden; also Senator(s) Foster-- Concerning the regulation of persons who provide for the final disposition of dead human bodies in the normal course of business, and making an appropriation in connection therewith.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, April 23, page 1244-1245 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Heath and Tochtrop.

Amend reengrossed bill, page 11, after line 6, insert the following:

"(5) THIS SECTION SHALL NOT REQUIRE THE REGISTRATION OF A NONPROFIT ORGANIZATION THAT ONLY PROVIDES EDUCATION OR SUPPORT TO AN INDIVIDUAL WHO INTENDS TO PROVIDE FOR FINAL DISPOSITION OF A DEAD HUMAN BODY."

Page 19, after line 19, insert the following:

"(5) THIS SECTION SHALL NOT REQUIRE THE REGISTRATION OF A NONPROFIT ORGANIZATION THAT ONLY PROVIDES EDUCATION OR SUPPORT TO AN INDIVIDUAL WHO INTENDS TO PROVIDE FOR FINAL DISPOSITION OF A DEAD HUMAN BODY."

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

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-- Concerning changes to crimes related to unlawful treatment of persons to align with similar law provisions, and making an appropriation in connection therewith.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Laid over until Friday, May 1, retaining its place on the calendar.

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.

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

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.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 23, page 1243-1244 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1369 and placed in members' bill files.)

Amendment No. 3(L.022), by Senator Shaffer.

Amend the State, Veterans & Military Affairs Committee Report, dated April 22, 2009, page 2, strike line 21.

Amend reengrossed bill, page 9, line 19, strike "IN THE PETITION CIRCULATION PROCESS" and substitute "RELATED TO PETITION CIRCULATION".

Page 18, line 16, strike "No";

strike lines 17 through 27.

Page 19, strike lines 1 through 8 and substitute the following:

"THE SECRETARY OF STATE SHALL DEVELOP CIRCULATOR TRAINING PROGRAMS FOR PAID AND VOLUNTEER CIRCULATORS. SUCH PROGRAMS SHALL BE CONDUCTED IN THE BROADEST, MOST COST-EFFECTIVE MANNER AVAILABLE TO THE SECRETARY OF STATE, INCLUDING BUT NOT LIMITED TO TRAINING SESSIONS FOR PERSONS ASSOCIATED WITH THE PROPONENTS OR A PETITION ENTITY, AS DEFINED IN SECTION 1-40-135 (1), AND BY ELECTRONIC AND REMOTE ACCESS. THE PROPONENTS OF AN INITIATIVE PETITION OR THE REPRESENTATIVES OF A PETITION ENTITY SHALL INFORM PAID AND VOLUNTEER CIRCULATORS OF THE AVAILABILITY OF THESE TRAINING PROGRAMS AS ONE MANNER OF COMPLYING WITH THE REQUIREMENT SET FORTH IN THE CIRCULATOR'S AFFIDAVIT THAT A CIRCULATOR READ AND UNDERSTAND THE LAWS PERTAINING TO PETITION CIRCULATION."

Page 22, line 13, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 23, strike lines 21 through 25 and substitute the following:

"THE USE OF A PETITION FORM THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS ARTICLE, FRAUD, AND A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY OTHER LAW THAT, IN EITHER CASE, PREVENTS FRAUD, ABUSE, OR MISTAKE IN THE PETITION PROCESS."

Page 24, line 11, strike "THE PETITION CIRCULATION PROCESS," and substitute "PETITION CIRCULATION,".

Page 25, after line 11, insert the following:

"(5) WRITTEN ENTRIES THAT ARE MADE BY PETITION SIGNERS, CIRCULATORS, AND NOTARIES PUBLIC ON A PETITION SECTION THAT SUBSTANTIALLY COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE DEEMED VALID BY THE SECRETARY OF STATE OR ANY COURT,

UNLESS:

(a) FRAUD, AS SPECIFIED IN SECTION 1-40-135 (2) (c), EXCLUDING SUBPARAGRAPH (V) OF SAID PARAGRAPH (c), IS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE;

(b) A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW THAT, IN EITHER CASE, PREVENTS FRAUD, ABUSE, OR MISTAKE IN THE PETITION PROCESS, IS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE;

(c) A CIRCULATOR USED A PETITION FORM THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS ARTICLE OR HAS NOT BEEN APPROVED BY THE SECRETARY OF STATE."

Page 27, line 10, strike "BALLOT ISSUE";

strike lines 17 and 18 and substitute the following:

"ANY OF THE ACTS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (2), EXCLUDING SUBPARAGRAPH (V) OF SAID PARAGRAPH (c). THE SECRETARY OF STATE SHALL";

line 23, strike "REQUIREMENTS".

Page 28, strike lines 1 and 2 and substitute the following:

"COMPLIANCE WITH SECTION 1-40-112 (4).";

line 19, after "BASIS;", insert "OR";

strike lines 20 through 22.

Renumber succeeding subparagraph accordingly.

Page 29, line 3, after "C.R.S.", insert "IF A COMPLAINT IS FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 1-40-132 (1) ALLEGING THAT A PETITION ENTITY WAS NOT LICENSED WHEN IT COMPENSATED ANY CIRCULATOR, THE SECRETARY MAY USE INFORMATION THAT THE ENTITY IS REQUIRED TO PRODUCE PURSUANT TO SECTION 1-40-121 (1) AND ANY OTHER INFORMATION TO WHICH THE SECRETARY MAY REASONABLY GAIN ACCESS, INCLUDING DOCUMENTATION PRODUCED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, AT A HEARING. AFTER A HEARING IS HELD, IF A VIOLATION IS DETERMINED TO HAVE OCCURRED, SUCH PETITION ENTITY SHALL BE FINED BY THE SECRETARY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS PER CIRCULATOR FOR EACH DAY THAT THE NAMED INDIVIDUAL OR INDIVIDUALS CIRCULATED PETITION SECTIONS ON BEHALF OF THE UNLICENSED PETITION ENTITY."

Page 30, line 1, after "(4)", insert "THE SECRETARY OF STATE SHALL ISSUE A DECISION ON ANY APPLICATION FOR A NEW OR REINSTATED LICENSE WITHIN TEN BUSINESS DAYS AFTER A PETITION ENTITY FILES AN APPLICATION, WHICH APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY."

Page 31, strike lines 13 through 17 and substitute the following:

SECTION 21. Effective date - applicability. (1) This act shall take effect upon passage; except that sections 4, 5, and 10 of this act shall take effect on July 1, 2009.

(2) This act shall apply to any ballot issue that has a ballot title fixed and determined by the title board on or after the applicable effective date of this act."

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.)

HB09-1111 by Representative(s) Massey, Swalm; also Senator(s) Boyd and Schwartz--Concerning measures to increase the availability of health resources in designated areas in Colorado, and, in connection therewith, creating the primary care office in the prevention services

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

division in the department of public health and environment to maximize state and federal programs that provide health resources, and making an appropriation.

Amendment No. 1, Health & Human Services Committee Amendment.

(Printed in Senate Journal, April 22, page 1193-1194 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 28, page 1369-1370 and placed in members' bill files.)

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

Strike the Appropriations Committee Report, dated April 28, 2009, and substitute the following:

"Amend the Health and Human Services Committee Report, dated April 22, 2009, page 1, after line 13, insert the following:

"Page 7 of the reengrossed bill, line 3, after the period, insert "IN ADDITION, FOR THE 2009-10 FISCAL YEAR, THE FUND SHALL INCLUDE THE MONEYS TRANSFERRED TO THE FUND FROM THE AIDS AND HIV PREVENTION FUND PURSUANT TO SECTION 25-4-1415 (4)."."

Page 2 of the Health and Human Services Committee Report, strike lines 4 through 8 and substitute the following:

"Page 16 of the reengrossed bill, line 20, strike "and" and substitute "and";

line 22, strike "section." and substitute "section; AND";

after line 22, insert the following:

"(f) FOR THE 2009-10 FISCAL YEAR, MONEYS TRANSFERRED TO THE FUND FROM THE AIDS AND HIV PREVENTION FUND PURSUANT TO SECTION 25-4-1415 (4)."."

Page 18 of the reengrossed bill, strike lines 22 through 27 and substitute the following:

"(4) FOR THE 2009-10 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER FROM THE FUND:

(a) TO THE HEALTH CARE PROFESSIONAL LOAN REPAYMENT FUND CREATED IN SECTION 25-20.5-706 THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS; AND

(b) TO THE VISA WAIVER PROGRAM FUND CREATED IN SECTION 25-20.5-605 THE AMOUNT OF SIXTY-SEVEN THOUSAND TWO HUNDRED NINETY-FOUR DOLLARS FOR APPROPRIATION BY THE GENERAL ASSEMBLY TO THE PRIMARY CARE OFFICE IN THE PREVENTION SERVICES DIVISION OF THE DEPARTMENT."

Page 19 of the reengrossed bill, strike lines 1 through 13 and substitute the following:

"SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated from the visa waiver program fund created in section 25-20.5-605, Colorado Revised Statutes, to the department of public health and environment, for allocation to the prevention services division, for the fiscal year beginning July 1, 2009, the sum of fifty-three thousand six hundred forty-seven dollars (\$53,647) and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act."."

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

industry in Colorado, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1370 and placed in members' bill files.)

Amendment No. 2(L.017), by Senator Mitchell.

Amend the Appropriations Committee Report, dated April 28, 2009, page 1, strike lines 9 through 14 and substitute the following:

"passage; except that sections 1 and 2 of this act shall not take effect unless a sustainable source of revenue has been identified for the implementation of sections 1 and 2 of this act and the revisor of statutes has received written notice from the executive director of the department of revenue to that effect.".

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

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.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 28, page 1372 and placed in members' bill files.)

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

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB09-1267 by Representative(s) Todd; also Senator(s) Bacon--Concerning the removal of statutory provisions describing pervasively sectarian educational institutions, and making an appropriation in connection therewith.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.006) to HB 09-1267, did pass.

Amend reengrossed bill, page 2, strike lines 13 through 25.

Page 3, strike lines 2 and 3 and substitute the following:

"amended to read:";

strike lines 12 through 27.

Page 4, strike lines 1 through 8.

Re-number succeeding sections accordingly.

Page 4, strike lines 10 and 11 and substitute the following:

"amended to read:";

strike lines 21 through 27.

Page 5, strike lines 1 through 15.

Re-number succeeding sections accordingly.

Page 5, strike lines 17 and 18 and substitute the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

"amended to read:".

Page 6, strike lines 2 through 27.

Page 7, strike lines 1 through 15.

Renumber succeeding sections accordingly.

Page 7, strike lines 17 and 18 and substitute the following:

"amended to read:".

Page 8, strike lines 2 through 8.

Amend the Education Committee Report, dated April 23, 2009, page 1, line 3, strike "11" and substitute "7".

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

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.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 09-1163 did pass.

Amend reengrossed bill, page 6, after line 6, insert the following:

"**SECTION 4.** 18-3-412.5 (2) (a), Colorado Revised Statutes, is amended to read:

18-3-412.5. Failure to register as a sex offender. (2) (a) Failure to register as a sex offender is a class 6 3 felony if the person was convicted of felony unlawful sexual behavior, or of another offense, the underlying factual basis of which includes felony unlawful sexual behavior, or if the person received a disposition or was adjudicated for an offense that would constitute felony unlawful sexual behavior if committed by an adult, or for another offense, the underlying factual basis of which involves felony unlawful sexual behavior. ~~except that any second or subsequent offense of failure to register as a sex offender by such person is a class 5 felony."~~

Renumber succeeding sections accordingly.

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	9	EXCUSED	4	ABSENT	0
Bacon	N	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	Veiga	E
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	E	Schwartz	Y		

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to HB 09-1163 did pass.

Amend reengrossed bill, page 6, after line 6, insert the following:

"SECTION 4. Part 5 of article 7 of title 18, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

PART 5
SEXUALLY EXPLICIT REPRESENTATIONS
HARMFUL TO CHILDREN

18-7-501. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT BOTH THE UNITED STATES AND COLORADO SUPREME COURTS HAVE HELD THAT A STATE'S INTEREST IN PROTECTING THE WELL-BEING OF CHILDREN PERMITS THE STATE GREATER LATITUDE IN ADOPTING RESTRICTIONS THAT LIMIT CHILDREN'S ACCESS TO SEXUALLY EXPLICIT MATERIALS THAN IN LIMITING ADULT ACCESS TO SUCH MATERIALS. THEREFORE, THE PURPOSE OF THIS PART 5 IS TO ENACT REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS TO FURTHER THIS COMPELLING GOVERNMENTAL INTEREST. THE DISSEMINATION REGULATIONS OF THIS PART 5 ARE DESIGNED TO PREVENT THE SALE TO MINORS OF MATERIALS DEEMED LEGALLY OBSCENE AS TO MINORS BUT NOT AS TO ADULTS. SIMILARLY, THE PERFORMANCE PROVISIONS OF THIS PART 5 ARE DESIGNED TO PREVENT MINORS FROM BEING EXPOSED TO SEXUALLY EXPLICIT PERFORMANCES THAT ARE NOT APPROPRIATE FOR MINORS.

(2) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY IN THE ADOPTION OF THIS PART 5 TO PREEMPT THE POWER OF MUNICIPALITIES TO ADOPT ORDINANCES CONCERNING MATERIALS OR PERFORMANCES THAT ARE HARMFUL TO MINORS.

18-7-502. Definitions. AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "MATERIAL" MEANS A PICTURE, DRAWING, VIDEO OR DIGITAL RECORDING, FILM, BOOK, MAGAZINE, OR OTHER WRITTEN OR ELECTRONIC DEPICTION, DESCRIPTION, OR REPRESENTATION.

(2) "MINOR" MEANS A PERSON WHO IS YOUNGER THAN EIGHTEEN YEARS OF AGE AND WHO IS NOT MARRIED OR JUDICIALLY EMANCIPATED.

(3) "NUDITY" MEANS THE SHOWING OF:

(a) UNCOVERED, OR LESS THAN OPAQUELY COVERED, HUMAN GENITALS, PUBIC AREAS, OR BUTTOCKS OR THE NIPPLE OR ANY PORTION OF THE AREOLA OF THE HUMAN FEMALE BREAST; OR

(b) COVERED HUMAN MALE GENITALS IN A DISCERNIBLY TURGID STATE.

(4) "PERFORMANCE" MEANS A LIVE EXHIBITION WITH ITS PRIMARY PURPOSE BEING FOR THE AUDIENCE'S SEXUAL GRATIFICATION.

(5) "SEXUAL ACTIVITY" MEANS ANY OF THE FOLLOWING ACTS:

(a) MASTURBATION, WHETHER PERFORMED ALONE OR WITH ANOTHER HUMAN OR AN ANIMAL;

(b) VAGINAL, ANAL, OR ORAL INTERCOURSE, WHETHER PERFORMED WITH ANOTHER HUMAN OR WITH AN ANIMAL;

(c) TOUCHING, IN AN ACT OF APPARENT SEXUAL STIMULATION OR SEXUAL ABUSE, OF THE CLOTHED OR UNCLOTHED GENITALS, PUBIC AREAS, OR BUTTOCKS OF ANOTHER PERSON OR THE CLOTHED OR UNCLOTHED BREASTS OF A HUMAN FEMALE;

(d) TORTURE, PHYSICAL RESTRAINT BY BEING FETTERED OR BOUND, OR FLAGELLATION THAT IS INTENDED TO DEPICT SEXUAL STIMULATION OR SEXUAL ABUSE;

(e) EXCRETORY FUNCTIONS THAT ARE INTENDED AS AN ACT OF APPARENT SEXUAL STIMULATION OR SEXUAL ABUSE; OR

(f) THE INSERTION OF ANY PART OF A PERSON'S BODY OR OF ANY OBJECT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

INTO ANOTHER PERSON'S ANUS OR VAGINA, EXCEPT WHEN DONE AS PART OF A GENERALLY RECOGNIZED MEDICAL PROCEDURE.

18-7-503. Harmful to minors - standard. (1) A MATERIAL OR PERFORMANCE IS DEEMED HARMFUL TO MINORS IF THE MATERIAL OR PERFORMANCE DEPICTS NUDITY OR SEXUAL ACTIVITY AND IF THE MATERIAL OR PERFORMANCE, WHEN TAKEN AS A WHOLE, MEETS THE FOLLOWING CRITERIA:

(a) A REASONABLE ADULT PERSON WOULD FIND THAT THE MATERIAL OR PERFORMANCE HAS A PREDOMINANT TENDENCY TO APPEAL TO THE PRURIENT INTEREST OF MINORS; AND

(b) A REASONABLE ADULT PERSON WOULD FIND THAT THE DEPICTION OF NUDITY OR SEXUAL ACTIVITY IN THE MATERIAL OR PERFORMANCE IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY CONCERNING WHAT IS SUITABLE FOR MINORS; AND

(c) A REASONABLE ADULT PERSON WOULD FIND THAT THE MATERIAL OR PERFORMANCE LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE FOR MINORS.

18-7-504. Disseminating material or exhibiting a performance that is harmful to minors - penalty. (1) A PERSON COMMITS THE OFFENSE OF DISSEMINATING MATERIAL THAT IS HARMFUL TO MINORS IF, WITH OR WITHOUT FINANCIAL OR OTHER CONSIDERATION AND KNOWING THE CHARACTER OR CONTENT OF THE MATERIAL, THE PERSON:

(a) SELLS, FURNISHES, PRESENTS, OR DISTRIBUTES TO A MINOR ANY MATERIAL THAT IS HARMFUL TO MINORS; OR

(b) ALLOWS A MINOR TO REVIEW OR PERUSE ANY MATERIAL THAT IS HARMFUL TO MINORS.

(2) A PERSON COMMITS THE OFFENSE OF EXHIBITING A PERFORMANCE THAT IS HARMFUL TO MINORS IF, WITH OR WITHOUT FINANCIAL OR OTHER CONSIDERATION AND KNOWING THE CHARACTER OR CONTENT OF THE PERFORMANCE, THE PERSON ALLOWS A MINOR TO VIEW A LIVE PERFORMANCE THAT IS HARMFUL TO MINORS.

(3) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, A MISTAKE AS TO A MINOR'S AGE IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION.

(4) IT IS AN AFFIRMATIVE DEFENSE TO PROSECUTION UNDER THIS SECTION THAT:

(a) THE DEFENDANT IS A PARENT OR LEGAL GUARDIAN OF THE MINOR; OR

(b) BEFORE DISSEMINATING OR EXHIBITING ANY MATERIAL OR PERFORMANCE THAT IS HARMFUL TO MINORS, THE DEFENDANT REQUESTED AND RECEIVED A DRIVER'S LICENSE, STUDENT IDENTIFICATION CARD, OR OTHER DOCUMENT INDICATING THAT THE MINOR TO WHOM THE MATERIAL OR PERFORMANCE WAS DISSEMINATED OR EXHIBITED WAS AT LEAST EIGHTEEN YEARS OF AGE AND THE DEFENDANT REASONABLY BELIEVED THE MINOR WAS AT LEAST EIGHTEEN YEARS OF AGE; OR

(c) THE DISSEMINATION OR EXHIBITION WAS MADE WITH THE PRIOR CONSENT OF A PARENT OR LEGAL GUARDIAN OF THE MINOR; OR

(d) THE DEFENDANT WAS A TEACHER ACTING IN THE COURSE OF HIS OR HER DUTY TEACHING REQUIRED MATERIAL IN A SCHOOL OR SCHOOL DISTRICT; OR

(e) THE DEFENDANT WAS A SUBSTITUTE TEACHER ACTING IN THE COURSE OF HIS OR HER DUTY TEACHING THE MATERIAL PROVIDED TO THE SUBSTITUTE TEACHER.

(5) THE AFFIRMATIVE DEFENSES IN PARAGRAPHS (a), (c), (d), OR (e) OF SUBSECTION (4) OF THIS SECTION SHALL NOT APPLY TO A DEFENDANT THAT IS CHARGED WITH AN UNLAWFUL SEXUAL BEHAVIOR OFFENSE AS DESCRIBED IN SECTION 16-22-102 (9), C.R.S., IN ADDITION TO A CHARGE UNDER THIS SECTION OR TO A DEFENDANT THAT IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO SECTION 16-22-103, C.R.S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

(6) DISSEMINATING MATERIAL THAT IS HARMFUL TO MINORS OR EXHIBITING A PERFORMANCE THAT IS HARMFUL TO MINORS IS A CLASS 2 MISDEMEANOR. EACH INDIVIDUAL DISSEMINATION OF MATERIAL THAT IS HARMFUL TO MINORS AND EACH EXHIBITION OF A PERFORMANCE THAT IS HARMFUL TO MINORS IS A SEPARATE OFFENSE.

18-7-505. Severability. IF ANY PROVISION OF THIS PART 5 OR THE APPLICATION THEREOF TO A PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OF THIS PART 5 THAT MAY BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION. TO THIS END, THE PROVISIONS OF THIS PART 5 ARE DECLARED TO BE SEVERABLE."

Renumber succeeding sections accordingly.

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	23	NO	8	EXCUSED	4	ABSENT	0
Bacon	N	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	N	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	E
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	N	Mitchell	E	Schwartz	Y		

HB09-1284 by Representative(s) Levy; also Senator(s) Williams--Concerning corridor capacity strategic planning to foster transportation efficiency.

Senators Williams and Newell moved to amend the Report of the Committee of the Whole to show that HB 09-1284, as amended, did 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	16	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	N	Morse	Y	Shaffer B.	N
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	N	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	N
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	N	King K.	N	Sandoval	N	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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.

Senator Brophy moved to amend the Report of the Committee of the Whole to show that the following Brophy floor amendment, (L.040) to HB 09-1326, did pass.

Amend reengrossed bill, page 30, after line 17, insert the following:

"SECTION 19. 1-40-132 (1), Colorado Revised Statutes, is amended to read:

1-40-132. Enforcement. (1) The secretary of state is charged with the administration and enforcement of the provisions of this article relating to initiated or referred measures and state constitutional amendments. The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments. The secretary of state may conduct a hearing, upon a written complaint by a registered elector, on any alleged violation of the provisions relating to the circulation of a petition, which may include but shall not be limited to the preparation or signing of an affidavit by a circulator, OR RELATING TO THE WITHDRAWAL OF AN INITIATIVE PETITION AS PROVIDED IN SECTION 1-40-134. If the secretary of state, after the hearing, has

reasonable cause to believe that there has been a violation of the provisions of this article relating to initiated or referred measures and state constitutional amendments, he or she shall notify the attorney general, who may institute a criminal prosecution. If a circulator is found to have violated any provision of this article or is otherwise shown to have made false or misleading statements relating to his or her section of the petition, such section of the petition shall be deemed void.

SECTION 20. 1-40-134, Colorado Revised Statutes, is amended to read:

1-40-134. Withdrawal of initiative petition - unlawful compensation for withdrawal - penalty. (1) The designated representatives of the proponents of an initiative petition may withdraw the petition from consideration as a ballot issue by filing a letter with the secretary of state requesting that the petition not be placed on the ballot. The letter shall be signed and acknowledged by both designated representatives before an officer authorized to take acknowledgments and shall be filed no later than thirty-three days prior to the election at which the initiative is to be voted upon.

(2) (a) (I) IT IS UNLAWFUL FOR ANY PERSON, DIRECTLY OR INDIRECTLY, OR THROUGH ANY OTHER PERSON:

(A) TO PAY, LOAN, OR CONTRIBUTE, OR OFFER OR PROMISE TO PAY, LOAN, OR CONTRIBUTE, ANY MONEY OR VALUABLE CONSIDERATION TO OR FOR THE PROPONENTS OR THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OF AN INITIATIVE PETITION, OR TO OR FOR ANY OTHER PERSON, TO COMPEL, INDUCE, OR PREVAIL UPON THE PROPONENTS OR DESIGNATED REPRESENTATIVES TO WITHDRAW THE PETITION FROM CONSIDERATION AS A BALLOT ISSUE; OR

(B) TO RECEIVE, AGREE TO ACCEPT, OR CONTRACT FOR ANY MONEY, GIFT, LOAN, OR OTHER VALUABLE CONSIDERATION FOR WITHDRAWING OR AGREEING TO WITHDRAW AN INITIATIVE PETITION FROM CONSIDERATION AS A BALLOT ISSUE.

(II) FOR PURPOSES OF THIS PARAGRAPH (a), "PERSON" MEANS ANY NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION, CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER ORGANIZATION OR GROUP OF PERSONS.

(b) EACH OFFENSE SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2) IS A CLASS 6 FELONY, AND, UPON CONVICTION THEREOF, THE OFFENDER SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

SECTION 21. Article 18 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-18-105. Appropriation to comply with section 2-2-703 - HB 09-1326 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-1326, ENACTED IN 2009:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 22. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (v), (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, ~~2012~~ 2013, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount that shall accrue pursuant to this subsection (2) shall be as follows:

(v) On July 1, 2009, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus one hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B. 07-1326, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twenty-five thousand one hundred sixty-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; plus twelve thousand five hundred seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular session of the sixty-sixth general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-1326, ENACTED IN 2009;

(w) On July 1, 2010, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; plus seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twelve thousand six hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus one hundred thirty-seven thousand six hundred eighty-two dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-1326, ENACTED IN 2009;

(x) On July 1, 2011, seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus three hundred seventy-five thousand four hundred ninety-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-1326, ENACTED IN 2009;

(y) On July 1, 2012, one hundred twelve thousand six hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus three hundred seventy-five thousand four hundred ninety-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-1326, ENACTED IN 2009;

(z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 09-1326, ENACTED IN 2009."

Renumber succeeding sections 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	11	NO	20	EXCUSED	4	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	E
Foster	N	King K.	Y	Sandoval	N	White	Y
Gibbs	N	Kopp	E	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	E	Schwartz	N		

HB09-1310 by Representative(s) Levy, Apuan, Court, McCann, Pace, Ryden; also Senator(s) Heath-- Concerning the misclassification of employees as independent contractors for purposes of the "Colorado Employment Security Act", and making an appropriation therefor.

Senator Penry moved to amend the Report of the Committee of the Whole to show that the following Mitchell and Williams floor amendment, (L.019) to HB 09-1310, did pass.

Amend reengrossed bill, page 4, line 5, strike "WRITTEN" and substitute "SIGNED, SWORN";

line 10, after "TITLE.", add "THE RESPONDENT SHALL BE ENTITLED TO REVIEW A COPY OF THE ORIGINAL SIGNED, SWORN COMPLAINT, WITH THE COMPLAINANT'S NAME AND IDENTIFYING INFORMATION REDACTED, AND THE RESPONDENT MAY FILE A RESPONSE TO THE COMPLAINT WITH THE DIVISION.";

line 11, before "COMPLAINT", insert "SIGNED, SWORN";

line 13, strike "OR THOSE";

line 14, strike "COMPLAINTS";

line 16, strike "OR" and substitute "AND", and strike "TAXES." and substitute "TAXES AND THAT THE DIRECTOR FINDS TO BE INCONSISTENT WITH SECTION 8-70-115 (1) (b).".

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	10	NO	21	EXCUSED	4	ABSENT	0
Bacon	N	Hodge	N	Morse	N	Shaffer B.	N
Boyd	N	Hudak	N	Newell	N	Spence	E
Brophy	Y	Isgar	N	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	N	Veiga	E
Foster	N	King K.	Y	Sandoval	N	White	N
Gibbs	N	Kopp	E	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	N	Mitchell	E	Schwartz	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: HB09-1348 as amended, HB09-1267 as amended, HB09-1039 as amended, HB09-1290 as amended, HB09-1330 as amended, HB09-1310 as amended, HB09-1266 as amended, HB09-1163 as amended, HB09-1047 as amended, HB09-1320 as amended, HB09-1202 as amended, HB09-1123, HB09-1017, HB09-1326 as amended, HB09-1111 as amended, HB09-1298 as amended, HB09-1132 as amended.
 Lost on Second Reading: HB09-1284 as amended.
 Laid over until Friday, May 1 retaining their place on the Calendar: HB09-1204, HB09-1020.

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 House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB09-087 by Senator(s) Carroll M.; also Representative(s) Peniston--Concerning increased accountability requirements for special districts, and making an appropriation in connection therewith.

Senator Carroll moved that the Senate concur in House Amendments to **SB09-087** as printed in House Journal, April 27, page 1496.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64

YES	30	NO	1	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

SB09-228

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

Senator Morse moved that the Senate concur in House Amendments to **SB09-228** as printed in House Journal, April 27, pages 1486-1488.

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	20	NO	11	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	20	NO	11	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

IMMEDIATE RECONSIDERATION OF SB09-228

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

Having voted on the prevailing side, Senator Morse moved for immediate reconsideration of the last Senate action, repassage of SB09-228. The roll call was taken with the following result:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

REPASSAGE OF SB09-228

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

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

YES	20	NO	11	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-123 by Senator(s) Williams, Sandoval; also Representative(s) Todd, Solano--Concerning a pilot program to reduce the dropout rate of adolescent students, and making an appropriation in connection therewith.

Senator Williams moved that the Senate concur in House Amendments to **SB09-123** as printed in House Journal, April 27, page 1497.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	20	NO	11	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-124 by Senator(s) Isgar; also Representative(s) Roberts--Concerning additional funding for agricultural energy-related projects through the agriculture value-added cash fund.

Senator Isgar moved that the Senate concur in House Amendments to **SB09-124** as printed in House Journal, April 27, page 1497.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

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

Senator Isgar moved that the Senate concur in House Amendments to **SB09-043** as printed in House Journal, April 27, page 1497.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-133 by Senator(s) Spence; also Representative(s) Primavera--Concerning increased surcharges for traffic violations that apply the moneys collected to the Colorado traumatic brain injury trust fund, and making an appropriation in connection therewith.

Laid over until Friday, May 1, retaining its place on the calendar.

SB09-160 by Senator(s) Hudak; also Representative(s) Todd--Concerning recommendations from the P-20 council relating to educator licensure, and, in connection therewith, streamlining and aligning the alternative teacher and the teacher in residence programs, and making an appropriation.

Senator Hudak moved that the Senate concur in House Amendments to **SB09-160** as printed in House Journal, April 27, page 1498.

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	28	NO	3	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-161 by Senator(s) Gibbs; also Representative(s) Scanlan--Concerning the issuance of Colorado ski country special license plates, and making an appropriation in connection therewith.

Senator Gibbs moved that the Senate concur in House Amendments to **SB09-161** as printed in House Journal, April 27, pages 1498-1499.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Heath and Tochtrop.

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

Senator Boyd moved that the Senate concur in House Amendments to **SB09-167** as printed in House Journal, April 27, page 1499.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	28	NO	3	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Foster

SB09-219 by Senator(s) Tapia, Keller, White; also Representative(s) Ferrandino, Pommer, Marostica-- Concerning the general fund reserve required for the 2008-09 state fiscal year.

Senator Tapia moved that the Senate concur in House Amendments to **SB09-219** as printed in House Journal, April 27 , pages 1499-1500.

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	21	NO	10	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	21	NO	10	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-239 by Senator(s) Tochtrop, Boyd; also Representative(s) Riesberg--Concerning the continuation of the state board of nursing, and making an appropriation therefor.

Senator Tochtrop moved that the Senate concur in House Amendments to **SB09-239** as printed in House Journal, April 28, page 1561.

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	26	NO	5	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	28	NO	3	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	N	Lundberg	N	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-173 by Senator(s) Veiga; also Representative(s) Rice--Concerning the economic development of large-scale regional tourism projects to be partially financed with a portion of state sales tax revenue above an existing base amount.

Laid over until Friday, May 1, retaining its place on the calendar.

SB09-021 by Senator(s) Kopp, Gibbs, Penry, Schwartz; also Representative(s) Scanlan and Levy, King, Lundberg--Concerning incentives for volunteer firefighters.

Laid over until Friday, May 1, 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.

Senator Williams moved that the Senate concur in House Amendments to **SB09-093** as printed in House Journal, April 28, pages 1566-1567.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	30	NO	1	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	N	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-135

by Senator(s) Penry; also Representative(s) Miklosi--Concerning information collection regarding parole decisions.

Senator Penry moved that the Senate concur in House Amendments to **SB09-135** as printed in House Journal, April 28, page 1567.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-257

by Senator(s) Schwartz, Heath, Mitchell; also Representative(s) Fischer and Vigil, McFadyen, Rice, Solano--Concerning amendments to the "Building Excellent Schools Today Act" that will allow more efficient implementation of the act without reducing its funding or restricting existing lease-purchase agreement authorization.

Senator Schwartz moved that the Senate concur in House Amendments to **SB09-257** as printed in House Journal, April 28, page1567.

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	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	28	NO	3	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	N	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

SB09-003

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

Senator Bacon moved that the Senate concur in House Amendments to **SB09-003** as printed in House Journal, April 28, page 1568.

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	20	NO	11	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

YES	20	NO	11	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	N	Isgar	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	Veiga	E
Foster	Y	King K.	N	Sandoval	Y	White	N
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

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

Co-sponsors added: Boyd, Newell, and Romer.

On motion of Senator Shaffer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB09-1299, SB09-297 were made Special Orders at 10:10 p.m.

Committee of the Whole

The hour of 10:10 p.m. having arrived, Senator Hudak moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Hudak 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:

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 Thursday, May 7.

SB09-297 by Senator(s) Sandoval; also Representative(s) Judd--Concerning projects funded with moneys received pursuant to the federal "American Recovery and Reinvestment Act of 2009", and, in connection therewith, establishing a process for the waiving of state contracting requirements for contracts for such projects in circumstances in which a waiver is necessary in order to ensure that the moneys can be timely and efficiently expended for their intended purposes, requiring the public utilities commission to give the fullest consideration for incentives to specified types of such projects, and including moneys received by the governor's energy office pursuant to the federal act and from specified other sources as principal of the clean energy fund.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 29, page 1376 and placed in members' bill files.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Shaffer B.	Y
Boyd	Y	Hudak	Y	Newell	Y	Spence	E
Brophy	Y	Isgar	Y	Penry	Y	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	Veiga	E
Foster	Y	King K.	Y	Sandoval	Y	White	Y
Gibbs	Y	Kopp	E	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	E	Schwartz	Y		

The Committee of the Whole took the following action:

Passed on Second Reading: SB09-297 as amended.

Laid over until Thursday, May 7: HB09-1299.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **HB09-1342** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 15 through 27.

Page 3, strike lines 1 through 9 and substitute the following:

"SECTION 2. 29-2-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-2-105. Contents of sales tax ordinances and proposals.
(9) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, SALES OF CIGARETTES SHALL BE EXEMPT FROM A TOWN, CITY, COUNTY, OR CITY AND COUNTY SALES TAX THAT IS CREATED PURSUANT TO

THE AUTHORITY SET FORTH IN THIS ARTICLE."

Page 10, strike lines 25 through 27.

Page 11, strike lines 1 through 17.

Renumber succeeding sections accordingly.

Finance

After consideration on the merits, the Committee recommends that **HB09-1288** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 72.4
Revenue and Expenditure
Web-based System**

24-72.4-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) TAXPAYERS SHOULD BE ABLE TO EASILY ACCESS THE DETAILS OF THE STATE'S FINANCES, INCLUDING HOW MUCH REVENUE THE STATE RECEIVES AND HOW THAT REVENUE IS SPENT;

(b) ON APRIL 2, 2009, THE GOVERNOR ISSUED AN EXECUTIVE ORDER THAT CREATED THE TRANSPARENCY ONLINE PROJECT;

(c) THE TRANSPARENCY ONLINE PROJECT IS A FREE, SEARCHABLE WEB-BASED SYSTEM PROVIDING EASY ACCESS TO INFORMATION ABOUT THE STATE'S REVENUES AND EXPENDITURES;

(d) THE TRANSPARENCY ONLINE PROJECT IS AN IMPORTANT FIRST STEP IN PROVIDING A MORE TRANSPARENT AND ACCOUNTABLE STATE GOVERNMENT; AND

(e) THE PURPOSE OF THIS LEGISLATION IS TO IMPROVE THE SYSTEM CREATED BY THE EXECUTIVE ORDER.

(2) NOW, THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE WEB-BASED SYSTEM ESTABLISHED BY THE GOVERNOR'S EXECUTIVE ORDER BE MODIFIED AS SET FORTH IN THIS ARTICLE.

24-72.4-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHIEF INFORMATION OFFICER" MEANS THE CHIEF INFORMATION OFFICER APPOINTED PURSUANT TO SECTION 24-37.5-103.

(2) "WEB-BASED SYSTEM" MEANS THE SEARCHABLE WEB-BASED SYSTEM THAT PROVIDES ACCESS TO DESCRIPTIONS OF REVENUES AND EXPENDITURES RECORDED IN THE STATE'S OFFICIAL BOOK OF RECORD THAT, IN ACCORDANCE WITH EXECUTIVE ORDER 007-09, IS DEVELOPED AND MAINTAINED BY THE CHIEF INFORMATION OFFICER, IN CONSULTATION WITH THE STATE CONTROLLER.

24-72.4-103. Web-based system - enhancements. (1) NOLATER THAN JANUARY 1, 2010, THE CHIEF INFORMATION OFFICER SHALL MODIFY THE WEB-BASED SYSTEM TO MEET THE FOLLOWING REQUIREMENTS:

(a) THE STATE EXPENDITURES AND REVENUES DATA INCLUDED IN THE WEB-BASED SYSTEM SHALL BE THE EXPENDITURE AND REVENUE DATA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

INCLUDED IN THE STATE FINANCIAL SYSTEM DATABASE, COMMONLY KNOWN AS THE FINANCIAL DATA WAREHOUSE, CREATED BY THE OFFICE OF INFORMATION TECHNOLOGY ON BEHALF OF THE STATE CONTROLLER PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 24-30-202;

(b) THE WEB-BASED SYSTEM SHALL BE ACCESSIBLE FROM THE WEB SITE MAINTAINED BY THE STATE, AND EACH STATE AGENCY WITH A WEB SITE SHALL PROVIDE A LINK ON THE WEB SITE HOME PAGE TO THE SYSTEM;

(c) THE INFORMATION ON THE WEB-BASED SYSTEM SHALL BE UPDATED EVERY FIVE BUSINESS DAYS TO INCLUDE NEW EXPENDITURE AND REVENUE DATA;

(d) THE WEB-BASED SYSTEM SHALL BE AVAILABLE FOR DOWNLOAD IN A STRUCTURED DATA FORMAT, SUCH AS EXTENSIBLE MARKUP LANGUAGE;

(e) THE WEB-BASED SYSTEM SHALL INCLUDE A METHOD FOR USERS TO PROVIDE FEEDBACK ABOUT THE SYSTEM;

(f) THE WEB-BASED SYSTEM SHALL INCLUDE ARCHIVED REVENUE AND EXPENDITURE DATA FOR THE TEN PRIOR STATE FISCAL YEARS; EXCEPT THAT NO DATA SHALL BE REQUIRED FOR ANY STATE FISCAL YEAR PRIOR TO JULY 1, 2009, AND, FOR THE 2009-10 STATE FISCAL YEAR ONLY, NO STATE REVENUE DATA SHALL BE REQUIRED TO BE ARCHIVED; AND

(g) THE WEB-BASED SYSTEM SHALL NOT INCLUDE THE FOLLOWING INFORMATION:

(I) ANY INFORMATION THAT IS NOT A PUBLIC RECORD; OR

(II) ANY INFORMATION THAT IS CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW.

SECTION 2 Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

Page 1, line 102, strike "FINANCES, AND, IN CONNECTION" and substitute "FINANCES.";

strike lines 103 and 104.

Finance

After consideration on the merits, the Committee recommends that **HB09-1333** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend rengrossed bill, page 2, line 1, after "12-47.1-1201", insert "(5) (c) (II) and";

line 2, strike "is" and substitute "are";

strike line 4, and substitute the following:

"legislative declaration - state museum cash fund. (5) (c) (II) All interest and income derived from the deposit and investment of moneys in the state historical fund or other funds authorized by law shall remain in such fund or funds and shall not be transferred or revert to the general fund or any other fund at the end of any fiscal year; EXCEPT THAT, FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE FISCAL YEAR COMMENCING JULY 1, 2045, THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SOCIETY MAY DIRECT THE STATE TREASURER TO TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE STATE HISTORICAL FUND FROM THE PORTION NOT RESERVED FOR THE STATEWIDE GRANT PROGRAM FOR PRESERVATION PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION (5) AT THE END OF THE FISCAL YEAR TO THE STATE MUSEUM CASH FUND CREATED PURSUANT TO SECTION 24-80-214, C.R.S. The state treasurer shall be the custodian of such funds pursuant to section 24-80-209, C.R.S.

(d) (III) On or".

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommend that the appointment be confirmed:

MEMBER OF THE STATE BOARD OF NURSING

for a term expiring July 1, 2010:

Bartlett D. Writer of Denver, Colorado, to fill the vacancy occasioned by the resignation of Christopher C. Dopke of Denver, Colorado, and to serve as a public member, appointed.

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2012:

Robert A. Arnott of Greenwood Village, Colorado, a person with appropriate scientific and technical training or experience, and a Republican, reappointed;

Dawn R. Meyers of Brighton, Colorado, a person with appropriate technical and industrial training or experience, and an Unaffiliated, appointed;

Jon D. Slutsky of Wellington, Colorado, a person with appropriate agricultural training or experience, and a Republican, reappointed.

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE COLORADO HEALTH FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2012:

Tucker H. Adams of Colorado Springs, Colorado, a Republican, reappointed;

Dennis E. Carruth of Carbondale, Colorado, a Republican, reappointed.

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBERS OF THE COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2012:

Daryl W. Edmonds of Highlands Ranch, Colorado, a representative of an insurance carrier, reappointed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

Health & Human Services

The Committee on Health and Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY BOARD OF DIRECTORS

Jerry G. Rutledge, from the Fifth congressional District, to serve until August 31, 2012, or until his successor is appointed by the Board of Regents.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1364** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB09-1353** be referred to the Committee on Appropriations with favorable recommendation.

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 30, was laid over until Friday, May 1, retaining its place on the calendar.

Consideration of Resolutions: SR09-015, SJR09-040, SJR09-042, SJR09-044, SJR09-047, HJR09-1014, HJR09-1016, HJR09-1021, SJR09-050, SJR09-054, SJR09-055, HJR09-1022, HJR09-1024.

Consideration of Memorials: SJM09-003, SJM09-004, SJM09-005, SJM09-006, SJM09-009.

Consideration of Governor's Appointments:

- Members of the Pinnacol Assurance Board of Directors
- Members of the Colorado School of Mines, Board of Trustees
- Member of the Board of Trustees for the Colorado School for the Deaf and the Blind
- Members of the Colorado Children's Trust Fund Board
- Members of the CoverColorado Board of Directors
- Members of the Colorado Water Conservation Board
- Members of the State Board of Parole
- Members of the Colorado Civil Rights Commission
- Members of the Colorado commission on Judicial Discipline

Consideration of Conference Committee Reports: SB09-271, SB09-269.

Conference Committees to Report: SB09-281.

On motion of Senator Shaffer, the Senate adjourned until 9:30 a.m., Friday, May 1, 2009.

Approved:

Peter C. Groff
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66